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# Indigenous Peoples' Rights Discourse: Toward Hemispheric Indigenous Climate and Environmental Justice

Melinda M. Adams and Daniel B. Sarvestani

## ABSTRACT

In the face of global climate change, Indigenous communities around the world have increasingly gained recognition as significant actors in the fight for environmental justice and sustainability. This paper endeavors to explore the intersection of Indigenous Peoples' worldviews and environmental stewardship, while gesturing toward international policies rooted in both state apparatus and in indigenous grassroots efforts. Collectively, this work seeks to illuminate the action, implementation, and community work done by Indigenous Peoples that Hernandez [Binnizá & Maya Ch'orti'] (2022) calls for when approaching indigenous environmental and climate justice, "justice that incorporates cultural norms, values, and principles." In doing so, we present hemispheric case examples of Indigenous Peoples reclaiming environmental and cultural identities in the United States, Guatemala, and Garifuna. The case study of Indigenous fire stewardship in what is now known as California (USA) provides insight into applications of international Indigenous Peoples' Rights Discourses to argue for more inclusive approaches in what we conceptualize as "Indigenous fire justice." Case studies in Honduras and Garifuna underscore the success and failure of acknowledging Indigenous voices and perspectives in climate change discussions and policymaking that reflect the unique needs, cultural identities, and aspirations of Indigenous Peoples. Collectively, this scholarship uplifts hemispheric, Indigenous environmental stewardship as examples to illustrate the power of Indigenous approaches in addressing issues concerning climate change, environmental sustainability, and community well-being. By learning from and highlighting the work of Indigenous Peoples, recognizing our/their invaluable contributions worldwide, we can forge a more just and sustainable path forward in the global response to climate change.

**Keywords:** Indigenous environmental justice, Indigenous Peoples Rights Discourse, Indigenous climate justice, Traditional Ecological Knowledge, Indigenous cultural fire, Indigenous fire justice

## INTRODUCTION

In the face of global climate change, Indigenous communities around the world have increasingly gained recognition as significant actors in the fight for environmental

justice and sustainability. Indigenous Peoples' Traditional knowledge and sustainable practices offer unique insights into the ethos of climate resilience. This paper endeavors to explore the intersection of Indigenous Peoples' worldviews and Indigenous environmental stewardship, while gesturing toward international policies rooted in both state apparatus and in Indigenous grassroots efforts. Collectively, this work articulates Indigenous Peoples' rights as framed by Hernandez [Binnizá & Maya Ch'orti'] (2019) which "includes everything that is interconnected to our environment, culture, health, economy, politics, and other systems."

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Further, we seek to illuminate the action, implementation, and community work done by Indigenous Peoples that Hernandez (2022) calls for when conceptualizing Indigenous environmental and climate justice, “justice that incorporates cultural norms, values, and principles.” In doing so, we present hemispheric case examples of Indigenous Peoples reclaiming environmental and cultural identities in the United States, Guatemala, and Garifuna.

The case study of Indigenous fire stewardship in California (USA) provides insight into applications of international Indigenous Peoples’ Rights Discourses (IPRD) to argue for more inclusive approaches presented in what we term “Indigenous fire justice”. The author’s work in the reclamation of cultural fire practices involves stewardship of controlled fire based on Indigenous Traditional Ecological Knowledge<sup>1,2</sup> and practices.<sup>3</sup> Cultural burns, conducted in collaboration with Tribal Nations, represent the confluence of Ancient knowledge systems with contemporary fire and ecological science toward Indigenous climate and environmental justice. Additionally, Indigenous fire practices assist in mitigating the risk of wildfires, which demonstrates the potential for Indigenous-led environmental solutions, prioritizing communal well-being and ecosystem health.

Simultaneously, to build a hemispheric approach to Indigenous climate and environmental justice, case studies in Honduras and Garifuna are presented within the framework of United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the International Labor Organization (ILO) Convention 169. These cases emphasize the prominence of acknowledging Indigenous voices and perspectives in climate change discussions and policymaking. Additionally, through our co-author’s specialization on the application of International Indigenous Peoples’ Rights Discourse, we highlight the critical role of Indigenous communities shaping climate policies that reflect our/their unique needs, cultural identities, and aspirations. Collectively, this scholarship uplifts hemispheric, Indigenous environmental stewardship as examples to illustrate the power of Indigenous approaches in addressing issues concerning climate change, environmental sustainability, and community well-being. These approaches are often rooted in the preservation of cultural Traditions, community collaboration, and a deep connection to the land. By learning from and highlighting the work of Indigenous Peoples, recognizing our/their invaluable contributions worldwide, we can forge a more just and sustainable path forward in the global response to climate change.

<sup>1</sup>Lake, F. K. (2007). *Traditional ecological knowledge to develop and maintain fire regimes in northwestern California, Klamath-Siskiyou bioregion: management and restoration of culturally significant habitats*. PhD dissertation. Oregon State University.

<sup>2</sup>Ramos, S. C. (2018). Considerations for culturally sensitive traditional ecological knowledge research in wildlife conservation. *Wildlife Society Bulletin*. 42:358–365.

<sup>3</sup>Adams, M.M. (2023a). Indigenous Ecologies: Cultivating Fire, Plants, and Climate Futurity. *Artemisia*. 49(2):20–29.

## INDIGENOUS PEOPLES’ RIGHTS DISCOURSE

At its core, the IPRD is supported by two foundational documents: the ILO Convention 169 and the UNDRIP Convention No. 169, also known as the Indigenous and Tribal Peoples Convention, constitutes a legally binding treaty that sets out a framework for the protection of the rights and interests of Indigenous and Tribal Peoples.<sup>4</sup> Once countries become party to the Convention, the articles of the treaty are expected to be effectively integrated into national law.<sup>5</sup> To date, only 23 States have ratified the Convention, with a substantial presence in Latin America.<sup>6</sup> Adopted internationally by the UN General Assembly in 2007, UNDRIP similarly outlines collective and individual rights of Indigenous Peoples globally which has influenced national and international legal discourses, interpretations, and policies.<sup>7</sup> Together, UNDRIP, the ILO Convention 169, and institutions related to these landmark legal frameworks have set international standards for the rights of Indigenous Peoples.

Adoption of these documents marks a paramount milestone in international law for various reasons. First, these frameworks offer some of the first efforts to institutionally acknowledge the challenges faced by Indigenous communities worldwide and to establish mechanisms aimed at rectifying historical injustices and marginalization endured by Indigenous Peoples.<sup>8</sup> Second, these frameworks aim to move away from earlier, assimilationist approaches, to one that attempts to respect Indigenous Peoples’ rights to autonomy, and cultural heritage.<sup>9</sup> Finally, Convention 169 includes self-identification as a core component of determining indigeneity. This is a crucial aspect of IPRD, allowing for a broader scope of application and a more inclusive recognition of diverse Indigenous groups.<sup>10</sup>

One of the key differences between UNDRIP and ILO Convention lies in their manner of incorporation. While ILO Convention 169 is ratified, meaning that once states sign it, they are pledging to incorporate it into law—making it enforceable.<sup>11</sup> UNDRIP is a declaration, implying it is a pledge which can often hold no more weight than a promise without enforceability.<sup>12</sup> Member states that have ratified

<sup>4</sup>International Labour Organization (ILO). (1989). *Indigenous and Tribal Peoples Convention, 1989 (No.169)*. Retrieved from <https://www.ilo.org/dyn/normlex/en/f?>

<sup>5</sup>ibid.

<sup>6</sup>ibid.

<sup>7</sup>UNDRIP. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*. United Nations General Assembly.

<sup>8</sup>Anaya, S. J. (2009). *International Human Rights and Indigenous Peoples*. Aspen Publishers.

<sup>9</sup>Anaya, J. (2010). *Indigenous Peoples in International Law* (2nd ed.). Oxford University Press.

<sup>10</sup>Swepston, L. (1990). *A new step in the international law on indigenous and tribal peoples: ILO Convention No. 169 of 1989*. Oklahoma City University Law Review.

<sup>11</sup>International Labour Organization (ILO). (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*.

<sup>12</sup>United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*.

the Convention technically owe a duty under both national and international law to uphold the articles within the ILO Convention. Policymakers and advocates can use the ILO Convention to hold state authorities accountable under domestic law.<sup>13</sup> This is not necessarily the case with UNDRIP, where the declaration acts more like an overall pledge by nation-states to uphold the principles of Indigenous Peoples' rights. When one signs UNDRIP, they are not ratifying the declaration but merely pledging their support for these frameworks, toward Indigenous Peoples' rights.<sup>14</sup> However, there are indications that this might be changing, as countries are beginning to incorporate UNDRIP into domestic law. This trend is currently led by Canada and Bolivia; Bolivia by implementing UNDRIP into its constitution in 2009 and Canada by passing Bill C-15 in 2020, an Act to uphold UNDRIP as national law.<sup>15</sup> However, it remains to be seen if nation-states and authorities will uphold the principles of UNDRIP to the fullest. International discourse and legal principles typically refrain from overstepping state boundaries, inherently depending on state cooperation and agreement for implementation.<sup>16</sup> If states decide not to uphold international principles and human rights standards, including those of Indigenous Peoples, there are few international mechanisms that can effectively hold states accountable.<sup>17</sup> Even among the 23 nation-states that have ratified ILO, despite the Convention carrying the force of domestic law in these countries, many states continue to fall short in upholding Indigenous Peoples' rights.

Though both documents have signaled the importance of Indigenous self-determination in the stewardship of Indigenous lands, waters, and cultures, much of the work in upholding the declaration have been carried out by Indigenous Peoples themselves. For example, though UNDRIP remains unratified, specifically in the United States, Tribes are being called on by state and local agencies to intergrade Traditional Environmental Knowledge (TEK) into climate mitigation and adaptation plans. However, for Tribes who hold Ancestral knowledge of land and water stewardship, there cannot be climate and environmental justice without first recognizing the detrimental effects of climate change which are rooted in colonization and historic-ongoing seizure of lands from Indigenous Peoples.

### INDIGENOUS FIRE JUSTICE: RECLAIMING CULTURAL FIRE IN CALIFORNIA

Fire-adapted landscapes, such as those in what is now known as "California" have largely been transformed since European settlers forcefully removed Indigenous

People from their homelands, prohibiting cultural burning practices. Subsequent federal and state suppressive fire policies have altered many ecotones (forests, savannahs, and grasslands) which are more susceptible to current impacts of wildfire<sup>18,19,20,21</sup> and are compounded by the effects of climate change.<sup>22,23</sup> The 2021 IPCC report makes reference to how the combination of Indigenous knowledge and contemporary scientific research is essential in understanding and combating climate change effects.<sup>24</sup> Climate change itself is inherently tied to colonial practices, both historically and in the present, as anthropogenic activities have hinged on the dispossession of Indigenous land and resources. Additionally, the fifth assessment report identifies that Indigenous ecological knowledge is a vital tool in the fight to mitigate the growing climate crisis. In California, wildfire is on the rise, consuming record-breaking acres each year.

Cultural fires differ within each Indigenous community, but conceptually are Indigenous-led prescribed burns placed for the purposes of regenerating culturally significant plants as the main goal. Simultaneous to this goal is also "fuels reduction" or clearing overgrown vegetation that acts as fire hazards. Historically, during the 1800s, government agencies began suppressing and outlawing the use of Traditional cultural fire. Without Traditional stewardship, including cultural fire, the appearance of the California landscape has shifted tremendously and is now susceptible to prolonged drought seasons and catastrophic wildfire.<sup>25,26</sup> Recognizing the wildfire crisis, state agencies

<sup>18</sup>Goode, R.W., S. Gaughen, M. Fierro, D. Hankins, K. Johnson-Reyes, B. R. Middleton, T. RedOwl, and R. Yonemura. (2018). Summary Report from Tribal and Indigenous Communities within California. SUM-CCCA4–2018-010, California's Fourth Climate Change Assessment.

<sup>19</sup>Hessburg, P. F., Prichard, S. J., Haggmann, R. K., Povak, N. A., & Lake, F. K. (2021). Wildfire and climate change adaptation of western North American forests: a case for intentional management. *Ecological applications*, 31(8), e02432.

<sup>20</sup>Prichard, S. J., Salter, R. B., Hessburg, P. F., Povak, N. A., & Gray, R. W. (2023). The REBURN model: simulating system-level forest succession and wildfire dynamics. *Fire Ecology*, 19(1), 1–32.

<sup>21</sup>Stephens, S.L., Thompson, S., Boisramé, G., Collins, B.M., Ponisio, L.C., Rakhmatulina, E., Steel, Z.L., Stevens, J.T., van Wagendonk, J.W. and Wilkin, K. (2021). Fire, water, and biodiversity in the Sierra Nevada: A possible triple win. *Environmental Research Communications*. 3(8), p.081004.

<sup>22</sup>Clark, S. A., A. Miller, and D. L. Hankins. (2021). Good fire: current barriers to the expansion of cultural burning and prescribed fire in California and recommended solutions. Karuk Tribe, Happy Camp, California, USA.

<sup>23</sup>United States Department of Agriculture (USDA). (2023). On Fire: The Report of the Wildland Fire Mitigation and Management Commission.

<sup>24</sup>IPCC (Intergovernmental Panel on Climate Change). (2021). Summary for policymakers. in: Climate change: The physical science basis. Contribution of working group to the sixth assessment report of the intergovernmental panel on climate change.

<sup>25</sup>Stuart, J. D., & Stephens, S. L. (2006). North coast bioregion. *Fire in California's ecosystems*. University of California Press, Berkeley, California, USA, 147–169.

<sup>26</sup>McWethy, D.B., Schoennagel, T., Higuera, P.E., Krawchuk, M., Harvey, B.J., Metcalf, E.C., Schultz, C., Miller, C., Metcalf, A.L., Buma, B., Virapongse, A., Kulig, J., Stedman, R., Ratajczak, Z., Nelson, C., and Kolden, C. (2019). Rethinking resilience to wildfire. *Nature Sustainability*. 2(9):797–804.

<sup>13</sup>International Labor Organization. (n.d.). Frequently Asked Questions: Indigenous and Tribal Peoples Convention, 1989 (No. 169).

<sup>14</sup>United Nations. (2007). United Nations Declaration on the Rights of Indigenous Peoples.

<sup>15</sup>Parliament of Canada. (2021). Bill C-15: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

<sup>16</sup>Henkin, L. (1990). *How Nations Behave: Law and Foreign Policy*. Columbia University Press.

<sup>17</sup>Anaya, S. J. (2004). *Indigenous Peoples in International Law*. Oxford University Press.



have begun to increase collaborations with Tribes to hold fire demonstrations as a wildfire mitigation strategy. In partnering with Tribes, there is opportunity to leverage Indigenous environmental justice by conducting burns on the Tribes' terms. This is what we propose as "Indigenous fire justice".

Environmental justice scholars have defined and explored different avenues of justice: distributive, procedural, and recognition. Distributive justice addresses the overrepresentation of environmental harm in communities of color; procedural justice centers on ensuring that all communities can participate in the environmental decision-making process; recognition justice refers to the affirmation of group identity and acknowledgment that as a distinct group do not want to receive the same treatment as dissimilar communities. Through the praxis of "Indigenous fire justice", emerging themes of distributive, procedural, and recognition justice in Indian country are fulfilled. Conducting more cultural fires demonstrates "Indigenous fire justice" first by distributive justice, mitigating environmental harm through home hardening in fire-prone communities, to which many Tribal Nations are placed; procedural justice is reached as Tribes exercise autonomy in fire decision-making including setting the goals of cultural burns, determining that community members can participate in the burns (whether they have fire certifications or not); and recognition justice is demonstrated through exercising tribal sovereignty, affirming we/they have the inherent right to steward our homelands through the use of fire stewardship on our terms.

Further, obtaining "Indigenous fire justice" could be achieved through policy implementation, perhaps in articles of the UN Declaration on the Rights of Indigenous Peoples. According to [Pawnee] legal scholar Walter Echohawk (2013), "UNDRIP embodies a common understanding about the rights of Indigenous Peoples on a global scale, upon a foundation of fundamental human rights, including rights of equality, self-determination, property, and cultural integrity."<sup>27,28</sup> UNDRIP is an instrument that should motivate and guide steps in reconciliation with Indigenous Peoples, on just terms. This measure would require that the U.S. support United Nations' efforts to pass protocol to implement states' compliance with UNDRIP, as none currently exist, as of 2017.

Additionally, Indigenous environmental justice scholar Dina Gilio-Whitaker [Colville Confederated Tribes] (2019) suggests the Environmental Protection Agency's official definition of environmental justice should "be amended to include language that acknowledges the historic, political and cultural differences of Native Peoples, acknowledges Indigenous worldviews, protects sacred sites and admits the US history of colonization and

genocide."<sup>29</sup> Indigenizing environmental justice definitions could go a long way in building accountability and rectifying the relationship between Native people and settler states. With specific regard to "Indigenous fire justice", Lake et al. (2019), offer enforcing UNDRIP to support cultural practices, such as burning. Article 31 (1) of UNDRIP states that Indigenous Peoples have the "right to maintain, control, protect, and develop their cultural heritage, Traditional knowledge, and Traditional cultural expressions, as well as the manifestations of their sciences, technologies, and cultures."<sup>30,31</sup> Hoffman et al. (2019) put a call for more cultural fire in Canada through UNDRIP. Hoffman et al. shares, "cultural burning should allow Indigenous Peoples to burn in our/their territories without existing bureaucracy and state supervision." Therefore, recognizing cultural burning within UNDRIP could allow Indigenous fire management programs to be implemented across broader territories. By exploring the specificities of UNDRIP related to cultural fire practices in the U.S. and beyond, perhaps this work can catalyze invoking articles of UNDRIP to reconcile with Indigenous Peoples on just terms; reclaim landcare responsibilities; protect cultural practices, ensure the right to self-determination; and uphold the right to steward homelands through the deployment of Indigenous cultural fires.

Given the movement of Tribes invoking sovereignty through Indigenous fire stewardship in California as a climate and wildfire mitigation tool, we now turn to an example of Indigenous communities in what is known as Latin America actively shaping climate policies that reflect their unique needs, cultural identities, and aspirations.

#### IPRD AND THE CH'ORTI' MAYA MOVEMENT

In numerous Indigenous communities, IPRD are more than mere legal documents. These discourses often overlap with local aspirations and movements, adapting to the unique circumstances and ambitions of each community. IPRD may merge with and influence the social narratives within grassroots movements, lending legitimacy and supporting local efforts for fundamental rights. Indigenous communities often strategically employ IPRD language to resist colonial narratives and impositions. This dynamic is illustrated among Ch'orti' Maya Peoples of Guatemala and Honduras, where IPRD interconnects with local movements, inspiring revitalization of cultural identity and resistance to state centric colonial repression.

<sup>27</sup>Echo-Hawk, Walter R. (2013). *In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples*. Golden, Colorado: Fulcrum Press.

<sup>28</sup>Borrows, John, Larry Chartrand, et al., (2019) eds. *Braiding Legal Orders: Implementing the UN Declaration on the Rights of Indigenous Peoples*. CIGI Press.

<sup>29</sup>Gilio-Whitaker, D. (2019). *As Long as Grass Grows: the Indigenous Fight for Environmental Justice, From Colonization to Standing Rock*. Beacon Press.

<sup>30</sup>Risling Baldy, Cutcha. 2013. Why we gather: traditional gathering in Native Northwest California and the future of bi-cultural sovereignty. *Ecological Processes*. (2):1-10.

<sup>31</sup>Lake, F.K.; Christianson, A.C. (2019). Indigenous Fire Stewardship In: S. L. Manzello, ed. *Encyclopedia of Wildfires and Wildland-Urban Interface (WUI) Fires*. Cham, Switzerland: Springer.

Ch'orti' Maya Peoples are an Indigenous group in Eastern Guatemala, Western Honduras, and northwestern El Salvador. Historically, the Ch'orti' Maya, like other Maya communities, have faced colonialism, structural racism, discrimination, and land dispossession.<sup>32</sup> The stigmatization of Maya identity has long driven communities to renounce or distance themselves from their Ch'orti' heritage to avoid persecution marginalization. The 1990s saw a shift in Copan, Honduras, especially post-Guatemala civil war and with the ratification of ILO Convention 169. Many Maya Peoples began rallying around notions of Ch'orti' Indigeneity as a unifying theme to gain back land rights over traditional territory and demand for fundamental rights. In this context, IPRD played a critical role in motivating Ch'orti' Peoples grassroots movements, underscoring the importance of such discourses in Indigenous advocacy.<sup>33,34,35</sup>

The Ch'orti' Maya movement in Copán, Honduras, can serve as a microcosm of broader Indigenous rights movements across the Americas. While culturally contextual, IPRD can align with similar social and political forces that continue to drive Indigenous Peoples' rights movements. The Ch'orti' movements in the advent of the ratification of ILO Convention can be characterized by a resurgence in Indigenous identity and a reassertion of rights in response to the legacies of colonialism and modern challenges.<sup>36</sup> The Ch'orti' movement underscores the inherent right of access to land, self-determination, and cultural rights, which are vital for the cultural survivability of Indigenous Nations.<sup>37</sup> Ratification of the ILO Convention 169 coincides with the revitalization of the Ch'orti' Indigenous movement. The Ch'orti' case demonstrates how local activism and grassroots movements can inform international legal discourses to influence state authorities' recognition of Indigenous Peoples' rights including rights to communal land.<sup>38</sup>

Like many Indigenous rights movements worldwide, the Ch'orti' movement is a testament to the resilience and agency of Indigenous Peoples informing the evolution of IPRD. Through the intersectionality of international legal discourses and grassroots movements, the narrative of IPRD is continually evolving and takes

various creative forms among Indigenous communities as we/they navigate and challenge the complexities of sovereignty, globalization, and aspects of modernity.<sup>39</sup> This reimagining of community and belonging can be considered a form of decolonization, not as metaphor<sup>40</sup> but through endowing agency, and self-determination to Indigenous Ch'orti' community members in their fight to gain back access to their Ancestral lands.<sup>41</sup> It is a powerful testament to how cultural identity and notions of Indigeneity continually evolve and are strategically adapted to ensure the survival of communities through structures of colonialism.<sup>42</sup>

### A NEXUS OF ENVIRONMENTALISM AND IPRD

The nexus of environmental sustainability and Indigenous Peoples' rights is another critical area of consideration given that Indigenous territories are often sites encompassing rich biodiversity.<sup>43,44</sup> However, it is vital to emphasize that the pursuit of environmentalism should not compromise Indigenous Peoples' rights.<sup>45</sup> IPRD requires that environmental policies be thoughtfully crafted and executed through a firm commitment to recognizing and upholding the rights of Indigenous Peoples.<sup>46</sup> This means the pursuit of environmental goals must not infringe upon the rights of Indigenous communities, including our/their right to Free, Prior, and Informed Consent, and rights to territory and communal land. When done appropriately, incorporation of Indigenous Peoples' rights and Traditional knowledge systems form a crucial aspect in shaping effective and equitable environmental policies that are long lasting.<sup>47</sup>

Indigenous Traditions are often deep-rooted in connection to the land and our/their unique knowledge systems

<sup>32</sup>Metz, B. (1998). Without Nation, without Community: The Growth of Maya Nationalism among Ch'orti's of Eastern Guatemala. *Journal of anthropological research*. 54(3): 325–350.

<sup>33</sup>Metz, B. (2009). Searching for Ch'orti Maya indigeness in contemporary Guatemala, Honduras, and El Salvador. In Metz, B. E., McNeil, C. L., & Hull, K. M. (Eds.). *The Ch'orti Maya area: past and present* (pp. 161–172). University Press of Florida.

<sup>34</sup>Metz, B. (2010). Questions of indigeneity and the (re)emergent Ch'orti Maya of Honduras. *The Journal of Latin American and Caribbean Anthropology*. 15(2):289–316.

<sup>35</sup>Sarvestani, D. (2020). Challenging modernity: indigenous peoples rights and the reimagining of ethnic identity, *Urban Anthropology*. 49 (3, 4), 247–276.

<sup>36</sup>Ibid.

<sup>37</sup>Cabezas, A. L., & Mejía, R. E. (2007). Indigenous Rights and Autonomies: The Ch'orti' Maya Movement in Honduras. *Latin American Perspectives*.

<sup>38</sup>Ibid.

<sup>39</sup>Tauli-Corpuz, V. (2016). The Global Indigenous Movement: Achievements and Challenges. *Indigenous Affairs*.

<sup>40</sup>Tuck, Eve, and K. Wayne Yang. (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society*. (68):61–111.

<sup>41</sup>Sarvestani, D. (2020). Challenging modernity: indigenous peoples rights and the reimagining of ethnic identity. *Urban Anthropology*. 49(4):247–276.

<sup>42</sup>Dirth, T. P., and Adams, G. (2019). Decolonial Theory and Disability Studies: On the Modernity/Coloniality of Ability. *Journal of Social, Political Psychology*. 7(1): 260–289.

<sup>43</sup>UNEP. (2022). Emissions Gap Report 2022. United Nations Environment Programme.

<sup>44</sup>Berkes, F., Colding, J., & Folke, C. (2000). Rediscovery of Traditional Ecological Knowledge as Adaptive Management. *Ecological Applications*. 10(5):1251–1262.

<sup>45</sup>IPCC (Intergovernmental Panel on Climate Change). (2019). Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems.

<sup>46</sup>UNDRIP. (2007). United Nations Declaration on the Rights of Indigenous Peoples. United Nations General Assembly.

<sup>47</sup>Tsosie, R. (2007). Indigenous Peoples and Environmental Justice: The Impact of Climate Change. *University of Colorado Law Review*. (78):1625–1688.

rich with TEK.<sup>48,49,50</sup> Indigenous Peoples traditions and ecological knowledge systems offer insights into biodiversity observation and how to live in right relations with the more than human world. The lessons from Indigenous practices can inform efforts to mitigate climate change and promote much needed environmental justice. Indeed, Indigenous Peoples' knowledge, wisdom, and practices offer invaluable foundations at the forefront of environmental sustainability.<sup>51</sup> International IPRD recall narratives marked by resilience and the continual push for recognition and implementation of the rights that are critical for the survival and thriving of Indigenous cultures and societies alongside the health and well-being of land and its biodiverse ecosystems.<sup>52</sup>

An example of the nexus of environmentalism and IPRD is the cultural fire work discussed earlier in this paper. Currently, through extensive advocacy of cultural fire practitioners in the state of California, new legislative changes have been made to remove several barriers so that Indigenous Peoples and cultural fire practitioners can steward their lands while mitigating the onset of increase in wildfires,<sup>53</sup> thus exemplifying the nexus this paper calls for. Senate Bill 332<sup>54</sup> and Assembly Bill 642<sup>55</sup> enacted in 2022 have (a) lowered liability for cultural burns to increase fire placement carried out by Indigenous cultural fire practitioners and (b) have equated the status of a cultural fire practitioner to that of a state certified "burn boss." The latter bill removes potential barriers that underrepresented communities continuously encounter in obtaining fire certifications which typically take years to achieve and are cost prohibited for many members of the community. The equivalency to burn boss also allows cultural fire demonstrations to be written and executed with cultural objectives versus fuels reductions as the main goal.<sup>56</sup> For

most state and federal fire prescriptions, the primary goal is fuels reduction that removes overbrush or overgrown vegetation which serves as a fire hazard, particularly in the wildlife urban interface (WUI). With cultural burns, the primary goal of fire placement is typically to enrich cultural resources which include culturally significant plant species, or can include improvement in browsing materials for ungulates or other wildlife to increase quality of game, among other rich and culturally rooted objectives specific to Tribes.

It is key to note that cultural fire practitioners may refer to cultural burns in different terms, as fires are placed for various reasons specific to Tribe and region and are done to meet many different Tribal goals.<sup>57</sup> Nonetheless, across the board, the difference between cultural burns and prescribed burns are the primary goals which are fires led by Indigenous Peoples, for Indigenous cultural objectives, on Indigenous Peoples terms: a culmination of what we conceptualize as "Indigenous fire justice". "Indigenous fire justice" answers the call by Gilio-Whitaker (2019) who asks, "what does environmental justice look like when Indigenous Peoples are at the center?"<sup>58</sup> Fire justice conceptualization further works toward the argument made by Deb McGregor [Anishinabek], who implores Indigenous environmental justice is informed by Indigenous intellect and traditions, knowledge systems, and laws.<sup>59</sup> Finally, this framework adheres to principles offered by [Binnizá & Maya Ch'orti'] scholar Jessica Hernandez who shares "Indigenous principles are practices and ethics derived from Traditional Ecological Knowledge and the relationship of living and nonliving things."<sup>60,61</sup> By focusing on community partners' goals and protocols, placing fire invites Indigenous community members to participate in Ancestral landkeeping practices and responsibilities,<sup>62</sup> contributes to the revivification of culturally significant plants that are integral to cultural identities (invoking indigeneity), and provides actionable steps for Traditional Ecological Knowledge to evolve into actionable Traditional Ecological Practices.<sup>63</sup>

<sup>48</sup>Whyte, K. P. (2013). On the role of traditional ecological knowledge as a collaborative concept: A philosophical study. *Ecological processes*, 2(1):1–12.

<sup>49</sup>McGregor, D. (2004). Traditional ecological knowledge and sustainable development: Towards coexistence. *In the way of development: Indigenous peoples, life projects and globalization*. 72–91.

<sup>50</sup>Berkes, F., Colding, J., & Folke, C. (2000). Rediscovery of Traditional Ecological Knowledge as Adaptive Management. *Ecological Applications*, 10(5):1251–1262.

<sup>51</sup>Davidson-Hunt, I. J., & Michael O'Flaherty, R. (2007). Researchers, indigenous peoples, and place-based learning communities. *Society and natural resources*, 20(4), 291–305.

<sup>52</sup>Office of the High Commissioner for Human Rights (OHCHR). (2011). Expert Mechanism Advice No. 2: Indigenous peoples and the right to participate in decision-making.

<sup>53</sup>Eriksen, C., Hankins, D.L. (2014). The retention, revival, and subjugation of indigenous fire knowledge through agency fire-fighting in eastern Australia and California. *Soc. Nat. Resour.* (27): 1288–1303.

<sup>54</sup>Wildfires, Cal. Senate B. 332 (2021), Chapter 600 (Cal. Stat. 2021).

<sup>55</sup>Wildfires, Cal. Assemb. B. 642 (2021), Chapter 375 (Cal. Stat. 2021).

<sup>56</sup>Adams, M.M. (2023b). *Storytelling through Fire: The Socio-Ecological and Cultural Reclamation of Indigenous Cultural Fire in Northern California*. PhD dissertation. The University of California Davis. ProQuest Dissertations and Theses database.

<sup>57</sup>Adams, M.M. 2024. Indigenous Fire Data Sovereignty: Applying Indigenous Data Sovereignty Principles to Fire Research. *Journal of Wildland Fire*. <https://www.mdpi.com/2571-6255/7/7/222>.

<sup>58</sup>Gilio-Whitaker, D. (2019). *As Long as Grass Grows: the Indigenous Fight for Environmental Justice, From Colonization to Standing Rock*. Beacon Press.

<sup>59</sup>McGregor, D. (2018). Indigenous environmental justice, knowledge and law. *Kalfou Journal of Comparative and Relational Ethnic Studies*. Temple University Press. 5(2): 279–296.

<sup>60</sup>Hernandez, J. (2019). Indigenizing environmental justice: Case studies from the Pacific Northwest. *Environmental Justice*, 12(4):175–181.

<sup>61</sup>Hernandez, J. (2022). *Fresh Banana Leaves: Healing Indigenous Landscapes Through Indigenous Science*. Berkeley, North Atlantic Books.

<sup>62</sup>Tom, E., M.M. Adams, and R.W. Goode. (2023). Solastalgia to Soliphilia: Cultural Fire, Climate Change, and Indigenous Healing. *Journal of Ecopsychology*. 15(4): 322–330. doi.org/10.1089/eco.2022.0085.

<sup>63</sup>Adams, M.M. (2023a). Indigenous Ecologies: Cultivating Fire, Plants, and Climate Futurity. *Artemisia*. 49(2):20–29.



Unfortunately, not all movements toward Indigenous and climate justice are successful. Despite promises of collaborative models of environmental protection espoused by IPRD, in many regions around the world, such models are inadequately implemented, and the high-stake consequences deeply affect Indigenous communities.

### INDIGENOUS PEOPLES OF GARIFUNA: BETWEEN LAND, RIGHTS, AND CONSERVATION

For example, our co-author's experience working in community as an Indigenous rights advisor in Latin America with Garifuna Peoples, who inhabit the eastern coasts of Honduras and islands throughout the Caribbean, highlights this ongoing struggle for hemispheric Indigenous environmental justice. Roatán, situated in one of Latin America's most ecologically diverse regions, is surrounded by the Mesoamerican Barrier Reef System, the second-largest coral reef system in the world.<sup>64</sup> Recognized as a sensitive biosphere, Roatán rightfully calls for extensive protection and conservation efforts. However, the rise of conservation initiatives on the island in the early 2000s has often come at the expense of the Garifuna Peoples' rights to their Ancestral territory and Traditional practices.<sup>65</sup> The Garifuna community has faced substantial challenges in securing their cultural rights, Traditional subsistence fishing rights, and communal land rights, which have been severely diminished due to conservation efforts.<sup>66</sup> For example, the Roatán Marine Park, a prominent marine conservation organization, relies primarily on funding from Western non-governmental organizations (NGOs) and is coordinated by non-native individuals.<sup>67</sup> Unsurprisingly, the conservation efforts led by Western-centric NGOs and organizations like the Roatán Marine Park have been plagued by mistrust and tension, severely impeding the island's conservation goals, which can oftentimes be the case worldwide. To move forward effectively, a conflict resolution process that prioritizes respect and partnership with Indigenous Peoples of Roatán is essential.<sup>68</sup> Conservation organizations must incorporate Indigenous Peoples' Rights and Perspectives (IPRP) within their conservation efforts to foster collaboration and address these critical issues.<sup>69</sup>

Tragically, there are more severe consequences Indigenous Peoples face, particularly in Latin America, for those who are on the frontlines of environmental protection. Garifuna Indigenous leaders and climate activists

engaged in the struggle to protect their Traditional territories often endure unrelenting violence which stem from both state and non-state actors.<sup>70,71</sup> Additionally, Garifuna Peoples continue to be denied their rightful access to communal land, as stipulated by the ILO Convention 169.<sup>72</sup> This denial has led to numerous clashes with private landowners and security forces as the community seeks to secure their right to exist on their Traditional lands. Similar to many Indigenous groups, Garifuna Peoples and their connection to land extend far beyond mere ownership. Land sits at the very core of their culture and serves as the epicenter from which their Traditions, spirituality, and way of life are rooted. The preservation of their Ancestral lands is intrinsically linked to the preservation of their identity and heritage which should not be sacrificed to adhere to Western interpretation of environmentalism. In fact, within Indigenous worldviews, land, culture, and sustainability are mutually supportive and intrinsically related.

As this example elucidates, the struggle for environmental protection, Indigenous rights, and the preservation of cultural heritage in Latin America is fraught with challenges and contention. The stories of ongoing struggles of Garifuna Peoples emphasize the urgent need for collective efforts to address these pressing issues and protect the rights and cultural heritage of Indigenous communities connected to environmental policies.

### TAKEAWAYS AND CONCLUSION

In discussing the intersection of IPRD with environmental sustainability and justice, we propose the following takeaways:

1. The crucial role of Indigenous Peoples: Indigenous Peoples hold a critical role in addressing climate change and environmental justice. Recognizing historic and ongoing injustices experienced by Indigenous Peoples while also crediting Indigenous Peoples as significant actors in effective, global climate resilience efforts is crucial.
2. Traditional Knowledge and sustainability: Indigenous communities possess invaluable TEK and harbor sustainable practices that are integral to climate resilience. These practices are deeply rooted in cultural traditions and can be leveraged to mitigate climate-related challenges while adhering to Tribal sovereignty, on Indigenous Peoples and on just terms.
3. Land connection: Indigenous approaches to environmental sustainability are deeply rooted in our/their

<sup>64</sup>Burke, L., Reyter, K., Spalding, M., & Perry, A. (2011). Reefs at Risk Revisited. World Resources Institute.

<sup>65</sup>Human Rights Watch. (2023). World Report: Honduras. <https://www.hrw.org/world-report/2023/country-chapters/honduras>

<sup>66</sup>ibid.

<sup>67</sup>Roatán Marine Park. (2021). About Us. <https://www.roatanmarinepark.org/about-us>

<sup>68</sup>Borrini-Feyerabend, G., Kothari, A., & Oviedo, G. (2004). Indigenous and local communities and protected areas: Towards equity and enhanced conservation. Guidelines for policy makers and managers. IUCN.

<sup>69</sup>ibid.

<sup>70</sup>Global Witness. (2019). Enemies of the State? How governments and business silence land and environmental defenders. <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>

<sup>71</sup>Human Rights Watch. (2021). Honduras: Events of 2020. <https://www.hrw.org/world-report/2021/country-chapters/honduras>

<sup>72</sup>International Labour Organization (ILO). (1989). Indigenous and Tribal Peoples Convention, 1989 (No. 169).

relationship with the land. Respecting and upholding Indigenous land rights, approaches to land stewardship, and Traditional knowledge and practices are essential components in effective environmental sustainability efforts.

4. Hemispheric case studies: There are numerous examples from across the world that showcase how Indigenous Peoples are reclaiming our/their environmental and cultural identities parallel to land and water stewardship practices. These hemispheric examples demonstrate the diverse ways in which Indigenous communities are leading the evolution of IPRD and environmental justice.
5. Advocacy for Indigenous rights: Our paper also advocates for the recognition of Indigenous Peoples' rights including international frameworks as referenced by UNDRIP and ILO Convention 169, specifically. Here, we present the importance of integrating IPRD into climate and environmental policymaking, for the betterment of our shared environments.

To summarize, IPRD reflects the dynamic connection between international law, cultural identity, environmental stewardship, and the rights of Indigenous Peoples. IPRD speaks of a history of colonization, the historic and continued rise of global Indigenous activism, and the recognition of Indigenous Peoples as critical stewards to our/their homelands, which encompass some of the most significant ecological landscapes in the world. It is a narrative marked by resilience, resistance, and the continual push for implementation of the rights that are essential for Indigenous cultures and societies to thrive alongside the health and well-being of the land and its biodiverse ecosystems.

Given the success and failures of the three case studies presented, this paper calls for (1) Indigenous climate and environmental justice that transcends nation-state boundaries for the betterment not just for Indigenous Peoples' communities, but for all our communities; (2) implemented action of the unratified UNDRIP, specifically in the United States, and (3) state support of the ratified ILO and increased adoption by nation-states across Latin America and beyond.

Perhaps then, IPRD can be better understood and upheld toward Indigenous environmental and climate justice in reclaiming our land stewardship practices and cultural identities we have held onto, across hemispheres, since time immemorial.

#### AUTHOR'S CONTRIBUTIONS

M.A.: Conceptualization, methodology, writing—original draft, review, editing, and project administration.  
D.S.: Conceptualization, methodology, writing—original draft, review, and editing.

#### AUTHOR DISCLOSURE STATEMENT

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