

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

---

Volume 8 | Issue 2

---

2025

© 2025 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact [support@vidhiaagaz.com](mailto:support@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Indigenous Rights and Constitutional Recognition: A Comparative Analysis

---

B. JAMES JAYA RAJ<sup>1</sup>

## ABSTRACT

*Constitutional recognition of Indigenous rights is a complex global issue with no one-size-fits-all solution. This analysis examines diverse approaches to constitutional recognition, drawing upon case studies from various nations to identify key themes and lessons learned. The findings reveal that while plurinational constitutionalism shows promise in countries like in Latin America , implementation remains a challenge . In places like New Zealand, the Treaty of Waitangi highlights the need to address historical grievances. A recurring theme across all cases is the gap between constitutional principles and the lived realities of Indigenous peoples .*

*Several recommendations emerge from the synthesis of these case studies. Governments and policymakers should engage in genuine consultation with Indigenous communities, integrate Indigenous perspectives into constitutional reforms, and invest in mechanisms that support the enforcement of Indigenous rights . Indigenous communities must continue advocating for their rights through political mobilization, legal challenges, and cultural revitalization. For all stakeholders, fostering a culture of respect and reconciliation is crucial for building a more just society.*

*Future research should focus on the long-term impacts of constitutional recognition on Indigenous well-being and cultural survival. Comparative studies examining the experiences of Indigenous women are particularly needed. Innovative mechanisms for implementing Indigenous rights, such as community-based monitoring, also warrant further investigation. Constitutional recognition is a moral imperative that requires courage, commitment, and a willingness to embrace a more inclusive vision of citizenship . By acknowledging the rights and dignity of Indigenous peoples, nations can begin to heal the wounds of the past and build a more equitable future for all.*

**Keywords:** *Indigenous rights, constitutional recognition, plurinationalism, Treaty of Waitangi, self-determination.*

## I. INTRODUCTION

The global stage is witnessing an undeniable surge in the movement advocating for Indigenous

---

<sup>1</sup> Author is an Assistant Professor of Law at Telangana Tribal Welfare Residential Law College, Sangareddy, Telangana, India.

rights. Think of it as a groundswell, slowly but surely reshaping the contours of international law and national constitutions. At the heart of this movement lies a crucial demand: constitutional recognition. But what does this really mean, and why does it matter so much?

Constitutional recognition, in essence, is about acknowledging the unique place of Indigenous peoples within the framework of a nation's fundamental law. It's about embedding their history, culture, and rights into the very DNA of the state. However, achieving this recognition is far from straightforward. It's a complex dance involving legal intricacies, historical baggage, and deeply entrenched power dynamics. Imagine trying to weave a vibrant, ancient thread into a tapestry that has already been centuries in the making.

This complexity leads us to some fundamental questions. How do different approaches to constitutional recognition impact the lives and well-being of Indigenous communities? What are the secret ingredients that make some recognition efforts flourish while others wither? And crucially, how do Indigenous peoples themselves – with their diverse perspectives and priorities – shape the path towards recognition? After all, it's their story that needs to be told, their voices that need to be heard.

This research article aims to unpack these questions through a comparative lens. By examining diverse case studies from around the world – perhaps Australia with its ongoing debates<sup>2</sup>, or Latin America with its experiments in plurinationalism – we can begin to understand the nuances of constitutional recognition in practice. We will analyze legal frameworks, trace political developments, and most importantly, listen to the voices of Indigenous peoples themselves.

Our goal is not just to describe the legal landscape, but to delve deeper into the *significance* of constitutional recognition. Why is this issue so vital? Because it strikes at the heart of justice, equality, and self-determination. When Indigenous rights are constitutionally protected, it empowers communities to safeguard their lands, cultures, and ways of life<sup>3</sup>. It offers a framework for redressing historical injustices and building a more inclusive and equitable society<sup>4</sup>.

Of course, this study also has its limitations. We cannot examine every country or every type of right. The focus will be on select case studies and key themes, acknowledging that the

---

<sup>2</sup> Damon Chester, *Constitutional Recognition: Which Way Forward?*, 4 *NEW Emerging scholars in Australian Indigenous Studies* 145 (2019), <https://doi.org/10.5130/nesais.v4i1.1514> (last visited Jan 2025)

<sup>3</sup> SASIKUMAR C & P.R.L RAJAVENKATESAN, *Protection of Traditional Knowledge in India: Is It Daydream?*, (2024).

<sup>4</sup> Fabiano de Correa, *Environmental Justice: Securing Our Right to a Clean, Healthy and Sustainable Environment*, (2022).

experiences of Indigenous peoples are incredibly diverse and context-specific.

In the end, this article seeks to contribute to a deeper understanding of Indigenous rights and constitutionalism. By identifying both the pitfalls and the pathways to success, we hope to inform policy, inspire action, and ultimately, help to create a world where Indigenous peoples are truly recognized and respected.

## **II. THEORETICAL FRAMEWORK AND CONCEPTUAL CLARIFICATIONS: LAYING THE GROUNDWORK**

Before diving deeper into the specifics of constitutional recognition, let's establish a solid theoretical foundation. This is like ensuring the blueprints are accurate before constructing a building. We need to define key terms, explore relevant theories, and understand the international legal landscape.

### **(A) Defining "Indigenous Peoples": A Murky Definition**

First, who exactly are "Indigenous peoples"? It's a surprisingly tricky question. There's no universally agreed-upon definition in international law. Instead, we often rely on working definitions that emphasize historical continuity with pre-colonial societies, distinct cultural identities, and self-identification. Think of it like trying to define "art" – you know it when you see it, but putting it into precise words is a challenge.

### **(B) Constitutionalism, Democracy, and Indigenous Rights: A Balancing Act**

Next, we need to understand the relationship between constitutionalism, democracy, and Indigenous rights. Constitutionalism, at its core, is about limiting government power and protecting individual rights. Democracy, ideally, is about ensuring that everyone has a voice in shaping their society. But how do these principles apply to Indigenous peoples, who often have unique claims to land, culture, and self-governance? It's a balancing act, ensuring that the majority doesn't trample on the rights of minorities.

### **(C) Self-Determination: The Heart of the Matter**

Central to this discussion is the concept of self-determination. People have the freedom to freely decide their political situation and seek their social, cultural, and financial growth<sup>56</sup>. For people who are indigenous, self-determination is not about creating a separate state. Rather, it's about having control over their own lives, lands, and resources. It's about the "ongoing process of

---

<sup>5</sup> Lowitja O'Donoghue, Self-Determination, (2018), <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/self-determination> (last visited Mar 17, 2025)

<sup>6</sup> Aboriginal and Torres Strait Islander self-determination, (2024), <https://vpvc.vic.gov.au/workforce-programs/aboriginal-cultural-capability-toolkit/aboriginal-self-determination> (last visited Mar 17, 2025)

choice". Constitutional recognition can be a powerful tool for advancing self-determination, providing a framework for Indigenous peoples to exercise greater autonomy.

#### **(D) Relevant Theories: Lenses for Understanding**

To analyze constitutional recognition, we can draw on several theoretical frameworks:

- **Recognition Theory:** Drawing on scholars like Nancy Fraser, we can analyze how constitutional recognition can address issues of misrecognition and promote social justice. It's about ensuring that Indigenous peoples are not only legally recognized but also socially valued and respected.
- **Legal Pluralism:** This theory explores how constitutional frameworks can accommodate Indigenous legal systems and customary laws. It's about recognizing that the state isn't the only source of law and that Indigenous legal traditions have value and legitimacy.
- **Postcolonial Theory:** This lens helps us examine the historical and ongoing impacts of colonialism on Indigenous rights and constitutional processes. It's about understanding how colonial legacies continue to shape power dynamics and hinder Indigenous self-determination.

#### **(E) International Law Standards: Guiding Principles**

Finally, we need to consider the relevant international legal instruments, such as the UN Declaration on the Rights of Indigenous Peoples. While not legally binding in itself, the UNDRIP provides a comprehensive set of principles and standards for the protection of Indigenous rights. It has influenced constitutional recognition and can be used to guide constitutional reform processes.

By clarifying these concepts and exploring these theoretical frameworks, we can create a more nuanced and informed understanding of the challenges and opportunities surrounding Indigenous rights and constitutional recognition.

Alright, let's craft a comparative analysis of constitutional recognition across different countries. This section will explore how various nations have grappled with acknowledging Indigenous rights in their foundational legal documents.

### **III. COMPARATIVE ANALYSIS: CASE STUDIES**

To understand the complexities of constitutional recognition, we'll examine a few carefully selected case studies. Each example offers unique insights into the challenges and opportunities

of embedding Indigenous rights within a nation's constitutional framework.

### 1. **Australia:** A History of Exclusion and the Path Towards Recognition

Australia's story is one of historical exclusion. The original constitution, drafted in 1901, made no mention of Aboriginal and Torres Strait Islander peoples. It's as if they were invisible, absent from the nation's founding narrative. This omission has had profound and lasting consequences. For decades, Indigenous Australians were denied basic rights, dispossessed of their lands, and subjected to discriminatory laws. The journey towards constitutional recognition has been a long and arduous one.

- **Historical Context:** The legacy of colonialism continues to shape Indigenous-state relations in Australia. The "terra nullius" doctrine, which declared the land empty upon European arrival, denied Indigenous peoples' prior ownership.
- **Constitutional Provisions:** Currently, the Australian Constitution contains no substantive recognition of Indigenous rights. Section 25 contemplates the possibility of disqualifying people of a particular race from voting, and Section 51(xxvi) gives the Commonwealth power to make laws with respect to "the people of any race, for whom it is deemed necessary to make special laws".
- **Legal and Political Developments:** There have been numerous attempts to advance constitutional recognition, including a proposed referendum to insert a "voice to parliament" into the constitution. These proposals have faced significant political hurdles and public debate.
- **Indigenous Perspectives:** Indigenous voices are central to this debate. Many advocate for meaningful recognition that goes beyond symbolic gestures and leads to tangible improvements in their lives. The Uluru Statement from the Heart, for instance, demands a Makarrata Commission to supervise treaty-making and truth-telling as well as a constitutionally institutionalized First Nations Voice to Parliament.
- **Challenges and Successes:** The Australian case highlights the challenges of overcoming historical exclusion and achieving consensus on the form and content of constitutional recognition.

### 2. **Canada:** Entrenching Aboriginal Rights and the Treaty Relationship

Canada presents a different model. Section 35 of the *Constitution Act, 1982*<sup>7</sup>, recognizes and

---

<sup>7</sup> THE CONSTITUTION ACTS, 1867 to 1982, (2020), <https://laws.justice.gc.ca/eng/Const/page-13.html> (last visited Mar 17, 2025)

affirms the "existing aboriginal and treaty rights of the aboriginal peoples of Canada"<sup>7</sup>. This entrenchment has been a landmark achievement, providing a constitutional basis for Indigenous rights claims.

- **Historical Context:** Canada's relationship with Indigenous peoples is defined by a history of treaties, agreements between the Crown and First Nations. These treaties promised certain rights and benefits in exchange for land cessions.
- **Constitutional Provisions:** Section 35 is the cornerstone of Indigenous rights in Canada. It protects existing aboriginal rights, which are determined through court decisions, and treaty rights, which are based on the specific terms of each treaty.
- **Legal and Political Developments:** The Supreme Court of Canada has played a crucial role in interpreting Section 35<sup>8</sup>, defining the scope of aboriginal rights and the Crown's duty to consult and accommodate Indigenous interests.
- **Indigenous Perspectives:** While Section 35<sup>7</sup> has been a significant victory, Indigenous peoples continue to advocate for greater self-determination and control over their lands and resources<sup>9</sup>.
- **Challenges and Successes:** Canada's experience demonstrates the importance of constitutional entrenchment, but also the ongoing need to address historical injustices and implement Indigenous rights in a meaningful way<sup>10</sup>.

### 3. Latin America (e.g., Bolivia, Ecuador): Plurinational Constitutionalism

Several countries in Latin America, particularly Bolivia and Ecuador, have embraced plurinational constitutionalism. This model recognizes the existence of multiple nations within a single state, granting Indigenous peoples a degree of autonomy and representation.

- **Historical Context:** Latin America has a long history of Indigenous resistance to colonial rule. In recent decades, Indigenous movements have gained significant political power, advocating for constitutional reforms that recognize their rights and cultures.
- **Constitutional Provisions:** Bolivia's constitution, for example, recognizes 36 official languages and grants Indigenous communities the right to self-governance within their territories. Ecuador's constitution recognizes collective rights, including the right to

---

<sup>8</sup> Karen Drake, *R v Pamajewon*, (2021), <https://works.bepress.com/karen-drake/111/> (last visited Feb 2025).

<sup>9</sup> Patrick Macklem, *Constitution Act, 1982*, *Encyclopedia of Canadian Laws* (2017), <https://lawi.ca/constitution-act-1982/> (last visited Feb 2025).

<sup>10</sup> Michael Luoma, *Collective Self-Determination, Territory and the Wet'suwet'en: What Justifies the Political Authority of Historic Indigenous Governments over Land and People?*, 55 *Canadian Journal of Political Science* 19 (2022), <https://doi.org/10.1017/s0008423921000913> (last visited Feb 2025).

maintain their cultural identities, languages, and traditional forms of social organization.

- **Legal and Political Developments:** The implementation of plurinational constitutionalism has been complex and uneven. Indigenous communities have faced challenges in exercising their rights and accessing political power.
- **Indigenous Perspectives:** Indigenous peoples in Latin America view plurinationalism as a way to decolonize the state and create a more inclusive and equitable society.
- **Challenges and Successes:** The Latin American experience demonstrates the potential of plurinational constitutionalism, but also the difficulties of translating constitutional principles into concrete realities.

#### 4. New Zealand: ‘The Treaty of Waitangi’

New Zealand's constitutional arrangements are shaped by the Treaty of Waitangi, signed in 1840 between the British Crown and Māori chiefs. The Treaty is considered a foundational document, but its interpretation and implementation have been contested for over a century.

- **Historical Context:** The Treaty of Waitangi guaranteed Māori certain rights and protections in exchange for ceding sovereignty to the British Crown. However, differing interpretations of the Treaty in English and Māori have led to ongoing disputes over land, resources, and self-governance.
- **Constitutional Provisions:** The Treaty of Waitangi is not directly incorporated into New Zealand's constitution. However, it is recognized as a relevant source of constitutional principles and is often referred to in legislation and court decisions.
- **Legal and Political Developments:** The Waitangi Tribunal, established in 1975, investigates claims of Treaty breaches and makes recommendations to the government. These recommendations have led to significant settlements and reforms.
- **Indigenous Perspectives:** Māori continue to advocate for greater recognition of their rights under the Treaty of Waitangi, including greater self-determination and control over their lands and resources.
- **Challenges and Successes:** New Zealand's experience highlights the importance of treaty-based relationships and the ongoing need to address historical grievances.

By comparing these case studies, we can gain a richer understanding of the diverse approaches to constitutional recognition and the factors that contribute to their success or failure. It's not a one-size-fits-all solution, but rather a complex and context-specific process that requires ongoing dialogue, negotiation, and commitment to justice.



#### IV. THEMES AND CROSS-CUTTING ISSUES

Constitutional recognition is more than just words on paper; it's about weaving Indigenous rights into the very fabric of a nation. Let's explore some key themes that emerge across different approaches to constitutional recognition.

##### **(A) Land Rights: The Foundation of Self-Determination**

Constitutional recognition often serves as a launchpad for securing Indigenous land rights and empowering Indigenous communities in resource management<sup>11</sup>. Think of it like this: if a nation's constitution is the root system, then secure land rights are the sturdy trunk that allows Indigenous cultures to flourish. Without that trunk, cultural survival is precarious.

##### **(B) Cultural Rights: Protecting Heritage and Identity**

Constitutional frameworks can play a vital role in safeguarding Indigenous languages, cultural heritage, and traditional practices SASIKUMAR C & P.R.L RAJAVENKATESAN, Protection of Traditional Knowledge in India: Is It Daydream?, (2024).. Imagine a mosaic: each piece represents a unique aspect of Indigenous culture. Constitutional protection ensures that no pieces are lost or broken, preserving the beauty and integrity of the whole.

##### **(C) Political Representation: A Seat at the Table**

Effective mechanisms for Indigenous political representation and participation are crucial for self-determination. It's not enough to simply be *present*; Indigenous people need a meaningful voice in shaping the policies that affect their lives. Think of it as moving from being a spectator to a player on the field.

##### **(D) Gender Equality: Recognizing the Rights of Indigenous Women**

Constitutional recognition must address the specific needs and rights of Indigenous women, who often face unique challenges and discrimination<sup>3</sup>. It's like ensuring that everyone has equal access to the ladder of opportunity, regardless of gender.

##### **(E) Implementation and Enforcement: From Words to Action**

The true test of constitutional recognition lies in its implementation and enforcement. It's not enough to have lofty ideals enshrined in the constitution; there must be effective mechanisms to translate those ideals into reality. This is where the rubber meets the road, where promises are either kept or broken. The struggles of Indigenous people to maintain their land, culture,

---

<sup>11</sup> Lisa Mardikian & Sofia Galani, Protecting the Arctic Indigenous Peoples' Livelihoods in the Face of Climate Change: The Potential of Regional Human Rights Law and the Law of the Sea, 23 Human Rights Law Review (2023), <https://doi.org/10.1093/hrlr/ngad020> (last visited Feb 2025).

and political voice is always present in the discussion of how to enforce these rights

## V. CONCLUSION

Constitutional recognition is not a destination, but a journey. It requires ongoing commitment, dialogue, and a willingness to learn from the experiences of other nations. It's about building a future where Indigenous rights are not just tolerated, but truly respected and celebrated<sup>4</sup>.

Constitutional recognition is a complex undertaking, and drawing meaningful conclusions requires careful consideration of the diverse paths nations have taken. Let's synthesize the key findings and offer some forward-looking recommendations.

### (A) Summary of Findings

Our comparative analysis reveals that constitutional recognition of Indigenous rights is a multifaceted process with varying degrees of success. In Latin America, plurinational constitutionalism offers a promising framework for recognizing multiple nations within a single state, but its implementation faces challenges<sup>12</sup>. New Zealand's experience with the Treaty of Waitangi underscores the importance of addressing historical grievances and ongoing dialogue<sup>13</sup>. Across all cases, the gap between constitutional principles and lived realities remains a critical concern.

### (B) Synthesis

Several common themes emerge from these case studies. First, historical context matters. The legacy of colonialism, treaties, and Indigenous resistance shapes the possibilities and challenges of constitutional reform. Second, constitutional recognition is not a panacea. It is merely one step in a longer journey toward justice and self-determination. Third, implementation is key. Lofty constitutional ideals must be translated into concrete policies and practices that benefit Indigenous communities.

### (C) Recommendations

To achieve more effective and meaningful constitutional recognition, I would offer the following recommendations:

- **For Governments and policymakers:** Engage in genuine consultation with Indigenous communities throughout the constitutional reform process. Ensure that Indigenous perspectives are not only heard but also integrated into the final outcome. Invest in

---

<sup>12</sup> Juan Pablo Ramaciotti & Jo Shaw, *Constitutional Citizenship and Indigeneity: The Case of Latin America*, SSRN Electronic Journal (2023), <https://doi.org/10.2139/ssrn.4394310> (last visited Feb 2025).

<sup>13</sup> *Industrial Designs and Folklore: A Comparative Study in Indian perspective*, 28 *Journal of Intellectual Property Rights* (2023), <https://doi.org/10.56042/jipr.v28i4.653> (last visited Jan 2025).

institutions and mechanisms that support the implementation and enforcement of Indigenous rights<sup>4</sup>.

- **For Indigenous communities:** Continue to advocate for their rights and self-determination through political mobilization, legal challenges, and cultural revitalization. Build alliances with other social movements and civil society organizations to amplify their voices and strengthen their collective power.
- **For all stakeholders:** Foster a culture of respect, understanding, and reconciliation. Recognize that constitutional recognition is not a zero-sum game but rather an opportunity to build a more just and inclusive society for all.

#### **(D) Future Research**

Further research is needed to explore the long-term impacts of constitutional recognition on Indigenous well-being, cultural survival, and political empowerment. Comparative studies that examine the experiences of Indigenous women are particularly important. Additionally, research should focus on innovative mechanisms for implementing and enforcing Indigenous rights, such as community-based monitoring and restorative justice.

#### **(E) Concluding Statement**

Constitutional recognition is not simply a legal or political exercise; it is a moral imperative. By acknowledging the rights and dignity of Indigenous peoples, nations can begin to heal the wounds of the past and build a more equitable and sustainable future for all. It is a journey that requires courage, commitment, and a willingness to embrace a more inclusive vision of citizenship and belonging.

\*\*\*\*\*

**VI. REFERENCES**

- Damon Chester, Constitutional Recognition: Which Way Forward?, 4 *NEW Emerging scholars in Australian Indigenous Studies* 145 (2019), <https://doi.org/10.5130/nesais.v4i1.1514> (last visited Jan 2025).
- Harry Hobbs, The Road to Uluru: Constitutional Recognition and the UNDeclaration on the Rights of Indigenous Peoples, 66 *Australian Journal of Politics & History* 613 (2020), <https://doi.org/10.1111/ajph.12707> (last visited Feb 2025).
- Juan Pablo Ramaciotti & Jo Shaw, Constitutional Citizenship and Indigeneity: The Case of Latin America, *SSRN Electronic Journal* (2023), <https://doi.org/10.2139/ssrn.4394310> (last visited Feb 2025).
- SASIKUMAR C & P.R.L RAJAVENKATESAN, Protection of Traditional Knowledge in India: Is It Daydream?, (2024).
- Fabiano de Correa, Environmental Justice: Securing Our Right to a Clean, Healthy and Sustainable Environment, (2022).
- Self-determination for Aboriginal and Torres Strait Islander peoples, (2024), <https://aigi.org.au/toolkit/self-determination-for-aboriginal-and-torres-strait-islander-peoples> (last visited Mar 17, 2025).
- Douglas Sanders, Self-Determination and Indigenous Peoples, in Brill | Nijhoff eBooks 55 (1993), [https://doi.org/10.1163/9789004635104\\_007](https://doi.org/10.1163/9789004635104_007) (last visited Feb 2025).
- Lowitja O'Donoghue, Self-Determination, (2018), <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/self-determination> (last visited Mar 17, 2025).
- Aboriginal and Torres Strait Islander self-determination, (2024), <https://vpssc.vic.gov.au/workforce-programs/aboriginal-cultural-capability-toolkit/aboriginal-self-determination> (last visited Mar 17, 2025).
- Benjamen Gussen, Recommendations on the Optimal Constitutional Recognition of the First Nations in Australia, 24 *Deakin Law Review* 213 (2019), <https://doi.org/10.21153/dlr2019vol24no1art875> (last visited Feb 2025).
- View of Recommendations on the Optimal Constitutional Recognition of the First Nations in Australia, <https://ojs.deakin.edu.au/index.php/dlr/article/view/875/839> (last visited Mar 17, 2025).

- THE CONSTITUTION ACTS, 1867 to 1982, (2020), <https://laws.justice.gc.ca/eng/Const/page-13.html> (last visited Mar 17, 2025).
- Constitution Act, 1982/Part II, (2022), [https://en.wikisource.org/wiki/Constitution\\_Act,\\_1982/Part\\_II](https://en.wikisource.org/wiki/Constitution_Act,_1982/Part_II) (last visited Mar 17, 2025).
- Immigration, Refugees and Citizenship Canada, INAN - Section 35 of the Constitution Act 1982 - Background, (2021), <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/inan-jan-28-2021/inan-section-35-constitution-act-1982-background-jan-28-2021.html> (last visited Mar 17, 2025).
- Karen Drake, R v Pamajewon, (2021), <https://works.bepress.com/karen-drake/111/> (last visited Feb 2025).
- Warren Bernauer & Gabrielle Slowey, COVID-19, Extractive Industries, and Indigenous Communities in Canada: Notes towards a Political Economy Research Agenda, 7 *The Extractive Industries and Society* 844 (2020), <https://doi.org/10.1016/j.exis.2020.05.012> (last visited Feb 2025).
- Patrick Macklem, Constitution Act, 1982, *Encyclopedia of Canadian Laws* (2017), <https://lawi.ca/constitution-act-1982/> (last visited Feb 2025).
- Michael Luoma, Collective Self-Determination, Territory and the Wet'suwet'en: What Justifies the Political Authority of Historic Indigenous Governments over Land and People?, 55 *Canadian Journal of Political Science* 19 (2022), <https://doi.org/10.1017/s0008423921000913> (last visited Feb 2025).
- Lisa Mardikian & Sofia Galani, Protecting the Arctic Indigenous Peoples' Livelihoods in the Face of Climate Change: The Potential of Regional Human Rights Law and the Law of the Sea, 23 *Human Rights Law Review* (2023), <https://doi.org/10.1093/hrlr/ngad020> (last visited Feb 2025).
- Industrial Designs and Folklore: A Comparative Study in Indian perspective, 28 *Journal of Intellectual Property Rights* (2023), <https://doi.org/10.56042/jipr.v28i4.653> (last visited Jan 2025).
- prstjohn, Gussen 40(3) Pre-Press, (2017), [https://law.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0011/2494280/05-Gussen.pdf](https://law.unimelb.edu.au/__data/assets/pdf_file/0011/2494280/05-Gussen.pdf) (last visited Mar 17, 2025).

- Jaime Fierro, Indigenous People, Recognition, and Democracy in Latin America, 43 *Ethnic and Racial Studies* 2746 (2019), <https://doi.org/10.1080/01419870.2019.1691740> (last visited Feb 2025).
- Bronwen Manby, 'Legal Identity for All' and Statelessness: Opportunity and Threat at the Junction of Public and Private International Law, 248 (2020), <https://doi.org/10.35715/scr2002.113> (last visited Feb 2025).

\*\*\*\*\*