Indigenous peoples' rights

Faculty of Law

10 stp

Mandatory to students at the Master Programme in Indigenous Studies. Optional course to others.

(Studenter på master i rettsvitenskap som har tatt spesialfag i samerett, kan ikke få godkjent emnet som del av den valgfrie delen av masterstudiet.)

Purpose/Content

The course intends to give the students an overview over the current discussion on indigenous peoples' rights, cover subjects from international law, domestic law specially in Saami areas and indigenous peoples law, focusing on indigenous peoples' right to self-determination and land rights.

The point of departure of the course is that the rights of indigenous peoples depend both on legal principles and rules within international and domestic law, and also on indigenous peoples'own law. In addition to giving and overview of different structures and legal principles of significance for the rights of indigenous peoples within international law, some different perspectives will be emphasised during the course. Within domestic law, focus will be on the Saami peoples' rights in Norway, Sweden and Finland, with an emphasise on the right to self-determination and land rights, including recognition of the Saami peoples' own legal system within domestic law. The content of the course will partly be covered by the curriculum, partly be teaching.

Curriculum

Anaya, S. James: Indigenous Peoples in International Law, Oxford 1996 (ca 180 sider tekst + appendix 267)

Scheinin, Martin: International Human Rights in National Law, In Hanski and Suksi (eds.), An Introduction to the International Protection of Human Rights, 2 ed. Turku/Åbo 1999, 417-428 (11 sider tekst + bibl.)

Scheinin, Martin: The Right to Enjoy a Distinct Culture: Indigenous and Competing Uses of Land, In Orlin, Rosas and Scheinin (eds.), The Jrisprudense of Human Rights Law: A Comparative Interpretive Approach, Turku/Åbo 2000, 159-222 (62 sider)

Åhrén, Mattias: Racism and Racial Discrimination Against the Indigenous People in Scandinavia and Russia – the Saami People, IWGIA Document No. 105, Copenhagen 2001, 136-174 (34 sider tekst)

Myntti, Kristian: The Nordic Sami Parliaments, In Pekka Aikio and Martin Scheinin (eds.) Operationalizing the Right of Indigenous Peoples to Self-Determination, Turku/Åbo 2000, 203-221 (19 sider)

Austenå, Torgeir and Gudmund Sandvik: The legal status of right to resources of Finnmark with reference to previous regulations of the use of non-private resources, In Erling Berge and Nils Chr. Stenseth (eds) Law and the management of renewable resouces, ISS Rapport nr. 46, Trondheim 1995, 191-200 (9 sider)

Bengtsson, Bertil: The legal status of rights to the resources in Swedish Lapland, In Erling Berge and Nils Chr. Stenseth (eds) Law and the management of renewable resouces , ISS Rapport nr. 46, Trondheim 1995, 201-207 (7 sider)

Hyvärinen, Heikki J.: The legal status of rights to resources in Finnish Lapland, In Erling Berge and Nils Chr. Stenseth (eds) Law and the management of renewable resouces, ISS Rapport nr. 46, Trondheim 1995, 209-213 (5 sider)

Hellum, Anne: How to Improve the Doctrinal Analysis of Legal Pluralism: A Comparison of the Legal Doctrine About Custom and Local Law in Zimbabwe and Norway, 23. årgang 2000 nr.2, 40-62 (20 sider)

Eriksen, Gunnar: ”Quod non est in actis, non est in mundo”. The meeting between oral and text-based legal cultures, Draft article (13 sider)

Korpijaako, Kaisa: Saami Customary Law – How and Where to Find Pieces of its Evidence, In Tom G. Svensson (ed.) On customary law and the saami rights process in Norway, Skriftserie nr. 8, Senter for samiske studier, Universitetet i Tromsø, 1999, 65-76 (10 sider)

Eide, Asbjørn: Legal and Normative Bases for Saami Claims to Land in the Nordic, International Journal on Minority and Group Rights, Vol. 8 2001 No. 2-3, 127-149 (20 sider + bibl.)

Bull, Kirsti Strøm: The Right to Herd Reindeer in the Light of the Report of the Sami Law Committee, International Journal on Minority and Group Rights, Volume 8 2001 No. 2-3, 223-234 (12 sider)

(litteraturlisten er oppe i 402 sider, mens normen er 350)