

Editorial

## Indigenous Emancipation: The Fight Against Marginalisation, Criminalisation, and Oppression

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### Abstract

This thematic issue addresses the challenges faced by Indigenous peoples in protecting their rights and maintaining their unique cultures and ways of life. Despite residing on all continents and possessing distinct social, cultural, economic, and political characteristics, Indigenous peoples have historically faced oppression and violation of their rights. Measures to protect Indigenous rights are gradually being recognized by the international community, but ongoing issues such as illegal deforestation, mining, and land clearances continue to desecrate sacred sites and oppress Indigenous peoples. Indigenous women and youth are particularly vulnerable, facing higher levels of gender-based violence and overrepresentation in judicial sentencing statistics. Land rights continue to be threatened by natural resource extraction, infrastructure projects, large-scale agricultural expansion, and conservation orders. There is also a heightened risk of statelessness for Indigenous peoples whose traditional lands cross national borders, leading to displacement, attacks, killings, and criminalization.

### Keywords

criminalisation; displacement; Indigenous emancipation; Indigenous rights; justice; marginalisation; oppression; settler-colonialism

### Issue

This editorial is part of the issue “Indigenous Emancipation: The Fight Against Marginalisation, Criminalisation, and Oppression” edited by Grace O’Brien (Queensland University of Technology), Pey-Chun Pan (National Pingtung University of Science and Technology), Mustapha Sheikh (University of Leeds), and Simon Prideaux ((In)Justice International) as part of the (In)Justice International Collective.

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According to the United Nations Human Rights Office of the High Commissioner (OHCHR, 2020), Indigenous Peoples reside on all continents, including the Arctic, Asia, Africa, Australia, and the Americas. The United Nations Permanent Forum on Indigenous Issues, cited in Bartlett et al. (2007), states that Indigenous Peoples possess unique cultures and ways of relating to people and the environment that they inherited and practiced over time. Indigenous Peoples maintain social, cultural, economic, and political characteristics that differentiate them from the dominant society in which they live. Despite cultural differences, Indigenous Peoples face

similar challenges in protecting their rights as distinct peoples. Therefore, Indigenous Peoples have been fighting for recognition of their identities, way of life, and their right to traditional lands, territories, and natural resources for many years.

Unfortunately, throughout history, Indigenous Peoples’ rights have been constantly violated, making them one of the most disadvantaged and vulnerable groups globally. In response, the international community is gradually acknowledging that special measures are necessary to protect Indigenous rights and maintain their distinct cultures and ways of life. However,

practices such as illegal deforestation, mining, and land clearances, as well as the confiscation of lands, have desecrated sacred sites and contributed to the oppression of Indigenous Peoples in countries such as Australia, Papua New Guinea, and Brazil (Poirier et al., 2022). Additionally, the confiscation of lands, either by deception or force (in the US, Australia, and New Zealand) and the imposition of “white” norms and values of the dominant “social” configurations of the “civilised” Western (minority) world, as exemplified by Residential Schools in Canada (1880s–1996) and state sanctioned Missions in Australia (1820–1987), have further contributed to the subjugation of Indigenous Peoples.

Despite ongoing efforts to protect Indigenous rights, Indigenous women and youth remain particularly vulnerable, as they face higher levels of gender-based violence and are overrepresented in judicial sentencing statistics (O’Brien, 2021). To reiterate, Indigenous Peoples continue to face threats to their land rights due to natural resource extraction, infrastructure projects, large-scale agricultural expansion, and conservation orders. In some cases, there is a heightened risk of statelessness and lack of identity for Indigenous Peoples whose traditional lands cross national borders (i.e., the Sámi in Scandinavia and parts of Russia), leading to displacement, attacks, killings, and criminalization (OHCHR, 2020).

In this thematic issue on Indigenous Peoples, several key themes emerge from various contributors, including Indigenous rights and sovereignty, the relationship between Indigenous Peoples and settler colonial states, the impact of extractivism on Indigenous communities, and the importance of truth-telling and Indigenous resurgence.

In her article on Anishinaabe law, Brown (2023) reviews *Restoule v. Canada*, a recent Ontario decision brought by Anishinaabe Treaty beneficiaries who seek to affirm treaty rights as they were signed between the Anishinaabe Nation of Northern Ontario and the colonial officers in 1850. The research highlights the ongoing struggle of Indigenous Peoples to affirm their rights, particularly in the context of resource development. The theme of Indigenous Peoples’ treaty rights and their relationship with the Canadian government are key themes that emerge from this important contribution.

Simon and Mona (2023) focus on Taiwan’s Indigenous Peoples and their demands for political autonomy. The article examines the impact of liberal indigeneity on Indigenous sovereignty, particularly in relation to hunting and naming rights. They highlight the challenges that Indigenous Peoples face in asserting their sovereignty and the importance of affirming Indigenous nationhood in the face of systemic racism. The themes of Indigenous sovereignty, political autonomy, and systemic racism emerge strongly from their research.

Schwab’s (2023) article is an analysis of Ecuador’s extractivist model and its impact on Indigenous Peoples. The article highlights the tension between Ecuador’s progressive Constitution, which guarantees collective rights

to Indigenous Peoples and nature, and the country’s strategic reliance on the oil sector. The focus is on the role of extractivism in social mobilization and the challenges faced by Indigenous Peoples in the face of new pressures such as climate change and the energy transition.

Maddison et al. (2023) focus on the process of treaty-making and truth-telling in Australia. Their article examines the potential of truth-telling to transform the relationships between Indigenous Peoples and colonial settlers and lead to Indigenous emancipation. This research presents a circumspect assessment of the possibilities for Indigenous emancipation that might emerge through truth-telling, drawing on international experience and the perspectives of Indigenous and non-Indigenous critical scholars.

McArdle and Neill (2023) discuss the challenges that Indigenous Peoples face in accessing healthcare services, particularly in the context of the Covid-19 pandemic. The article highlights the importance of Indigenous-led healthcare initiatives and the need for healthcare providers to recognize and address the systemic barriers that Indigenous Peoples face.

Finally, Avery (2023), in a powerful rejoinder to an anonymous reviewer, raises important questions around the integrity and legitimacy of the decolonising drive within higher education, especially when led by non-Indigenous academics who themselves act as gatekeepers, blocking Indigenous scholarship from taking its rightful place in the academy. His commentary addresses structural racism, toxic academic cultures, and serves as a call for all involved in the decolonizing drive to “practice what they preach.”

Each of the contributions to this thematic issue underscores that the ongoing violations of Indigenous Peoples’ rights are a reflection of deeply ingrained historical and contemporary power imbalances, where dominant societies have often sought to assimilate, exploit, or even eradicate Indigenous populations. These power imbalances are often perpetuated by neoliberal policies that prioritise economic growth and development over human rights and environmental protection. The extractive industries, which extract natural resources such as minerals and oil are particularly problematic for Indigenous Peoples, as their territories often overlap with areas of high resource wealth. Many governments and multinational corporations have engaged in extractive activities without obtaining the free, prior, and informed consent of Indigenous communities, which violates their rights to self-determination and to their traditional lands and resources. These extractive industries also contribute to environmental degradation, which disproportionately affects Indigenous communities who rely on the land and natural resources for their livelihoods and cultural practices.

In addition to resource extraction, infrastructure projects, large scale agricultural expansion, and conservation orders have also resulted in the displacement and criminalisation of Indigenous Peoples. These practices

have led to the destruction of Indigenous homes, sacred sites, and ecosystems, as well as the loss of cultural and linguistic diversity. Such displacement has significant negative impacts on Indigenous Peoples' physical and mental health, and their social and economic well-being.

To address these issues, it is crucial to recognise Indigenous Peoples' inherent rights to self-determination, traditional lands, and resources. Governments and multinational corporations must work with Indigenous communities to ensure that their rights are respected and that their perspectives are included in decision-making processes. This includes implementing free, prior, and informed consent mechanisms, which give Indigenous communities the power to make decisions about development projects that may affect them.

There is also a need for greater accountability for the violations of Indigenous Peoples' rights. International organisations, such as the International Criminal Court, must investigate and prosecute individuals and organisations responsible for crimes committed against Indigenous Peoples. Such efforts can serve as a deterrent to future violations and help to restore justice and dignity to affected Indigenous communities.

The protection of Indigenous Peoples' rights and cultures is essential for upholding universal human rights and achieving sustainable development. The international community must recognise the unique challenges facing Indigenous Peoples and work towards the creation of policies that promote their self-determination, empowerment, and well-being. The need for *Social Inclusion* and (In)Justice International to expose and condemn these atrocities against Indigenous Peoples is crucial. This thematic issue is another important step towards this goal.

### Conflict of Interests

The authors declare no conflict of interests.

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