



# Protecting the Rights of Indigenous and Tribal Communities: National Experiences and International Perspectives

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## ABSTRACT :

Indigenous and tribal communities, stewards of cultural diversity and ecological knowledge, face persistent threats to their rights to land, culture, and self-determination amid global pressures like resource extraction, urbanization, and climate change. This paper examines national experiences in India, the United States, Australia, Brazil, and Canada, highlighting violations such as land dispossession and cultural erosion, alongside successes like legal reforms and community-led advocacy. Internationally, frameworks like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization's Convention 169 (ILO 169) set standards, yet implementation gaps remain. Through case studies, legal analysis, and ethical evaluation, this study identifies colonial legacies and modern economic pressures as key challenges, proposing solutions like strengthened free, prior, and informed consent (FPIC) and global cooperation. It contributes to discourse on sustainable development that respects indigenous sovereignty, urging action to prevent further marginalization.

**Keywords:** Indigenous Rights, Tribal Communities, International Perspectives, Legal Frameworks, Land Rights, Cultural Preservation, Social Justice, Policy Indigenous Rights, Tribal Communities, International Perspectives

## Introduction

Indigenous and tribal communities, encompassing approximately 476 million people across 90 countries, represent 6% of the global population but 19% of those living in extreme poverty.<sup>3</sup> Their rights to land, culture, and self-determination are frequently undermined by state policies, corporate interests, and environmental changes, rooted in colonial histories that prioritized exploitation over equity. In India, Adivasi tribes face displacement under outdated forest laws.<sup>4</sup> In the United States, Native American tribes confront treaty violations and sacred site desecration.<sup>5</sup> Australia's Aboriginal peoples grapple with the legacy of forced assimilations, while Brazil's Amazonian communities battle deforestation.<sup>6</sup> Canada's First Nations seek justice post-residential school revelations.<sup>7</sup> These national experiences reflect a global pattern of marginalization, necessitating robust protections. Internationally, UNDRIP (2007) and ILO 169 (1989) provide normative frameworks, affirming rights to self-determination and land.<sup>8</sup> However, their non-binding nature and limited ratification—only 24 countries for ILO 169 by 2025—hinder enforcement.<sup>9</sup> Ethical imperatives, from deontological duties to respect autonomy to utilitarian benefits of biodiversity conservation, underscore the urgency of protecting these rights.<sup>10</sup> This paper analyzes national and international efforts, addressing violations, successes, and gaps through case studies and doctrinal analysis. It aims to propose actionable recommendations for aligning domestic policies with global standards, fostering equitable development.

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<sup>3</sup> World Bank. 2024. *Indigenous Peoples*. <https://www.worldbank.org/en/topic/indigenouspeoples>.

<sup>4</sup> PRS Legislative Research. 2024. *The Forest Rights Act, 2006: Status Report*. <https://prsindia.org>.

<sup>5</sup> Cornell Law School. 2023. *Native American Law*. [https://www.law.cornell.edu/wex/native\\_american\\_law](https://www.law.cornell.edu/wex/native_american_law).

<sup>6</sup> Amnesty International. 2023. *Australia's Indigenous Rights*. <https://www.amnesty.org/en/location/asia-and-the-pacific/australia/>.

<sup>7</sup> Human Rights Watch. 2023. *Canada: Indigenous Rights*. <https://www.hrw.org/americas/canada>.

<sup>8</sup> United Nations. 2007. *United Nations Declaration on the Rights of Indigenous Peoples*. <https://www.un.org/development/desa/indigenouspeoples/declaration>.

<sup>9</sup> International Labour Organization. 2025. *ILO Convention 169 Ratifications*. <https://www.ilo.org/conventions/169>.

<sup>10</sup> Kant, Immanuel. 1785. *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor, 1998.

## Historical Context and Evolution of Indigenous Rights

The historical marginalization of indigenous communities stems from colonial policies that disrupted their governance, land tenure, and cultural systems. In India, the Indian Forest Act of 1878 classified Adivasis as encroachers, stripping them of ancestral lands.<sup>11</sup> In the United States, the Dawes Act of 1887 allotted tribal lands, reducing holdings by two-thirds.<sup>12</sup> Australia's terra nullius doctrine, overturned in *Mabo v. Queensland* (1992), denied Aboriginal land rights for centuries.<sup>13</sup> Brazil's colonial land grabs continued into modern extractive policies, while Canada's Indian Act of 1876 imposed assimilationist controls.<sup>14</sup> These policies entrenched systemic inequities, framing indigenous peoples as obstacles to progress. Post-World War II, global human rights movements spurred change. The ILO's Convention 107 (1957) initially promoted integration but was revised into ILO 169 (1989), emphasizing participation and land rights.<sup>15</sup> UNDRIP's adoption in 2007 marked a paradigm shift, though opposition from Australia, Canada, New Zealand, and the USA delayed universal acceptance until the 2010s.<sup>16</sup> By 2025, all major nations endorse UNDRIP, but domestic implementation lags, reflecting tensions between sovereignty and global norms. This historical evolution sets the stage for analyzing contemporary national and international efforts.

## Literature Review

Scholarship on indigenous rights spans legal, anthropological, and ethical dimensions, offering comparative insights. Wiessner (1999) highlights indigenous advocacy in international fora, noting persistent domestic barriers. In India, Xaxa (2019) critiques the Scheduled Tribes framework for weak land protections, citing ongoing displacements. In the USA, Wilkins and Stark (2017) analyze treaty-based sovereignty, emphasizing violations like the Dakota Access Pipeline. Australian studies by Altman (2018) evaluate the Native Title Act's mixed outcomes in resource negotiations. In Brazil, Shankland (2019) examines Amazonian rights amid deforestation pressures. Canadian literature, per Borrows (2019), focuses on integrating indigenous law post-Truth and Reconciliation Commission (TRC).

Internationally, Anaya (2004) underscores UNDRIP's role in codifying customary rights. Rodriguez-Pineros (2010) critiques ILO 169's limited ratification, particularly in Asia. Ethical analyses draw on Kantian deontology for inherent rights and Mill's utilitarianism for societal benefits like biodiversity conservation. Recent 2025 studies highlight climate change's disproportionate impact on indigenous lands, which hold 80% of global biodiversity. Gaps include insufficient focus on post-2020 UNDRIP implementations and cross-regional policy comparisons, which this paper addresses through 2025 case studies.

## National Experiences

National approaches to protecting indigenous rights vary, shaped by historical legacies, legal frameworks, and socio-political contexts. This section examines India, the United States, Australia, Brazil, and Canada, detailing violations, successes, and lessons.

### India: Adivasi Rights and Development Conflicts

India's 104 million Adivasis, or Scheduled Tribes, constitute 8.6% of the population, with constitutional protections under the Fifth and Sixth Schedules. The Forest Rights Act (FRA) of 2006 grants land and resource rights, recognizing community forest management. However, implementation is inconsistent, with only 2 million of 40 million eligible hectares titled by 2025.<sup>28</sup> Violations include displacement for infrastructure projects, such as the Sardar Sarovar Dam, affecting 40,000 tribal families without adequate rehabilitation. Mining in mineral-rich states like Chhattisgarh has displaced tribes like the Gond, often without free, prior, and informed consent (FPIC).

Successes include the Supreme Court's 2013 *Vedanta* ruling, which upheld Dongria Kondh's right to refuse mining in Niyamgiri hills, reinforcing FPIC. Community-led movements, like the Pathalgadi protests, assert self-governance, though they face state crackdowns. Ethical concerns involve balancing economic development with cultural survival, as tribes face existential threats from land loss. India's experience highlights the need for robust enforcement of existing laws and stronger FPIC mechanisms.

### United States: Sovereignty and Treaty Obligations

The United States' 574 federally recognized tribes hold sovereignty under the Indian Reorganization Act of 1934, but historical treaty violations persist. The Dakota Access Pipeline (2016–2025) exemplifies FPIC failures, with the Standing Rock Sioux facing environmental risks without consent. Sacred site desecration, like at Oak Flat, Arizona, continues despite Apache opposition.

Successes include the Indian Child Welfare Act (ICWA) of 1978, upheld in *Brackeen v. Haaland* (2023), protecting tribal jurisdiction over child custody. Tribal gaming under the Indian Gaming Regulatory Act (1988) generates \$40 billion annually, empowering economic self-determination. However, only 5% of original tribal lands have been restored by 2025.<sup>39</sup> Ethical debates center on reparations for historical genocide, with utilitarian

<sup>11</sup> PRS Legislative Research. 2024. *Indian Forest Act Analysis*. <https://prsindia.org>.

<sup>12</sup> Cornell Law School. 2023. *Dawes Act*. <https://www.law.cornell.edu>.

<sup>13</sup> Amnesty International. 2023. *Mabo v. Queensland*. <https://www.amnesty.org>.

<sup>14</sup> Human Rights Watch. 2023. *Brazil: Indigenous Rights*. <https://www.hrw.org/americas/brazil>.

<sup>15</sup> International Labour Organization. 1989. *Convention 169*. <https://www.ilo.org>.

<sup>16</sup> United Nations. 2025. *UNDRIP Implementation Review*. <https://www.un.org/indigenous>.

arguments supporting economic benefits from tribal enterprises. The USA's case underscores the importance of honoring treaties and expanding land restitution.

### ***Australia: Native Title and Reconciliation Efforts***

Australia's Aboriginal and Torres Strait Islander peoples, 3.2% of the population, gained land rights through the Native Title Act of 1993 post-Mabo. However, the 2023 Indigenous Voice referendum's failure reflects ongoing marginalization. Violations include child removal rates 10 times higher for indigenous families, perpetuating Stolen Generations trauma.

Successes include the Uluru Statement from the Heart (2017), advocating constitutional recognition, and indigenous-led conservation protecting 20% of Australia's land. Ethical perspectives emphasize decolonization, with Aboriginal knowledge critical for biodiversity. Australia's experience highlights the need for constitutional reforms and addressing systemic inequities in welfare systems.

### ***Brazil: Amazonian Rights and Environmental Threats***

Brazil's 900,000 indigenous people hold 13% of national territory, primarily in the Amazon, but face severe threats from deforestation and illegal mining. Under Bolsonaro (2019–2022), illegal logging surged, with 11,088 km<sup>2</sup> of Amazon lost in 2022 alone. The Yanomami crisis saw 570 child deaths from mining-related malnutrition and disease.

Post-2022, President Lula's administration demarcated six new indigenous territories, covering 620,000 hectares.<sup>49</sup> However, FPIC violations persist in agribusiness projects, contravening UNDRIP Article 32.<sup>50</sup> Ethical issues involve balancing economic growth with indigenous survival, as Amazonian tribes protect global carbon sinks. Brazil's case emphasizes the urgency of enforcing demarcations and combating illegal resource extraction.

### ***Canada: Reconciliation and Land Claims***

Canada's 1.8 million Indigenous peoples, including First Nations, Inuit, and Métis, benefit from Section 35 of the Constitution Act 1982, recognizing aboriginal rights. Violations include the crisis of missing and murdered Indigenous women and girls (MMIWG), with 4,000 cases since 1980.

Successes include the Tsilhqot'in Nation v. British Columbia (2014) decision, granting title to 1,750 km<sup>2</sup>, and the 2021 UNDRIP Act, mandating alignment with UNDRIP principles. Ethical focus is on reconciliation, addressing residential school legacies. Canada's experience highlights the importance of legal recognition and truth-telling processes.

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## **International Perspectives**

The protection of indigenous and tribal communities' rights to self-determination, land, and culture is a critical global human rights issue, addressed through international frameworks like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization's Convention 169 (ILO 169). These instruments represent significant milestones in recognizing indigenous peoples as rights-holders, countering centuries of colonial marginalization that stripped communities of autonomy and resources.<sup>17</sup> As of 2025, approximately 476 million indigenous people across 90 countries face ongoing challenges from land dispossession, cultural erosion, and climate change, making these frameworks vital yet imperfect tools.<sup>18</sup> UNDRIP, adopted in 2007, sets a comprehensive standard for indigenous rights, while ILO 169 focuses on consultation and land protections. However, their effectiveness is hampered by non-binding status, limited ratification, and inconsistent implementation, as evidenced by case studies and 2025 reviews.<sup>19</sup> This paper explores the scope, impact, and limitations of UNDRIP and ILO 169, highlighting their role in advancing indigenous rights and the ethical imperatives for stronger enforcement.

### ***UNDRIP: A Global Standard***

UNDRIP, adopted by the United Nations General Assembly in 2007, affirms indigenous peoples' rights to self-determination, land, and culture, marking a paradigm shift in international human rights law.<sup>20</sup> Comprising 46 articles, it addresses self-determination (Article 3), land and resource rights (Article 26), cultural heritage (Article 11), and free, prior, and informed consent (FPIC) for projects affecting indigenous territories (Article 32).<sup>21</sup> UNDRIP emerged from decades of indigenous advocacy, building on earlier instruments like the 1957 ILO Convention 107, which promoted assimilation but was later criticized for undermining autonomy.<sup>6</sup> Adopted with 143 states in favor, four against (Australia, Canada, New Zealand, USA), and 11 abstentions, UNDRIP faced initial resistance from settler-colonial nations but gained universal endorsement by the 2010s. Its influence is evident in landmark cases like Belize's Maya land rights victory in 2015, where the Inter-American Court of Human Rights cited UNDRIP to affirm

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<sup>17</sup> World Bank. 2024. *Indigenous Peoples*. <https://www.worldbank.org/en/topic/indigenouspeoples>.

<sup>18</sup> Ibid.

<sup>19</sup> United Nations. 2025. *UNDRIP Implementation Review*. <https://www.un.org/indigenous>.

<sup>20</sup> United Nations. 2007. *United Nations Declaration on the Rights of Indigenous Peoples*.

<https://www.un.org/development/desa/indigenouspeoples/declaration>.

<sup>21</sup> Ibid.

the Maya's communal land rights against state concessions to logging companies. This decision set a precedent in the Caribbean, reinforcing indigenous land tenure based on customary practices.<sup>22</sup>

Despite its normative power, UNDRIP's non-binding nature limits enforcement, as it relies on states' voluntary compliance. The 2025 UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) review highlighted persistent FPIC gaps, noting that states like Brazil and India often bypass consultation for mining and infrastructure projects. For example, Brazil's Belo Monte dam displaced 20,000 indigenous people without adequate FPIC, contravening UNDRIP principles. Similarly, in India, Adivasi communities in Chhattisgarh face mining-related evictions, with only 10% of projects adhering to FPIC by 2025.<sup>23</sup> These violations underscore the challenge of translating UNDRIP's principles into domestic law, particularly in countries prioritizing economic development over indigenous rights. Ethically, UNDRIP aligns with deontological principles, emphasizing the inherent dignity of indigenous peoples, as articulated by Kantian notions of autonomy. Utilitarian perspectives further support its implementation, as indigenous lands protect 80% of global biodiversity, benefiting global ecosystems. However, enforcement requires stronger international monitoring and domestic legal frameworks to bridge these gaps.<sup>24</sup>

UNDRIP's global impact extends beyond legal victories, fostering indigenous advocacy and cultural revitalization. In Canada, the 2021 UNDRIP Act mandates alignment of federal laws with the declaration, influencing policies on land claims and reconciliation.<sup>25</sup> In Australia, the Uluru Statement from the Heart (2017) draws on UNDRIP to advocate for constitutional recognition of Aboriginal peoples. Yet, challenges persist in regions with weak human rights infrastructures, such as sub-Saharan Africa, where only 5% of indigenous groups have formal land titles despite UNDRIP's advocacy. The declaration's success lies in its ability to set a moral and legal benchmark, but its limitations highlight the need for binding mechanisms to ensure compliance.<sup>26</sup>

### ***ILO Convention 169: Consultation Framework***

ILO 169, adopted in 1989 and ratified by 24 countries as of 2025, mandates consultation and land rights for indigenous and tribal peoples, offering a legally binding complement to UNDRIP.<sup>27</sup> Unlike UNDRIP, ILO 169 is enforceable in ratifying states, requiring governments to consult indigenous communities before undertaking projects affecting their lands (Article 6) and to recognize their land ownership (Article 14). Successes include Peru's 2011 Prior Consultation Law, which established mechanisms for indigenous input in mining and oil projects, impacting over 50 communities by 2025.<sup>28</sup> In Bolivia, ILO 169 supported the 2009 Constitution, recognizing 36 indigenous groups' rights to self-governance and territorial autonomy.<sup>28</sup> These examples demonstrate the convention's potential to empower indigenous communities through structured consultation processes.

However, implementation is inconsistent, even in ratifying countries. In Peru, only 30% of consultation processes meet FPIC standards, with companies often manipulating outcomes. In Paraguay, Guaraní communities report inadequate consultation for soy plantations, leading to land loss. Limited ratification in Asia and Africa restricts ILO 169's global reach, with major countries like India, China, and Kenya abstaining due to sovereignty concerns. For instance, in India, the Forest Rights Act (2006) aligns with ILO 169's principles but lacks mandatory consultation for non-scheduled tribes, affecting 20 million indigenous people.<sup>29</sup> In Africa, pastoralist groups like the Maasai face evictions for conservation projects without ILO 169 protections, as Kenya has not ratified the convention. These gaps reflect a broader challenge: states prioritize economic interests over indigenous rights, undermining the convention's intent.<sup>30</sup>

Ethically, ILO 169 embodies a deontological commitment to justice through mandatory consultation, ensuring indigenous voices shape development. Its utilitarian value lies in preventing conflict and fostering sustainable development, as seen in Colombia, where consultation reduced disputes in 40% of mining projects.<sup>31</sup> However, the convention's limited ratification—covering only 15% of global indigenous populations—necessitates broader adoption and enforcement mechanisms.<sup>32</sup> Proposals include integrating ILO 169 principles into trade agreements and multilateral development frameworks to incentivize compliance.

### ***Bridging UNDRIP and ILO 169: Challenges and Opportunities***

The synergy between UNDRIP and ILO 169 offers a robust framework for indigenous rights but faces significant hurdles. UNDRIP's universal scope contrasts with ILO 169's binding but limited application, creating a dual challenge of enforcement and coverage. Both frameworks emphasize FPIC, yet 2025 data show that only 10% of global resource projects adhere to FPIC standards, with violations in 70% of cases in Latin America and Asia.<sup>33</sup> Integrating these frameworks requires international monitoring, such as an expanded EMRIP mandate, and domestic laws mandating FPIC compliance. Successes, like Canada's UNDRIP Act and Peru's consultation law, demonstrate potential, but global disparities—particularly in non-ratifying regions—demand coordinated action.

<sup>22</sup> Inter-American Court of Human Rights. 2015. *Maya Land Rights Case*. <https://www.corteidh.or.cr>.

<sup>23</sup> Survival International. 2025. *Mining and Adivasi Rights*. <https://www.survivalinternational.org>.

<sup>24</sup> United Nations. 2025. *UNDRIP Implementation Review*.

<sup>25</sup> Government of Canada. 2021. *United Nations Declaration on the Rights of Indigenous Peoples Act*. <https://www.canada.ca>.

<sup>26</sup> Anaya, S. James. 2004. *Indigenous Peoples in International Law*.

<sup>27</sup> International Labour Organization. 1989. *Convention 169*. <https://www.ilo.org>.

<sup>28</sup> Rodriguez-Pineros, Sandra. 2010. "ILO 169 Implementation." *International Labour Review* 149 (2): 167–185.

<sup>29</sup> PRS Legislative Research. 2024. *Forest Rights Act Analysis*. <https://prsindia.org>.

<sup>30</sup> Rodriguez-Pineros, Sandra. 2010. *ILO 169 Implementation*.

<sup>31</sup> Oxfam. 2025. *Colombia Mining Consultations*. <https://www.oxfam.org>.

<sup>32</sup> Minority Rights Group. 2025. *ILO 169 Global Status*.

<sup>33</sup> United Nations. 2025. *UNDRIP Implementation Review*.

UNDRIP, adopted in 2007, affirms indigenous rights to self-determination, land, and culture. Its influence is evident in cases like Belize's Maya land rights victory (2015). However, its non-binding nature limits enforcement, with 2025 UN reviews noting FPIC gaps. ILO 169, ratified by 24 countries, mandates consultation and land rights.<sup>34</sup> Successes include Peru's 2011 prior consultation law, though implementation is inconsistent. Limited ratification in Asia and Africa restricts its impact.<sup>35</sup> Together, these frameworks provide critical standards but require stronger enforcement, broader ratification, and ethical commitment to indigenous sovereignty to address ongoing violations and ensure sustainable development.

## Challenges and Violations

Indigenous and tribal communities, numbering approximately 476 million across 90 countries, face persistent threats to their rights to land, culture, and self-determination, rooted in historical colonialism and exacerbated by modern economic and environmental pressures.<sup>36</sup> As of August 2025, these communities, despite holding 80% of global biodiversity on their lands, remain disproportionately affected by systemic marginalization, constituting 19% of the world's extreme poor.<sup>37</sup> Key challenges include land grabbing, climate displacement, and cultural assimilation, with violations ranging from India's Forest Rights Act (FRA) denials to Brazil's mining crises, driven by weak enforcement and corporate influence.<sup>38</sup> Despite these obstacles, successes such as India's Vedanta ruling, the USA's Indian Child Welfare Act (ICWA), Australia's Native Title, Brazil's territorial demarcations, and Canada's UNDRIP Act demonstrate progress.<sup>39</sup> This paper examines these challenges and violations, highlights notable achievements, and proposes recommendations like ratifying ILO 169, enforcing free, prior, and informed consent (FPIC), promoting co-management, and establishing international monitoring mechanisms to align national policies with international standards for equitable, sustainable outcomes.

## Key Challenges

Land grabbing remains a primary threat to indigenous communities, driven by state and corporate interests in resource-rich territories. In India, the FRA of 2006 aims to secure Adivasi land rights, but implementation failures have led to widespread denials, with only 2 million of 40 million eligible hectares titled by 2025.<sup>40</sup> Mining projects in Chhattisgarh displace tribes like the Gond, often without FPIC, violating UNDRIP Article 32.<sup>41</sup> In Brazil, illegal mining in Yanomami territory, fueled by agribusiness and lax regulation under the Bolsonaro administration, caused 570 child deaths from malnutrition and disease between 2019 and 2022. These violations reflect weak enforcement, as governments prioritize economic growth over indigenous sovereignty. Corporate influence exacerbates the issue, with multinational companies exploiting legal loopholes to access indigenous lands, as seen in Australia's Adani Carmichael mine, which disrupted Wangan and Jagalingou lands despite community opposition.<sup>42</sup>

Climate displacement poses an existential threat, particularly for indigenous groups in vulnerable ecosystems. Rising sea levels and extreme weather disproportionately affect communities like the Inuit in Canada's Arctic, where melting permafrost disrupts traditional livelihoods.<sup>10</sup> In Brazil's Amazon, deforestation—reaching 11,088 km<sup>2</sup> in 2022—exacerbates climate impacts, forcing indigenous groups like the Mundurucu to relocate. These displacements disrupt cultural practices tied to land, undermining UNDRIP's cultural protection provisions (Article 11). In India, Adivasi communities in Sundarbans face flooding from rising sea levels, with 10,000 displaced since 2010, yet receive minimal state support. Climate policies often exclude indigenous input, despite their ecological stewardship, highlighting a gap in international frameworks like the Paris Agreement.<sup>43</sup>

Cultural assimilation, a legacy of colonial policies, continues through state-driven education and urbanization. In Australia, Aboriginal children face removal rates 10 times higher than non-indigenous, perpetuating the Stolen Generations' trauma. In Canada, the crisis of missing and murdered Indigenous women and girls (MMIWG), with 4,000 cases since 1980, reflects systemic cultural devaluation. In India, Adivasi languages, spoken by 7% of the population, are declining due to mainstream education systems, threatening cultural identity. These violations, driven by weak enforcement of cultural protections under UNDRIP, underscore the need for policies that preserve indigenous knowledge systems.<sup>44</sup>

## Violations: Case Studies

India's FRA denials exemplify systemic enforcement failures. Despite legal recognition of community forest rights, bureaucratic delays and corruption have left 80% of claims unresolved, affecting 20 million Adivasis.<sup>45</sup> In Brazil, the Yanomami mining crisis highlights corporate influence, with illegal gold mining devastating health and ecosystems, contravening ILO 169's consultation requirements. In the USA, the Dakota Access Pipeline (2016–2025) ignored Standing Rock Sioux's FPIC, leading to environmental justice lawsuits. Australia's child welfare policies disproportionately target Aboriginal families, with 20,000 children in out-of-home care by 2025. In Canada, the MMIWG crisis reflects ongoing cultural violence, with

<sup>34</sup> International Labour Organization. 1989. *Convention 169*.

<sup>35</sup> Minority Rights Group. 2025. *ILO 169 Global Status*.

<sup>36</sup> World Bank. 2024. *Indigenous Peoples*. <https://www.worldbank.org/en/topic/indigenouspeoples>.

<sup>37</sup> World Resources Institute. 2024. *Indigenous Lands and Biodiversity*. <https://www.wri.org>.

<sup>38</sup> ScienceDirect. 2023. *Amazon Deforestation*. <https://www.sciencedirect.com>.

<sup>39</sup> United Nations. 2007. *United Nations Declaration on the Rights of Indigenous Peoples*. <https://www.un.org/development/desa/indigenouspeoples/declaration>.

<sup>40</sup> Ministry of Tribal Affairs, India. 2025. *FRA Implementation Report*. <https://tribal.nic.in>.

<sup>41</sup> United Nations. 2007. *UNDRIP Article 32*. <https://www.un.org>.

<sup>42</sup> Amnesty International. 2023. *Adani Mine and Indigenous Rights*. <https://www.amnesty.org>.

<sup>43</sup> United Nations Framework Convention on Climate Change. 2015. *Paris Agreement*. <https://unfccc.int>.

<sup>44</sup> United Nations. 2007. *UNDRIP*.

<sup>45</sup> Ministry of Tribal Affairs, India. 2025. *FRA Implementation Report*.

inadequate state responses undermining reconciliation efforts. These cases illustrate how weak enforcement and corporate priorities perpetuate rights violations, necessitating stronger accountability mechanisms.

## Successes

Despite challenges, significant successes highlight progress. In India, the Supreme Court's 2013 Vedanta ruling upheld Dongria Kondh's right to refuse mining in Niyamgiri hills, setting a precedent for FPIC.<sup>46</sup> In the USA, the Indian Child Welfare Act (ICWA) of 1978, reaffirmed in *Brackeen v. Haaland* (2023), protects tribal jurisdiction over child custody, preserving cultural ties.<sup>47</sup> Australia's Native Title Act of 1993, post-Mabo, has returned 30% of land to Aboriginal groups, enabling economic and cultural revitalization.<sup>48</sup> In Brazil, President Lula's 2023 demarcation of six indigenous territories, covering 620,000 hectares, strengthened Amazonian protections. Canada's UNDRIP Act of 2021 mandates alignment with UNDRIP, facilitating land claims like the Tsilhqot'in Nation's 2014 title to 1,750 km<sup>2</sup>. These achievements demonstrate the potential of legal and community-driven efforts to uphold indigenous rights.

## Recommendations

Addressing indigenous rights challenges requires actionable strategies. First, broader ratification of ILO 169 is critical, as only 24 countries have committed by 2025, leaving Asia and Africa underrepresented. Countries like India and Kenya should ratify to align with global standards, integrating consultation into domestic laws. Second, enforcing FPIC is essential to prevent land grabbing and ensure indigenous voices shape development, as seen in Peru's 2011 consultation law. Third, promoting co-management models, like Australia's indigenous-led conservation protecting 20% of land, empowers communities while advancing biodiversity goals. Finally, establishing international monitoring mechanisms, such as an expanded UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), can track compliance and pressure states to address violations.<sup>49</sup> These recommendations align with ethical principles of justice and equity, ensuring sustainable development respects indigenous sovereignty.

## Conclusion

Key challenges include land grabbing, climate displacement, and cultural assimilation. Violations range from India's FRA denials to Brazil's mining crises, driven by weak enforcement and corporate influence. Successes include India's Vedanta ruling, USA's ICWA, Australia's Native Title, Brazil's demarcations, and Canada's UNDRIP Act. Ratify ILO 169, enforce FPIC, promote co-management, and establish international monitoring mechanisms. Protecting indigenous rights requires aligning national policies with international standards. While progress is evident, systemic barriers demand global cooperation for equitable, sustainable outcomes, ensuring indigenous communities thrive as stewards of culture and environment.

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