

**Increasing Ecological Sustainability Through Land Justice
and Environmental Protection for Indigenous People**

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THESIS QUESTION

In pursuit of a sustainable environmental paradigm, is there need for revision of the current legal approach with regards to land justice and environmental protection for indigenous people of the New World?

ABSTRACT

Current paradigms governing environmental resource management are unsustainable and require an urgent change for ecological sustainability. To this end, Agenda 21 is the international action plan for an ecologically sustainable globe. It provides the *scientia* and *ethics* of the modern environmental age, from which *praxis* must be determined. A key factor, which has eluded us in determining the aforementioned, is the fact that indigenous people remain either alienated from their lands, or without effective control, and environmental protection, where possession has been retained. Whilst literature and international documents alike recognise the role of indigenous people as custodians of key areas of the earth's biodiversity, the combination of land justice and environmental protection for indigenous people has not been explored as a cornerstone for enhancing ecological sustainability.

In this thesis, the contribution of Judeo-Christian ethics and Enlightenment philosophies to this current ecological crisis shall be considered in terms of value systems and *ethics* and *praxis* emanating from each. Furthermore the role of environmental protection and land justice for indigenous people of the New World, living as part of an identifiable community and adhering to traditional values, is explored in relation to enhanced ecological sustainability. A critical examination of the legal processes employed in granting land justice is embarked upon, demonstrating the justiciability of land justice cases through current, established laws, domestically and internationally. At international level, a teleological approach to Human Rights is demonstrated to be capable of adjudicating both land justice cases and cases of environmental protection.

This approach would also enable, to a large extent, the displacement of self-determination as the cornerstone of indigenous peoples' rights, in favour of land justice. This is not simply a repetition of the reparations for indigenous peoples argument, inspired by the perceived injustice of a bygone era. This argument is new, relevant, imperative and responds to the voices of academics, governments and others striving towards solutions to the problem of ecological un-sustainability.