

JUR-3624 The rights of indigenous peoples – 5 stp

The course administrated by

Faculty of law

Place of Study

Tromsø

Type of course

The rights of indigenous peoples is a course offered at master degree level and is offered in the spring semester. The course is mandatory for students on the Masters Programme in Indigenous Studies.

This course specification should be seen together with the study plan for the Master of Philosophy in Indigenous Studies.

Course contents

The course provides a general overview over the rights indigenous peoples, communities and individuals are beneficiaries of under the international legal system, with a particular focus on the right to self-determination and land and resource rights.

The course includes elements of history of international law and political philosophy, as a background to properly understanding the international indigenous rights regime.

Objective of the course

Knowledge

Having passed the exam, the student shall have acquired advanced knowledge of indigenous rights under international law on:

- contemporary international law's understanding of indigenous peoples
- contemporary international law's understanding of peoples and minorities
- the basic structure of the international indigenous rights regime
- indigenous peoples' right to self-determination (and autonomy and self-governance)
- indigenous rights to lands, waters and natural resources
- indigenous rights to traditional knowledge and traditional cultural expressions

Having passed the exam, the student shall have acquired basic knowledge of indigenous rights under international law on:

- international law's historic position towards indigenous peoples' rights

- the justification (or lack thereof) for indigenous peoples' rights in political philosophy
- indigenous language rights

Skills

Having passed the exam, the students will:

- have the capacity to identify what are relevant international legal sources with regard to indigenous rights, and to assess the relative weight these carry
- have the capacity to apply a relevant legal method to analyse and argue cases pertaining to indigenous rights
- be able to discuss what is the legal relation between indigenous peoples and states
- be able to discuss what is the legal relation between indigenous communities and resource extractors seeking access to the communities' lands

General competence

Having passed the exam, the students will:

- have the capacity to properly analyse indigenous rights in accordance with relevant legal method and to communicate the outcome of such analyses in a professional manner.
- have the capacity to work professionally with indigenous law in public and private positions.

The qualifications will be part of the required knowledge, skills and competences provided by the MIS program.

Language of instruction

All teaching will be in English

Teaching methods

The teaching is provided through a mixture of lectures and seminars, in total 10 hours. 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 (five days), written in English. The exam may include theoretical and/or scenario questions).

The exam answer must not exceed 10 pages, including spaces, footnotes and endnotes. The page limit do not include the front page, preface, table of contents, index, literature list and any appendixes. The paper has to be written in the font "Times New Roman" with font size 12 pt and with line spacing of 1,5.

If the home exam does not meet the requirements mentioned above, it will not be delivered to assessment. The student will then be considered as having withdrawn himself/herself from examination or not delivered the exam, cf. Regulations for examinations at UiT, Section 16.

The home assignment is anonymous, so students shall not write their name in the assignment. The students shall use their candidate number on the front page and in the file name of their paper.

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

Date for examination

The date for the exam can be changed. The final date will be announced in the StudentWeb.