

AT THE MARGINS OF GLOBALIZATION

Despite the tremendous progress in the development of scientific knowledge, the understanding of the causes of poverty and inequality, and the role of politics and governance in addressing modern challenges, issues such as social inclusion, poverty, marginalization and despair continue to be a reality across the world – and most often impact Indigenous Peoples. *At the Margins of Globalization* explores how Indigenous Peoples are affected by globalization, and the culture of individual choice without responsibility that it promotes, while addressing what can be done about it. Though international trade and investment agreements are unlikely to go away, the inclusion of Indigenous rights provisions has made a positive difference. This book explains how these provisions operate and how to build from their limited success.

SERGIO PUIG is Professor of Law and Director of the International Trade and Business Law Program at the University of Arizona. He specializes in free trade agreements, international investment law and dispute settlement, with a particular focus on the NAFTA (now USMCA), as well as economic rights of Indigenous Peoples. Before entering academia, he practiced international law and arbitration, and worked as a diplomat at the World Bank Group.

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At the Margins of Globalization

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*To Sabrina Puig Robles
To Negar, Diego and Daria*

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Preface and Acknowledgments

Scholarship on the links between business and human rights is widespread. However, the specific ways in which globalization accommodates the economically marginalized and those who are likely most vulnerable to its negative effects has received scant attention. The increasingly obvious manifestations of discontent over the effects of globalization – from Brexit to the election of President Trump – combined with the evidence that confirms the very uneven distribution of its benefits, indicate that this is an important scholarly gap.

This book explores the extent to which the main fields of international law that are tasked with promoting economic interdependence – international finance, investment, trade and intellectual property – address the rights and interests of Indigenous peoples, an expressly protected category of marginalized and/or vulnerable people under international law. Relying on recent legal practice and eight case studies, the book compares these fields and explains the different ways Indigenous peoples' interests are accommodated by international economic law. More broadly, the intersection between international economic law and indigenous rights provides important lessons for current demands to address the negative effects of globalization.

The book is the result of the author's experiences and perspectives working with different institutions including the World Bank Group as well as with the Committee for Mexico's Legal and Constitutional Reform Regarding Indigenous and Afromexican Peoples' Rights. I would like to thank S. James Anaya, Derek Bambauer, Tomer Broude, James Cavallaro, Anupam Chander, Andrew Coan, Seth Davis, David A. Gantz, Negar Katirai, Malcolm Langford, Cesar Rodriguez-Garavito, Lise Johnson, Jason Kreag, Robert A. Hershey, Moshe Hirsch, James Hopkins, Toni Massaro, David Marcus, Lauge Poulsen, Christopher T. Robertson, Rebecca Tsosie, Gregory Shaffer, Melissa L. Tatum, Steven R. Ratner, Adelfo Regino, Rebecca Tsosie, Robert

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