

**International Human Rights Seminar:  
Indigenous Peoples and International Law  
GSU College of Law  
Fall 2009**

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**Office Hours:** Wed. 3:00-5:00 pm  
and by appointment

**Overview:** This seminar will focus on the rights of indigenous peoples as recognized in international law. We will review the relevant law and structures of international law, both as they have evolved historically and as currently applicable. We will consider the U.S. approach to indigenous peoples, as well as case studies from the Americas, Europe and Africa. To the extent possible, we will utilize materials written by indigenous scholars.

Because this will be a small and intense seminar, students are expected to attend and participate consistently, and to keep up with all readings and assignments in a timely manner.

**Materials:**

Required Text:

S. James Anaya, *Indigenous Peoples in International Law*, 2<sup>nd</sup> ed. (2004)  
(this can both be purchased reasonably online).

Other Materials: If the assigned reading is a law review article, please access it on Westlaw or Lexis. Copies of other readings will be provided.

Background Material: If you're new to the field of international law, it's helpful to consult one of the many overviews available. Thomas Buergenthal's *Nutshells* provide the most basic overview of *Public International Law*, *International Human Rights*, and what is termed *American Indian Law*. For more background, additional bibliographic references will be provided in class.

**Grading:**

**20%** class attendance and participation, including responsibility for presenting one week's assigned materials.

**10%** class presentation based on your paper topic.

- 70%** final paper, broken down as follows:  
 10% timely submission of thesis, outline & initial source list  
 10% timely submission of draft  
 50% final paper.

**Tentative Schedule & Reading Assignments** (like all things, subject to change!)

<u>Date</u>	<u>Subject</u>	<u>Readings</u>
Aug. 19	<u>Introduction</u>	
	Film: Indian Summer in Geneva	*UN Declaration on Rts of Indigenous Peoples *Indigenous Caucus' Statement (both available at <a href="http://www.iwgia.org/sw248.asp">http://www.iwgia.org/sw248.asp</a> ) *Venne, <i>Our Elders</i> , 1-27
Aug. 26	<u>International Law: Historical Overview</u>	
		*Anghie, <i>Imperialism, Sovereignty</i> , 13-31 *Keal, <i>European Conquest</i> , 1-20 *Williams, "Encounters on the Frontiers," 1990 Duke L.J. 660
Sept. 2	<u>International Law: Institutional Overview</u>	
		*Venne, <i>Our Elders</i> , 28-67 *Anaya, <i>Indigenous Peoples</i> , 3-94
Sept. 9	<u>U.S. Context I</u>	
		*Williams, <i>Like a Loaded Weapon</i> , xiii - xxxvi *Williams, "Linking Arms Together," 82 Cal L. Rev. 981 (1994)
Sept. 16	<u>U.S. Context II</u>	
		*Newton, "Federal Power," 132 U. Penn. L. Rev. 195 (1984) *Williams, <i>Like a Loaded Weapon</i> , 135-160
Sept. 23	<u>Self-Determination</u>	

- \*Venne, *Our Elders*, 68-106
- \*Anaya, *Indigenous Peoples*, 97-184
- \*Tuhiwai Smith, *Decolonizing Methodologies*, 1-18, 95-122

Sept. 30      U.S. Case Study: Newe Segobia (Western Shoshone)

Film: Our Land, Our Life [or short version at  
<http://www.arizonanativenet.com/news/captcha/medialInfo.cfm?sect=med&seriesID=8>]  
 \*O'Connell, "Constructive Conquest," 42 Nat. Resources J. 765 (2002)  
 \*Fishel, "United States Called to Task," 31 Am. Ind. L. Rev. 619 (2006-2007)  
 \* check out [www.wsdp.org](http://www.wsdp.org)

Oct. 7          "Right to Enjoy a Distinct Culture" – Overview  
 [video clips on Sami, Lubicon Lake, Mabo case, etc.?)

\*Orlin, Rosas & Scheinin, eds., 159-222

Lubicon:      \* [lubiconsolidarity.ca/history.html](http://lubiconsolidarity.ca/history.html)  
 \*[lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/LLIN CAN UPR S4 2009 LubiconLakelIndianNation.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/LLIN_CAN_UPR_S4_2009_LubiconLakelIndianNation.pdf)  
 Mabo:          \* [www.austlii.edu.au/au/journals/AboriginalLB/1992/36.html](http://www.austlii.edu.au/au/journals/AboriginalLB/1992/36.html)

Oct. 14        Right to Identity  
 - Genocide Convention  
 - Education – residential schools, etc.  
 - Lenzerini, ed., *Reparations*, 197-228 [culture]; 477-522 [Australia &family]

Oct. 21        Avenues of Implementation  
 Video: Prof. Williams  
 [[www.arizonanativenet.com/news/captcha/medialInfo.cfm?sect=med&medialID=154](http://www.arizonanativenet.com/news/captcha/medialInfo.cfm?sect=med&medialID=154)]

\*Anaya, *Indigenous Peoples*, 185-291

Oct 28        Canada

\*Cook & Lindau, *Aboriginal Rights*, 221-263, 148-167

\*Clark, *Native Liberty*, 205-218, 147-204

\* Lenzerini, ed., *Reparations*, 271-316

Case study: the Akaitcho Dene

\* [www.akaitcho.info](http://www.akaitcho.info) [overview]

\* [www.iwgia.org/sw248.asp](http://www.iwgia.org/sw248.asp) [timeline]

\*[www.daair.gov.nt.ca/live/documents/documentManagerUpload/ADFN%20Final%20Agreement%20July%202000.pdf](http://www.daair.gov.nt.ca/live/documents/documentManagerUpload/ADFN%20Final%20Agreement%20July%202000.pdf) [Framework Agmt]

Nov. 4 Mexico & Central America

\*Cook & Lindau, *Aboriginal Rights*, 3-34; 72-97, 186-217

\* Lenzerini, ed., *Reparations*, 317-344

- Guatemala??

Nov. 11 Africa

\* [bkgd on colonialism]

\* Lenzerini, ed., *Reparations*, 389-407

Nov. 18 Europe: Sami, Basques ... ?

\*Lenzerini, ed., *Reparations*, 363-388