Indigenous Peoples and the Law: Comparative and Critical Perspectives

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Description
Indigenous Peoples and the Law provides an historical, comparative and contextual analysis of various legal and policy issues affecting Indigenous peoples. It focuses on the common law jurisdictions of Australia, Canada, New Zealand and the United States, as well as relevant international law developments. Edited by Benjamin J Richardson, Shin Imai, and Kent McNeil, this collection of new essays features 13 contributors including many Indigenous scholars, drawn from around the world. The book provides a pithy overview of the subject-matter, enabling readers to appreciate the seminal issues, precedents and international legal trends of most concern to Indigenous peoples.

The first half of Indigenous Peoples and the Law takes an historical perspective of the principal jurisdictions, canvassing, in particular, themes of Indigenous sovereignty, status and identity, and the movement for Indigenous self-determination. It also examines these issues in an international context, including the Inter-American human rights regime and the 2007 UN Declaration on the Rights of Indigenous Peoples. The second part of the book canvasses some contemporary issues and claims of Indigenous peoples, including land rights, mobility rights, community self-governance, environmental governance, alternative dispute resolution processes, the legal status of Aboriginal women and the place of Indigenous legal traditions and legal theory.

Although an introductory volume designed primarily for readers without advanced understanding of Indigenous legal issues, Indigenous Peoples and the Law should also appeal to seasoned scholars, policy-makers, lawyers and others who are knowledgeable of such issues in their own jurisdiction and wish to learn more about developments in other places.

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1 Gilbert, J, ‘Historical Indigenous Peoples’ Land Claims: A Comparative and International Approach to the Common Law Doctrine on Indigenous Title’ (2007) 56 ICLQ 584. 2 ibid 590. 3 Mabo v Queensland (No. 2) (1992) 107 ALR 1. 153 BJ Richardson, S Imai and K McNeil, ‘Indigenous Peoples and the Law—Historical, Comparative and Contextual Issues’ in Indigenous Peoples and the Law (n 98) 11–12. 154 Alvarado, LJ, ‘Prospects and Challenges in the Implementation of Indigenous Peoples’ Human Rights in International Law: Lessons from the Case of Awas Tingni v Nicaragua’ (2007) 24 Ariz Intl&CompL 609. Recommend this journal. Email your librarian or administrator to recommend adding this journal to your organisation's collection. Indigenous Peoples and the United Nations. Human Rights System. Fact Sheet No. 9/Rev.2. I. INDIGENOUS PEOPLES’ RIGHTS Indigenous peoples’ rights under international law have evolved from existing international law, including human rights treaties, to address the specific circumstances facing indigenous peoples as well as their priorities, such as rights to their lands, territories and resources, and self-determination. International Law and Indigenous Peoples and/or Federal Indian Law are useful for this course, but not required. Law of Indigenous Peoples. Law of Indigenous Peoples. This course provides a historical and a contemporary perspective on the internal law of Indigenous peoples, domestically and internationally. It is not a survey of the law; rather it provides a general introduction to the types of law by which Indigenous peoples govern themselves, as well as a format to discuss the development and effect of this law. This course is intended to familiarize students not only with traditional and co