

JUR-36xx: Legal protection of Indigenous resources and livelihood (10 crd.)

The course is administrated by

Faculty of Law at the University of Tromsø, in cooperation with the Centre for Sámi Studies at the University of Tromsø, and the International Centre for Northern Governance and Development (ICNGD) at the University of Saskatchewan

Type of course

Legal protection of Indigenous resources and livelihood (in national and international law) is offered in the fall /or spring semester.

This course specification should be seen together with the Programme Specification for the Joint Master's Degree in Northern and Indigenous Innovation at the University of Tromsø /University of Saskatchewan of [date] etc.

Admission requirements

Students should have knowledge similar to bachelor level and basic knowledge of indigenous issues.

The students on the Joint Master's Degree in Northern and Indigenous Innovation may choose it as a partial fulfillment of the requirements for the elective part of the programme; cf. Programme Specification for the Joint Master's Degree in Northern and Indigenous Innovation

Following an application, other students may be admitted to this course, cf. XX.

Course contents

For students on the Master programme, the course builds upon their knowledge of indigenous issues acquired during in their undergraduate education.

The course offers the students an overview of the current status of protection of the rights indigenous peoples to enjoy their culture, lands and livelihood in national and international law. The teaching will thus be based on international legal instruments of relevance to indigenous peoples such as, among others, the 1989 ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, the 1966 International Covenant on Civil and Political Rights and the 2007 United Nation Declaration on the Rights of Indigenous Peoples. National law protecting indigenous livelihood in Norway and Canada will also be extensive room in the course.

Objective of the course

Knowledge:

Having passed the exam, the student shall have:

- Advanced knowledge of international indigenous people law, including:
 - The definition and interpretation of the concept of culture and cultural rights nationally and internationally
 - International and national definition of indigenous people, including the historical development of indigenous peoples status and land rights
 - Indigenous peoples' right to self-determination, governance and legal protection for their natural resources and traditional lands.
 - The different ways, in which international commitments may be implemented into national legal systems, including implementation of treaties and legislation, e.g. the Finnmark Act and the Nunavut Land Claim Agreement.
 - Specialized knowledge of the procedures established in international law related to consultations, including the concept of Free, Prior and Informed consent (FPIC).
- Advanced knowledge of natural resources law concerning indigenous people, including:
 - Resource management legislation and environmental protection legislation
 - Traditional knowledge in governing the nature environment.
 - Protection of indigenous and local livelihood in the Convention on Bio Diversity
- Advanced knowledge of property law concerning indigenous people, including:
 - Rules on acquiring and acknowledging rights to title and usage based on prolonged usage generally and particular in relation to indigenous peoples
 - How to assess evidence of use in indigenous land claims
 - Differences in the rules of define rights to land and natural resources in the different national legal systems, including aboriginal title, immemorial usage and the terms of ILO-169. A comparing to the international ILO-169 convention
- Thorough knowledge of legal systems, legal methods and jurisdictional matters, including:
 - Types of law; statutory law (constitutional law, civil law, public laws management law etc.), customary law, case law
 - International law systems, national law, customary law and indigenous people's law
 - Civil law and common law
 - Significance of statutory law, case law, bills, other sources of law
 - Agreements as a part of the legal system (and differences in relation to legislation and case law). Treaty rights.

Skills and general qualifications:

Having passed the exam, the student will:

- Be able to apply the relevant sources of law in connection to protection of Indigenous and local people's rights to natural resources and livelihood
- Be able to identify and analyze issues of theoretical and practical categories related to Indigenous and local people's rights to natural resources and livelihood

- Be able to apply current management legislation and environmental protection legislation
- Be able to identify and discuss the limitations of different legal systems – nationally and internationally
- Understand basic methods of law – particular in relation to indigenous issues.

Language of instruction

All teaching will be in English.

Teaching methods

The teaching consists of a combination of lectures and seminars, comprising a total of 20 hours. Parts of the students will receive the lectures as interactive video-distance teaching. The students are expected to be prepared and active during the seminars in discussing legal approaches to the issues at hand. Students are expected to study independently in periods of no seminars or lectures.

Assessment

The course is assessed through a written home exam. The exam may include theoretical and/or scenario questions.

The grading scale of A to F is applied, where F constitutes fail. Students who fail their examination are entitled to re-sit the examination, cf. Regulations for examinations at the University of Tromsø Sec. 22.

The exam must be written in English.