CONTENTS

Acknowledgments vii List of Contributors viii Foreword xi ROBERT A. WILLIAMS, JR.

1. "Land Back": Indigenous Peoples and Land Rights 1
WILLIAM NIKOLAKIS

PART I Latin America

AND MARCOS GLAUSER

 The Elusive Promise of Indigenous Land Rights in Paraguay: Achievements, Challenges, and Current Trends 27
 JOEL E. CORREIA, RODRIGO VILLAGRA-CARRON,

Recognizing and Reclaiming Indigenous Peoples' Constitutional Land Rights in Brazil: Challenges and Opportunities 50

FERNANDA FRIZZO BRAGATO AND JOCELYN GETGEN KESTENBAUM

- Indigenous Peoples and Territorial Rights in Colombia:
 Advances and Challenges in the "Implementation Gap"
 72
 OMAIRA BOLAÑOS CÁRDENAS AND RICARDO CAMILO NIÑO
 IZQUIERDO
- 5. Indigenous Land Rights in Chile: Dispossession, Misrecognition, and Litigation 98

ALEXANDRA TOMASELLI

PART II Australia, Canada, and New Zealand

6. Aboriginal Land Rights in Australia: Neither National nor Uniform 119

FRANCIS MARKHAM AND HEIDI NORMAN

v

vi Contents

7. Dispossession by Treaty, Dispossession by Statute: Indigenous Title in Eastern and Western Canada 149

DANIEL DIAMOND AND DOUGLAS SANDERSON (AMO BINASHII)

 Māori Land Law in Aotearoa New Zealand: Recognizing Land as tāonga tuku iho 168
 CARWYN JONES AND SANDRA CORTÉS ACOSTA

PART III Africa and Asia

- Land Rights of Indigenous Peoples in the Democratic Republic of Congo: "First Come, Last Served" 187
 LASSANA KONÉ
- 10. San Land Rights in Botswana: A Critical Analysis 206
 ROBERT K. HITCHCOCK, MARIA SAPIGNOLI,
 AND SMITH MOETI
- 11. Rights to Land among Amazigh Peoples in Morocco:
 The Case of the High Atlas 229

 AHMED BENDELLA, UGO D'AMBROSIO, EMILY CARUSO,
 GARY MARTIN, SOUFIANE M'SOU, MARI CARMEN ROMERA,
 AND PABLO DOMINGUEZ.
- 12. Adivasis and Land Rights in India: Dispossession and the "Implementation Gap" 249

 IAGANNATH AMBAGUDIA
- Legal Privileges and the Effective Recognition of Indigenous Land Rights: Lessons from Malaysia 280
 YOGESWARAN SUBRAMANIAM
- 14. Indigenous Peoples and Electoral Politics in Thailand and Cambodia: One Strategy to Secure Land Rights in Contested Spaces 310

IAN G. BAIRD

 Conclusion: Reclaiming Land Rights under the Pressure of Nation-States – Insights and Future Directions from Sápmi 331

OULA-ANTTI LABBA

Index 341