

Advanced Topics in American Indian Law
LAWS 8725
Professor Kristen A. Carpenter

Description

Indigenous Peoples in International Law

This seminar provides students with an overview of the practice and theory of international human rights law and policy as it has developed to address the concerns of indigenous peoples worldwide. Given the limitations of domestic legal systems, indigenous peoples increasingly look to international human rights instruments and institutions in their efforts to survive as distinct communities with distinct cultures, political institutions, and relationships to traditional lands. We will study developments in the substance and procedure of international law as it pertains to indigenous peoples, taking both a pragmatic and critical view of these developments in the United Nations, Organization of American States, and elsewhere. Particular attention will be paid to the question of implementing international human rights standards, such as those embodied in the U.N. Declaration on the Rights of Indigenous Peoples, to the situation of American Indians in the United States. More broadly, the focus on indigenous peoples provides a context for examining the extent to which international human rights law, with its classic focus on individual rights against the state, successfully addresses minority, group, and intercultural claims in an increasingly global society. After several introductory classes, students will sign-up to lead discussions on particular subjects and also select a research topic under the advice and guidance of the professor. All students will produce a full-length paper in satisfaction of the Law School's seminar requirement. Required Text: S. James Anaya, *International Human Rights and Indigenous Peoples* (2009) ISBN: 978-0-7355-6248-6.