

# INDIGENOUS PEOPLES AND INTERNATIONAL LAW

INDIGENOUS STUDIES 429 / CRIMINOLOGY 429

SPRING 2024

## **The Professor**

Your instructor is Dr. Ted Palys. If you need to get in touch to arrange an appointment, ask a question, or other important matter, you can:

- Send an e-mail to [palys@sfu.ca](mailto:palys@sfu.ca) (typically the best alternative);
- Leave an urgent message with the secretaries in the Criminology General Office, at 778-782-3213;
- Leave a note for me at the Criminology General Office

## **The Course**

This course will consider how relations between Indigenous and non-Indigenous Peoples framed much of the development of international law from the 15th century to today, and how the nature of that relationship has changed through ages of exploration, colonization, and rights recognition. More specifically, we will examine:

- the earliest relationships that were established between Indigenous and non-Indigenous Peoples during “the age of exploration” in which the early European nation states set forth to explore the world and colonize the Indigenous Peoples they encountered;
- the continuing role that Indigenous-State relations have played in the development of international law and, more recently, some State law;
- the 20th century transition that saw Indigenous Peoples transform themselves from being “objects” of law (i.e., entities about which law is made) to “subjects” of law (i.e., participants in the making of international law); and
- events in the 21<sup>st</sup> century that have both enhanced and undermined recognition of the rights of self-determining Indigenous Peoples.

## **Readings**

There are numerous readings, but nothing you need to purchase. All required readings for this course will be available online through our course web page (see below).

## **The Weekly Seminar**

For the first two months, our weekly seminar normally will see us discussing the readings that have been assigned for that week. I also will make liberal use of films – documentaries, docudramas and fictional feature films – to help provide a feel for the various time periods we are discussing, and thereby to provide context for our discussions.

Our main task during the first two months will be to explore together the issues framed by the readings. You should prepare for class by considering the week's assigned readings and being ready to ask and answer questions, and to engage in discussion, related to the course content. The particular reading(s) to be prepared each week are posted on the course web page.

The last five weeks of class will be devoted to a mixture of student presentations and presentations by me where the intention is take an inventory of State-Indigenous relations around the world.

## **Course Web Page and Email**

There are two ways (beyond class) that I will keep in touch with you regarding the course.

- First is via the course web page. This is where you can find the course syllabus, reading lists, what to prepare for next class, and other course-related materials. The direct URL for the course web page is <http://www.sfu.ca/~palys/crim429.htm>
- Also, a class email allows you and/or me to send an email to everyone registered in the course. The class email addresses are [crim429-d1@sfu.ca](mailto:crim429-d1@sfu.ca) and [indg429-d1@sfu.ca](mailto:indg429-d1@sfu.ca) Note that both addresses will send messages to students' SFU email addresses. If you would rather receive messages at another address you will need to arrange to have your email forwarded.

## **Evaluation**

Your course requirements include three different elements:

- Weekly evidence of preparation for and participation in weekly class discussion that will contribute 25% to your final grade;
- A take-home mid-term assignment that will be handed out on March 5 that is worth 25% of your final grade; most people will have a week to submit it; and
- A term project involving a case study of an Indigenous People and their contemporary relation to their nation state government, for which you will do (i) a 15-ish minute presentation of your project worth 20%; and (ii) a written report of no more than 3500 words (approximately 12-15 double-spaced pages) worth 30%

### **Preparation/Participation**

**25%** of the seminar grade will reflect your participation in discussion and evidence of preparation as revealed through that discussion, i.e., the participation grade is *not* simply an "attendance" grade, although attendance is clearly a prerequisite. I will monitor participation in our discussions and will expect not only that you attend class (or let me know if for some reason you cannot make it), but also that you make a contribution of some sort – a question or comment that moves along the discussion -- each week. If you are going to miss class because of illness, please let me know so that you can at least receive an "attendance" point even though you will not be able to participate (and our thanks for considering the health of the rest of the class).

### **Take-Home Midterm**

A take-home mid-term assignment will be handed out on March 5, at the point where we finish our first two months of reading/discussion and before we start to do presentations. It will involve you responding in no more than 1500 words to a question or two that will provide you the opportunity to show that you understand and can apply the legal concepts we discuss in the first part of the course. It will contribute 25% to your final grade.

## Term Project: Case Study of an Indigenous People

Your task in the term research project will be to focus in on a particular Indigenous People and prepare a report that explains and reflects their contemporary relationship with their Nation State government. Toward this end, you will be divided into groups, where each group will be attached to one of five regions (see Ted/Dr.P's adjusted [UN Regional Map](#)), and each member of the group will focus on a different Indigenous People within that region. It will be your contribution to a collective class project to assess the relationships that exist between Indigenous Peoples and State governments around the world.

Give yourself sufficient time over the course of the semester to find something you believe is "interesting" about the People and their situation, and understand that it may take time to gather information that reflects the People's (and not just their State government's) perspective. The easiest material to find will be material that reflects the Nation State's perspective; you need to get beyond that to understand the People's perspective and aspirations, through their eyes and/or those of their allies/advocates (e.g., NGOs; activist diasporas).

**1. Oral Presentation.** We will be hearing about your endeavours in presentations students give during the last five weeks of classes. Each week a regional group will have the first half of class to complete their presentations and respond to questions regarding the Indigenous People they decided to focus on. I will lead discussion in the second half of the class and put the group's presentations in broader context by giving an overview of issues facing each region. Because each group will have 5-6 people in it, this means each presentation should be no longer than about 15 minutes in length. This time constraint means you should choose one or (at most) two interesting issues about the People who are the subject of your paper and, after some brief background or other contextualizing information, focus in on that/them for the brief time you have.

**2. Written Report.** Your presentation will be followed by a written report where you will have the time/space to go into more detail than you can in a 15-minute presentation. Your paper will be no more than 3500 words (excluding title page, references and any appendices; about 12-15 double-spaced pages) regarding the Indigenous People you focused on. That paper will be due one week after our last class -- i.e., Tuesday, April 16 -- and will be submitted electronically as an email attachment according to instructions I will post on our course web page.

### Evaluation Summary

Element	Contribution to Grade
Preparation and Participation	25%
Take-home "mid-term" to be handed out March 5th	25%
Term Research Project on an Indigenous People	Oral Presentation: 20% Written Paper due 16 April: 30%