

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2024-25 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)¹

COURSE	395 Comparative Indigenous Rights
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTORS	Kent McNeil
TERM OFFERED	Spring 2025
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITE	None

Learning Objectives

In this course, we will analyze, discuss and compare the rights of Indigenous peoples in the Canada, United States, Australia, and New Zealand. The main topics to be covered are:

- Indigenous sovereignty
- European acquisition of sovereignty
- land and resource rights
- treaties
- Indigenous governance
- government obligations to Indigenous peoples
- constitutional issues

The seminar will be taught from a critical perspective, comparing and assessing the treatment of Indigenous rights by the state legal systems and governments in the four jurisdictions. The focus will be on fundamental issues that are similar in each of these jurisdictions but that have been dealt with in divergent ways by governments and courts.

Students will gain an understanding of the fundamental legal issues and challenges facing Indigenous peoples and non-Indigenous governments in these four settler states. Emphasis will be on comparison in relation to broad issues rather than on details in these jurisdictions.

Methodology

The course will be taught by a combination of lectures and class discussion. Students will be assigned readings for each class, which they will be expected to read beforehand. Lectures and discussion will be guided by the readings, but will range beyond them, in response in part to students' questions about and analysis of the law, and the critical perspectives that it is hoped will emerge from class discussions.

Given that lectures and discussion will range beyond the assigned readings, it is important for students to attend and participate in class in order to receive the full benefit of this course.

Assignments and Assessment

There will no examinations in this course. Instead, students will be required to participate in class and write and submit a research paper. The paper needs to be on a topic of their choice relating to Indigenous rights in one or

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, Law Student Services (law.studentservices@uvic.ca).

more of the four settler states. Research papers can be comparative, but do not have to be. They may deal with a topic covered in the course or some other topic, as long as they involve Indigenous peoples. They can be interdisciplinary (law, history, political science, anthropology, geography, sociology, etc.) provided they have some legal content. The following are compulsory:

1. **Class participation (10% of final grade):** Students are expected to attend class and prepare by reading the assigned materials and participating in class discussions.
2. **Paper outline (not graded):** Students must choose a topic and submit a hard-copy or email attachment outline in Word (about 1 page in length) to the professor by Friday, January 31, at the latest. The professor must approve the topic and will give feedback on the proposal. Students can discuss their topic and research paper with the professor at any time before or after submitting the proposal by contacting him by email at kentmcneil@uvic.ca and arranging a meeting.
3. **Annotated bibliography (30% of final grade):** Students need to identify and read no fewer than 10 sources (cases and/or articles/books) that they plan to use in writing their research paper. They then need to write an annotated bibliography (8 to 10 double-spaced pages in length) summarizing each source and describing how it relates to their paper and how they intend to use it. The professor will give written feedback on the bibliography. The bibliography is due on Monday, February 24.
4. **Paper presentations (10% of final grade):** Students will be required to give a short presentation to the class (8 to 10 minutes), summarizing their research paper and the conclusions they have reached. Scheduling of the presentations will depend on the number of students enrolled in the seminar.
5. **Final research paper (50% of final grade):** Students must write a paper (about 15 double-spaced pages in length) based on their research and sources they have identified, which do not need to be limited to the sources in their annotated bibliography. Footnotes should follow the standard citation style used for Canadian law review articles (the McGill Guide). You do not need to include a bibliography, as you will have already produced an annotated bibliography, and because your footnotes will contain all the necessary citation information. Research papers are due on the last day of classes, but students are encouraged to submit them earlier if possible so they can concentrate on preparing for their exams in other courses.

June 2024