

Prior Consultation as a Guarantee of the Collective Rights of Indigenous Peoples: A Literature Review

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Abstract: This study examines prior consultation as a guarantee of the collective rights of Indigenous peoples. A literature review was conducted, including qualitative, quantitative, mixed-methods, bibliographic, and literature review studies. Thirty scientific articles were selected from the Scopus and SciELO databases, published between 2018 and 2024 in Spanish and English, following strict inclusion and exclusion criteria. After rigorous evaluation, these articles provided robust scientific evidence on the impact and effectiveness of prior consultation in protecting the territorial, cultural, and self-determination rights of Indigenous peoples. The findings reveal that, although there is formal recognition of this right, its implementation faces significant challenges, particularly in contexts of extractive expansion and energy transition. This analysis contributes to a critical understanding of prior consultation as both a tool of resistance and a means of building autonomy in scenarios of intense socio-environmental conflict. It also proposes future research directions focused on strengthening mechanisms for effective participation and informed consent.

Keywords: prior consultation, indigenous peoples, territorial rights, socio-environmental conflicts, effective participation.

1. Introduction

At the international level, the participatory rights of Indigenous peoples serve as essential mechanisms through which they can influence the development of evidence during state decision-making processes, particularly through instruments such as prior consultation (Schleef & Sandoval, 2021). Numerous resource extraction projects, including mining operations and hydroelectric dams, are carried out on lands traditionally inhabited by Indigenous communities. Ninomiya et al. (2023) recognize land as a key determinant of Indigenous health. The aim of this study is to synthesize existing evidence on the mental health impacts experienced by Indigenous peoples as a result of land dispossession linked to the development of industrial resource projects (including mining, hydroelectric, oil, and agribusiness ventures). Such dispossession has been shown to adversely affect mental health, contribute to the erosion of language and culture, disrupt intergenerational knowledge transmission, and serve as a source of intergenerational trauma. Consequently, health impact assessments within the context of industrial development must explicitly consider the risks and potential harms to mental health, respect Indigenous rights, and incorporate an understanding of these risks as a central component in decisions concerning Free, Prior, and Informed Consent (FPIC).

Morris et al. (2009) point out that the issue of prior consultation with Indigenous peoples and other ethnic groups remains controversial within academic discourse, particularly under the framework of International Human Rights Law. The prominence of consultation in international law gained momentum following the adoption of the International Labour Organization (ILO) Convention No. 169, which governs social and economic interests fundamental to the survival of Indigenous peoples and other ethnic groups. The Convention is premised on obliging states to respect the aspirations of Indigenous communities, as emphasized by Morris et al. (2009, p. 5). Figuera-Vargas and Ortiz-Torres (2019) further develop this argument in their analyses of consultation practices.

The right to Free, Prior, and Informed Consultation constitutes an inherent human right of Indigenous peoples. Fuentes and De Vivar (2019) assert that this right must be clearly defined to fully understand its nature, scope, core elements, and mechanisms for effective implementation. It imposes a duty on states to carry out consultations under specific circumstances that particularly affect Indigenous communities, and it is closely linked to rights such as cultural identity and integrity, the preservation of traditional institutions and customs, access to and control over ancestral territories and natural resources, and the right to determine their own development priorities, among others.

Mallent (2020) reports that the history of the Garífuna people has been shaped by land dispossession and forced displacement. As of 2018, 46 Garífuna communities located in the departments of Cortés, Atlántida, Colón, and Gracias a Dios on the Caribbean coast of Honduras faced threats from large-scale tourism and residential developments, economic development initiatives such as the so-called "model cities" or Employment and Economic Development Zones (ZEDE), land grabs for cattle ranching, drug trafficking, mining operations, monoculture palm oil plantations, and the construction of hydroelectric and thermoelectric plants, as well as commercial and tourism ports.

In Colombia, following the 1991 Constitution, the country formally recognized itself as a multiethnic nation committed to protecting its cultural diversity. According to the Constitutional Court (2009), 36 Indigenous peoples in the country are at risk of extinction due to the internal armed conflict, having been subjected to crimes such as murder, forced displacement, recruitment of children, sexual violence, massacres, forced disappearances, confinement, and the use of anti-personnel mines and unexploded ordnance (Zuleta & Romero-Cárdenas, 2020).

Pérez and Smith (2019) describe how communities within the Indigenous Peasant Original Territory (TIOC) of Yaminahua-Machineri and Takana-Cavineño in northern Amazonian Bolivia face external threats from non-Indigenous anthropogenic land use changes, including road construction and large-scale resource extraction activities.

The value of land is shaped by both political economy and the social imagination of its inhabitants. In the Chilean context, government officials and social elites implemented agrarian policies designed to displace Indigenous populations from fertile lands in order to expand industrial agriculture. These policies facilitated the consolidation of large estates in the hands of Chilean landowners and redistributed smaller plots to European settler-farmers (Rioja, 2023).

Lozada et al. (2020) document that Native Americans historically engaged in artisanal gold mining long before the arrival of Spanish colonizers. In recent times, however, some Indigenous Venezuelans have abandoned traditional lifestyles in favor of commercial gold mining—an environmentally destructive activity that devastates forests and soil and uses mercury in the extraction process.

Since 2002, South American nations have pursued a new developmentalist model, driven by rising global demand for natural resources. This model has promoted the exploration and exploitation of vast territories through activities such as hydrocarbon extraction, large-scale mining, agricultural monoculture, extensive cattle ranching, and the development of infrastructure for energy production, transportation, and port logistics. Zornoza (2022) warns that these activities have caused significant socio-environmental impacts that remain inadequately addressed, exacerbated by weak, captured, and corrupt institutions.

Aquino-Centeno (2022) recounts that in 2015, the Indigenous community of Capulálpam, located in the Zapotec highlands of Oaxaca, Mexico, defended its territorial rights by filing a writ of amparo before a federal court. The community sought to nullify mining concessions authorized without FPIC, covering approximately 54,000 hectares and granted for gold and silver extraction to companies such as Compañía Minera La Natividad y Anexas, the Canadian firm Continuum Resources LTD, and other private entities. The mining companies, the court, and the federal government attempted to undermine the community's rights to Indigenous identity and territory, citing private property and legal concessions. In contrast, the community grounded its defense in ancestral institutions, communal law, and its legal status as an agrarian Zapotec

Indigenous community with communal land ownership.

Silva-Junior et al. (2023) demonstrate that Brazil's Indigenous Territories (TIs) in the Amazon serve as highly effective models for forest conservation. However, since 2013, deforestation in these areas has increased by 129%, primarily due to illegal mining. Between 2019 and 2021, deforestation rose by 195% and extended 30% deeper into the TIs compared to the 2013–2018 period. Notably, approximately 59% of CO₂ emissions generated within TIs from 2013 to 2021 (equivalent to 96 million tons) occurred in the last three years of the study period, highlighting the severity of climate-related impacts.

Abate (2023) identifies the Oromo protests (2014–2018) as a notable example, where Indigenous resistance emerged in response to the expansion of Ethiopia's federal capital into Oromo ethnic territory under a new Master Plan. Similarly, environmental policy in Suba Forest (Bogotá, Colombia) from the late 19th century to 2018 altered the Tulama people's traditional land-use practices, disrupting their spiritual, social, symbolic, and material relationships with the land amid their ongoing struggle for land and resource rights.

The intensive exploitation of land and natural resources can destabilize ecosystems and pose multiple ecological challenges that hinder regional sustainable development. Wang et al. (2023) note that, in response, China has implemented integrated governance for ecosystem protection and restoration, where ecological resilience (ER) is viewed as foundational to achieving regional sustainability. Protecting Indigenous peoples not only involves safeguarding their communities but also entails holistic preservation of their customs, local fauna, and the delicate environmental balance with which they coexist (Herrera, 2019).

Fuentes and De Vivar (2019) maintain that, as a result, recognizing FPIC as a collective right is fundamental to ensuring effective Indigenous participation in legislative and administrative decisions that affect them. This right supports organizational self-determination and promotes the dissemination of information through dialogue-based tools that enable binding, consensus-driven decisions.

Merino (2018, p. 79) explains that Article 4(1) of the Paris Agreement calls for “a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century.” Within this context, many countries have adopted policies to promote renewable energy sources such as solar and wind to mitigate climate change. However, the green transition has also generated conflict with Indigenous peoples who, lacking formal land titles, have been displaced or seen their cultural practices restricted. Osakada (2024) notes that while Indigenous groups do not oppose the energy transition itself, they critique its implementation through the concept of “green colonialism.” In this regard, respecting the right to FPIC is considered essential.

In the Latin American context, Peru ratified ILO Convention No. 169 in 1994 and remains the only country in the region with a specific law on prior consultation—Law No. 29.785—enacted in September 2011 following the ‘Baguazo’ conflict. This event marked a turning point in the history of Indigenous rights in Peru, signified by the legal recognition of the right to prior consultation (Ilizarbe, 2019, as cited in Klein et al., 2023). The Baguazo arose in response to the 2007 Free Trade Agreement with the United States and the subsequent issuance of over 100 presidential decrees authorizing natural resource exploitation on Indigenous lands without their consent. In the five years leading up to the law's approval, “social conflicts had tripled in number and frequency,” affecting all 24 regions of the country and resulting in the forced displacement of thousands of Indigenous people from their Andean and Amazonian territories.

Botero (2021) observes that, methodologically, although systematic reviews and scholarly articles exist on prior consultation as a mechanism for protecting Indigenous rights, these studies often focus on Anglo-Saxon contexts and English-language academic production (Nascimento & Nogueira, 2022; Oliveira, 2021). Abate (2023), Sandoval-Contreras (2018), and Calderón & Santis (2023) emphasize that systematizing this empirical knowledge offers a valuable contribution for future research and practical application in Latin American contexts. In this light, the central research question emerges: Is prior consultation a guarantee of the collective rights of Indigenous peoples? Accordingly, the objective is to analyze prior consultation as a safeguard of Indigenous collective rights.

2. Materials and Methods

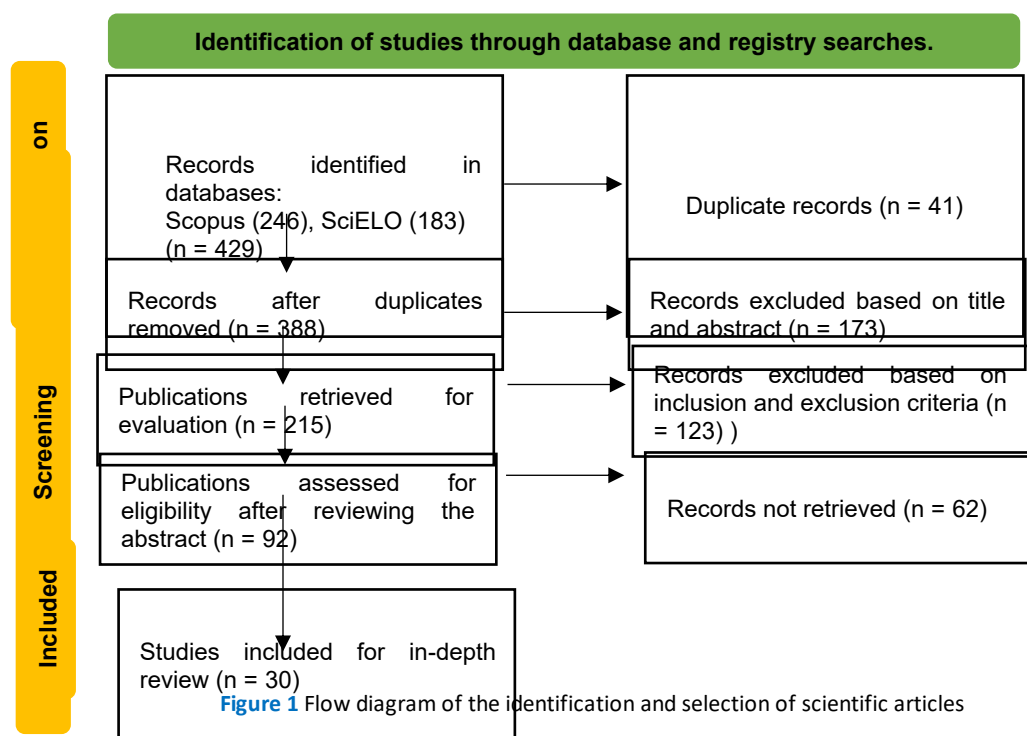
This literature review was structured around the exploration of peer-reviewed scientific articles published between 2018 and 2024. Through a systematic search in academic databases, a total of 429 documents were retrieved—183 from SciELO and 246 from Scopus, in both English and Spanish. From this initial pool, 30 scientific articles were ultimately selected and analyzed. The search strategy involved the use of

specific keywords: prior consultation, protection of Indigenous community rights, Indigenous land rights, Indigenous consultation, native community property, and land restitution. Synonyms were also incorporated and combined using Boolean operators (AND, OR, AND NOT). Inclusion and exclusion criteria were applied throughout the process.

For this literature review, specific inclusion and exclusion criteria were defined to ensure the relevance, quality, and appropriateness of the selected studies. Inclusion criteria focused on studies whose central theme addressed prior consultation and the protection of the rights of Indigenous communities, particularly those discussing the restitution of collective property rights. Eligible documents included peer-reviewed scientific articles and systematic reviews published between 2018 and 2024. Priority was given to studies published in English or Spanish, conducted in any geographical region, and with open access to the full text.

Conversely, the exclusion criteria included eliminating articles whose titles lacked a clear connection to the research topic or were not aligned with the study's scope. Studies that did not follow a scientific article or systematic review format were also excluded, as were those published prior to 2018. Additionally, articles written in languages other than Spanish or English, and those with restricted access, were discarded.

A multi-step selection process was carried out (Figure 1). First, all articles retrieved from the selected databases were compiled ($n = 429$). Second, duplicate entries were identified and removed ($n = 93$). Third, titles, abstracts, and keywords were screened, and articles that did not meet the inclusion criteria were excluded ($n = 123$). As a result, a final sample of 30 articles was retained for in-depth analysis.

**Table 1** Information on the selected scientific articles

N°	Author	Article Title	Methodology	Country	Year	Database
1	Rioja (2023)	Land and the Language of Race: State Colonization and Privatization of Indigenous Lands in Araucanía, Chile (1871–1916)	Qualitative	Chile	2021	Scopus
2	Rose et al. (2023)	Indigenous Data Governance in Australia: Towards a National Framework	Qualitative	Australia	2023	Scopus
3	Hansen et al. (2018)	"The Land Was One of the Greatest Gifts": Land Ownership by Women in Dakota Indian Communities, Scandinavian Immigrants, and African Americans	Qualitative	United States	2023	Scopus
4	Hua et al. (2018)	A New Opportunity to Restore Native Forests in China	Quantitative	China	2021	Scopus
5	Abate (2023)	Conservation and Indigenous Peoples' Struggles for Their Livelihoods: Suba Park (Ethiopia)	Qualitative	Ethiopia	2022	Scopus
6	Sandoval-Contreras (2018a)	Communal Territory: Local Agreements for Forest Use in the Indigenous Community of San Juan Pamatácuaro, Mexico	Qualitative	Mexico	2022	Scielo
7	Martínez & Gutiérrez (2023)	Dispossessed and Displaced: A Look at Land Restitution Justice Through Its Rulings	Quantitative	Colombia	2019	Scielo
8	Kennedy et al. (2023)	Indigenous Lands Threatened by Industrial Development: Conversion Risk Assessment Highlights the Need to Support Indigenous Management	Mixed	Canada	2020	Scopus
9	Calderón (2023)	From the Garden to the Territory: Agroecology as a Strategy for Defending Land and the Right to Decide Among Indigenous Women in Chiapas	Quantitative	Mexico	2021	Scielo
10	Zuleta & Romero-Cárdenas (2020)	Coordination Between the JEP and the JEI: The Role of Indigenous Authorities in Justice During the Post-Accord Period	Quantitative	Colombia	2023	Scielo
11	Schleef & Sandova (2021)	The Epistemic Function of the Indigenous Peoples' Right to Prior Consultation in Chile	Qualitative	Chile	2024	Scielo
12	Sánchez (2021)	Dialogic Constitutionalism, Legislative Prior Consultation,	Qualitative	Costa Rica	2021	Scielo

		and the Case of Costa Rica				
13	Mallent (2020)	The Limits of Recognition Policies and the Right to Prior Consultation in Honduras: The Garífuna Case	Qualitative	Honduras	2019	Scielo
14	Fuentes & De Vivar (2019)	The Jurisdictional Construction of Indigenous Community Consultation Processes and Their Approach to the Right to Information in Mexico	Qualitative	Mexico	2022	Scielo
15	Herrera (2019)	Judicial Dialogue and Transformative Constitutionalism in Latin America: The Case of the... (Title incomplete; please confirm)	Qualitative	Colombia	2022	Scielo
16	Figuera-Vargas & Ortiz-Torres (2019)	The Right to Prior Consultation for Indigenous Peoples in the Inter-American Human Rights System: Case Studies of Ecuador and Colombia	Qualitative	Ecuador and Colombia	2024	Scielo
17	Dulhunty (2023)	When Extractive and Racial Capitalism Combine: Indigenous and Caste Struggles Over Land, Labor, and Legislation in India	Literature Review	India	2023	Scopus
18	Ash (2024)	Social Impacts of Critical Mineral Exploration on Indigenous Lands: A Case Study of the Solomon Islands	Mixed	Solomon Islands	2024	Scopus
19	Ninomiya et al. (2023)	Indigenous Communities and the Mental Health Impacts of Land Dispossession Related to Resource Development: A Systematic Review	Quantitative	New Zealand	2023	Scopus
20	da Silva et al. (2023)	The Causes of Illegal Mining on Indigenous Lands in the Brazilian Amazon	Quantitative	Brazil	2023	Scopus
21	Moffette et al. (2024)	The Value of Property Rights and Environmental Policy in Brazil: Evidence from a New Land Price Database	Qualitative	Brazil	2024	Scopus
22	Fligg et al. (2022)	Informality in Indigenous Land Management: A Study on Land Use in the Curve Lake First Nation, Canada	Qualitative	Canada	2022	Scopus
23	Mashumba (2024)	Exploring Land Dispossession and the Criminalization of Basarwa Livelihoods in Botswana: A Narrative Through the Lens of the Basarwa People	Qualitative	Botswana	2024	Scopus
24	Nachet et al. (2022)	Framing Extractive Violence as Environmental (In)Justice: A Cross-Perspective from Indigenous Lands in Canada and Sweden	Quantitative	Canada and Sweden	2022	Scopus
25	Liu et al. (2024)	Overlapping Extractive Land Use Rights Increase Deforestation and Forest Degradation in Managed Natural Production Forests	Review	Guyana	2024	Scopus
26	Gebara (2018)	Tenure Reforms on Indigenous Lands: Decentralized Forest Management or Illegalism?	Qualitative	Bolivia, Brazil, and Peru	2018	Scopus
27	Osakada (2024)	Pitfalls of the Green Transition: Toward a True Understanding of Indigenous Peoples' Right to Free, Prior, and Informed Consent	Review	Norway	2024	Scopus
28	Klein et al. (2023)	A Comparative Account of Indigenous Participation in Extractive Projects: The Challenge of Achieving Free, Prior, and Informed Consent	Mixed	Canada, Guatemala, Peru	2023	Scopus
29	Yakovleva et al. (2023)	Free, Prior, and Informed Consent in the Extractive Industry: Approaches to Engaging Indigenous Peoples in Decision-Making in Russia	Literature Review	Russia	2023	Scopus
30	O'Neill et al. (2021)	Renewable Energy Development on Indigenous Territory: Free, Prior, and Informed Consent and Best Practices in Agreement-Making in Australia	Literature Review	Australia	2021	Scopus

3. Results and Discussion

The following section presents the contributions identified in each of the scientific articles analyzed.

Table 2 Contributions of the analyzed scientific articles

N°	AUTHOR	TITLE	CONTRIBUTION
1	Mallent (2020)	The Limits of Recognition Policies and the Right to Prior Consultation in Honduras: The Garífuna Case	The objective of this article is to problematize the link between land dispossession and the displacement of Garífuna communities in Honduras from a historical perspective. To this end, it examines the mechanisms the Honduran state has used since the 1960s to address the indigenous and Garífuna territorial issue. The hypothesis, in dialogue with recent literature questioning recognition and difference-construction policies, is that this period marked the creation of restrictive frameworks based on limited recognition of cultural rights. One of the main effects has fallen on the territorial claims of Garífuna organizations. Current debates around the right to consultation are therefore linked to the legal and political mechanisms that have historically shaped the relationship

			between the Honduran state and indigenous/Garifuna minorities.
2	Kennedy et al. (2023)	Indigenous Peoples' Lands Threatened by Industrial Development: Conversion Risk Assessment Reveals the Need to Support Indigenous Management	Indigenous Peoples are custodians of many of the world's least-exploited natural areas. These places of socio-ecological importance face significant threats from industrial development, but the risk of land conversion remains unclear. This study combines global datasets on Indigenous lands, current ecological status, and future industrial pressure to assess conversion threats. We created an index based on indicators of land rights strength and security, representation in decision-making, and available capital for conservation. We find that nearly 60% of Indigenous lands (22.7 million km ²) in 64 countries are under threat, especially where rights are poorly protected. Strategies are proposed to strengthen self-determination and Indigenous leadership to reduce risks and promote socio-ecological well-being.
3	Ash (2024)	Social Impacts of Critical Mineral Exploration on Indigenous Lands: A Case Study of the Solomon Islands	The demand for critical minerals is intensifying exploration on Indigenous lands. While there is ample literature on mining's social impacts, few studies focus on the exploration phase. This article analyzes the social impacts of nickel exploration in the Solomon Islands, showing more negative than positive outcomes. The findings highlight the urgent need to give more attention to the social consequences of exploration activities and to ensure a just transition.
4	Ninomiya et al. (2023)	Indigenous Communities and the Mental Health Impacts of Land Dispossession Related to Industrial Resource Development: A Systematic Review	The objective of this systematic review is to examine reported effects of land dispossession caused by mining, hydroelectric, oil and gas, and agricultural developments on the mental health of Indigenous communities.
5	Da Silva et al. (2023)	The Causes of Illegal Mining on Indigenous Lands in the Brazilian Amazon	This study aimed to assess the main drivers of illegal mining, focusing on clandestine transport infrastructure in Indigenous Lands in Brazil's Amazon biome between 2008 and 2021. Understanding the role of illegal airstrips and roads is essential to develop more effective strategies to combat illegal mining and protect biodiversity and Indigenous communities.
6	Dulhunty (2023)	When Extractive and Racial Capitalism Combine: Indigenous and Caste Struggles Over Land, Labor, and Legislation in India	Despite India's green rhetoric, extractive capitalism continues under increasingly authoritarian rule. This article presents a case study in Birbhum, West Bengal, where Adivasi and Dalit communities suffer under stone-crushing industries. It argues that extractive capitalism is intertwined with racial capitalism, resulting in violent exploitation of both land and labor. Drawing from Dalit feminist literature and caste-capitalism scholarship, the article shows that exploitation depends on systemic rejection of Adivasi and Dalit bodies and identities. Nonetheless, these communities also display strong resistance to psychological subjugation, offering a unique perspective on the intersection of extractive and racial capitalism in modern India.
7	Moffette et al. (2024)	The Value of Property Rights and Environmental Policy in Brazil: Evidence from a New Land Price Database	The lack of property rights is associated with lower investment, development, and well-being. In the Brazilian Amazon, insecure property rights have historically triggered civil conflict and deforestation. This study builds a novel land price database to measure the market value of formal land titles and their relationship to compliance with environmental regulations.

8	Fligg et al. (2022)	Informality in Indigenous Land Management: A Study on Land Use in the Curve Lake First Nation, Canada	The community-based participatory research approach not only requires consultation with the community about what is happening on the ground and within their knowledge base but also demands understanding of the ethnographic reasons for how land is used and managed. Future research on land management in the Curve Lake First Nation includes exploring a governance regime that reflects members' "wants and needs," based on customary land values and vision, and developing a land use plan that formalizes tolerated informal practices.
9	Mashumba (2024)	Exploring Land Dispossession and the Criminalization of Basarwa Livelihoods in Botswana: A Narrative Through the Lens of the Basarwa People	The Basarwa people struggle for rights to land, resources, identity, indigeneity, and citizenship. The state's modernization strategy aimed at "Tswanaization," resettling Basarwa in rural areas to raise livestock and farm. Evictions from the Central Kalahari Game Reserve cleared the way for diamond mining and a booming tourism industry. Land dispossession has led to extreme poverty and deep dependence on government welfare programs.
10	Nachet et al. (2022)	Framing Extractive Violence as (In)Environmental Justice: A Cross-Perspective from Indigenous Lands in Canada and Sweden	This article explores environmental justice in two Indigenous contexts—Canada and Sweden—using the concept of extractive violence to analyze colonial articulations of extractivism and community strategies to address it. Through existing research and the perspectives of two Indigenous leaders, it examines narratives and strategies of environmental justice and how justice is framed in response to extractive violence.
11	Liu et al. (2024)	The Overlap of Extractive Land Use Rights Increases Deforestation and Forest Degradation in Managed Natural Production Forests	Compared to unallocated state lands, most concessions have a significant positive impact on degradation and deforestation. The impact of logging concessions on forest loss varies depending on the duration and type of concession. The likelihood of forest loss is higher in areas with overlapping concessions than in areas dedicated solely to logging, but lower than in areas dedicated exclusively to mining.
12	Gebara (2018)	Tenure Reforms on Indigenous Lands: Decentralized Forest Management or Illegalism?	Granting land titles to Indigenous peoples has emerged as an intervention to implement decentralized governance. However, tenure reforms cannot prevent land expropriation and degradation without support for the institutions that enforce exclusion rights. Focusing on land expropriation in the Andean-Amazonian region, this analysis examines the enabling conditions and challenges of aligning tenure reforms with other interventions (such as environmental licensing and activism) to enforce Indigenous rights and enhance tenure security. While tenure reforms often carry a pro-rights discourse, they may be seen as a "tolerated illegality of rights" that enables mutually beneficial interactions between governments, transnational corporations, and financial organizations. Nevertheless, some Indigenous group challenges, supported by local and global activism, have successfully contributed to securing tenure rights.
13	Osakada (2024)	The Pitfalls of the Green Transition: Toward a True Understanding of Indigenous Peoples' Right to Free, Prior, and Informed Consent	This article examines the changes needed for a more inclusive and sustainable green transition from an international human rights perspective. Indigenous peoples have challenged how this transition is being carried out, coining the term "green colonialism." While many countries have adopted consultation practices with Indigenous peoples before authorizing green energy projects, previous studies — such as those on the Sámi struggle — show that asymmetrical power relations

		between Indigenous communities, states, and commercial enterprises often result in covert dialogues or agreements. The article concludes that a genuine shift from the duty to consult to the right to Free, Prior, and Informed Consent (FPIC) is essential. It emphasizes that FPIC must be understood correctly within an international human rights framework and that this right should be upheld not only before project authorization but throughout all stages of implementation, with participatory monitoring.
14	Klein et al. (2023)	A Comparative Account of Indigenous Participation in Extractive Projects: The Challenge of Achieving Free, Prior, and Informed Consent The right of Indigenous peoples to Free, Prior, and Informed Consent (FPIC) has been recognized as a key principle to ensure meaningful participation in decision-making on extractive projects. However, many companies struggle to engage in good faith consultation, as required by human rights due diligence standards. Instead of assessing project impacts from Indigenous perspectives, companies often rely on one-time environmental or social impact assessments or private agreements that focus only on reputational, operational, legal, and financial risks. Human Rights Impact Assessments recognize the evolving nature of human rights conditions and require ongoing consultation with affected rights holders to renew community consent throughout a project's lifecycle. Indigenous peoples are also taking the initiative by conducting Community-Led Impact Assessments and community consultations to center consent in negotiations. Comparing Indigenous-company engagement experiences in Canada, Guatemala, and Peru, this article assesses how companies contribute to FPIC implementation and proposes paths for stronger corporate commitment.
15	Yakovleva et al. (2023)	Free, Prior, and Informed Consent in the Extractive Industry: Approaches to Involving Indigenous Peoples in Decision-Making in Russia Free, Prior, and Informed Consent (FPIC) is a principle for consulting, cooperating with, and obtaining consent from Indigenous peoples through their representative institutions in matters that affect them. Promoted by the United Nations Declaration on the Rights of Indigenous Peoples, FPIC seeks to strengthen Indigenous civil, political, and economic rights, especially regarding land, minerals, and natural resources. Extractive companies have begun developing policies to address Indigenous concerns as part of legal compliance and corporate social responsibility. Indigenous lives and cultural heritage continue to be impacted by extractive operations — particularly in the Circumpolar North, where Indigenous peoples have developed sustainable practices in fragile ecosystems. This paper explores corporate social responsibility approaches to FPIC implementation in Russia and analyzes how public and civil institutions shape company policies and affect Indigenous self-determination and participation in decision-making.
16	O'Neill et al. (2021)	Renewable Energy Development on Indigenous Territory: Free, Prior, and Informed Consent and Best Practices in Agreement-Making in Australia In Australia, large-scale renewable energy projects are being developed or proposed on lands where First Nations hold rights and interests. A global literature review indicates that such projects pose risks regarding the distribution of socio-economic and environmental impacts, but also offer significant opportunities for First Nations. This paper explores the conditions under which First Nations with communal rights to traditional lands can benefit from large-scale renewable energy projects. It examines FPIC — a widely recognized international human

			rights standard — as a framework for consent, information-sharing, and consultation. The paper argues that fair economic inclusion and First Nations' participation must be guaranteed and that FPIC provides a solid foundation for achieving this. It also outlines best and worst practices in agreement-making, drawing from previous First Nations experience, especially in the resource extraction sector.
17	Abate, G. G. (2023)	Conservation and Indigenous Peoples' Struggles for Livelihoods: Suba Park (Ethiopia)	The Tulama Indigenous people's struggle in Suba Park highlights how centralized environmental policies ignore their land and resource rights. Their exclusion from state decision-making reinforces territorial conflicts. In this context, prior consultation emerges as an essential mechanism to protect the cultural, spiritual, and territorial rights of native communities in the face of state interventions.
18	Calderón-Cisneros & Sántiz-Sántiz (2022)	From the Garden to the Territory: Agroecology as a Strategy for Land Defense and the Right to Decide Among Indigenous Women in Chiapas	Agroecology empowers Indigenous women in Chiapas in their defense of land and rights. From their gardens, they integrate traditional knowledge with political activism. Prior consultation becomes essential to recognize their participation in community decision-making, to make their work visible, and to ensure fair access to land in the face of external projects.
19	Fuentes & De Vivar (2019)	The Jurisdictional Construction of the Process of Prior Consultation of Indigenous Peoples and the Approach to Freedom of Information in Mexico	Free, Prior, and Informed Consultation in Mexico is a collective right essential to guaranteeing Indigenous peoples' participation in decisions affecting their territories, cultures, and autonomy. Despite political and regulatory obstacles in its legal development, it is key to consolidating legal pluralism, protecting rights, and ensuring access to information throughout these processes.
20	Hansen et al. (2018)	"Land Was One of the Greatest Gifts": Women's Landownership in Dakota Indian, Immigrant Scandinavian, and African American Communities	Land ownership empowered Native, African American, and immigrant women by allowing them to support themselves and negotiate power in colonial societies. In this context, prior consultation is essential to safeguard their rights over inherited or acquired lands, ensuring informed participation in policies that may affect their access to and traditional use of the territory.
21	Hua & Wilcove (2018)	A New Opportunity to Recover Native Forests in China	The restoration of native forests on rural collective lands in China requires recognizing their ecological value beyond mere production. To protect the rights of local communities, it is crucial to implement policies such as fair compensation and informed participation mechanisms — similar to Free, Prior, and Informed Consent (FPIC) — that ensure their inclusion in land use decisions.
22	Martínez & Gutiérrez (2023)	Dispossessed and Displaced: A Look at Land Restitution Justice Through Its Rulings	Land restitution in Colombia faces complex challenges due to violent dispossession in conflict contexts. Active participation of victims — akin to FPIC — is key to guaranteeing their right to truth, justice, and reparation, while protecting their cultural, social, and legal ties to ancestral territories.
23	Rioja (2023)	Land and the Language of Race: State Colonization and the Privatization of Indigenous Lands in Araucanía, Chile (1871–1916)	State colonization in Araucanía imposed a racial discourse that justified the dispossession of Mapuche lands. Without mechanisms such as FPIC, communities were excluded from decisions about their territories. The absence of Indigenous participation legitimized colonial policies, highlighting the need to guarantee informed consent to protect territorial and cultural rights.

24	Rose et al. (2023)	Indigenous Data Governance in Australia: Towards a National Framework	State control over Indigenous data in Australia reflects a form of contemporary dispossession. An Indigenous data governance framework like the InDatOCS model seeks to restore rights over data generated by and about Indigenous peoples. This process requires informed participation, analogous to FPIC, to ensure sovereignty, self-determination, and historical justice in the digital realm.
25	Sánchez (2021)	Dialogic Constitutionalism, Ex Ante Review of Legislation, and the Case of Costa Rica	Legislative consultation in Costa Rica reflects an inter-institutional dialogue between Congress and the Constitutional Court. While it fosters democratic oversight of legislation, its design excludes the public. To become a genuine FPIC-based tool for rights protection, it must incorporate citizen participation and deliberative equality — key pillars of dialogic constitutionalism.
26	Sandoval-Contreras (2018a)	Communal Territory: Local Agreements for Forest Use in the Indigenous Community of San Juan Pamatácuaro, Mexico	The communal members of San Juan Pamatácuaro manage their forest through local agreements and customary practices. Although they exclude external actors, they lack institutional recognition and legal support. FPIC would validate these ancestral practices, guaranteeing their self-determination and participation in decisions affecting their territory, and strengthening protection of their collective rights.
27	Schleef & Sandova (2021)	Epistemic Function of the Right of Indigenous Peoples to Prior Consultation in Chile	In Chile, FPIC has been reduced to a mere procedural formality, weakening its ability to reveal impacts and validate Indigenous knowledge. Reinterpreting it through its epistemic function would recognize Indigenous peoples as active agents in state decision-making, enhancing their participation and the protection of their rights in culturally diverse contexts.
28	Zuleta & Romero-Cárdenas (2020)	Coordination Between the JEP and the JEL: Role of Indigenous Authorities in Justice During the Post-Accord Period	Coordination between the JEP (Special Jurisdiction for Peace) and the Indigenous Special Jurisdiction requires recognition of Indigenous peoples' cultural and territorial autonomy. FPIC is essential to ensure their informed participation in judicial decisions affecting their worldview, demanding an intercultural approach that protects their collective rights within transitional justice.
29	Figuera-Vargas & Ortiz-Torres (2019)	The Right to Prior Consultation of Indigenous Peoples in the Inter-American Human Rights System: Case Studies of Colombia and Ecuador	This article analyzes how the right to FPIC, as framed by ILO Convention 169 and the Inter-American Human Rights System, functions as a guarantee for the effective participation of Indigenous peoples in decisions affecting their territories — recognizing them as collective rights holders and protecting their cultural identity and self-determination.
30	Herrera (2019)	Judicial Dialogue and Transformative Constitutionalism in Latin America: The Case of Indigenous Peoples and Afro-Descendants	FPIC is recognized as a fundamental right that protects the territories, cultures, and autonomy of Indigenous and Afro-descendant peoples. In Latin America, courts such as the Inter-American Court and Colombia's Constitutional Court have established clear standards requiring free and informed consent for high-impact projects, strengthening FPIC's role as a legal tool for epistemic and territorial justice.

3.1 Territorial dispossession and prior consultation

Territorial dispossession is understood as a systematic phenomenon that directly infringes upon the collective rights of Indigenous peoples, with prior consultation serving as a fundamental instrument for their defense (Mallent, 2020). In the Honduran context, Ash (2024) argues that partial legal recognition has functioned as a restrictive mechanism over ancestral Garífuna territoriality, rather than as a process of

strengthening and restitution. Similarly, evidence shows that mining exploration in the Solomon Islands, even in its preliminary stages, has caused adverse social impacts in Indigenous communities that were not adequately consulted (Kennedy et al., 2023).

Through a comparative analysis, Da Silva et al. (2023) argue that the omission of the right to prior consultation not only enables the advancement of extractive interests but also reinforces historical structures of exclusion and marginalization. In the same vein, several studies agree that territorial loss has significant consequences for mental health and collective well-being, as it breaks the bond with lands considered sacred and culturally essential (Ninomiya et al., 2023).

In the Brazilian Amazon, Fligg et al. (2022) warn that the expansion of illegal mining has been facilitated by the absence of effective Indigenous participation mechanisms, undermining both territorial control and autonomous governance capacities. In contexts marked by intensified extractive activity, prior consultation can act as a safeguard against state policies that prioritize economic interests over Indigenous rights (Mashumba, 2024). From a normative perspective, Gebara (2018) emphasizes that the right to Free, Prior, and Informed Consent (FPIC) should be understood beyond its legal dimension—as an effective tool for territorial justice.

Furthermore, there is an increasing risk of Indigenous territories being transformed into extractive platforms, underscoring the need to institutionalize prior consultation as a structural component of intercultural governance (Moffette et al., 2024). According to Mallent (2020), experiences such as that of the Garífuna people reveal how state legal frameworks often simulate recognition while enabling dispossession practices. In this regard, Ash (2024) stresses that the right to consultation must not be confined to formal procedures, but rather conceived as a continuous deliberative process that actively involves communities from planning to implementation stages.

Processes carried out without prior consultation, warns Dulhunty (2023), perpetuate colonial patterns of land appropriation and environmental degradation. Therefore, consultation should not be viewed as a mere administrative requirement, but as an act of restorative justice and power rebalancing between states, industries, and Indigenous peoples (Nachet et al., 2022). Ultimately, only through such structural reconfiguration will it be possible to guarantee respect for collective rights, cultural integrity, and territorial sovereignty of Indigenous communities (Liu et al., 2024).

3.2 Prior consultation as a binding collective right

Prior consultation is recognized as a fundamental collective right that ensures the active participation of Indigenous peoples in decisions affecting their territories, cultures, and worldviews (Fuentes & De Vivar, 2019). In the Mexican context, Schleef and Sandoval (2021) argue that, despite political resistance that has constrained its regulatory development, this mechanism remains a key pillar for consolidating legal pluralism. However, this right must not be seen as a mere administrative procedure, but rather as a substantive form of epistemic and legal recognition of Indigenous peoples as collective rights-holders (Calderón-Cisneros & Sántiz-Sántiz, 2022).

From an intersectional perspective, Sánchez (2021) notes that in Chiapas, Indigenous women have strategically integrated prior consultation into their agroecological struggles, linking territorial defense with the right to self-determination. Figueroa-Vargas and Ortiz-Torres (2019) maintain that the effectiveness of consultation rights depends not only on regulatory design but, crucially, on substantive implementation across all phases of state or private intervention. At a regional level, the standards of the Inter-American Human Rights System require that consultation processes be genuine and not merely symbolic—an essential condition for legitimizing any action affecting Indigenous communities (Zuleta & Romero-Cárdenas, 2020).

In the context of transitional justice, Herrera (2019) emphasizes that coordination between Indigenous Special Jurisdiction and state courts must be based on the full participation of Indigenous peoples through intercultural consultation mechanisms. This institutional coordination allows for the integration of FPIC principles with the foundations of restorative justice (Martínez & Gutiérrez, 2023).

Nonetheless, various experiences illustrate persistent limitations in the effective implementation of this right. Rioja (2023) warns that in Chile, prior consultation has often been reduced to a legal formality devoid of true deliberative capacity. Complementing this view, Abate (2023) argues that the experience of the Mapuche people shows that in the absence of an informed consent approach, state policies tend to reproduce colonial patterns of exclusion. This phenomenon is not limited to the Latin American context: in Suba Park, Ethiopia,

the lack of institutional consultation mechanisms has deepened territorial conflict and cultural dispossession for the Tulama people (Sandoval-Contreras, 2018a). Similarly, it has been documented globally that states often invoke development or environmental sustainability discourses to justify occupying Indigenous territories without establishing representative or binding consultation processes (Hua et al., 2018).

Based on this diagnosis, Hansen et al. (2018) propose that prior consultation must no longer be perceived as a bureaucratic burden but should become a structural pillar of all public policy that affects Indigenous peoples. Its binding nature is essential not only to prevent socio-territorial conflicts but also to ensure the self-determination and effective sovereignty of Indigenous peoples over their lands (Rose et al., 2023). In this regard, Sánchez (2021) underscores the need to adopt interculturally adapted procedures that ensure consent is not reduced to a one-time event but expressed through a continuous, deliberative, and context-sensitive process. From this perspective, prior consultation transcends its normative dimension, emerging as a tool of epistemic, legal, and territorial justice (Fuentes & De Vivar, 2019).

3.3 Extractive industry and violations of consent

The advancement of extractive projects on Indigenous territories without Free, Prior, and Informed Consent (FPIC) constitutes one of the most severe contemporary threats to the collective rights of Indigenous peoples (Yakovleva et al., 2023). In the Russian context, Klein et al. (2023) note that extractive industries continue to profoundly affect Indigenous self-determination and cultural heritage, despite the existence of corporate social responsibility policies that, in theory, should uphold FPIC. Similarly, a comparative analysis of Canada, Peru, and Guatemala shows that corporations often limit their engagement to superficial compliance with formal requirements, prioritizing environmental impact assessments while disregarding the perspectives, knowledge systems, and expectations of the affected communities (Osakada, 2024).

In this regard, O'Neill et al. (2021) warn that such patterns of symbolic participation reproduce deeply asymmetrical power relations in which communities lose effective negotiating power. In line with this critique, Abate (2023) documents how the implementation of large-scale energy projects in Australia, absent binding FPIC agreements, has resulted in unequal benefits, prolonged tensions, and subtle forms of dispossession. Although widely recognized international standards exist, many green energy transition initiatives replicate colonial practices by excluding Indigenous peoples from decision-making processes at all stages (Kennedy et al., 2023).

Osakada (2024) conceptualizes this trend as a form of "green colonialism," in which the rhetoric of sustainability is used to legitimize ongoing territorial dispossession. Within this framework, Ash (2024) argues that prior consultation should not be viewed solely as a legal obligation, but rather as a political instrument aimed at restoring power to historically marginalized communities. From a critical perspective, Da Silva et al. (2023) warn that the expansion of extractive frontiers results in irreversible ecological and social impacts, particularly in territories where Indigenous peoples have maintained millennia-old ecological relationships.

Deforestation induced by extractive concessions overlapping ancestral lands provides empirical evidence of how state and corporate rights often override traditional land uses and Indigenous worldviews (Liu et al., 2024). In this sense, Gebara (2018) argues that such dynamics erode the potential to construct environmental governance rooted in local knowledge, thereby weakening the implementation of principles such as environmental justice and intergenerational equity. From a normative standpoint, Mashumba (2024) emphasizes that the absence of prior consultation should not be interpreted as a mere legal irregularity, but rather as a direct violation of Indigenous peoples' right to cultural existence.

To move toward effective implementation of FPIC, Fligg et al. (2022) argue that structural changes are required in both legal frameworks and corporate practices. Accordingly, international standards must be incorporated as mandatory minimums in contracts, licenses, and permits, along with independent audit mechanisms and participatory monitoring (Klein et al., 2023). Furthermore, Osakada (2024) proposes that Indigenous communities should be granted the authority to conduct autonomous and binding consultations, fully exercising their right to self-determination over their territories.

Ultimately, Yakovleva et al. (2023) conclude that, in the absence of such binding mechanisms, participatory processes become mere simulations of consultation, perpetuating the systematic and structural violation of Indigenous peoples' rights.

3.4 Indigenous territorial governance and self-determination

Indigenous territorial governance is inseparable from the full exercise of self-determination, with prior consultation serving as a core component of this process (Fligg et al., 2022). In this regard, Moffette et al.

(2024) demonstrate that in the Curve Lake First Nation, Canada, land management practices based on customary use reflect Indigenous governance models which, although they may not align with state structures, hold equal legitimacy and normative validity. However, the recognition of these governance forms must be accompanied by the strengthening of institutional capacities that ensure effective control over land use and natural resources (Gebara, 2018).

From a critical perspective, Abate (2023) notes that the absence of such recognition facilitates the imposition of external development or conservation models without prior consultation, thereby undermining territorial sovereignty. Additionally, as Mashumba (2024) explains, formal property rights also condition the ability of Indigenous peoples to exercise self-determination. In Brazil, the lack of legal title over ancestral territories has fostered both the escalation of socio-environmental conflicts and the advancement of deforestation, leaving communities legally vulnerable (Liu et al., 2024).

Moreover, Moffette et al. (2024) argue that, even when the right to consultation is legally enshrined, its effective application depends heavily on legal land security. In the absence of clear territorial guarantees, the right to decide is reduced to a formality without transformative capacity (Fligg et al., 2022). In response to this scenario, Kennedy et al. (2023) document that several communities have developed their own territorial governance proposals, including autonomous management plans and community-led impact assessments that combine traditional knowledge with technical criteria.

These tools, as Ash (2024) highlights, serve as culturally relevant and sustainable management mechanisms aimed at consolidating decision-making autonomy. From this perspective, Osakada (2024) asserts that incorporating such proposals into national and international legal frameworks is essential to ensure the effectiveness of prior consultation and to translate self-determination into concrete actions. Klein et al. (2023) also argue that implementing mixed governance models that respect Indigenous normative systems strengthens intercultural democracy and contributes to institutional equity.

For Gebara (2018), the link between prior consultation, territorial governance, and self-determination must be embraced not only at a discursive level but also through coherent and sustained public policy. Fligg et al. (2022) emphasize that Indigenous peoples' right to decide over their territories requires states to provide legal, administrative, and financial conditions that make self-determination viable. In the same vein, Abate (2023) underscores that this includes validating Indigenous legal systems and respecting their traditional forms of organization and collective decision-making. Finally, Kennedy et al. (2023) conclude that only through this comprehensive approach can prior consultation become a truly transformative tool for advancing territorial justice.

3.5 Prior consultation and environmental justice

Environmental justice in Indigenous territories is intrinsically linked to the right to prior consultation, understood not merely as a legal mechanism but as a tool for historical reparation and ecological protection (Nachet et al., 2022). In this context, Ash (2024) describes how, in countries such as Canada and Sweden, Indigenous peoples face a form of systematic extractive violence, which manifests not only in environmental degradation but also in the disruption of ancestral ways of life and the silencing of Indigenous knowledge and voices. This phenomenon, as Osakada (2024) warns, represents a complex form of epistemic and territorial injustice that extends beyond the physical impacts on ecosystems.

In this regard, Calderón-Cisneros and Sántiz-Sántiz (2022) argue that prior consultation should be understood as a space for ecological deliberation with reparative potential, beyond its legal character. Similarly, Kennedy et al. (2023) analyze how the global energy transition presents new challenges to environmental justice, especially when clean energy projects are implemented on Indigenous lands without appropriate processes of consultation and consent. According to Klein et al. (2023), this instrumentalization of sustainability discourse has served to legitimize extractive interventions under a "green" aesthetic, without transforming colonial power relations.

In this critical line of thought, Osakada (2024) denounces that many of these initiatives replicate historical forms of dispossession, concealed under narratives of environmental innovation. Yakovleva et al. (2023) emphasize that, in the face of such a scenario, environmental justice can only be achieved when prior consultation is legally binding and carried out in accordance with each community's specific timelines, languages, and protocols. This condition is essential to ensure that Indigenous peoples can exercise ecological self-determination at every stage of the decision-making process.

Beyond physical territory, Rose et al. (2023) introduce the notion of environmental justice through the

lens of data governance, noting that in Australia, control over environmental information generated on Indigenous lands has become a new front of contention. For this reason, Abate (2023) argues that prior consultation must also extend to the use, storage, and dissemination of knowledge, particularly in digital contexts. In this regard, Fuentes and De Vivar (2019) stress that communities must possess sovereign authority to determine the production and management of data related to their natural resources.

In this respect, Sandoval-Contreras (2018a) proposes that environmental justice also entails the epistemic and technological sovereignty of Indigenous peoples, particularly in contexts where information can be used to justify interventionist policies. From a comprehensive perspective, Ninomiya et al. (2023) assert that any environmental justice agenda involving Indigenous peoples must begin with strict respect for the right to prior consultation. It is not merely about ensuring participation, but about establishing an ethical and legal barrier to the advancement of exclusionary extractive or conservation projects (Ash, 2024).

Consequently, Kennedy et al. (2023) emphasize that environmental policies must incorporate intercultural frameworks that recognize Indigenous worldviews as legitimate foundations for defining land use and resource management. Ultimately, Nchet et al. (2022) conclude that only under these conditions can environmental justice be consolidated in a form that is not merely instrumental but radically transformative and emancipatory.

3.6 Prior consultation in plural legal systems

The recognition of the right to prior consultation within plural legal systems represents a fundamental step toward the consolidation of genuine intercultural justice (Sánchez, 2021). In this regard, Zuleta and Romero-Cárdenas (2020) highlight that in countries such as Costa Rica, efforts to institutionalize prior consultation as a preventive constitutional control mechanism—through dialogue between Congress and the Constitutional Court—reflect early attempts at democratic openness, although limitations in effective citizen participation persist. In contexts like Colombia, the articulation between the Indigenous Special Jurisdiction (JEI) and the Special Jurisdiction for Peace (JEP) underscores the urgency of ensuring that Indigenous peoples are informed participants in judicial decisions that directly affect their worldviews and collective life projects (Herrera, 2019).

Likewise, Figueroa-Vargas and Ortiz-Torres (2019) argue that integrating the right to consultation into normative design not only reinforces legal pluralism but also validates the autonomy of Indigenous legal systems as legitimate sources of law. For such integration to be substantive, Schleef and Sandoval (2021) argue that it is essential to combine prior consultation with mechanisms of epistemic justice that recognize and legitimize Indigenous knowledge as legally relevant. The Chilean experience illustrates the risks of emptying this right of content, as noted by Fuentes and De Vivar (2019), by reducing consultation to a mere bureaucratic procedure devoid of deliberative capacity and binding effects.

Sandoval-Contreras (2018a) emphasizes that this epistemic function of consultation gains greater relevance in contexts where cultural diversity is systematically invisibilized by homogeneous legal frameworks. As a result, Rioja (2023) highlights that Indigenous peoples must be recognized as legitimate interlocutors in normative processes, with their own legal systems that enrich and complexify national law from non-hegemonic perspectives. Indeed, Calderón-Cisneros and Sántiz-Sántiz (2022) note that, across Latin America, various constitutional courts have adopted prior consultation as a key instrument for advancing transformative constitutionalism.

Martínez and Gutiérrez (2023) explain that within this framework, consultation functions as a mechanism of normative dialogue between state law and Indigenous legal systems, enabling the articulation of different legal orders without imposing hierarchical relationships. However, Rose et al. (2023) warn that this intercultural dialogue is only possible if procedural autonomy is guaranteed to Indigenous peoples—namely, their right to define how, when, and under what terms consultation should be conducted. To move in this direction, Abate (2023) stresses the need to overcome the extractive logic of state-imposed participation and transition toward a form of justice that acknowledges the collective, territorial, and cultural character of Indigenous law.

As such, prior consultation should not be treated as an exception within the legal system but as a structural component of a plural and inclusive constitutional order (Sánchez, 2021). From this perspective, Herrera (2019) argues that such an approach enables the construction of legal frameworks in which the consent of Indigenous peoples is not only formally respected but becomes a foundational element of legality and legitimacy itself. The viability of this model, however, depends on sustained political will and the

implementation of intercultural approaches within legal and administrative institutions (Figuera-Vargas & Ortiz-Torres, 2019). Schleef and Sandova (2021) conclude that, conceived from this transformative horizon, prior consultation transcends the protection of individual or collective rights and holds the potential to redefine the state's legal, epistemological, and cultural foundations.

4. Final considerations

The comprehensive analysis of the five thematic axes reveals a complex dynamic in the relationship between Indigenous peoples, their territories, and contemporary extractive forces. The evidence examined indicates that territorial dispossession is not an isolated phenomenon, but rather a structural process supported by restrictive legal frameworks and limited recognition dynamics. Simultaneously, extractive industries have intensified their impact on Indigenous communities, affecting not only their physical environment but also their social fabric and collective mental health. The implementation of Free, Prior, and Informed Consent (FPIC) emerges as an essential component; however, its fragmented application and manipulation by state and corporate actors significantly limit its real effectiveness.

In the context of mining, deforestation, and energy transition, Indigenous territories are under increasing pressure, where promises of sustainable development conceal ongoing practices of dispossession and environmental degradation. In response to this scenario, territorial governance led by Indigenous peoples has emerged as a vital strategy of resistance, a redefinition of justice, and a reaffirmation of ancestral rights. These governance practices, combined with processes of formalizing land rights and the substantive demand for respect for FPIC, offer viable alternatives for defending territories and constructing autonomous life projects.

In sum, the articulation between territorial rights, environmental justice, and Indigenous self-determination constitutes the central axis of a critical agenda in the face of advancing global extractivist logics.

This study presents inherent limitations due to the nature of the analyzed literature, most of which is based on specific case studies that may not fully capture the diversity of Indigenous contexts worldwide. Furthermore, the lack of longitudinal data in several of the reviewed articles limits the ability to assess the long-term impacts of extractive dynamics and territorial resistance processes across different regions.

Future research could deepen comparative analyses between regions of the Global South and the Global North, taking into account differences in legal frameworks, community strategies, and forms of extractivism. Additionally, it would be relevant to examine how new narratives of sustainable energy transition are being appropriated or resisted by Indigenous communities, and what innovative mechanisms of territorial governance are emerging in response. Future research should incorporate participatory methodologies that center Indigenous voices as full epistemic and political subjects.

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Conflict of Interest

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