

# LAWS70114 Human Rights and Indigenous Peoples

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	In the past two decades, indigenous peoples have become increasingly prominent players in international law. Indigenous rights are now part of the mainstream body of international human rights law – comprehensively articulated in the United Nations (UN) Declaration on the Rights of Indigenous Peoples 2007. They also form part of the mandate of a number of United Nations agencies, including the International Labour Organization (ILO), the World Bank and the UN human rights bodies, and are directly supervised by indigenous experts within the UN system via the UN Permanent Forum on Indigenous Issues and the Human Rights Council's <b>Expert Mechanism on the Rights of Indigenous Peoples</b> ( <a href="http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex2.aspx">http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex2.aspx</a> ). These mechanisms increasingly provide leverage for indigenous claims in domestic law, and require governments to have regard to indigenous rights when making decisions affecting their interests. This subject explores the practice and theory of indigenous rights in international law and considers their influence on the domestic law and policy of Australia and other settler States. It addresses the distinctive qualities of indigenous rights and focuses especially on the central importance of collective indigenous rights to self-determination, culture and territory. This subject is co-taught by indigenous law experts Dr Mark McMillan (Wiradjuri nation) and Dr Kirsty Gover.  Principal topics will include:

	<ul style="list-style-type: none"> <li># The history and current status of the UN Declaration on the Rights of Indigenous Peoples 2007</li> <li># The role and work of the UN Permanent Forum on Indigenous Issues</li> <li># The work and impact of UN Special Rapporteurs</li> <li># The development of general human rights norms in their application to indigenous peoples by the human rights treaty bodies, particularly the Human Rights Committee and the Committee on the Elimination of Racial Discrimination</li> <li># The development of ILO standards and the impact of its work domestically</li> <li># The extent to which Australian governments have incorporated international human rights into policy approaches in relation to indigenous affairs in Australia</li> <li># The work of the Social Justice Commissioner in utilising human rights law and values in the Australian context</li> <li># Examination of comparative developments using examples such as the United States, Canada and New Zealand.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have a sound understanding of the international importance of the human rights of indigenous peoples and the reasons for their contested scope</li> <li># Have detailed knowledge of the potential and limits of the existing United Nations (UN) human rights mechanisms in protecting the human rights of indigenous peoples, individually and as a group</li> <li># Have detailed knowledge of the potential and limits of the International Labour Organization's (ILO) role in protecting the rights of indigenous peoples, individually and as a group</li> <li># Understand the importance of international instruments and institutions that are specifically devoted to developing and realising the rights of indigenous peoples</li> <li># Understand the central role played by indigenous organisations in the international system</li> <li># Be able to assess the effectiveness of Australia's implementation of its international human rights obligations with respect to indigenous peoples</li> <li># Be able to compare the Australian approach with other examples of domestic recognition of the rights of indigenous peoples, and assess the effectiveness of different approaches</li> <li># Have the capacity to examine current issues facing indigenous peoples with reference to international human rights and labour standards</li> <li># Have developed skills of critical thinking, legal research and academic writing to understand and assess the significance and limitations of the international human rights system for indigenous peoples.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (19 February 2014) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70114/2013">http://www.law.unimelb.edu.au/subject/LAWS70114/2013</a>