

Indigenous People at the Centre - A Climate Justice Debate

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INTRODUCTION

Indigenous peoples represent some of the world's most historically marginalized communities. They are generally understood as groups with ancestral connections to specific territories, maintaining distinct cultural, linguistic, and spiritual traditions that set them apart from dominant societies. Today, the United Nations estimates that there are more than 476 million indigenous people across over 90 countries, comprising about 6% of the global population. Despite their diversity, they share common experiences of dispossession, marginalization, and resilience in defending their ways of life.

International law deliberately avoids imposing a rigid definition of 'indigenous peoples'. Instead, it relies on flexible criteria emphasizing self-identification, continuity with pre-colonial societies, and distinct cultural patterns. The widely cited working definition of Special Rapporteur José Martínez Cobo highlights these characteristics, while also recognizing the non-dominant/ minority status of indigenous groups within larger societies. This approach underscores the dual nature of indigenous identity: collective survival as distinct 'peoples' and individual protection under minority rights frameworks.

While indigenous peoples fall within the general scope of minority rights, their recognition as 'peoples' under international law provides them with stronger claims to collective rights such as self-determination, land, and cultural integrity. This unique status distinguishes them from other minorities, reflecting the need to protect both individuals and collective identities.

At the same time, climate change and environmental degradation have emerged as urgent human rights challenges. The Paris Agreement (2015) recognized the importance of respecting indigenous rights in climate action, while the UN Human Rights Council has linked the right to a healthy environment with the enjoyment of other fundamental rights. Climate change impacts such as deforestation, desertification, rising sea levels, and biodiversity loss disproportionately affect indigenous peoples, who often live in ecologically fragile areas and rely heavily on the natural environment for subsistence and culture.

For indigenous peoples, land and environment are not merely material resources but are integral to spiritual, cultural, and communal life. Environmental harm threatens their rights to life, health, food, housing, and cultural survival. Approaching climate change as a human rights issue makes visible the disproportionate burdens borne by indigenous communities while clarifying state and corporate obligations to respect, protect, and fulfill these rights.

Indigenous Peoples as Distinct Rights Holders

Indigenous peoples are increasingly recognized in international law as distinct rights holders with entitlements that extend beyond conventional minority protections. This shift only

reflects decades of indigenous advocacy and the gradual development of human rights norms that respect cultural diversity and self-determination.

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UN Declaration on the Rights of Indigenous Peoples, adopted in 2007, is the most comprehensive global framework for indigenous rights. Although not legally binding, it holds significant normative authority. UNDRIP affirms rights to self-determination, land, resources, and cultural survival. Article 3 establishes indigenous peoples' right to determine their political status and development, while Articles 25 and 29 affirm their spiritual and cultural connection to land and the duty of states to safeguard environmental health.

In today's political and economic climate, Articles 18 and 32 are important - they recognize the right of indigenous peoples to participate in decision-making and to grant or withhold free, prior, and informed consent (FPIC) for projects affecting their lands or resources. These provisions are vital for ensuring environmental justice and resisting projects that are imposed without consent.

ILO Convention No. 169

The International Labour Organization's Convention No. 169 (1989) remains the only legally binding treaty specifically focused on indigenous and tribal peoples. It requires recognition of their rights to land, resources, consultation, and cultural preservation. Article 15 emphasizes state obligations to protect indigenous rights over natural resources and to guarantee participation of these peoples in their management and conservation.

Although ratified by only about two dozen states, mostly in Latin America, ILO 169 is widely cited in domestic legal contexts. Courts in countries like Colombia and Costa Rica have relied on its provisions to uphold indigenous participation rights and to block harmful projects lacking FPIC.

ICCPR Article 27 and Minority Rights

The International Covenant on Civil and Political Rights (ICCPR) provides another important foundation which can be applicable to indigenous peoples. Article 27 guarantees minorities the right to enjoy their culture, practice their religion, and use their language. The UN Human Rights Committee has in fact interpreted this article to include indigenous peoples, recognizing that cultural rights are often inseparable from land and subsistence practices. In the case of *Lubicon Lake Band v. Canada* (1990), the Committee held that large-scale industrial development violated indigenous cultural rights, thereby setting a precedent for linking environmental harm to minority protections.

Regional Human Rights Instruments

Regional systems have also been central to advancing indigenous rights. Especially in the Americas, the Inter-American Court of Human Rights has issued groundbreaking rulings recognizing indigenous land and resource rights as essential to cultural survival, such as *Awas Tingni v. Nicaragua* (2001). The African Commission on Human and Peoples' Rights has similarly reinforced collective land rights, most notably in *Endorois v. Kenya* (2010). These decisions illustrate how indigenous communities use regional bodies to defend their cultural and environmental rights, and champion their causes.

Self-Determination, Collective Rights, and Cultural Integrity

The principle of self-determination remains central to indigenous claims. Unlike traditional minority rights, which focus on individual protection, indigenous rights frameworks emphasize collective sovereignty, autonomy, and participation in governance.

Cultural integrity is another key dimension. Indigenous cultures depend on land, language, and intergenerational knowledge. Protecting cultural integrity requires safeguarding the ecosystems that sustain indigenous perspectives. Climate change and environmental degradation, therefore, pose existential threats not only to livelihoods but also to the survival of cultural traditions.

Human Rights Impact of Climate Change

Climate change poses a profound challenge to the realization of indigenous peoples' human rights. As frontline communities, indigenous peoples experience disproportionate harm due to their dependence on fragile ecosystems, their limited access to political power, and the historical trends of marginalization.

Right to Life, Health, Water, Food, and Housing

The right to life, enshrined in Article 6 of the ICCPR, is undermined by climate-related disasters including floods, droughts, and storms. Many indigenous communities live in areas highly vulnerable to such events, with fewer resources to adapt or recover.

The right to health, guaranteed in Article 12 of the ICESCR, is threatened by disease spread, malnutrition, and mental health stress linked to environmental upheaval. Safe water and adequate food, essential elements of the rights to health and life, are jeopardized as climate change disrupts ecosystems. Especially for fishing communities, altered rainfall patterns, ocean acidification, and declining biodiversity threaten traditional food systems, undermining both physical survival and cultural continuity.

Adequate housing, also protected under ICESCR, is compromised by sea-level rise, coastal erosion, and forced displacement. For many indigenous peoples, relocation not only disrupts livelihoods but severs sacred connections to ancestral land, sacred locations, and burial sites.

Cultural and Spiritual Impacts

Indigenous worldviews see land and environment as living entities imbued with ancestral and spiritual significance. Climate change destroys or disrupts sacred sites, undermining cultural practices and cosmologies. For example, melting glaciers in the Andes threaten Quechua rituals tied to mountain spirits, while the loss of sea ice erodes Inuit hunting practices and cosmological traditions. Traditional ecological knowledge, built over centuries to guide sustainable land use and weather prediction, is increasingly destabilized by rapid climatic shifts. This not only endangers indigenous resilience but also deprives global society of critical knowledge systems vital for biodiversity and adaptation.

Case Studies

- **Arctic:** The Inuit and Saami peoples face existential threats from melting ice, shifting animal migrations, and extractive pressures. These changes disrupt traditional hunting, weaken food security, and erode cultural identity.
- **Pacific Islands:** Indigenous communities in Kiribati, Tuvalu, and the Marshall Islands confront rising seas, saltwater intrusion, and forced migration. Entire ways of life face erasure, raising legal and ethical questions about sovereignty and cultural survival.
- **Amazon Basin:** Peoples such as the Yanomami, Asháninka, and Kayapó are threatened by deforestation, wildfires, and mining projects that intensify with climate instability. These processes undermine biodiversity, destroy medicinal plant knowledge, and expose communities to violence.

These examples illustrate that climate change is not only an environmental issue but a profound human rights crisis. It threatens the survival, dignity, and cultural continuity of indigenous peoples, while exposing gaps in global governance and accountability.

4. LAND, TERRITORY AND ENVIRONMENTAL JUSTICE

For Indigenous communities, land transcends the notion of mere physical territory. It is imbued with spiritual meaning, cosmological significance and is intimately tied to identity, memory and survival. Land is where oral histories are rooted, ancestral spirits dwell, medicinal plants grow and rituals are performed. It serves as the repository of ecological knowledge systems that have sustained both people and biodiversity over generations. Consequently, infringement upon Indigenous lands is not only an attack on material sustenance, but a disruption of cultural continuity, spiritual sovereignty and intergenerational justice. Legal recognition of Indigenous land rights under international human rights frameworks has gained considerable momentum, especially with the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which affirms the right to

traditional lands, territories and resources (Article 26) and the right to Free, Prior and Informed Consent (FPIC) before the approval of any project affecting their lands or resources (Article 32). However, the gap between legal recognition and implementation remains vast and often marked by systemic inequities and extractive interests.

A landmark example of legal resistance is the Waorani case in Ecuador (2019). The Pastaza Provincial Court ruled that the Ecuadorian state failed to comply with FPIC standards when it auctioned approximately 500,000 acres of Waorani ancestral land for oil exploration. The court emphasized the procedural and substantive inadequacy of the consultation process, stating that information was not presented in the Waorani language, nor were traditional decision-making structures respected. The decision ordered the suspension of concessions and affirmed the authority of Indigenous governance systems. This was not merely a legal victory; it was a reassertion of cultural and spiritual sovereignty (Amazon Frontlines, 2019; Intercontinental Cry, 2019), reinforcing the idea that true consultation must be rooted in mutual respect and cultural understanding, not tokenistic engagement.

Similarly, the *Saramaka People v. Suriname* (IACtHR, 2007) case set a binding precedent in the Inter-American human rights system. The Saramaka, a Maroon community in the Upper Suriname River region, challenged the government's issuance of logging and mining concessions on their traditional lands without consultation or consent. The Inter-American Court of Human Rights ruled in favor of the Saramaka, holding that the state had violated their collective property rights. The judgment mandated legal recognition of Saramaka land, mechanisms for effective consultation and safeguards to ensure that development would not threaten their cultural survival. Crucially, the court recognized communal land tenure and traditional governance structures as legitimate sources of law, bridging customary and state legal systems (IACtHR, 2007; Tauli-Corpuz et al., 2020). This case has since become a cornerstone for interpreting Indigenous land rights under regional and international human rights law.

However, even with favorable legal decisions, implementation remains fraught with challenges. The case of the Sámi people in Norway's Fosen region illustrates this disconnect. The government's approval of a large-scale wind energy project intended to advance climate goals resulted in the occupation of 131 square kilometers of critical reindeer grazing land. Although Norway's Supreme Court ruled in 2021 that the project violated Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which protects minority cultural rights, the turbines were not dismantled. This case underscores the tension between green energy expansion and Indigenous rights, revealing how even climate-friendly projects can become vehicles of dispossession when undertaken without genuine Indigenous participation (IWGIA, 2022; Al Jazeera, 2020). It also reflects a deeper issue: the instrumentalization of environmental policy in ways that continue to marginalize Indigenous voices and knowledge systems.

Moreover, legal victories do not always translate into land restitution or ecological restoration. States often invoke national development, energy security or economic necessity to justify the delay or refusal to enforce rulings. In some instances, corporate interests and state complicity create insurmountable barriers to justice. The commodification of land as a tradable asset stands in stark opposition to Indigenous conceptions of land as sacred and communal. This commodification fuels large-scale extractive projects such as oil drilling, mining, agribusiness and infrastructure development that displace Indigenous populations and desecrate ecosystems.

At the heart of environmental justice for Indigenous peoples is the recognition that land is not merely territory, but life itself a foundation for health, spirituality, governance and climate resilience. Indigenous stewardship, often rooted in deep ecological knowledge and sustainable practices, is increasingly acknowledged as vital to global biodiversity conservation and climate change mitigation. Yet, meaningful environmental justice remains elusive without structural reforms, binding enforcement mechanisms and the centering of Indigenous leadership in decision-making processes.

5. DISCRIMINATION, MARGINALISATION and CRIMINALISATION OF INDIGENOUS ENVIRONMENTAL DEFENDERS

The defense of ancestral lands by Indigenous leaders is often an act of courage against overwhelming odds. Across the globe, Indigenous environmental defenders risk and frequently lose their lives for resisting extractive industries and state-sanctioned development projects that threaten ecosystems, spiritual sites and cultural survival. These acts of violence are neither coincidental nor isolated. They are part of a broader, entrenched system of structural inequality, political repression and impunity, revealing deep-seated failures in global governance and human rights enforcement.

One of the most emblematic cases is that of Berta Cáceres, a Honduran Lenca leader and co-founder of the Council of Popular and Indigenous Organizations of Honduras (COPINH). Cáceres was at the forefront of opposition to the Agua Zarca hydroelectric project, which aimed to dam the Gualcarque River sacred to the Lenca people without their Free, Prior and Informed Consent (FPIC). Despite receiving the Goldman Environmental Prize and repeated threats to her life, she continued her activism. On March 2, 2016, she was assassinated in her home. While some individuals involved in the murder, including security company employees and former military personnel, were convicted, those who financed and ordered the killing remain unpunished, underscoring systemic impunity and the weaknesses in national judicial processes (The Guardian, 2024). The case exemplifies how corporate and state collusion, combined with corrupt institutions, obstruct justice and perpetuate cycles of violence.

Similarly, in Brazil, the assassination of Paulo Paulino Guajajara in 2019 sent shockwaves through the international community. A young member of the “Guardians of the Forest,” Paulo was protecting the Araribóia Indigenous Territory from illegal loggers operating within the Amazon. He was ambushed and fatally shot during a patrol. Video evidence and witness testimony confirmed that the attackers targeted the group deliberately. Despite Brazil’s constitutional protections for Indigenous territories, enforcement is weak and the escalation of land invasions under successive administrations has fostered an atmosphere of impunity and hostility. Paulo’s death illustrates the lethal convergence of environmental degradation, criminal impunity and systemic racism in frontier regions (BBC News, 2019).

The broader picture is even more alarming. According to a comprehensive report by Global Witness (2024), at least 2,106 land and environmental defenders were murdered globally between 2012 and 2023, with 43% of them being Indigenous peoples, despite their representing a small percentage of the global population. Latin America remains the most dangerous region for environmental activism, with countries like Colombia, Mexico, Brazil and Honduras consistently topping the list. These attacks constitute violations of the right to life, freedom of expression and assembly, cultural rights and the prohibition against violence and arbitrary detention as enshrined in international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and UNDRIP.

Beyond killings, Indigenous defenders face a continuum of threats harassment, surveillance, forced displacement, legal persecution and smear campaigns that label them as “anti-development” or “terrorists.” Many are criminalised for peaceful protest or traditional land use practices, through laws that conflate environmental defense with criminal activity. For example, anti-terrorism legislation and land-use regulations are often weaponised to silence dissent and delegitimise Indigenous-led resistance.

States have a clear international legal obligation to prevent, investigate and remedy human rights violations. This includes adopting protective measures for human rights defenders, conducting independent and impartial investigations into attacks and ensuring access to justice and reparations for affected communities. The UN Special Rapporteur on the Rights of Indigenous Peoples, the UN Special Rapporteur on Human Rights Defenders and various regional human rights courts have repeatedly emphasized the urgency of addressing violence against Indigenous activists as a crisis of global justice.

However, accountability mechanisms remain fragmented and under-resourced and enforcement is often hindered by weak political will, corruption and transnational corporate interests. The failure to protect Indigenous defenders and prosecute perpetrators sends a chilling message that the defense of land, water and life can be met with death and that perpetrators can act without consequence.

This systemic violence is not only a human rights emergency but also an ecological one. Indigenous environmental defenders are frontline guardians of the planet's most biodiverse and carbon-rich ecosystems. Attacking them is tantamount to undermining the global response to climate change and biodiversity collapse. Their protection, therefore, must be viewed not just through a human rights lens but also as a critical component of global environmental justice and sustainability.

6. ACCOUNTABILITY AND JUSTICE MECHANISMS

International human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention 169, and Article 27 of the International Covenant on Civil and Political Rights (ICCPR) provide vital frameworks that affirm Indigenous peoples' rights to self-determination, collective land ownership, cultural integrity and meaningful participation in decisions affecting their territories. However, these protections are frequently undermined by weak enforcement and political inertia.

Regional human rights mechanisms have been instrumental in advancing accountability. Landmark rulings by the Inter-American Court of Human Rights (IACtHR) in *Saramaka v. Suriname* (2007) and *Kichwa of Sarayaku v. Ecuador* (2012) firmly established the right to Free, Prior and Informed Consent (FPIC) and the recognition of collective land rights. These decisions not only reinforced international standards but also directed states to incorporate traditional governance into national legal systems. The *Waorani* case (Ecuador, 2019) further exemplifies this, where a domestic court ordered a halt to oil concessions due to flawed consultation processes, subsequently influencing sector-wide policy reforms (One Earth, 2023). Yet, the effectiveness of such rulings is contingent upon state compliance, which is often compromised by competing economic priorities or limited bureaucratic capacity.

At the global level, Indigenous representation in climate governance has grown, notably through the International Indigenous Peoples' Forum on Climate Change (IIPFCC). This platform has contributed to the shaping of Nationally Determined Contributions (NDCs) in countries such as Nepal and Bangladesh, and influenced Arctic forest governance policies (UNFCCC, 2021). These advances highlight the potential of Indigenous advocacy in global policy arenas. Nevertheless, participation often remains symbolic rather than substantive, with funding constraints, language barriers and limited decision-making power curtailing broader inclusion and influence.

Community-led climate resilience initiatives further demonstrate the capacity of Indigenous peoples to merge Traditional Ecological Knowledge (TEK) with scientific methods. From community forest stewardship in South Asia to coral reef restoration in the Pacific, these efforts embody culturally grounded, adaptive solutions to the climate crisis. However,

without sustained financial and institutional support, such innovations struggle to reach full scale or receive the recognition they deserve.

Achieving genuine accountability requires moving beyond mere legal recognition. It demands investment in Indigenous-led institutions, capacity-building in customary law, and a shift in governance frameworks to centre Indigenous voices as equal partners in environmental and climate decision-making. Only by affirming Indigenous law as a legitimate and living system of governance can states begin to address historical injustices and forge a more equitable and sustainable path forward (Tauli-Corpuz et al., 2020).

7. RECOMMENDATIONS

To States:

- Legally enshrine Indigenous land tenure and enforce meaningful FPIC before any project begins.
- Reform laws that criminalise traditional land use and culture and prosecute violence against defenders.
- Allocate consistent public funding for Indigenous-led climate resilience and environmental stewardship ensuring sustainability beyond short-term projects.

To International Bodies:

- Enforce tribunal decisions through binding mechanisms and robust progress reporting.
- Commit to meaningful Indigenous representation in climate and governance platforms.
- Design finance streams tailored for Indigenous-led project implementation, ensuring culturally aligned development.

To Civil Society & Donors:

- Invest in multi-year, flexible funding for Indigenous organisations.
- Co-create programming grounded in Indigenous frameworks, especially in nature-based solutions.
- Amplify Indigenous voices in global policy spaces facilitating representation and influence.

To the Private Sector:

- Adopt and operationalise UN Guiding Principles on Business & Human Rights: conduct diligent rights assessments, uphold FPIC and engage transparently.
- Ensure ethical practices in Indigenous territories, including profit-sharing models and community-based monitoring.

These steps reaffirm Indigenous sovereignty while reinforcing environmental protection. Solutions crafted alongside Indigenous wisdom are more durable, scalable and just.

CONCLUSION

The evidence presented in this report makes clear that the pursuit of climate and environmental justice cannot be separated from the protection of Indigenous peoples' rights. Indigenous communities, with their deep cultural, spiritual, and ecological ties to land, face disproportionate impacts of climate change and environmental degradation. At the same time, they continue to resist dispossession and advocate for self-determination, collective land rights, and cultural integrity.

International instruments such as UNDRIP, ILO Convention 169, and ICCPR Article 27 provide a robust framework affirming these rights, and landmark regional cases have further advanced legal recognition of Indigenous land, territory, and resources. Yet, the persistent gap between recognition and implementation highlights enduring patterns of marginalization, extractive exploitation, and systemic discrimination. Even projects aimed at climate mitigation, such as renewable energy, can perpetuate injustice when undertaken without Free, Prior, and Informed Consent (FPIC). The violence and criminalization of Indigenous environmental defenders further underscore the systemic risks faced by those who safeguard the world's most sensitive and diverse ecosystems. Attacks on these defenders are not isolated incidents but part of a global crisis of impunity and inequality, threatening both human rights and planetary survival.

Nevertheless, Indigenous peoples remain at the forefront of resilience and innovation. Their traditional ecological knowledge, community-based governance, and holistic worldviews offer essential pathways toward sustainable climate solutions. Protecting and empowering Indigenous leadership is not only a legal and moral imperative but also a pragmatic strategy for achieving global climate goals. Protecting Indigenous rights means protecting ecosystems, cultures, and the future of humanity itself. In this sense, the struggle for Indigenous justice and the struggle for climate justice are one and the same.

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