

## FAIR 334C – INTERNATIONAL HUMAN RIGHTS CLASS QUESTIONS

### Indigenous Rights

Cher Weixia Chen, & Alison Dundes Rentlen, *International Human Rights: A Survey* (2023), Chapter 9, Indigenous Rights, pp. 311-336.

1. What is settler colonialism? What are some contemporary examples of its logic at work in our world today? Who are indigenous peoples? What are the (four) different layers associated with the definition? What are the essential frameworks proposed to address what constitutes the fundamental criteria that could and should identify indigenous peoples? (311-317)
2. Content of indigenous rights: Which international instruments govern indigenous rights? Are these rights individual or collective, and why are the rights considered supplemental rather than mutually exclusive? How might we resolve the tensions between collective indigenous rights and individual indigenous rights? What is self-determination and its components? How does Anaya conceptualize it? What are the areas of the exercise of self-determination, according to Kingsbury? Which human rights instruments protect the right to self-determination, and how do indigenous peoples interpret this right? (318-322)
3. How do economic, social, and cultural rights relate to indigenous peoples? What mechanisms are States employing to protect indigenous peoples' cultural rights to land and natural resources? How should we respond to "biopiracy" and protect the intellectual property rights of indigenous peoples? (322-324) What has been the role of the United Nations (UN) and regional human rights bodies in the promotion and protection of indigenous rights? Which UN agencies have led these efforts? How have indigenous NGOs contributed to these promotion efforts? How significant are the court cases highlighted in the readings: *Center for Minority Rights v. Kenya* (2003), and *Yakye Axa Indigenous Community v. Paraguay* (2006)? Can these decisions translate to better protection of indigenous peoples' rights? How? (324-330)