



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

### **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL** **TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service** **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

diploma in Public

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



### **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

### **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



### **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **INDIGENOUS RIGHTS UNDER INTERNATIONAL LAW: RECOGNITION AND PROTECTION**

AUTHORED BY: KAVI PRIYA ROY. R

Year: 3<sup>rd</sup> BBA LLB (Hons)

Batch: 2022-2027

Bharath Institute Of Law

## **ABSTRACT:**

Statements such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 have increasingly extended the application of indigenous rights in international law in recent decades. The Indigenous peoples' rights to self-determination, territories, cultural protection, and right to participate in decisions are created by these minimum standards. The minimum standards of one of the primary principles that they need to follow include the principle of FPIC (Free, Prior, and Informed Consent) so that their freedom and protection against all kinds of exploitation can be guaranteed. Nonetheless, Indigenous peoples remain greatly afflicted by disempowerment of lands, ecological degradation, and poor political representation. International legal regimes acknowledge the sovereignty of Indigenous peoples over their traditional homelands and resources, yet how far such sovereign rights are exercised is uneven. The Inter-American Court of Human Rights has made landmark rulings in favour of Indigenous rights to land; but states and corporations have not paid much attention to the international legal commitments that would have required them to do so. The threat that climate change and globalization present to indigenous languages and traditional knowledge has also increased. The article seeks to mobilize and protect indigenous rights with international law in the context of examining legal instruments, jurisprudence, and issues still before us. It highlights the imperative for an effective mechanism of implementation, greater acceptance of indigenous systems of governance, and participation in international decision-making. Indigenization calls not just for provisions in legislation but also for firm policy commitments to and the collective action to address historical and systemic injustices around the world. It underscores the significance of having a robust implementation mechanism, recognizing indigenous systems of governance more generally, and engaging in global decision-making. Apart from legal provisions, indigenization requires firm policy

commitments and collective action to redress systemic and historical injustices globally.

**KEY WORDS:** International Law, Indigenization, Indigenous Governance, Cultural Protection, Decolonization.

## **INTRODUCTION:**

The evolution of indigenous rights under international law has made gains through the decades, paralleling the realization of the distinctive cultural, social, and political identity of the indigenous peoples. Indigenous persons have historically been subjected to the processes of marginalization, dispossession, and cultural loss in consequence of the colonialist and state strategies. Notwithstanding, international legal orders increasingly recognize such rights: to protection, self-determination, and participation in decision-making processes which concern their lives. Recognition of Indigenous rights is further rooted in main international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and International Labour Organization Convention No.169. Within the frame of international law, such instruments recognize the rights of Indigenous peoples, including the rights to land and resources, the conservation of culture, and self-determination, and place obligations on states to respect and promote these rights. FPIC also emerged as a key safeguard that enables Indigenous peoples to have their voices heard in policies and projects affecting their lands. Although these achievements surround Indigenous rights, however, the realization of such rights remains challenged by conflicting development agendas of various states and Indigenous demands for autonomy and control over resources. In addition, formal recognition by law does not guarantee de facto implementation, leaving many Indigenous communities prone to land alienation, environmental devastation, and human rights violations. Continuing international human rights authorities and NGOs provide the principal oversight and advocacy for more and improved protection. The continued protection and recognition of Indigenous rights under international law are also instrumental in promoting social justice, sustainable development, and the preservation of cultural diversity anywhere and by anyone. As the world prepares to move ahead, the true effectiveness of its implementation of Indigenous rights requires different methods of movements assuring equality in treated dignity and human rights for all Indigenous peoples in the entire world.

## **INDIGENOUS RIGHTS AND INTERNATIONAL LAW:**

The indigenous rights in international law have achieved recognition, creating momentum away from historical marginality towards legality, protection, and empowerment. This movement comes against a backdrop of centuries of dispossession, discrimination, and cultural erosion of the indigenous peoples attributed to colonization and to the policies of the state. However, over the years, the right of self-determination has gained in understanding by the international legal framework of distinct nations, inherent rights to their land, and cultural differences. National-level umbrellas include, among other things, the United Nations Declaration on the Rights of Indigenous Peoples aforementioned (UNDRIP) and the International Labour Organization (ILO) Convention No. 169 at such international tools of equal measure. Indigenous peoples are therefore bestowed the rights to their ancestral homeland as well as natural resources, cultural heritage, and political representation in such instances, these instillations confer the right of Free, Prior disregard mood or flush, and Informed Consent regarding decisions made placatory on their behalf. The depiction with new light upon indigenous rights within human rights law and corresponding with policies on environmental systems enunciate great merits deeply entitled protection for conservation of biodiversity and sustainable development. Unfortunately, the good recognition is counterbalanced by obstacles in the implementation of obnoxious projects, where essential economic development often compromises Indigenous claims to land and self-determination. However, in other cases, Indigenous land and livelihoods have continued to bear the brunt of the transformative dynamics of extractive industries, infrastructure development, and state policies, culminating in conflict and human rights violations. The European Union, international human rights mechanisms, advocacy groups, and associated indigenous movements are pivotal to holding states in check and attesting coping with maximum effectiveness to the global legal mechanisms. The affirmation of the Indigenous sovereign rights within the coercive crystallization of management system applauds equally as a long-spent burden of courtesy it would redeem since efficacy on delivering from traditional injustices and restore equity to social justice. In a world increasingly awash with interest in understanding indigenous issues, there is thus a need for states and international institutions to step up their thrust on legislative safeguards and guarantees for enabling Indigenous people enjoy all their full rights, preserve their rich cultural heritage toward a just, inclusive world.

## **HISTORICAL OVERVIEW OF INDIGENOUS PEOPLE:**

History more than clearly accounted for the settlement of Indigenous peoples, over millennia outdating the modern states and colonialism. Indigenous communities worldwide developed distinct cultures, languages, systems of governance, and resilient ways of living quite intimately related to their exact lands. However, beginning around the 15th century, the arrival of colonial powers brought along a persistent and expansive displacement, exploitation, and repression of cultures. With the European colonization of the Americas, Africa, Australia, and parts of Asia, Indigenous territories were trampled over, confiscated, and their age-old ways of life considerably perverted. Indigenous populations bore the brunt of the wars, colonization, and the assaults of foreign diseases, which decimated their numbers terribly. Beginning in the 19th and 20th centuries, colonial regimes and settler states sought to annihilate every trace of Indigenous ways of life through policies of forced assimilation implemented through, among others, residential schools. In spite of all this, Indigenous peoples have been fighting fiercely for the preservation of their identities, for the reclamation of their rights, and for the ushering of their sovereignty. Indigenous peoples since World War II have been fuelling greater awareness nationally and internationally regarding national and international organizations, their calls for legislative changes, and rights-oriented frameworks. There are numerous milestones within international commitment to Indigenous rights, ranging from recognition of UNDRIP land rights to self-determination and cultural protection. Though they are faced with many marginalizations, environmental degradation, and human rights violations even in this day and age, they are at the same time contributing greatly toward conservation, climate action, and sustainability. This resilience in the battle benefits the cause toward achieving recognition and respect for Indigenous rights in today's sad and turbulent world, a promise that histories, cultures, and contributions to individuals will be honoured and remembered for generations to come.

## **RIGHTS AND PROTECTION FOR INDIGENOUS PEOPLES:**

The rights and protection of Indigenous peoples are essential in maintaining their dignity, culture, survival, and self-determination. These people have been dispossessed of their lands, subjected to forced assimilation, and discriminated against, and their traditional livelihoods have been erased. Nonetheless, international and national law systems increasingly dramatize this special status of Indigenous peoples and the need for certain protections. Essential global documents like the UN Declaration on the Rights of Indigenous Peoples and the ILO

Convention No. 169 recognize the right of Indigenous peoples to self-management, ownership, cultural preservation, and participation in decision-making around issues concerning them. These guidelines support the practice of free, prior, and informed consent, thus ensuring the Indigenous community an audience over development schemes, extraction of natural resources, and other policies designed to impact their lands and existence. However, the Indigenous communities are also more often observed witnessing the breach of these fundamental human rights in relation to displacements, human rights, destruction of the environment, and social marginalization. There are usually economic interests that take precedence over Indigenous rights, particularly from the privates, creating massive conflicts over land, natural resources, and infrastructure developments. This paved the way for Indigenous activism to compel states and corporations to account for Indigenous protections, together with endorsements from human rights groups and global entities. Similarly, though in restricted instances, legal reforms, judicial rulings, and the establishment of an international advocacy platform have also promoted Indigenous rights in certain regions of the globe through the return of land, the acknowledgment of traditional systems of governance, and increased political representation. However, ongoing enforcement of the Indigenous rights is plagued by numerous intimidating challenges towards their effective uptake, such as the refusal by most of the states to enforce constructively if ever at all the protection. Ongoing efforts at national, local, and global fronts are thus integral to securing rights and safeguarding Indigenous peoples because justice, equality, and sustainable development would so require. The acknowledgment and respect for Indigenous rights, thus, is not just a legal and ethical requirement but, just as much, the maintenance of cultural diversity, the environment, and the creation of inclusive societies.

### **LAND RIGHT FOR INDIGENOUS PEOPLES:**

The right to land is perhaps the most fundamental but one of the most contentious rights of Indigenous peoples worldwide. For Indigenous peoples, land is not merely a source of livelihood; it is land that roots their very cultural identity, spiritual practices, and traditional forms of government. Colonization, forced removals, state policies promoting settler, corporation, and large-scale development interest over time have compelled Indigenous people across the globe to experience tremendous land dispossession. Following previous historical injustices, nevertheless, international law mechanisms like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 offer affirmation of Indigenous peoples' collective land rights while confirming their right to control, use and

protect their ancestral lands. These norms also restatements of the principle of free, prior, and informed consent (FPIC), whereby Indigenous communities require consultation and approval prior to a project or policy potentially impacting their territory. On the whole, nonetheless, Indigenous land rights are infringed as the government and corporations have a higher priority for economic development, resource extraction, and infrastructure build-up than the land claims by Indigenous peoples. The pollution of land through the active deforestation process, land grabbing, mining, logging, and agribusiness establishment has rendered it very difficult for a lot of Indigenous communities. In other cases, the Indigenous defenders of the land have been plunged into immense misery with extreme forms of violence, displacement, and criminalization against them for standing against such autocracy. Courts and human rights organizations have successfully supported Indigenous land rights through judgements and policy reform, although enforcement in reality continues to be a huge challenge. In practice, this implies strengthening Indigenous people's rights over land to truly mean making governments implement their constitutional protections, acknowledge Indigenous land titles, and uphold tribal modes of governance. Identifying indigenous peoples' rights over their land is an act of justice, but even that, it's critical for environmental conservation, sustainable development, and cultural diversity protection. Land rights for Indigenous peoples also give these land-based groups the power to maintain their traditions, safeguard ecosystems, and assist global initiatives towards sustainability.

### **CULTURAL RIGHT FOR INDEGENOUS PEOPLES:**

Cultural rights are an entitlement, thus for Indigenous peoples, so that their diverse forms of culture-their customs, their languages, knowledge systems, spiritual practices-are intended to be safeguarded, maintained, and continued into the future. Because Indigenous cultures have their origins deeply rooted in their pasts, in their connection to the land and in their communal ways of life, cultural rights are fundamental not only to their survival as living communities, but more fundamentally, to their very existence as a people. However, colonization, assimilation policies, and globalization, have, over time, posed an enduring threat to Indigenous cultures; consequently, the extent of viabilities of such cultures has consistently had the risk of negative loss of Indigenous languages, customary practices, and sacred sites. As in acknowledging this, international legal documents, such as the United Nations Declaration on the Rights of Indigenous Peoples (UN-DRIP) reaffirm the right of the Indigenous peoples to preserve and revitalize their cultures, to use their languages, to keep their sacred sites and

ceremonies free from discrimination or interference. The elaboration should also involve maintaining art, music, narrative, and traditional ecological knowledge of the Indigenous, everything needed not just for the flowering of the communities themselves but for the cultural diversity and well-being of the world. But confronted with ongoing cultural appropriation, dispossession of land impacting sacred sites, and complete disregard for a Rehabilitation of Indigenous languages, all of this, and most Indigenous people are, nevertheless, pushed back further. National policies and educational policies, at times, have in the past hindered Indigenous cultures further isolating their populations. Indigenous movements, advocacy groups, and legal changes have given the push for revival of cultural pride, Indigenous language education, and protection of Indigenous intellectual property rights. An identification of their cultural rights entails the responsibility of the State, institutions, and society in exercising the pressure to respect, promote, and legally protect the culture; in the process, an environment is created such that Indigenous cultures overall can flourish. Cultural rights are not a protection of the past alone, but they empower Indigenous peoples to create their futures without losing their identity and keep the earth's whole society with their contributions to civilization, heritage, and knowledge.

### **ENVIRONMENTAL RIGHT FOR INDIGENOUS PEOPLES:**

Environmental rights for Indigenous Peoples are necessary to guard their lands, ecosystems, and ways of living. Indigenous groups have co-existed with the natural world for generations, fostering a deep understanding of the ecosystem and how the environment can be managed sustainably in a way that maintains diversity and environmental integrity. These territories are continuously being threatened by deforestation, mining, oil drilling, industrial farming, and global warming, too frequently in the absence of the agreement of Indigenous peoples. This destruction in turn threatens Indigenous subsistence, cultural practices, and even spirituality in relation to the land. International legal documents like Resolutions of the United Nations Declaration on the Rights of Indigenous Peoples, Convention No. 169 of the International Labour Organization acknowledge the rights of Indigenous people to protect and develop their natural resources, to be involved in decision-making regarding environmental matters, and to resist environmentally damaging projects through the principle of free, prior, and informed consent. Neither act nor resolution has guaranteed immunity from abuses and violations committed by governments or corporates that place economic interests over Indigenous rights to land, thus resulting in land dispossession, widespread pollution, and additional human rights

abuses. It is the resistance provided by Indigenous peoples and environmental defenders against environmental degradation that richly adds to the struggle for land rights, inclusion, and stewardship for the common good. Activists, from Indigenous peoples, are subjected to all manner of forms, such as threats, violence, and outright criminalization, for defending and maintaining their lands. The full realization of Indigenous environmental rights will necessitate states and international institutions to provide legal safeguards, recognition of Indigenous peoples as legitimate land owners, and participation in support for Indigenous-led conservation. In addition, this responsibility for safeguarding such rights is not just a matter of justice but a precondition for participating in redressing current global environmental crisis. Nowadays, one sure solution for conservation of biodiversity, climate resilience, and sustainable resource management is through ecosystem and stewardship they provide. The domination of Indigenous communities over their lands and natural resources will not only serve them, but the global struggle against climate change and ecological devastation, toward discovering a more sustainable and equitable world.

### **INTERNATIONAL LAW:**

International law includes rules, treaties, and principles according to which the relations have to be made between states, international organizations, and citizens. It does comprise the legal arrangements to preserve peace, to settle disputes, to safeguard human rights, to administer trade relations, along with other international issues such as protection of the environment and terrorism. Actually, international law derives its sources from treaties, customs, judicial precedents, and general principles accepted by the states. Whereas domestic law is enforced by governments, international law relies for its enforcement to a great extent on self-enforcement, on negotiation through diplomacy, and on some other forms of enforcement mechanisms such as the UN, in fact the ICJ itself, constituting the highest-level reliance points in the preservation of peace. International conventions are treaties entered into by nations to establish certain legal obligations in specific fields. International agreements are also referred to as accords or protocols at times. These treaties set the levels of cooperation on human rights, protection of the environment, trade, and security matters. Certain notable examples of international conventions are the United Nations Charter (which formulates the UN and norms of international peace and security), Geneva Conventions (which safeguard civilians and combatants in times of war), Paris Agreement (on climate change), and Convention on the Rights of the Child (which provides assurances of the child's rights). From the time a nation

signs and ratifies an international convention, it should by law implement its rules. Tort does not rely on enforcement by international institutions, enforcement by governments and, for instance, by international courts or on sanctions. International law and conventions play a large role in developing cooperation among nations, bringing justice and resolving transnational issues in a more interlinked world than ever before.

### **UDHR:**

The Universal Declaration of Human Rights is a world foundation document, adopted by the United Nations General Assembly on 10 December 1948, establishing the fundamental rights and freedoms to which all human beings are entitled. It was authored after the crimes against humanity that World War II inflicted and aims to progress in every sense with guided dignity, equality, and justice. The 30 articles of this covenant address civil, political, economic, social, and cultural rights-life, liberty, and security; freedom of expression, religion, and assembly; protection against torture and discrimination; and the right to education, work, and a decent standard of living. The Universal Declaration of Human Rights is broad and not specially binding in the form that it is argued to be non-binding by many; nevertheless, the declaration has strongly influenced international law, national constitutions, and human rights treaties and is now regarded to be part of the International Bill of Human Rights along with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The Universal Declaration of Human Rights is universal in scope, that is, will be applicable to all human beings regardless of country, place of origin, race, gender, or status; it is broad in scope in terms of a range of rights essential to human dignity. Because there are no legal enforcement mechanisms, it is tant amount to a commitment-a political and moral contract-for the countries that are in a quandary in addressing the true issues of enforcing human rights. The reach of the declaration is not limited to the world of governments, as such, but also extends to individuals, organizations, and international institutions. Some of the non-exhaustive concerns include international human rights policy, structure of legal rights, equal rights as well as social justice movements. Although significant strides have been made in human rights, difficulties persist; the conflict, discrimination, and totalitarianism still render challenging the ideal achievement of the principles of the UDHR. However, it is a living beacon in ongoing campaigns for rights and a focal point of reference in global law and global campaigns.

### **ICCPR:**

Under the second world treaty, the ICCPR is a human rights convention of utmost significance instituted by the UNGA in 1966 and enacted in 1976. It, along with the Universal Declaration of Human Rights and its second cousin ICCPR, constitutes the core of the International Bill of Human Rights. Of the ICCPR, attention by its creators was to add and to ensure civil and political rights of man, considered to be freedoms determinant of human value and democracy. These include the right to life, freedom against torture and slavery, the right to a fair trial, freedom of expression, freedom of religion, and the right to engage in public affairs. The ICCPR requires states to ensure and uphold these rights legally for all individuals within their jurisdictions and ensure effective remedies in case of violations of rights. Legally binding implies ICCPR must be incorporated by ratifying states into national policies and laws. The treaty constructs mechanisms for accountability through state reporting to the UNHRC, in terms of the broad brush, which monitors compliance and receives grievances concerning human rights abuses. A tool extremely cores international human rights law, the ICRC's principles holding it together are those of universality, non-discrimination, and responsibility of the state. It applies to everyone, without exclusion, within states parties, providing positive protection on the basis of race, nationality, or social status. It is central to the establishment of state legal systems, judicial rulings, and human rights movements worldwide. Yet, the capacity to monitor or enforce its provisions has been limited, as attested by states that limit civil and political liberties even as state parties. Maintaining its implementation remains of necessity to global democracy, justice, and protection of human rights.

### **ICESCR:**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is another key international human rights treaty taken in 1966 and in force since 1976 in the establishment of the United Nations General Assembly. It forms one half of the two main treaties which embody the ideals of the Universal Declaration of Human Rights; the other is the International Covenant on Civil and Political Rights (ICCPR). The ICESCR provides a host of norms towards the fulfilment of the economic, social, and cultural rights grounded in human dignity and well-being. The nature of the ICESCR is aspirational and progressive by requiring states to take steps, to the maximum of their available resources, toward the full realization of these rights. In contrast to civil and political rights, which can rarely be put off, no less urgent are the economic, social, and cultural rights: they are provided for progressive realization, whereby

states must move ever and ever closer to their fulfilment. The ICESCR covers a wide range of pertinent rights: the right to work, just and favourable conditions of employment, and social security, as well as rights to a standard of living adequate for health and well-being, including food, clothing, and housing, to the highest attainable standard of physical and mental health, to education, and to participate in cultural activities. Under the International Covenant on Economic, Social and Cultural Rights, states parties are obliged to submit periodically reports on ICESCR compliance and to accept guidance on implementing such recommendations. While there is no enforcement mechanism like a court for ICESCR, adoption of the Optional Protocol to the ICESCR in 2008 put in place a preliminary complaint system for individuals who could bring states before the Committee for ICESCR -related violations. Emphasis is on the non-discrimination and equality character of the covenant, which provides that these rights are to be enjoyed by all persons unconditionally, regardless of race or sex or social status. The ICESCR plays an important role in promoting social justice and sustainable development in holding states accountable for economic, social, and cultural well-being on a global scale.

### **UNDRIP:**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which the General Assembly adopted on September 13, 2007, is a document of historic importance set within the framework for the recognition, protection, and promotion of indigenous peoples' rights. The rights of self-determination, land, culture, and participation in decision-making processes concerning their lives are included. It is made up of 46 articles covering civil, political, economic, social, and cultural rights and emphasizes the principle of free, prior, and informed consent (FPIC) in consideration of land and resource use. Although UNDRIP is nonbinding in itself, it professes to be setting a resounding global standard that influences national laws, policies, and court decisions on indigenous rights. Its character is generally that of a proclamation or advice concerting international expectations; it does not have the force of treaty law that is thereby creating. However, based on UN Declaration on the Rights of Indigenous Peoples is grounded in existing international human rights laws and bolsters states' obligations to protect indigenous peoples' rights. UNDRIP recognizes itself as indigenous peoples; one of the three groups are distinct political, social, and cultural rights, the voice of different traditions, languages, and governance systems, free from any discrimination. Similarly, it assures them the right to their lands and natural resources and the right for economic development to sustain their life and dignity in the realm of finding modernism.

UNDRIP aims to include all indigenous communities throughout the world, from which legal and policy reforms can set a basis for development at national and regional levels. It endorses international bodies, human rights agencies, and groups that advocate for indigenous peoples in their struggles for recognition and promotion of their rights and issues. Even given its importance, however, full-fledged implementation continues to be a challenge for many indigenous communities who continue to see land dispossessions, marginalization, and a slew of licences. To elevate the sanctioning of UNDRIP, governments, legal chambers, and civil society must be willing to risk promoting justice, equality, and self-determination for native peoples across the entire Earth.

### **ILO:**

The International Labour Organization (ILO) is a specialized United Nations agency founded in 1919. The ILO also aims to promote social justice, regarding labour issues and decent work, all over the globe. An underlying principle of ILO is tripartism, bringing together governments, employers, and workers in establishing international standards and policies in an attempt to protect fair wages, safe working conditions, and social protection. For many years, the ILO has been in the vanguard of advancing human rights, especially those pertaining to women, children, and Indigenous peoples. Some of these include freedom of association, collective bargaining, forced labour, child labour, and discrimination in employment. Its operations are directed by the 1998 Declaration on Fundamental Principles and Rights at Work, and by the Decent Work Agenda, which promotes fair employment, equal opportunity, and social protection. The ILO has both a normative and operational character; it sets international labour standards through legally binding conventions and non-binding recommendations that member states can decide to adopt in their national policies. Its aid to any country usually is through the provisions of technical assistance, research, and capacity-building programs aimed at improving labour conditions. The ILO, unlike many UN agencies, has a monitoring mechanism by which trade unions, employers, and governments can submit reports on the violations of labour rights. The scope of ILO is global regarding every aspect of labour: employment policy, occupational safety, migrant workers' rights, social security, etc. It performs a large role in addressing current challenges like automation, the gig economy, and climate-related transitions in jobs. Though it has a considerable impact, implementation remains very much a challenge, with some states failing to enforce labour standards fully. Strengthening the institutional framework of the ILO and national mechanisms for the collective protection of labour rights

and social dialogue is undeniably important for the creation of worldwide equal work conditions, economic justice, and sustainable development.

### **CONCLUSION:**

The recognition of indigenous rights and their protection under international law has undergone countless evolutions, ensuring more respect for their land, culture, and environment. Historically, the Indigenous have undergone immense dispossession, marginalization, and cultural suppression. International frameworks including but not limited to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Declaration on the Rights of Indigenous Peoples have nonetheless reinforced their historic rights for freedom. Land rights are emblematic of Indigenous identity and survival; still, they have not spared the ire and attack from governments and corporations more entrenched with economic interests than respect for Indigenous sovereignty. Equally relevant are indigenous cultural rights - the importance of language, tradition, and spirituality towards their identity - yet many communities, even today, continue to fight against cultural appropriation and erosion. As much as land rights, so too do environmental rights have a stake to fulfil, whether as female or male communities stand ever on the lines of conflict, providing an effective permit against all acts of deforestation, mining, and climate change threatening their lands. International law and conventions in the way of the International Labour Organization have played prolific roles in the march towards work protections, self-determination, and social justice for indigenous communities. More broadly, even as systems and agents in various states have paved the way for these rights and fresh demands about the role of indigenous in development, their enforcement has been, at times, inconsistent and, often, schism-generating and maintenance. These protections can be actualized only when there are not just legal commitments but also genuine political will and involvement of indigenous leadership and global solidarity. In order to realize these rights, states, international organizations, and civil society must work in partnership in the future alongside Indigenous peoples as equal partners in sustainable development, environmental conservation, and cultural preservation. True justice will be achieved only when interests of the indigenous Community are respected, their lands defended, and their rights safeguarded under all circumstances.

## REFERENCES:

1. [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)
2. <https://journals.sagepub.com/Doi/abs/10.1177/0972558X19835387>
3. [https://scholar.google.com/scholar\\_lookup?title=Imperialism%2C+sovereignty%2C+and+the+making+of+international+law&author=A.+Anghie&publication\\_year=2007](https://scholar.google.com/scholar_lookup?title=Imperialism%2C+sovereignty%2C+and+the+making+of+international+law&author=A.+Anghie&publication_year=2007)
4. [https://iwgia.org/images/publications/0709\\_INDIGENOUS\\_PEOPLES\\_RIGHTS\\_2.pdf](https://iwgia.org/images/publications/0709_INDIGENOUS_PEOPLES_RIGHTS_2.pdf)
5. [https://brill.com/view/journals/ijgr/29/4/article-p720\\_006.xml?language=en](https://brill.com/view/journals/ijgr/29/4/article-p720_006.xml?language=en)
6. [https://www.mpil.de/files/pdf1/mpunyb\\_ulfstein\\_8.pdf](https://www.mpil.de/files/pdf1/mpunyb_ulfstein_8.pdf)

