

PART I

Latin America

Indigenous Peoples across *Latin America* range from being significant parts of the overall population in Bolivia and Guatemala, to minorities in Argentina and Uruguay. However, the Latin American countries have some of the most comprehensive Indigenous land rights laws across the globe. Most nations across Latin America have adopted the International Labor Organization (ILO) 169, Indigenous and Tribal Peoples Convention. Larsen and Gilbert (2020) identified the ILO 169 as the “only international binding treaty on indigenous peoples’ rights” (p. 83). ILO 169 establishes duties on states to protect and promote the rights of Indigenous Peoples, which it argued produced across the Latin American region a “‘norms cascade’ whereby elected democratic governments ratified numerous international human rights instruments as a means of staking their global democratic credentials” (Sieder, 2016, p. 416).

Yet popularism (Soley & Steininger, 2018), together with globalization and commodity extraction, has seen land and resource grabs across the region, with flagrant and often violent transgressions against Indigenous Peoples and their land rights (despite the legal protections) (Begotti & Peres, 2019; Ferrante & Fearnside, 2019). Indigenous Peoples have responded with three key general strategies to protect and advance their land rights across Latin America: mobilizing through social movements to advocate for land rights; litigating for and judicializing Indigenous rights in the courts, such as in Chile and parts of Colombia (Morris et al., 2009); and, where there has been a lack of success in domestic courts (and enforcing judgments), sometimes exploring extranational legal fora, such as the Inter-American Commission and Court to support their rights (Sieder, 2016; Sikkink, 2005). Since the early 2000s, the Inter-American Court of Human Rights has developed a body of jurisprudence around the collective rights of Indigenous Peoples in parts of Latin America, and established duties on state members to protect these rights (Morris et al., 2009). There has been a defining tension within states around accepting and implementing these decisions (Soley & Steininger, 2018).

