

PHILOSOPHY 490 A01 /LAW 343 A01
Spring 2019

The United Nations Declaration on the Rights of Indigenous Peoples

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Office Hours: Thursdays 3:30 pm-4:30 pm
or by appointment

Course Description

The federal government has committed to implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). What exactly does this require? How would final passage of Bill C-262, the proposed *United Nations Declaration on the Rights of Indigenous Peoples Act* impact this commitment? This course provides a comprehensive introduction to UNDRIP as an international human rights document. The goal is for you to develop an understanding of the type of obligation that human rights documents such as UNDRIP create and of the specific obligations that UNDRIP sets out. In your final research paper you will be asked to discuss specific policies and/or legal regimes within Canada that are implicated by the obligations set out in UNDRIP

This course is reading-intensive and writing-intensive. Required components include a short research paper, a group presentation and a long research paper. You will be expected to complete all the assigned reading and to actively participate in both the seminar and the group presentation.

Evaluation

1-page reflection on readings (x5)	15%
#1 due before class begins Jan 10	
#2 due before class begins Jan 17	
#3 due before class begins Jan 24	
#4 due before class begins Jan 31	
#5 due before class begins Feb 7	
5-7 page paper	25%
due before 4 pm Tues Feb 26	
Group presentation	20%
Scheduled Mar 18-28	
12-18 page research paper	40%
due before 4 pm Wednesday April 10	

Late assignments and papers will be penalized in the amount of 5% per 24 hours they are late to a maximum of 30%.

Grading Scale:

100-90 = A+, 85-89 = A, 80-84 = A-, 77-79 = B, 73-76 = B-, 70-72 = B-, 65-69 = C+, 60-64 = C, 50-59 = D, 0-49 = F

1-page reflection on readings due before class begins on the date they are due. Reflections handed in after class begins will be considered late.

Nations High Commissioner for Human Rights. *United Nations Declaration on the Rights of Indigenous Peoples A Manual for National Human Rights Institutions* (August 2013), Part II, pp. 43-98.

Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, Addendum: The situation of indigenous peoples in Canada*, UN

Mar 4, 7

Colin Samson and Elizabeth Cassell, "The long reach of frontier justice: Canadian land claims 'negotiation' strategies as human rights violations", *The International Journal of Human Rights* 17:1 (January 2013), 35–55.

Dwight Newman, Elisa Ruozzi, and Stefan Kirchner, "Legal Protection of Sacred Natural Sites Within Human Rights Jurisprudence: Sápmi and Beyond" in Leena Heinämäki, Thora Martina Herrmann, editors *Experiencing and Protecting Sacred Natural Sites of Sámi and other Indigenous Peoples: The Sacred Arctic* (Springer 201), pp 11-26.

Eleni Polymenopoulou, "Indigenous Cultural Heritage and Artistic Expressions: Localizing" Intellectual Property Rights and UNESCO Claims", *Canadian Journal of Human Rights* 6:1 (2017), 87-125.

Mar 11, 14

Francis Mitrou, Martin Cooke, David Lawrence, David Povah, Elena Mobilia, Eric Guimond and Stephen R Zubrick, "Gaps in Indigenous disadvantage not closing: a
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