

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

INDIGENOUS PEOPLES AND MINORITIES RIGHTS PROTECTION

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

To acquaint students with the conceptual apparatus in the field of protection of indigenous peoples' and national minorities' rights, as well as with the main international legal acts regulating the legal status of indigenous peoples and national minorities. To give an estimate of the relationship between international legal concepts of "people", "indigenous people", "minority", "national minority", etc. To give an overview of currently existing problems concerned with the implementation of the rights guaranteed to indigenous peoples by international legal acts and acts of national legislation. To offer students an analysis of the international legal status of indigenous peoples with an example of various regions of the world.

Position of course in curriculum

The course is delivered as subject to be selected in second semester. The volume of the course is 2 ESTC credits. This course is following after course "Protection of Human Rights in the UN System" and complements such courses as "International Humanitarian Law" and "International Law: Issues of Migration and Asylum".

Requirements for the results of the course

The graduate should have the following professional competences (PC):

ability to professionally apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activity (PC-2);

ability to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

ability to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

ability to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

To know:

- The degree of negative impact of globalization on the international legal order;
- Benefits of globalization in the world of unity, interrelatedness and interdependence of nations;
- The basic theoretical problems of modern international law;
- The basic doctrinal approaches to various theoretical problems of modern international law;
- Ways and means to prevent, overcome and resolve international legal problems of a global nature, adversely affecting the international legal order.

To be able to:

- Assess the effectiveness of the UN chief to address the problems within their competence;

- Predicting the International Law Commission United Nations to further the progressive development of international law;
- To propose concrete steps for the application of regulatory and institutional capacity of the UN system to resolve global problems;
- Specify the path to improve the national legal resources on the implementation of international commitments of the national legal system.

Be skilled in:

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations;
- Work with international legal acts adopted on important aspects of maintaining international peace and security;
- Analysis of recent court decisions and the International Court of Justice of the European Court of Human Rights, the legal community perceived ambiguously;
- Solving the problems of interpretation or implementation of international obligations of States on the fundamental international agreements.

The volume of course and types of activities

Type	Total hours	Semesters	
			III
Total classes workload	32		32
Lectures			
Classes	32		32
Independent work	112		112
Volume, hours	144		144
Volume, credits	4		4

Contents of course

Section I. History of development and current problems in the field of international legal protection of indigenous peoples

Lecture course

Treaties and first international legal instruments concerning indigenous peoples. Approaches to the definition of "indigenous peoples". The main international legal instruments that define the status of indigenous peoples. ILO Convention № 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 1957; ILO Convention № 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989. Modern problems of the implementation of indigenous peoples' right to self-determination. Overview of the activity of the Working Group on Indigenous Populations of the

Sub-Commission on Prevention of Discrimination and Protection of Minorities. The UN Declaration on the Rights of Indigenous Peoples, 2007. Expert Mechanism on the Rights of Indigenous Peoples. UN human rights mechanisms to protect the rights of indigenous peoples. Seminar courses

1. The history of the colonization of indigenous peoples. The concept of "pioneering" and "no man's land." The treaties between indigenous peoples and representatives of the metropolis. The ILO's work in order to protect indigenous peoples. The reasons for the lack of universally accepted definition of "indigenous people". The main existing definitions of "indigenous people".

2. Universal international legal instruments that define the status of indigenous peoples: UN Charter, the Universal Declaration of Human Rights 1948, the International Covenants on Human Rights 1966; International Convention on the Elimination of All Forms of Racial Discrimination 1965, UN World Conference against Racism and racial Discrimination in 1978 and 1983, Declaration on the Granting of Independence to Colonial Countries and Peoples 1960, UN Declaration on the Rights of Indigenous Peoples 2007, provisions of ILO Conventions № 107 and № 169.

3. The principle of equal rights and self-determination of peoples and the protection of indigenous peoples. The definition of "the people". Organization of self-government as method of realization of the rights of indigenous peoples to self-determination.

4 and 5. The UN role in the protection of indigenous peoples' rights. High Commissioner for the Promotion and Protection all human rights. The Working Group on Indigenous Populations (1982 - 2006 gg.). The Human Rights Council. Forum on Minority Issues. Expert Mechanism on the Rights of Indigenous Peoples. The Special Rapporteur on the situation of human rights and fundamental freedoms. The Permanent Forum on Indigenous Issues, established by ECOSOC resolution in 2000.

Section II. Indigenous peoples of the North and South America, Australia and the Pacific

Lecture course

The main legislative acts regulating the status of indigenous peoples. The legal status of indigenous people, established by the legislation. The principle of non-discrimination of indigenous peoples in the states of North and South America. The history of settlement in Australia. The development of the legal status of Aboriginal people. The main legislation enshrining Aboriginal rights.

Seminar course

1. Legislation in North and South America regarding the legal status of indigenous peoples. The guarantee of equality before the law, non-discrimination against indigenous peoples in all spheres of life.
2. Australia's legislation concerning the legal status of indigenous peoples. Racial Discrimination Act 1975, Act on land rights of indigenous Australians in 1993, Education Act of Indigenous Peoples 2000, Act on Aboriginal people and Torres Strait Islander peoples 2005.
3. The legal status of indigenous peoples in Africa. The status of indigenous peoples in Nigeria: Ogoni case. Indigenous land rights in Kenya.

Section III. Indigenous peoples of Northern Europe and Russia

Lecture course

National legislation guaranteeing the rights of indigenous peoples of Northern Europe. Governmental bodies set up to safeguard and promote the rights of indigenous peoples of Northern Europe. The legal status of indigenous people of Greenland. The legal status of indigenous peoples of Russia: basic legal acts. Federal Law № 82-FZ of April 30, 1999 "On the Guarantees of the Rights of Indigenous Peoples of the Russian Federation."

Seminar course

1. The legal status of the Sami in the Nordic countries. Finnish law, guaranteeing the rights of the Sami. Legislative acts in Sweden and Norway, enshrining rights of the Sami. Autonomy of Greenland in the Danish kingdom. The legal status of the inhabitants of Greenland.
2. The legal status of indigenous peoples of the North and the Far East of Russia. Collective and individual rights of indigenous peoples.

Section IV. National minorities in contemporary international law

Lecture course

Development of the Protection of National Minorities. The system of protection of national minorities in the League of Nations. Minority Rights and the UN. Problems of definition of "national minorities". The role of citizenship in the determination of national minorities. The main mechanisms to protect the rights of national minorities. Universal and regional international legal instruments that define the status of national minorities. The Framework Convention for the Protection of National Minorities 1995. OSCE and the protection of the rights of national minorities: The High Commissioner on National Minorities. Categories of rights of national minorities.

Seminar course

- 1, 2 and 3. The Protection of National Minorities in the League of Nations. The treaties governing the status of national minorities. The right of national minorities in the petition. Minority Rights after World War II. UNESCO Convention against Discrimination in Education

1960. Article 27 of the International Covenant on Civil and Political Rights: the case of Lovelace, the case against Sweden Kitok (Kitok v. Sweden). Draft International Convention for the Protection of National or ethnic groups or minorities, prepared by the Minority Rights Group, in collaboration with the International Institute for Human ethnic groups, and regionalism (Internationales Institut für Nationalitätenrecht und Regionalismus), 1979. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. The Framework Convention for the Protection of National Minorities, 1995. OSCE activities in protection of the rights of national minorities: The High Commissioner on National Minorities. European Charter for Regional or Minority Languages of 5 November 1992. African Charter on Human and Peoples' Rights 1981. Approaches to the definition of "national minorities". Problems of definition of the term "minority". Key criteria for the "minority".

4. The main categories of rights of national minorities. Cultural rights. The right to use their language. The right to own the media. The right to practice their religion. The right to participate in public life. Any other matters relating to the whole course.

Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
1		8	28	36
2		8	28	36
3		8	28	36
4		8	28	36

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 365), OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>).

Bibliography

1. Bennett G. *Aboriginal Rights in International Law*. London: Royal Anthropological Institute in association with Survival International, 1978.
2. Cassese A. "The Self-Determination of Peoples." In *The International Bill of Rights: The Covenant on Civil and Political Rights*. / Edited by Louis Henkin. New York: Columbia University Press, 1981
3. Gilbert J. *Indigenous Peoples' Land Rights under International Law: From Victims to Actors*. Second Revised Edition. - BRILL, 2016
4. *Indigenous Peoples in International Law* / S. James Anaya. - Oxford University Press, 2004
5. *Indigenous Peoples' Rights in International Law: Emergence and Application*. / Edited by Roxanne Dunbar-Ortiz, Dalee Sambo Dorough, Gudmundur Alfredsson, Lee Swepston, and Petter Wille. - Kautokeino & Copenhagen, 2015
6. *International Law and Indigenous Peoples*. / Editors: Joshua Castellino and Niamh Walsh. The Raoul Wallenberg Institute Human Rights Library, Volume 20. - Brill | Nijhoff, 2004
7. *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action*. / Eds. Jackie Hartley, Paul Joffe, Jennifer Preston. - UBC Press, 2010
8. *The UN Declaration on the Rights of Indigenous Peoples: A Commentary*. / Eds. Marc Weller, Jessie Hohmann. - Oxford University Press, 2018
9. Thornberry P. *Indigenous Peoples and Human Rights*. - Manchester University Press, 2013

Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical

report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on esystem.rudn.ru.

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