

# Crim 429/INDG429

## Indigenous Peoples & International Law

### 05 March 2024 / Mid-Term Take-Home Assignment

We distinguished three periods or phases of international law that developed from the contact between European Nation States and the world's Indigenous Peoples, and particularly those of the Western Hemisphere: (1) a "natural law" period (with two sub-phases – religious and then secular); (2) a "positivist law" period; and (3) the "rights-based" period we are in today. Along the way we encountered various clerics, philosophers and legal scholars articulating those positions. Each theory and author has an underlying view of how Indigenous and non-Indigenous/settler peoples should relate, and the appropriate bases for those inter-relations.

Your mid-term assignment has two parts to it:

(a) first, briefly (in no more than a page or two) compare and contrast the three periods named above in terms of their respective approaches to Indigenous rights. How would you characterize each period in terms of the principles it advances and how it understands Indigenous peoples' rights to land, governance and nationhood?

(b) second, **pick either ONE of the two options below** and compare the court decisions, policies, or other documents involved in terms of how the members of the set you focus on reflect the theorists and/or approaches you discuss in the first part. Use examples/quotes from the set you focus on to illustrate your points:

(1) compare and contrast the three different sets of opinions that were articulated in [Cherokee Nation v Georgia](#); OR

(2) compare ILO conventions [#107](#) (1957) and [#169](#) (1989) and the [UN Declaration on the Rights of Indigenous Peoples](#) (2007)

You don't need any more than the course materials that are accessible via the course web page to create your answer.

*Your paper should be no more than 1500 words (about 6 double-spaced pages) and is due no later than a week from today – **12 March** for everyone except those who are presenting next week; those folks have a due date of one week later, i.e., **19 March**, but of course are welcome to submit it sooner. You should send an electronic file to me at [palys@sfu.ca](mailto:palys@sfu.ca) as an attachment by no later than 11:59:59 PM on 12 March 2021 (or a week later for next week's presenters). To ensure I don't get a bunch of files called "429midterm," please save your **file** (i.e., the name of your attachment, not the subject header) using the following naming format – <CRIM429\_midterm\_lastname\_firstname.format> or <INDG429\_midterm\_lastname\_firstname.format>. So, for example, if I am enrolled in INDG 429, my name is Ted Palys and I have written the paper in MSWord and saved it in docx format, the name of the file I attach would be **INDG429\_midterm\_palys\_ted.docx***