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Seeking Justice in International Law

The significance and implications
of the UN Declaration on the
Rights of Indigenous Peoples

Mauro Barelli



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Seeking Justice in International Law

Today human rights represent a primary concern of the international legal system. The international community's commitment to the protection and promotion of human rights, however, does not always produce the results hoped for by the advocates of a more justice-oriented system of international law. Indeed, international law is often criticised for, *inter alia*, its enduring imperial character, incapacity to minimise inequalities and failure to take human suffering seriously. Against this background, the central question that this book aims to answer is whether the adoption of the 2007 United Nations Declaration on the Rights of Indigenous Peoples points to the existence of an international law that promises to provide valid responses to the demands for justice of disempowered and vulnerable groups. At one level, the book assesses whether international law has responded fairly and adequately to the human rights claims of indigenous peoples. At another level, it explores the relationship between this response and some distinctive features of the indigenous peoples' struggle for justice, reflecting on the extent to which the latter might have influenced and shaped the former.

The book draws important conclusions as to the reasons behind international law's positive recognition of indigenous peoples' rights, shedding some light on the potential and limits of international law as an instrument of justice.

The book will be of great interest to students and scholars of public international law, human rights and social movements.

Mauro Barelli is a Senior Lecturer at The City Law School, City University London.

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Mauro Barelli
London, January 2016

List of abbreviations

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Committee on the Rights of the Child
ECOSOC	Economic and Social Council
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
ERTF	European Roma and Travellers Forum
EU	European Union
FAO	Food and Agriculture Organization
FPIC	Free, Prior and Informed Consent
HRC	Human Rights Committee
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICJ	International Court of Justice
IFC	International Finance Corporation
ILO	International Labour Organization
NGOs	Non-Governmental Organisations
OAU	Organization of African Unity
OHCHR	Office of the High Commissioner for Human Rights
SRMI	Special Rapporteur on Minority Issues
UN	United Nations
UNDG	United Nations Development Group
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WGIP	Working Group on Indigenous Populations
WGDD	Working Group on the Draft Declaration

Table of cases

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Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, ICJ Reports 2010, p. 403 27, 29, 77

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Legal Status of Eastern Greenland (Denmark v. Norway) (1933) PCIJ Series A/B, No. 53 125, 127

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Katangese Peoples' Congress v. Zaire, African Commission on Human and Peoples' Rights, Communication No. 75/92 (1995) 22, 30

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Cossey v. United Kingdom (1990) 13 EHRR 622 60

Handölsdalen Sami Village and Others v. Sweden (2010) ECHR 39013/04 64

Loizidou v. Turkey (1997) 23 EHRR 513 60

Tyrer v. United Kingdom (1978) 2 EHRR 1 60

Inter-American Court of Human Rights

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Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion, OC-18/03, Series A 18 (2003) 61

Kichwa Indigenous Peoples of Sarayaku v. Ecuador, Series C 245 (2012) 33, 37

Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Series C 79 (2001) 2, 33, 34, 60, 131

Moiwana Community v. Suriname, Series C 124 (2005) 7, 33

The Right to Information on Consular Assistance in the Framework of Guarantees for Due Legal Process, Advisory Opinion, OC-16/99, Series A 16 (1999) 60, 61

Saramaka People v. Suriname, (Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs), Series C 185 (2008) 39

Saramaka People v. Suriname, Series C 172 (2007) 7, 33, 63, 103, 121

Sawhoyamaxa Indigenous Community v. Paraguay, Series C 146 (2006) 33, 34, 103

National Courts

Canada

Delgamuukw v. British Columbia [1977] 3 SCR 1010 40

Haida Nation v. British Columbia (Minister of Forests) [2004] 3 SCR 511 40

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage) [2005] 3 SCR 388 40

Mitchell v. M.N.R. [2001] 1 SCR 911 66

Reference re Secession of Quebec [1998] 1 SCR 217 22, 29

Tsilhqot'in Nation v. British Columbia [2014] SCC 44 40, 66, 67

Constitutional Court of Bolivia

Case 2003/2010-R of 25 October 2010 39, 65

Constitutional Court of Colombia

Case T-129 of 3 March 2011 40, 65

Case T-769/09 of 29 October 2009 40

Supreme Court of Belize

Claims No. 171 and 172 of 2007, Decision of 18 October 2007 66

Claim No. 394 of 2013, Decision of 3 April 2014 40, 66

Supreme Court of New Zealand

New Zealand Māori Council et al v. Attorney General et al SC 98/2012,
[2013] NZSC 6 (27 February 2013) 66

Table of statutes

Treaties and Other Instruments

African Charter of Human and Peoples' Rights (27 June 1981) OAU Doc. CAB/LEG/67/3 rev. 5, 21 18, 64

Charter of the United Nations, 1 UNTS XVI (24 October 1945) 17, 25, 27, 28, 86, 148–150, 160

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Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948) United Nations, Treaty Series, vol. 78, p. 277 74, 123

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Declaration of San Jose, adopted on 11 December 1981 by the Conference of Specialists on Ethnocide and Ethnodevelopment in Latin America, convened by UNESCO and the Latina American School of Social Science, UN Doc. E/CN.4/Sub.2/1982/2/Add.1 (Annex VI) 130

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Declaration on the Rights of Indigenous Peoples, UN General Assembly Resolution 61/295 of 13 September 2007 148

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, GA Res. 47/135, annex, 47 UN GAOR Supp. (No. 49) at 210, UN Doc. A/47/49 (1993) 35, 73–75, 93, 144

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- Inter-American Charter of Social Guarantees, adopted by the Ninth International Conference of American States, Final Act, Resolution XXXIX, 29 (1948) 122
- International Convention on the Elimination of All Forms of Racial Discrimination, 660 UNTS 195 (7 March 1966) 22, 32, 54, 55, 61, 79
- International Covenant on Civil and Political Rights, 999 UNTS 171 (16 December 1966) 21, 22, 54, 74, 75, 94, 149
- International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3 (16 December 1966) 21, 22, 54, 74, 75, 94, 149
- International Labour Organization Convention No. 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (26 June 1957) 328 UNTS 247 82, 83, 124
- International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (27 June 1989) 1650 UNTS 383 23, 53, 83, 124
- Johannesburg Declaration on Sustainable Development, Adopted at the 17th plenary meeting of the World Summit on Sustainable Development (4 September 2002) 133, 136
- Marrakech Agreement Establishing the World Trade Organization (15 April 1994) UNTS Vol. 1867, 1-31874 133
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- Principles which Should Guide Members in Determining Whether or Not an Obligation Exists to Transmit the Information Called for under Article 73(e) of the Charter, UN General Assembly Resolution 1541 (XV) of 15 December 1960 21
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General Recommendation No. 23: Indigenous Peoples, UN Doc. A/52/18, Annex V (18 August 1997) 32

Australia, CERD/C/304/Add.101 (19 April 2000) 32

Costa Rica, CERD/C/60/CO/3 (20 March 2002) 32

Fiji, CERD/C/FJI/CO/17 (16 May 2008) 62

Finland, CERD/C/FIN/CO/20–22 (23 October 2012) 62

Japan, CERD/C/JPN/CO/3–6 (6 April 2010) 61

Mexico, UN Doc. A/50/18 (22 September 1995) 32

Russian Federation, CERD/C/RUS/CO/20–22 (17 April 2013) 62

Sri Lanka, UN Doc. A/56/18 (14 September 2001) 32

Sweden, CERD/C/64/CO/8 (10 May 2004) 32

The United States of America, CERD/C/USA/CO/6 (February 2008) 61

Committee on the Rights of the Child

General Comment No. 11: Indigenous children and their rights under the Convention (12 February 2009) 62

Human Rights Committee

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Australia, A/55/40 (24 July 2000) 26

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Canada, CCPR/C/79/Add.105 (7 April 1999) 26

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Finland, CCPR/CO/82/FIN (2 December 2004) 32

Mexico, CCPR/C/79/Add.109 (27 July 1999) 26, 32

Norway, CCPR/C/79/Add.112 (1 November 1999) 26

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The Philippines, CCPR/CO/79/PHL (1 December 2003) 32

Sweden, CCPR/CO/74/SWE (24 April 2002) 26

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Report of the WGDD on its First Session, UN Doc. E/CN.4/1996/84 23, 24

Report of the WGDD on its Second Session, UN Doc. E/CN.4/1997/102 16, 30, 37

Report of the WGDD on its Fourth Session, UN Doc. E/CN.4/1999/82 16

Report of the WGDD on its Fifth Session, UN Doc. E/CN.4/2000/84 36

Report of the WGDD on its Sixth Session, UN Doc. E/CN.4/2001/85 23, 24

Report of the WGDD on its Seventh Session, UN Doc. E/CN.4/2002/98 17

Report of the WGDD on its Eighth Session, UN Doc. E/CN.4/2003/92 24, 26

Report of the WGDD on its Eleventh Session, UN Doc. E/CN.4/2006/79 48

Expert Mechanism on the Rights of Indigenous Peoples

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Advice No. 2 (2011) on Indigenous Peoples and the Right to Participation in Decision-making, UN Doc. A/HRC/18/42 58

Advice No. 3 (2012) on Indigenous Peoples' Languages and Cultures, UN Doc. A/HRC/21/53 58

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Report of the EMRIP on its First Session, UN Doc. A/HRC/10/56 57

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