

A GLOBAL SURVEY OF INDIGENOUS LEGAL EDUCATION AND RESEARCH

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A paper prepared for the University of Victoria Indigenous Law Unit,
the Indigenous Bar Association, and
the Truth and Reconciliation Commission of Canada

July 28, 2013

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A GLOBAL SURVEY OF INDIGENOUS LEGAL EDUCATION AND RESEARCH

Kerry Sloan¹

INTRODUCTION

Scope of Paper

In this paper, I provide a global survey of Indigenous legal education in university settings. The purpose of this paper is to provide a resource for scholars and teachers by identifying courses and programs as well as tools that exist or are being developed worldwide with respect to Indigenous legal education and research. With this in mind, I also provide a selected bibliography, which includes 1) primary sources such as law commission reports; and 2) secondary sources such as books, journal articles, websites and conference proceedings. The bibliography provides a sampling of descriptive, practical and theoretical works dealing with Indigenous legal traditions.²

In such a short paper, it would be impossible to enumerate and describe all of the world's post-secondary institutions providing Indigenous legal education, much less summarize the world's literature on Indigenous legal traditions. However, despite the constraints of language and time, I have attempted as far as possible to make this a world-wide and current survey.³

¹ Kerry Sloan is a Metis lawyer and Ph.D. candidate in the Law and Society program at the University of Victoria. This survey paper was commissioned by the Access to Justice and Reconciliation Project, a collaborative initiative of the Indigenous Law Research Clinic, Indigenous Bar Association, Truth and Reconciliation Commission, and funded by the Ontario Law Foundation.

² I use the term "Indigenous legal traditions" to include past and current Indigenous law, and to include what Val Napoleon refers to as "Indigenous legal orders", as well as to what is often referred to as "Indigenous customary law". See Val Napoleon & Richard Overstall, "Indigenous Laws: Some Issues, Considerations and Experiences", an opinion paper prepared for the Centre for Indigenous Environmental Resources (CIER) (2007). A discussion of the meanings of "Indigenous", "law" and "customary" is beyond the scope of this paper.

³ In this regard, I am indebted to the many kind colleagues who provided me with information about Indigenous legal education and literature around the world: Elizabeth Adjin-Tettey, John Borrows, Larry Chartrand, Aimée Craft, Ronnie Edwards, Alvaro Cordova Flores, Yawai Hagao, Carwyn Jones, Antonio Peña Jumpa, Chong Ke, Nuthamon Kongcharoen, Debra McKenzie, Aaron Mills, Sarah Morales, Val Napoleon, Jing Qian, Crystal Reeves, Ikenna Ulasi, Areli Valencia and Jeremy Webber. Any errors or omissions are mine alone.

Notable examples of programs, courses, research institutions, journals and organizations relating to Indigenous legal education and research have been highlighted. This paper necessarily contains more detailed information about North American initiatives, since Turtle Island is where I have studied and practised. Since I work almost exclusively in English, sources in English will appear more frequently than those in other languages, although I have included some bibliographical materials in French and Spanish. There are likely many more relevant and helpful sources that are available in languages I am unable to read. This paper should be viewed as merely the beginning of an attempt to catalogue global Indigenous legal education, and an encouragement to other researchers to add to this work.

Nature of Content

This paper provides brief descriptions of selected university programs teaching Indigenous legal traditions.⁴ I have focused on law schools, although teaching Indigenous law as law is a relatively recent phenomenon in such institutions, except perhaps in Africa and the South Pacific. Thus, I also refer to some non-law programs and institutions that include Indigenous law components. Some universities offer Indigenous law-related instruction, especially opportunities for graduate study, in departments of Native studies, Indigenous governance, anthropology and, to a lesser extent, political science. While I have not focused on programs in anthropology or political science, I have included a small sampling of works of legal anthropology and political philosophy in the bibliographical sections, as often the best descriptive accounts of Indigenous legal traditions are found among this literature.

There are many university law (and other) programs that teach state and international law concerning Indigenous peoples, or even offer courses on Indigenous perspectives on state or international law. There is also a great deal of literature on what is termed “Indigenous rights” (although these may be incidents of Indigenous law). However, I have tried to narrow in on programs and literature that teach or discuss particular Indigenous legal traditions in their own right, not just in relationship to state law. The focus of the bibliography is on descriptive,

⁴ There are likely many more Indigenous community- and nation-based educational efforts concerning Indigenous legal traditions, but these are not the focus of this paper.

practical and theoretical works about particular Indigenous legal traditions, or theoretical concerns relating to Indigenous law or more generally.⁵

Much of the literature on customary law is either descriptive (usually anthropological accounts) or concerns the recognition of customary law or Indigenous rights by state legal systems.

Organization

I have organized this paper according to large regions that roughly correspond to continents, and then – with some exceptions – to states, especially where continents are also states, e.g. Australia. My intent is not to privilege state authority or jurisdiction. The reason for my organizational choice is practical: given the thousands of Indigenous peoples around the globe,⁶ it would be difficult in such a short work to classify instructional programs and literature according to the Indigenous nations to which they relate.

For ease of reference, I have listed the larger regions alphabetically, and the states (or occasionally peoples) within their respective continents likewise. For each large region, I provide a brief introduction.⁷ For each people/state, I provide 1) brief comments on the nature of Indigenous legal instruction and research tools; 2) descriptions of relevant university programs; and 3) a selected bibliography. Following the regional and state/people-based sections, I provide a bibliography of general and multi-jurisdictional materials. Note that there may be articles or essays on specific Indigenous legal traditions that appear only in the general bibliography, if the entire work focuses on more than one jurisdiction or people.

⁵ In selecting the bibliographic materials, I have merely attempted to provide a sampling of works on these topics. Owing to time constraints, I have not attempted to catalogue every relevant work by each author. I hope readers will make use of the bibliographies in the works catalogued here.

⁶ For example, there are approximately 40,000,000 people in Latin America and the Caribbean that belong to the almost 600 Indigenous peoples of the continent. See online: IWGIA <http://www.iwgia.org/regions/latin-america>.

⁷ In this paper, I do not attempt to describe either how Indigenous legal systems work in practice, or how they interface with state law. However, for some regions outside North America, Australia and Aotearoa/New Zealand, I do provide a very brief background of the situation of Indigenous peoples and law.

AFRICA

The customary laws of various ethnic groups are taught in many African law schools, as most African states are multi-juridical⁸ and customary laws are often used in practice. For instance, in Nigeria, law students are obliged to learn state law, Shari'a law, and the laws of a number of the most populous ethnic groups, such as the Yoruba.⁹ Nigeria has customary law courts, and practitioners must be law school graduates and members of the Nigerian Bar Association. Nigerian law students study customary laws and customary court practice in compulsory courses such as Introduction to Nigerian Legal Systems, Legal Methods, and Constitutional Law.¹⁰ The extent of course material on customary law may vary in other countries and regions: it may consist of a dedicated course or courses (e.g. South Africa, Kenya,¹¹ Ghana¹²); in some jurisdictions, customary law may be referenced in either core courses or electives; in other areas, customary law may not be taught at all. This is especially true in countries having mixed state and Islamic law, particularly in north Africa.

Despite the focus on customary law education, particularly in southern Africa, whether the customary laws taught in African law schools are "Indigenous" is a matter of debate. Usually, African law students learn the laws of larger ethnic groups, which may or may not be considered Indigenous; further, indigeneity in Africa is highly contested.¹³ Notwithstanding

⁸ See data at University of Ottawa's JuriGlobe project website: <http://www.juriglobe.ca/eng/sys-juri/index-alpha.php>.

⁹ This is the case, for instance, at the University of Nigeria: correspondence with Ikenna Ulasi, Nigerian lawyer and recent LL.M. graduate, University of Victoria.

¹⁰ *Ibid.* After spending five years studying substantive law as undergraduates, Nigerian law students must then go to "Law School" to learn adjectival or procedural law in order to qualify for the bar. Procedural courses in Law School like Civil Procedure, Criminal Procedure, and Evidence also have customary law content. See also online, Nigeria Law: <http://www.nigeria-law.org/Legal%20Education.htm>.

¹¹ The Faculty of Law at the University of Nairobi requires all undergraduate law students to take a course in Customary Law.

¹² Note that at the Ghana School of Law, post-call students have to study Customary Land Law.

¹³ A full discussion of this subject is beyond the scope of this paper. For an introduction to the debates, see Albert Kwokwo Barume, *Land Rights of Indigenous Peoples in Africa* (Copenhagen: International Work Group for Indigenous Affairs, 2010), IWGIA Document 115, Chapter 2. On whether making a clear-cut distinction

these debates, many of the legal traditions of self-described Indigenous African peoples are practised today,¹⁴ with a number of states, such as Ghana and South Africa, formally recognizing Indigenous customary law.¹⁵ However, only a few African countries have recognized the existence of Indigenous nations within their borders (e.g. Kenya, Burundi), and even fewer have laws recognizing and protecting Indigenous peoples' lands and rights. An exception is the Democratic Republic of Congo, which in 2011 enacted a law for the protection and promotion of Indigenous peoples' rights.¹⁶ The Central African Republic ratified the *ILO Convention 169* in 2010,¹⁷ being the first African nation to do so.

One of the seven concerns identified by the African Law Deans at their most recent forum in August 2012 in Johannesburg, South Africa, was that of the marginalization of customary law in

between minorities and Indigenous peoples in Africa is useful, see the African Commission on Human and Peoples' Rights (ACHPR), *Indigenous Peoples in Africa: The Forgotten Peoples?* (Banjul, The Gambia: ACHPR/International Work Group for Indigenous Affairs, 2006). For a broader perspective, see Eide Asbjørn & Erica-Irene Daes, "Working Paper on the Relationship and Distinction between the Rights of Persons Belonging to Minorities and Those of Indigenous Peoples", United Nations paper E/CN 4/Sub. 2/2000 (10 July 2000). On the claim that indigeneity is about more than just being "first" in a given territory, see African Commission on Human and Peoples' Rights, *Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities* (Banjul, The Gambia: ACHPR/International Work Group for Indigenous Affairs, 2005), adopted by the ACHPR at its 28th ordinary session, at 87.

¹⁴ Note that the customary law taught in African law schools and incorporated into state practice, while it may have its basis in Indigenous legal traditions, may not be the same as the law practised by Indigenous people in their own institutions. For instance, if a customary law were adopted into the state law of a Commonwealth African nation, *stare decisis* would apply to it, although *stare decisis* may not have applied in the intra-Indigenous context. See A.K.P. Kludze, "Evolution of the Different Customary Law Regimes in Ghana within the Framework of the Principle of *Stare Decisis*", in Antony Allott, *et al.*, eds., *People's Law and State Law* (Dordrecht: Foris Holland, 1985) 97 at 99.

¹⁵ In the African context, most Indigenous legal traditions are referred to as "customary law". Indigenous customary law is fully recognized in the *Constitution of the Republic of South Africa*, Act No. 108 of 1996, ss. 211-12. See also the *Recognition of Customary Marriages Act*, Act No. 120 of 1998.

¹⁶ Parliament of the Democratic Republic of Congo, *Act on the Promotion and Protection of Indigenous Populations*, Act No. 5-2011 (25 February, 2011), online: IWGIA http://www.iwgia.org/images/stories/sections/regions/africa/documents/0368_congolese_legislation_on_indigenous_peoples.pdf

¹⁷ International Labour Organization (ILO), *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*, 27 June 1989, 28 I.L.M. 1384 (entered into force 5 September 1991) (*ILO Convention 169*).

the law curriculum. The University of Venda hosted law deans from South Africa, Namibia, Nigeria, Kenya, Uganda, Zambia and Zimbabwe. For their final report see online:

<http://www.ialsnet.org/wordpress/wp-content/uploads/2012/09/AFRICAN-DEANS-FORUM-FINAL-REPORT-AUGUST-2012.pdf>

It was agreed amongst the law deans that there is a need to teach customary law, but that such instruction has been marginalized for a number of reasons, including uncertainty about what customary law is. There is also a dearth of materials on customary law, even among works by African scholars. The report states that most southern African law schools teach customary law as a stand-alone module, while this is less true in west Africa, and even less true in east Africa. It was questioned whether customary law should be taught as a stand-alone module or whether educators should “adopt an integrated approach where the standard euro-centric law curriculum is taught and then customary law is integrated.”¹⁸

In terms of research materials, an important source of catalogued African customary laws is the collection published through the mid-1900s Restatement of African Law project undertaken by the University of London’s School of Oriental and African Studies. This project was the outgrowth of the perceived need by colonial Commonwealth governments for certainty regarding the customary laws of African peoples. While the appropriateness of concretizing customary laws has been debated in this and other contexts,¹⁹ I include some of these materials in the bibliography for their historical and descriptive value.

¹⁸ African Law Deans’ Forum Final Report (2012) at 10. For web link, see this page, above.

¹⁹ For a review of the arguments for and against writing down the customary laws of African peoples, see R.K. Salman, “Codification and Restatement of Customary Law in Africa: The Journey So Far”, in A.A. Borokini, ed., *Kogi Reading in Law* (Akure: Stebak, 2006) 1; for a critique of the appropriateness of codification in the African and Asian contexts, see Shin-ichiro Ishida, “Living Law or Zombie Law: The Place of Customary Law in African and Asian Legal Pluralism” (2007) 24 *Nomos* (n.p.), online: Kansai University <http://www.kansai-u.ac.jp/ILS/PDF/nomos24-07.pdf>.

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BOTSWANA

University Initiatives**UNIVERSITY OF BOTSWANA**

For LL.B. students at the University of Botswana's Law Faculty in Gaborone, Customary Law is a required course in the second semester of first year.

From October 23-24, 2008, the law faculty hosted the conference "Customary Law Revisited: The Role of Customary Law in the 21st Century". For a list of abstracts, see

<http://www.customarylawsrevisited.com/abstracts.lc>

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GHANA

University Initiatives

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY (KNUST)

In the B.Sc. in Land Economy program at KNUST, students must take a first-year course entitled General Principles of Law, which includes a module on customary law. In second year, students must take Principles of Customary Land Law. According to the course outline, "At the end of the course the student will be able to identify the general rules of customary land tenure in the country and recognize the divergences due to the cultural differences among the various tribal communities in the country." See

<http://archive.knust.edu.gh/pages/sections.php?siteid=landeconomy&mid=505&sid=1538>

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KENYA

University Initiatives

UNIVERSITY OF NAIROBI

Undergraduate law (LL.B.) students at the University of Nairobi Law School are required to take Customary Law, GPR 309, which includes a component on Indigenous law.

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MOZAMBIQUE

de Sousa Santos, Boaventura, J.C. Trindade & M.P. Meneses, eds. *Law and Justice in a Multicultural Society: The Case of Mozambique* (Coimbra: Centro de Estudos Sociais, 2006).

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NAMIBIA

University Initiatives**UNIVERSITY OF NAMIBIA**

At the University of Namibia law school, students who have completed a B. Juris degree may study for a Specialised Certificate in Customary Law. Students in the one-to-two-year program must complete an internship and a major research paper. See

http://www.unam.na/faculties/law/spec_certif_customary_law%20.html.

Law faculty members Manfred O. Hinz (also of the University of Bremen) and Ndateelela Emilia Namwoonde have been leading the Customary Law Ascertainment Project hosted by the Human Rights and Documentation Centre of the law school.²⁰ This project has documented the laws of 17 recognized northern Indigenous communities in Namibia. The documentation of the laws of 32 more recognized traditional communities in north-eastern, central and southern Namibia is ongoing. So far, the laws of the Owambo, Kavango and Caprivi people have been published (see below). A second volume, to be launched in August 2013, will examine the laws of the Batswana and Balagadi; the laws of the San, Nama, Otjiherero and Mbanderu communities will be published in Volume 3. As part of this project, laws are being catalogued in the various languages of the people and in English.

See Manfred O. Hinz, "Phase I of the Ascertainment of the Namibian Customary Law Project" (2009) 7 *Namibia Law Journal* 109; Manfred O. Hinz & Ndateelela Emilia Namwoonde, eds. *Customary Law Ascertained, Volume I: The Customary Law of the Owambo, Kavango and Caprivi Communities* (Windhoek: Namibia Scientific Society; University of Namibia Faculty of Law, 2010).

²⁰ For more information about the centre and its work with Namibian traditional authorities and community courts, see online, University of Namibia: <http://www.unam.na/centres/hrdc/traditional.html>.

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NIGERIA

University Initiatives

NATIONAL OPEN UNIVERSITY OF NIGERIA

A required course at the National Open University of Nigeria Law School in Lagos is The Nigerian Legal System, which introduces various theories and sources of law, and has a module on Nigerian Indigenous law. See

[http://www.nou.edu.ng/noun/NOUN_OCL/pdf/Laws/LAW%20211%20Nigeria%20Legal%20Syst
em%201.pdf](http://www.nou.edu.ng/noun/NOUN_OCL/pdf/Laws/LAW%20211%20Nigeria%20Legal%20System%201.pdf).

UNIVERSITY OF ILORIN

LL.B. students at the University of Ilorin Law School study customary law in Nigeria as part of the required course Introduction to Private and Property Law II. See

<http://www.unilorin.edu.ng/courseware/ppl/ppl101.pdf>

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SOMALIA

University Initiatives

UNIVERSITY OF HARGEISA

The Institute of Peace and Conflict Studies was established at the University of Hargeisa in 2008, in Hargeisa, Somaliland.²¹ One of the aims of the institute is to research "Somaliland traditional mechanisms for conflict resolution and the relationship between customary law and the codified law in Somaliland." See

http://huniversity.net/2011/index.php?option=com_content&view=section&layout=blog&id=20&Itemid=217

This year the institute will publish the first volume of its new journal, the Somaliland Journal for Peace and Development.

Somaliland Customary Law is part of the curriculum at the university's law school.

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²¹ Somaliland is a self-declared republic recognized as an autonomous region of Somalia.

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SOUTH AFRICA

University Initiatives

THE CENTRE OF EXCELLENCE (COE) IN INDIGENOUS KNOWLEDGE STUDIES

The Centre of Excellence in Indigenous Knowledge Studies was created via a partnership between North West University, the University of Venda and the University of Limpopo. The centre's research focus areas include law and natural resource management; COE offers Bachelor's, Master's and doctoral degrees in Indigenous knowledge systems. For a list of academic staff, see <http://www.nwu.ac.za/content/staff-centre-excellence-coe-indigenous-knowledge-studies>

UNIVERSITY OF CAPE TOWN

The Department of Private Law at the University of Cape Town (South Africa) provides a graduate course in legal pluralism, including African customary law, and another in human rights and African customary law, but these are not offered every year (and are not being offered in 2013). See online, http://www.privatelaw.uct.ac.za/course/african_cust_law

Also, since 2010, there has been an endowed chair in customary law (this started operating in January 2011). The research coordinator is Nkanyiso Sibanda.

Professor Chuma Himonga teaches an undergraduate course in African Customary Law. She covers the following topics:

- The nature and definition of customary law and its development in African colonial contexts
- The place of African customary law in the South African legal system (for example: recognition, application and proof of customary law and the Bill of Rights)

- Courts and dispute settlement
- Customary family law in historical perspective
- *The Recognition of Customary Marriages Act*
- Law reform: succession and other aspects of customary law

Himonga is a member of the South African Law Commission Customary Law Project Committee. She has authored a number of publications on African customary law, which are included in the South African bibliography.

UNIVERSITY OF KWA-ZULU NATAL

For students in the LL.B. program at the University of Kwa-Zulu Natal, Foundations of South African Law is a required course, and contains an overview of Indigenous law in South Africa. The Family Law course contains a module on customary marriages. The Legal Diversity course teaches, among other things, African customary law “including traditional leadership and democracy under the 1996 constitution, customary marriages, inheritance and succession, [and] conflicts of laws”. See <http://www.ukzn.ac.za/docs/2013-college-handbooks/college-of-law-and-management-studies.pdf?sfvrsn=0> at 202.

UNIVERSITY OF PRETORIA

Pappa Maithufi at the University of Pretoria, Department of Public Law, is a scholar in the area of Indigenous customary law. He presented on “Adopting Customary Law in a Democratic Dispensation” at the Conference on Traditional Governance and Customary Law (Southern African Perspectives) held at the University of Namibia, Windhoek (16-29 July 2004).

UNIVERSITY OF SOUTH AFRICA (UNISA)

As part of the LL.B. curriculum, students can take the first-year courses Introduction to Indigenous Private Law and Introduction to Indigenous Public Law. Upper-year electives include Advanced Study of Indigenous Law of Persons and Family Law, and Advanced Study of Indigenous Private Law. The latter course requires a research paper.

Students in the course-based LL.M. can take Approaches to and Methods of Study of Indigenous Law, as well as Indigenous Family Law and Matrimonial Property, Indigenous Law of Obligations and Succession, and Indigenous Public Law.

These courses focus on the law of the Bantu-speaking peoples of South Africa.

The School of Law at UNISA has set up a Department of Constitutional, International and Indigenous Law, which in turn has created the Centre for Indigenous Law. Members of the research centre are from UNISA and also include scholars from other African universities. Past researchers have included Dawid van Wyk, Gardiol van Niekirk, A.C. Mybergh, M.W. Prinsloo and L.C. Vorster.

Although the main campus of UNISA is in Pretoria, the university has now become an open distance learning institution with regional centres throughout southern Africa.

ZULULAND UNIVERSITY

Undergraduate law students at Zululand University must take Foundations and Sources of South African Law, which includes a module on customary law, as well as a course entitled Indigenous Law. This course concerns the “Indigenous law of persons, family, contracts, delicts, property and succession. Traditional leadership and administration, the jurisdiction of the courts of traditional leaders, indigenous criminal law and law of procedure and evidence”. See http://www.unizulu.ac.za/pdf/commerce/law_sm_Module_Descriptions.pdf

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AMERICAS

See "Canada", "Latin America/Mexico/Caribbean" and "United States". Some sources that address multi-jurisdictional issues in Canada and the United States appear in the General and Multi-jurisdictional Bibliography.

AOTEOROAN/NEW ZEALAND

There is a trend towards promoting Maori/Pakeha (non-Maori) biculturalism in legal education in Aotearoa/New Zealand. The most well-known exemplar of this trend is Waikato Law School, which adopted the goal of biculturalism at its inception in 1990. However, the idea of biculturalism is itself contentious and the content of biculturalism is not necessarily clear.²² Tikanga Maori (Maori law or way of life) has certainly had an impact on New Zealand legal culture through the ongoing Waitangi treaty relationship, and is evidenced by the wide use of Maori terms in legal education, jurisprudence and public discourse. In terms of legal education,²³ however, there has been debate about whether Maori content in law school was merely an “add-on” and criticism that real power-sharing, even at Waikato, was not forthcoming, although real strengths of the program were acknowledged.²⁴ Meanwhile, Maori *wananga* (public post-secondary institutions providing education in a Maori cultural context) were being created that taught predominately Maori content. At two of these, comprehensive instruction in Tikanga Maori is now offered in diploma, undergraduate and graduate programs.

University Initiatives

AWANUIĀRANGI WANANGA

This *wananga* offers Master’s and Ph.D. programs in both Maori and Indigenous studies. Law is one possible focus of graduate study at Awanuiārangī. Graduate electives include courses on Maori environmental guardianship practices (*Kaitiakitanga*), land law, and Maori philosophy (*Mātauranga Māori*). See their website at

<http://www.wananga.ac.nz/schools/graduate/Pages/Master%20of%20Māori%20Studies.aspx>

²² See Stephanie Milloy & Leah Whiu, “Waikato Law School: An Experiment in Bicultural Legal Education” (2005) Yearbook of New Zealand Jurisprudence 173.

²³ Note that, in Aotearoa/New Zealand, having a undergraduate degree is not a requirement for entry into law school.

²⁴ Milloy & Whiu, *supra* note 22.

There is also a Bachelor's in Mātauranga Māori, which offers courses in various aspects of Tikanga Maori, such as Maori language, protocol, governance, environmental stewardship, family and tribal histories, oratory and conflict resolution. According to the Awanuiarangi website, "this three-year, full-time degree programme is a response to concerns raised by many marae across the nation. These marae identified a need to create a knowledge base to sustain the specialised tikanga practices and kawa of individual marae."²⁵

TE WANANGA O RAUKAWA

This *wananga* offers a Diploma, Bachelor's, Post-Graduate Diploma and Master's of Maori Laws and Philosophy. According to their program information,

The heke (diploma) focuses on tikanga Māori by exploring the presence of tikanga as a highly successful and self-contained system of law. The degree programme aims to introduce students to Māori legal systems which existed prior to contact with Pākeha; to consider the influence of Pākeha values on our legal systems; and to critique the legal processes that we encounter in contemporary times.

The Master's program is designed to produce legal philosophers who can understand and speak Maori and who take "an active interest in tikanga Māori and the implementation of tikanga principles in the daily lives of hapū [sub-tribe/clan] and iwi [tribe] members." See their website at http://www.wananga.com/index.php?option=com_content&view=article&id=22:ahunga-tikanga&catid=11:our-courses

UNIVERSITY OF AUCKLAND

Te Tai Haruru, established in 1994, is a research group of Maori scholars that focuses on Tikanga Maori at the University of Auckland. Current members are Nin Thomas and Khylee Quince. In 2004, the group launched the Te Tai Haruru Journal of Maori Legal Writing, edited

²⁵ "Marae" are communal meeting places, created as reserves under the *Maori Land Act*; the term also refers to communities of people who gather at marae. "Tikanga" is the Maori law or way; "kawa" is similar to "protocol" or "etiquette". See Awanuiarangi, online: <http://www.wananga.ac.nz/SCHOOLS/IWIDEVELOPMENT/Pages/Te%20Tohu%20Ako%20Tawhiti.aspx>

by Nin Thomas. The journal was conceived partly to discuss Tikanga Maori as part of a modern Maori system of law. For links to the journal, see <http://www.law.auckland.ac.nz/uoac/ca-tth>

Nin Thomas teaches Maori Land Law and Comparative Indigenous Peoples and the Law. The latter course was previously taught by live videoconference, with Melissa Castan (Australia), Bradford Morse (New Zealand/Canada), Lindsay Robertson (U.S.), Margaret Stephenson (Australia), Ruth Thompson (Canada) and David Yarrow (Australia).²⁶

UNIVERSITY OF OTAGO

Jacinta Ruru teaches upper-level courses Māori Land Law and Law and Indigenous Peoples. Ruru's research focus is on Māori water law.

VICTORIA UNIVERSITY (WELLINGTON)

At this law school, Carwyn Jones teaches Maori Customary Law, an elective course, and teaches on the *Treaty of Waitangi* as part of the core course Public Law.

Wellington is also the home of the Te Kaupapa Reo-a-Ture – The Legal Māori Project. This project has produced a Maori legal dictionary, a Maori legal archive, a Maori legal lexicon and a Maori legal corpus. Carwyn Jones was one of the members of the reference group, which included Maori experts, judges and faculty members. Team leaders were Mamari Stephens and Mary Boyce (Hawai'i). The dictionary was published earlier this year by LexisNexis (see bibliography). For more information about the dictionary, see the Maori Law Review website at <http://maorilawreview.co.nz/2012/09/the-legal-maori-dictionary-treading-a-careful-path/>

WAIKATO UNIVERSITY

Waikato University offers a conjoint degree in Law and Tikanga Māori (LL.B./B.A). For information about this program, see:

http://www.waikato.ac.nz/data/assets/pdf_file/0009/125010/Law-and-Maori-combined.pdf

²⁶ For more information about this course, see Margaret Stephenson, *et al.*, "International and Comparative Indigenous Rights via Videoconferencing" (2009) 19 Legal Education Review 237.

Waikato's Te Piringa Law Faculty also offers a Master of Laws in Māori/Pacific & Indigenous Peoples' Law.

In addition, the law school operates the Centre for Maori and Indigenous Governance, whose members include Valmaine Toki and Linda Te Aho.

Waikato states it is committed to the development of a bicultural legal curriculum, research interests and institutional structures.²⁷ Maori perspectives, concepts and traditions form an integral part of several of the compulsory courses, including Legal Systems, Law and Societies and Jurisprudence, and are addressed in several optional courses, such as Māori Land Law. Students may submit their work in either English or Maori.²⁸ Tutorials and cultural support²⁹ are available, along with a library collection of special interest to Maori students, who make up 24% of the law student population. The Master's program also has a focus on Maori and Indigenous Law.

Waikato is home to the Te Matahauariki Research Institute, which is focused on Maori law. Their Te Matapunenga Project "is aimed at providing a base of knowledge about Maori customary law from which to advance the Institute's study of ways in which our legal order can reflect the values of both of its major component cultures."³⁰ The research institute is in the process of compiling a compendium of Maori customary legal concepts, which is planned as a companion to the Maori legal dictionary. See online: <http://www.lianz.waikato.ac.nz>

²⁷ See the Law Faculty website at <http://www.waikato.ac.nz/law/faculty>

²⁸ Although see Milloy and Whui's critiques of this policy in practice, *supra* note 22.

²⁹ Cultural and academic support includes full-time Maori academic and administrative staff; the advice and support of a Maori woman Elder; individual mentoring of all Maori students by Maori faculty; and a liaison who coordinates study groups and tutorials.

³⁰ See online, <http://lianz.waikato.ac.nz/matapunenga/tematapunenga.htm>

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For a useful list of theses on Maori topics, see online: http://www.wananga.com/pdf/Theses_Collection.pdf

For a list of materials on Maori customary law, see the University of Vanuatu's Emalus online documents collection at: http://www.vanuatu.usp.ac.fj/library/Online/USP%20Only/Customary%20Law/Maori_bibliography.htm

ASIA

As in Africa, the idea of indigeneity in Asia is contentious.³¹ Asian states use various terms other than “Indigenous” to refer to Indigenous peoples, such as: “tribals” or “tribal people”, “hill tribes”, “scheduled tribes”, “natives”, “ethnic minorities”, “minority nationalities” and other similar denominations. In India and Bangladesh, the term “Adivasis” (“original inhabitants”) is used; “Orang Asli” (“original peoples”) is used in Malaysia; “Janajata” is used in Nepal. Under colonial rule, special legal status was accorded to some Indigenous peoples in nations such as Bangladesh, India, Indonesia, Malaysia and Myanmar. However, after independence, many Asian countries suppressed specific recognition of Indigenous peoples in order to further state agendas of national unity and development.³²

Constitutional or other legal recognition of Indigenous peoples has occurred in such countries as Malaysia (1957), the Philippines (1997), Cambodia (2001) and Nepal (2002, 2006). In countries such as Laos, China and Vietnam, Indigenous peoples are referred to as “ethnic minorities” or “minority peoples” and not accorded Indigenous status. However, some countries, while not acknowledging the indigeneity of various ethnic minorities, may still have jurisprudence that confirms Indigenous rights, as in the case of the Ainu of Japan and the Orang Asli of Malaysia.³³ Constitutional recognition may be a good step forward, but does not prevent states from continuing to infringe Indigenous rights and laws, as in Thailand, where Indigenous

³¹ On the controversiality of determining indigeneity in Asia, see Raja Devasish Roy, *Traditional Customary Laws and Indigenous Peoples in Asia* (London: Community Rights Group International, 2005) at 6; Stephen Allen, “Establishing Autonomous Regimes in the Republic of China: The Saliency of International Law for Taiwan’s Indigenous Peoples” (2005) 4:1 *Indigenous Law Journal* 159 at 169-71; and Christian Erni, *The Concept of Indigenous Peoples in Asia: A Resource Book* (Copenhagen: IWGIA; AIPP, 2008).

³² Roy, *ibid.* at 9; Allen, *ibid.* at 171.

³³ The information in this and the previous paragraph is adapted from Rodolfo Stavenhagen, *Peasants, Culture and Indigenous Peoples: Critical Issues* (Berlin: Springer, 2013), Chapter 7, “A Report on the Human Rights Situation of Indigenous Peoples in Asia (2007)”. Regarding rights of the Orang Asli, note the Malaysian Supreme Court case *Sagong Tasi v. Negeri Kerajaan Selangor* (2002); in Japan, see the Nibutani Dam case, *Kayano v. Hokkaido Expropriation Committee* (Sapporo District Court, 2007).

peoples' customary forest law is constitutionally enshrined but frequently disregarded in practice.³⁴

Despite the relatively large population of Indigenous peoples in Asia (over 100,000,000 according to the UN's www.RefWorld.org) it is surprising that I could not identify more universities that focus on Indigenous legal traditions. I hope other researchers more familiar with Asian languages will research such institutions.

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<http://www.aippnet.org/home/index.php>

Note materials of the Asia Indigenous People's Pact, www.aippnet.org and the Asian Indigenous and Tribal People's Network, www.aitpn.org

³⁴ For an account of this, see Nuthamon Kongcharoen, *Community Forest Management in Northern Thailand: Perspectives on Thai Legal Culture* (Ph.D. Dissertation, University of Victoria, Faculty of Law, 2012) [unpublished].

CHINA

Although there are roughly 100 million people that make up the 55 so-called “minority peoples” in China,³⁵ I was advised by my colleagues who went to law school in that country that the legal traditions of minority peoples are not taught in law school; only the state legal system is taught.³⁶ My investigations have borne out this conclusion, although my unfamiliarity with Mandarin has undoubtedly caused me to miss some information about Indigenous legal education opportunities in China.

University Initiatives

YUNNAN NATIONALITIES UNIVERSITY

One of the most progressive post-secondary institutions in the area of Indigenous studies in China is the Yunnan Nationalities University (YNU). YNU, located in Kunming, Yunnan Province, was founded in 1951 by the State Ethnic Affairs Commission and the Yunnan provincial government in part as a venue for studying China’s various “minority peoples”. YNU has a School of Law and Business Administration. See

<http://www.chinatefl.com/yunnan/study/ynmzdxzy.html>

A visiting scholar at YNU who is interested in the law of Indigenous peoples in China’s southwest is Katherine Palmer Kaup, the James B. Duke Professor of Asian Studies and Political Science at Furman University in Greenville, South Carolina. Currently, she is working on a manuscript entitled “Controlling the Law: Rule of Law Development in China’s Southwest Minority Regions”. This paper is based on fieldwork Kaup conducted in Honghe, Wenshan, and Xishuangbanna Prefectures in Yunnan Province from 2012-2013, and “examines processes for resolving conflicts between minority customary law and national state law. Interview data with government officials at the central, provincial, prefectural, county, township, and village levels as well as with villagers, legal scholars, and anthropologists provides insight into central-local

³⁵ Census of China, 2000.

³⁶ Conversation with Chong Ke, recent Ph.D. graduate of the University of Victoria Law and Society program; conversation with Jing Qian, Ph.D. candidate, University of Victoria Law and Society program.

relations as well as broader rule of law issues.” See

<http://www2.furman.edu/academics/AsianStudies/facultystaff/Pages/Kaup.aspx>

Other relevant works by Kaup include:

“A Western Scholar Views Minority Customary Law and State Law Conflict Resolution and Zhuang Ethnic Identity”, paper presented at Yunnan Nationalities University Ethnic Research Institute (n.d.).

“Minority Law and Policy,” paper presented at the East Asia Center and the Tibet Center, University of Virginia, Charlottesville (10 April 2009).

“Rule of Law in China’s Ethnic Regions: What Happens When Minority Customary Law Conflicts with State Law?” paper presented at the 2010 Annual Association of Asian Studies, Philadelphia (26 March 2010).

“The Regional Ethnic Autonomy Law,” paper presented at Columbia University Law School, New York (February 2009).

At Yunnan University law school, a two-year cooperative Master’s program on “Law and Ethnic Affairs” has been established by the Norwegian Centre for Human Rights (NCHR), the Law Faculty at the University of Oslo and the University of Tromsø (UiT) Sami Centre. According to the University of Oslo, “The program includes five main themes: (1) legal anthropology, (2) ethnic law culture, (3) the theory and practice of regional national autonomy, (4) protection of minority rights and judicial system of minority regions, (5) The legal history of minorities in China.”³⁷

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Fan Honggui. *Zhongguo shaoshu minzu xiguanfa (The Customary Law of China’s Minority Nationalities)* (in Chinese) (Jilin: Jilin Jiaoyu Chunbanshe, 1990).

³⁷ For more details, see University of Oslo, online:

<http://www.jus.uio.no/smr/english/about/programmes/cap/education/docs/introduction-sino-norwegina-ma-program.pdf>

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MALAYSIA

Malaysia is a multi-juridical society, using the common law, Shari'a law, Indigenous customary law (especially in Sabah and Sarawak), and Adat. Adat is the customary law of Malaysia. Most Malays, along with many Indigenous peoples, practice Adat. (The term Adat is also used to describe the non-Islamic customary law of peoples in Indonesia, the southern Philippines, and in the Caucasus and Central Asia.) According to an Indigenous Malaysian academic colleague, there is very little literature on the Indigenous legal traditions of Malaysia, and such legal traditions are marginalized by the state, even though they are commonly practised.³⁸

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Wu, Min Aun. *The Malaysian Legal System*, 3d ed. (Kuala Lumpur: Pearson Malaysia, 2005). See especially Chapter 5.

PHILIPPINES

University Initiatives

UNIVERSITY OF THE PHILIPPINES

On August 27, 2010, the Anthropology Core Group (Anthropos) and the University of the Philippines Anthropology Society hosted a forum entitled "*Batas Katutubo: Learnings from Indigenous Laws in the Philippines*". According to the conference organizers, the purpose of the forum was

³⁸ Conversation with Ronnie Edwards, Ph.D. candidate in Law and Society at the University of Victoria.

... to discuss in detail the customary laws of Indigenous Peoples, their present status and also their applications to the wider context of Philippine society. We also want to raise questions on the Philippine legal system – whether it is more applicable to pattern our current constitution to the enduring customs of indigenous communities rather than to the Western conventions it was originally based on.³⁹

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See <http://www.cdasia.com/2011/04/03/indigenous-peoples-and-the-law/> for materials on Indigenous peoples in the Philippines, including materials of the National Commission on Indigenous Peoples (NCIP), relevant laws, administrative issuances and Supreme Court decisions. On CD: http://www.fao.org/fileadmin/user_upload/legal/docs/lpo1.pdf

See also the online database of Tebtebba (Indigenous Peoples’ International Centre for Policy Research and Education): <http://www.tebtebba.org/index.php/resource-center>

³⁹ See <http://www.facebook.com/events/132578453453491/>

TAIWAN

There are 14 officially recognized Indigenous peoples in Taiwan, who together make up slightly more than 2% of the population. Many Indigenous people are confined to “Indigenous Areas” and have had their own lands confiscated. Indigenous laws as such are not taught in law school, but there is beginning to be more awareness of Indigenous legal issues following the passage of the *Indigenous Fundamental Law* in 2005, viewed by Indigenous peoples as a treaty with the Taiwanese state.⁴⁰

University Initiatives

NATIONAL DONG HWA UNIVERSITY

The College of Indigenous Studies at National Dong Hwa University was established in 1991 in Shou-feng, Hualien. It publishes the *Journal of Indigenous Studies*, and the *Dong Hwa Series on Indigenous Studies*, which has published eight research, culture, and policy books since its inception in 2008.

Chen-Feng Shih of the Department of Indigenous Development and Social Work at NDHU has published on some aspects of Taiwanese Indigenous law.

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⁴⁰ Cheng-Feng Shih. “Multicultural Politics in a Settlers’ Society: The Case of Taiwan” (2011), online: <http://faculty.ndhu.edu.tw/~cfshih/politics%20observation/newspaper/20110624.pdf>

Shih, Cheng-Feng. "Academic Colonialism and the Struggle for Indigenous Knowledge Systems in Taiwan" (2010) 29:9 *Social Alternatives* 44, online:
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<http://faculty.ndhu.edu.tw/~cfshih/politics%20observation/newspaper/EN2007.pdf>

See the following websites:

Council of Indigenous Peoples:⁴¹
<http://www.apc.gov.tw/portal/docList.html?currentPage=1&CID=74DD1F415708044A> ;

Taiwan First Nations: <http://www.taiwanfirstnations.org/index.html#Treaties>

THAILAND

The legal traditions of the Indigenous peoples of Thailand are not taught in law school, as the Thai state does not view such traditions as legitimate, especially where they are in conflict with state law. Nevertheless, some state actors such as forestry managers do work with Indigenous laws "on the ground" and in daily life. For an interesting description of such formally unacknowledged but practised law, see:

Kongcharoen, Nuthamon. *Community Forest Management in Northern Thailand: Perspectives on Thai Legal Culture* (Ph.D. Dissertation, University of Victoria, Faculty of Law, 2012) [unpublished].

⁴¹ Note that the Council of Aboriginal Peoples has sent delegations to meetings of the Assembly of First Nations, and three Indigenous Taiwanese students were chosen by CIP to participate in internships with the Métis National Council. One of these students was Yawai Hagao of the Atayal nation, later a Master's student with the Indigenous Governance program at the University of Victoria. For more information, see Yawai Hagao, Botu Kwesi & Akimn, "Aboriginal International Affairs Internships Report for a Trip to Métis National Council, Canada" (in Chinese, with some materials in English) (8 July-4 August 2008), online:
<http://www.apc.gov.tw/portal/docDetail.html?CID=9E21B87B0FA4451D&DID=0C3331F0EBD318C2D81E3A705FE73517> See also an article in the *Taipei Times* (5 December 2009) about a conference on the Metis hosted by National Dong Hwa University, online:
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Conclusion (Fundamental Institutions of the Customary Law of the Nomadic Tribes of Siberia).

AUSTRALIA

There is an emerging trend in Australia to make post-secondary curricula more reflective of Indigenous knowledge, perspectives and experience through consultation with Indigenous Australian and Torres Strait Islander students and staff.⁴² Reflective of this are Indigenous Reconciliation Statements promising to include Indigenous perspectives in teaching, research and community engagement. These types of statements have been adopted by such Australian universities as John Cook University, University of Adelaide, University of Western Sydney, University of Wollongong, University of Sydney, Queensland University of Technology, Griffith University and Charles Stuart University. Similarly, the Indigenous Cultural Competency in Australian Universities Project currently has pilot projects focused on creating Indigenous cultural competency among Australian university graduates.⁴³

These initiatives have been slow to percolate to law schools. Indigenous content in the law curriculum is not required by the Council of Australian Law Deans (none of whom is Indigenous).⁴⁴ While most Australian law schools teach courses on Aboriginal rights and title, especially following the *Mabo v. Queensland* case in which the High Court of Australia recognized the existence of Aboriginal title, and while some of these courses may incorporate Australian Aboriginal perspectives, there are not many courses on Australian Aboriginal legal traditions themselves.⁴⁵ The importance of addressing this lack was discussed by law educators

⁴² Heron Loban, "Embedding Indigenous Perspectives in Business Law" (2011) 5:2 e-Journal of Business Education & Scholarship of Teaching 11, online: http://www.ejbest.org/upload/eJBEST_Loban_2011_2.pdf

⁴³ *Ibid.*

⁴⁴ Phillip Rodgers-Falk, "Growing the Number of Aboriginal and Torres Strait Islander Law Graduates: Barriers to the Profession" (2011), online: <http://www.innovation.gov.au/TertiaryEducation/HigherEducation/ReviewofIHER/Documents/CommissionedResearch/RodgersFalk.pdf>

⁴⁵ This is not to neglect the Indigenous legal content of "Aboriginal title".

at the inaugural conference of the Indigenous Legal Studies Association entitled “The Future of Indigenous Legal Studies in Australasian Law Schools: Incorporating Indigenous Issues in Law Curricula”, which was held at the University of Sydney Faculty of Law, July 10-11, 2008.

University Initiatives

JAMES COOK UNIVERSITY

Heron Loban, a lecturer in business law at James Cook University’s Faculty of Law, Business and Creative Arts, incorporates Indigenous Australian and Torres Strait Islander legal perspectives into her teaching. See her article on this topic in the bibliography.

QUEENSLAND UNIVERSITY OF TECHNOLOGY

The Indigenous Studies Research Network at QUT is a multi-disciplinary, international forum for Indigenous and non-Indigenous scholars. Some members focus on law, including Larissa Behrendt and Philip Falk. The network publishes the International Journal of Critical Indigenous Studies.

SYDNEY UNIVERSITY

On April 17, 2013, Sydney University Law School hosted an Aboriginal Customary Law Forum as part of the University of Sydney Union’s Indigenous Festival. Panellists were the Hon. Graeme Henson (NSW Chief Magistrate), Jeremy Styles (Principal Solicitor, Aboriginal Legal Service), Patricia Lane (Sydney Law School; barrister) and Tanya Mitchell (Sydney Law School).

UNIVERSITY OF NEW SOUTH WALES

The University of New South Wales has an Indigenous Law Centre, which is the only dedicated Indigenous law research institution in Australia. Law students can work with the centre as part of a course on social justice, or as editors of the Australian Indigenous Law Review or the Indigenous Law Bulletin. Members of the centre do research on various issues relating to Indigenous Australians and the law, but there is no deliberate focus on Indigenous legal traditions. However, members and UNSW law professors Prue Vines and Megan Davis, among

others, have done research on Indigenous legal traditions in Australia. Megan Davis teaches an undergraduate law course entitled Indigenous Peoples and the Law; one of its aims is to “build an awareness of the historical interaction of Indigenous and Western legal systems in Australia.”⁴⁶

UNSW publishes the Australian Indigenous Law Review.

UNIVERSITY OF SOUTH AUSTRALIA

Irene Watson is lawyer, activist and Associate Professor in the Aboriginal Studies Department at the University of South Australia, which is part of the David Uniapon College of Indigenous Education and Research. Watson teaches a course entitled Law and Land, which considers Indigenous Australian land laws and philosophy, as well as their interaction with state law. See the course description online:

<http://programs.unisa.edu.au/public/pcms/course.aspx?pageid=101457>

UNIVERSITY OF TASMANIA

At the University of Tasmania Law School, Gary Meyers teaches students about Australian Indigenous law in his first-year Legal Systems class. This is a one-semester class, with the Indigenous law component taught for a total of four or five hours of lectures and weekly seminars. Topics discussed have included Aboriginal customary Law, Aboriginal law before Cook, traditional law (including punishments and “payback”), and comparative Native title law. According to Meyers, there are

... three aims in this part of the course. First, we introduce students to the fact that, when Europeans first arrived in Australia, there were already customary legal/dispute management systems operating in many Indigenous societies. Second, we ask students to consider how these systems are currently reflected in Australian law. Finally, we

⁴⁶ UNSW Law Faculty website at <http://www.handbook.unsw.edu.au/undergraduate/courses/2011/LAWS3211.html>

encourage students to consider whether and how customary law might better be acknowledged in the Australian legal system.⁴⁷

The customary law component of Legal Systems is always assessed, either with a final exam question, or with a 1,000-word research essay.

UNIVERSITY OF TECHNOLOGY, SYDNEY

UTS is home to the Jumbunna House of Learning, the first learning centre for Indigenous Australian and Torres Strait Islander students. On staff are Larissa Behrendt and Nicole Watson. Jumbunna publishes N'giya, Talk the Law and the Journal of Indigenous Policy.

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<http://www.humanrights.gov.au/news/speeches/integration-customary-law-australian-legal-system-calma>

⁴⁷ Gary Meyers, "Two Examples of Incorporating Indigenous Issues in Law School Curricula: Foundation Year Courses and Electives in Environmental/Natural Resources Law" (2008) 7:9 Indigenous Law Bulletin 6, online:
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My Country Australia – "Bush Law" (BBC):
<http://www.youtube.com/watch?v=seWFKE9JFw>

The program above deals with the following: in January 2008 the Northern Territory police drove to the land where a men's initiation ceremony was being performed, which is against Aboriginal law.

CANADA/KALAALLIT NUNAAT (GREENLAND)

Canada

Most Canadian law schools provide instruction in the Canadian and international law of Aboriginal rights, although the variety and number of courses varies from school to school. Some law schools, such as Allard Hall at UBC, make instruction in Aboriginal law mandatory for all undergraduate law students. Many schools provide academic and cultural supports for Indigenous students, and the University of Saskatchewan offers Indigenous students the

opportunity to attend an eight-week pre-law school summer course in Property Law. Some students take this course as a condition of their entry into law school.⁴⁸

The movement for providing instruction in Indigenous laws at Canadian law schools is gaining momentum. In addition to the increase in Indigenous law course content taught by individual scholars over the years, law schools and other university programs are beginning to propose and plan concentrations and degree programs based on Indigenous legal traditions.⁴⁹

Topics of the Kawaskimhon Moot often focus on conflicts between Indigenous groups, such as territorial overlaps. In resolving the 2013 moot problem (whether fee simple land ownership should be legislated on reserves), students were encouraged to consider “indigenous values and legal orders”.⁵⁰ The moot, which is non-competitive, was first held in 1994.

Kalaallit Nunaat (Greenland)

There is only one university in Kalaallit Nunaat (Greenland): Ilisimatusarfik (Grønlands Universitet).⁵¹ As it does not have a law school, students wishing to practise law in Greenland must study in Denmark. The lack of a law school in Greenland has been raised as an issue for Greenlandic self-government, as approximately 50,000 of 57,000 Greenlanders are Inuit.⁵²

⁴⁸ See the web page of the Program of Legal Studies for Native People: <http://www.usask.ca/plsnp/>

⁴⁹ I would be grateful if readers would let me know of any new initiatives that should be added to the ones summarized below. As this field is developing quickly, this paper is necessarily a work in progress. I have made every effort, given the time available, to let readers know about Indigenous law initiatives and related research work in Canada; any omissions are unintentional.

⁵⁰ See University of Western Ontario, 2013 Kawaskimhon Moot page: http://www.law.uwo.ca/conferences/kawaskimhon_moot_2013/index.html

⁵¹ There is also the Arctic Technology Centre, a branch of the Danish Technical University, but this only offers courses related to science and engineering.

⁵² IWGIA, “Indigenous Peoples in Greenland”, online: <http://www.iwgia.org/regions/arctic/greenland>

In 2009, the new *Act on Self-Government* came into force, creating greater autonomy from Denmark.⁵³

University Initiatives

AKITSIRAQ LAW SCHOOL PROGRAM (NUNAVUT ARCTIC COLLEGE)

The first post-secondary program in Canada that focused on Indigenous legal traditions was the Akitsiraq Law School Program in Iqaluit, which ran from 2001 to 2005. This was a joint project of the University of Victoria Faculty of Law, the Akitsiraq Law School Society and Nunavut Arctic College, with funding from the Government of Nunavut, the Government of Canada, and the Gordon Foundation. Fifteen Inuit students were admitted to the four-year LL.B. course, which included courses on traditional Inuit law, and introduced Inuit perspectives into other law courses. An Elder-in-residence program was an important part of the degree's educational design. At the end of the program, 11 students graduated with LL.B.s.

A second four-degree program was planned, but has been postponed due to funding difficulties. Meanwhile, the Akitsiraq Legal Skills course, a two-week stand-alone law school preparation course, ran last year, as well as this June (2013). See www.akitsiraq.ca

Nunavut Arctic College also produced an Inuktitut/French/English legal glossary. See the bibliography for details.

ALGOMA UNIVERSITY

While Algoma University in Sault Ste Marie, Ontario does not have a law school (it has a Department of Law and Politics), it offers extensive law courses as part of its B.A. program in Law and Justice. Dawnis Kennedy teaches the courses Indian Law and Policy in Canada and Treaty Relations, both of which have Anishinabek law components. See the Law and Justice online calendar at

http://www.algomau.ca/media/styleassets/pdf/academiccalendar/chapter_4_law_justice.pdf

⁵³ *Ibid.* This is one of the reasons Greenland is not listed in the "Europe" section; another is the close cultural ties between Inuit in Greenland and in Canada.

ATHABASCA UNIVERSITY

Students in the online Bachelor of Management, Indigenous Nations and Organizations Major must take the course Indigenous Governance, which teaches students about “Indigenous conceptualizations of such things as land, leadership, citizenship, decision making and relationships with other nations.”⁵⁴

CANADIAN MENNONITE UNIVERSITY

The Canadian Mennonite University in Winnipeg is home to the Canadian School of Peacebuilding (CSOP). This June (2013), Maxine Matilpi taught a course for CSOP entitled “Human Rights and Indigenous Legal Traditions”. One of the goals of this course was to critically examine human rights from the perspective of selected Indigenous legal traditions. See the course outline at <http://csop.cmu.ca/wp-content/uploads/2011/06/POLS-PCTS-2950-Human-Rights-Indigenous-Legal-Traditions-Syllabus-Maxine.pdf>

LAKEHEAD UNIVERSITY

Students at the new law school at Lakehead University in Thunder Bay, Ontario, must take the first-year course Native Canadian World Views and Law, which “introduces students to world views from the perspective of Aboriginal Peoples in Canada and how these perspectives fit within the legal system.”⁵⁵ This is a one-semester course. Additionally, a non-credit law course, Aboriginal Perspectives, will also be part of the first year of studies. This course is designed to “introduce students to Aboriginal culture, traditions and perspectives through speakers, dialogue and experience-based opportunities.”⁵⁶

⁵⁴ See course description, online: <http://www.athabascau.ca/syllabi/inst/inst430.php>

⁵⁵ Lakehead University Faculty Newsletter, online: <https://www.lakeheadu.ca/sites/default/files/uploads/448/docs/Faculty%20of%20Law%20Newsletter%201.pdf>

⁵⁶ *Ibid.* Originally, the law school had approved a required full-year course on Aboriginal perspectives on the law taught through the Department of Indigenous Learning. The law school then replaced this course with the one-semester course described above. This decision led to a protest by students, who thought that cutting the course in half and changing its focus from Aboriginal views of the law to how Aboriginal perspectives fit within the Canadian law was inappropriate. The addition of the experiential non-credit course described above was a

MCGILL UNIVERSITY

The law school at McGill is currently considering how to expand its trans-systemic legal program to include instruction in Indigenous legal traditions. To further this objective, the McGill Law Teaching Network hosted a presentation on February 18, 2013 by Val Napoleon and Hadley Friedland entitled “Indigenous Law in the World”. As a result of this Indigenous legal education workshop, over the next few years at McGill students will be able to participate in an Indigenous laws summer course/research project with Professor Napoleon and/or will be able to participate in joint university seminars via videoconference.⁵⁷

NICOLA VALLEY INSTITUTE OF TECHNOLOGY

The Nicola Valley Institute of Technology (NVIT) is British Columbia’s Aboriginal, public, post-secondary institute. NVIT offers a university transferrable Diploma of Academic and Indigenous Studies; one of the courses available for this program is First Nation Law, taught by Sharon McIvor. According to the NVIT description, “This course will critically examine the practices of First Nation, Metis and Inuit law from historical/traditional and contemporary perspectives. Students will examine how First Nation, Metis, and Inuit communities practice social harmony, both in the past in the present.”⁵⁸

ST FRANCIS XAVIER UNIVERSITY

At St Francis Xavier University in Antigonish, Nova Scotia, Jane McMillan teaches a Legal Anthropology course entitled Advanced Indigenous Studies, that

Examines the traditional foundations of Indigenous law and governance, the impact of colonization, assimilation and systemic discrimination on Indigenous law ways and governance, and current sociolegal and policy issues that challenge Indigenous

compromise that eventually caused the students to end their protest, and was accepted by the university’s Aboriginal partners.

⁵⁷ See McGill University, “Law Teaching Network Project Summary” (2013), online: http://www.mcgill.ca/law/sites/mcgill.ca.law/files/ltn-tls_activity_report_2013_rev_04_july_2013.pdf

⁵⁸ See NVIT, online: <http://www.nvit.ca/course.aspx?crsNumber=INST+275&expandDept=true> This course may not be offered every year.

sovereignty and the sustainability of their rights, cultures, and practice of customary knowledge.

See the course outline:

<http://sites.stfx.ca/anthropology/sites/sites.stfx.ca.anthropology/files/OutlineAnth4352013.pdf>

UNIVERSITÉ DE MONTRÉAL

The University of Montreal's Centre de recherche en droit public (Centre for Public Law Research) was one of the main initiators of the Peuples autochtones et gouvernance/Indigenous Peoples and Governance (PAG/IPG) research project, which brought together an interdisciplinary group of scholars and students from universities in BC, Alberta, Ontario, Québec and Europe, and had a number of Indigenous community partners. One of the focuses of this project, under "Domain 2", was "the study of the paradigmatic foundations of current and future legal normativity for Indigenous legal orders". The PAG/IPG group held a number of national conferences from 2006-2012. Papers produced as part of this project are in the process of being published. For more information, see the project website:

<http://www.pag-ipg.com/en/index.htm>

UNIVERSITÉ LAVAL

Dr Geneviève Motard at the University of Laval Faculty of Law includes modules on Indigenous self-government, Indigenous customary law and the interaction of Indigenous and non-Indigenous legal systems as part of her Aboriginal Law course. For a course description, see

https://capsuleweb.ulaval.ca/pls/etprod7/bwckctlg.p_disp_course_detail?cat_term_in=201001&subj_code_in=DRT&crse_numb_in=2557

This coming August (2013), Laval's Faculty of Social Sciences summer school will provide a short course on Indigenous governance and self-determination, with a particular focus on the Canadian context. This course will include visits to Indigenous communities. For details, see

<http://www2.ulaval.ca/les-etudes/lete-a-ulaval/peuples-autochtones-developpement-des-ressources-et-territoire/presentation.html>

UNIVERSITY OF OTTAWA

A proposal by the Aboriginal Committee at the University of Ottawa for an Option Concentration in Aboriginal Law and Indigenous Legal Traditions was recently passed; this option concentration will be added to the curriculum. In addition, the committee put forward a motion to discuss how Indigenous legal traditions can be included within the law school's curriculum. This motion was passed unanimously by the Law Faculty.⁵⁹

Indigenous law content already forms part of courses taught by Sarah Morales (Aboriginal Peoples and the Law); Larry Chartrand (Aboriginal Legal Mechanisms); Tracy Lindberg (Critical Indigenous Legal Theory); Darren O'Toole (Les autochtones et le droit – a common law course in French mostly focusing on Anishinabek law); Jean-Paul Lacasse (L'ordre juridique innu – Civil Law Section, in French); and Sébastien Grammond and John Paul Murdoch (L'ordre juridique cri – Civil Law Section, in French). Starting in 2014-15, Larry Chartrand will be teaching a course with “substantial Indigenous law components”, focusing on theoretical as well as practical issues.⁶⁰

Ghislain Otis, who teaches Aboriginal Law in the Civil Law Section, is the Canada Research Chair on Native Peoples and Legal Diversity.

The Civil Law Section offers summer placement courses with Cree and Innu communities; one of the goals is to introduce students to Cree and Innu legal systems.⁶¹ The common law program will soon offer internships with the Specific Claims Tribunal and the Odawa Aboriginal Community Justice Programme.⁶² The University of Ottawa also partners with the l'Institut culturelle éducative montagnais (Innu) to offer a Certificat universitaire en autonomie gouvernementale (University Certificate in Self-Governance). This program includes instruction

⁵⁹ Correspondence with Sarah Morales.

⁶⁰ Correspondence with Larry Chartrand.

⁶¹ See U of O's “Enriched University Experience” page at <http://www.uottawa.ca/vr-etudes-academic/en/ee-initiatives.html>

⁶² *Ibid.* See their website at <http://www.odawa.on.ca/programs/justice/>

in Innu law. See the program brochure at

<http://www.icem.ca/icem/document/D%C3%A9pliant-autonomiegouvernementale.pdf>

Darren O’Toole was recently awarded a University of Ottawa research grant, which was matched by the law school, to research “Indigenous legal concepts developed through written text, oral tradition and performance-based activities, such as dance, rite and ceremony.”⁶³

UNIVERSITY OF SASKATCHEWAN

From March 22-24, 2012, the College of Law at the University of Saskatchewan hosted the conference “Our Way: The U.N. Declaration on the Rights of Indigenous Peoples and Indigenous Law-Making”. Co-sponsors included the U of S Native Law Centre. See the conference agenda at <http://law.usask.ca/documents/OUR%20WAY%20CONFERENCE%20AGENDA.pdf>

Some researchers with the university’s Native Law Centre have produced works on Indigenous laws (see bibliography).

UNIVERSITY OF TORONTO

The University of Toronto Faculty of Law publishes the *Indigenous Law Journal*, Canada’s first and only legal journal to exclusively publish articles regarding Indigenous legal issues in Canada and internationally. Many articles from this journal have been referenced in this paper.

On January 26-27, 2007, the *Indigenous Law Journal* at the University of Toronto Faculty of Law, in partnership with the Aboriginal Law Students’ Association, the Indigenous Bar Association, the Law Society of Upper Canada and the Law Foundation of Ontario, hosted the conference “Indigenous Law and Legal Systems: Recognition and Revitalization”. James Anaya delivered the keynote address. Speakers included Cindy Blackstock, Gordon Christie, Willy Ermine, Brenda Gunn, James Sakéj Henderson, Shin Imai, Darlene Johnston, Del Laverdure, Willie

⁶³ See online: University of Ottawa <http://www.commonlaw.uottawa.ca/en/news/research-news/prof.-darren-otoole-awarded-research-development-grant-to-study-indigenous-law.html>

Littlechild, Kent McNeil, Bradford Morse, Benjamin Richardson, Brian Slattery, Lorne Sossin and Jean Teillet. For a program, see <http://www.indigenouslawjournal.org>

In the 2012-13 academic year, the U of T law school established a JD/Certificate Program in Aboriginal Legal Studies. Although the main focus of this program is the Canadian law pertaining to Indigenous people, the research of one of the recent graduates, Alice Tsier, was on “Haudenosaunee Sovereignty in the Canadian Courts” (unpublished).

UNIVERSITY OF VICTORIA

Members of the University of Victoria Law Faculty have proposed a four-year combined Indigenous law/common law program leading to a three-year common law degree (Juris Doctor, or JD) combined with a one-year degree in Indigenous legal traditions (Juris Indigenarum Doctor, or JID). According to one of the key proponents, Val Napoleon,

The purpose of this program, the first of its kind in the world, is to bring Indigenous legal orders into the heart of university legal education. The program works comparatively across legal traditions – that of the common law and those of selected Indigenous legal orders in a way that focuses on mechanisms of transmission of law, enables cross-illumination, explores points of connection and difference, and examines modes of legal reasoning across societal divides.⁶⁴

The JID will be taught in a law school environment and in Indigenous communities, but in all cases in close collaboration with the communities involved. During the first year of the program, there will be a single cohort, with subsequent intake of students every year or two, depending on student demand.

From June 29 to August 14, 2009, UVic offered a Summer Program in Indigenous Legal Studies, which was “expressly designed to serve as a pilot for teaching Indigenous legal traditions trans-systemically.”⁶⁵ John Borrows, Val Napoleon (then at University of Alberta), and Gordon Christie (UBC) each taught one course. These courses focused primarily on Anishinabek, Gitksan and Inuit legal traditions. Sarah Morales, a Ph.D. candidate at UVic and now Assistant

⁶⁴ Correspondence with Val Napoleon.

⁶⁵ Correspondence with UVic Law Dean Jeremy Webber.

Professor at the University of Ottawa (see above), also provided some instruction on Coast Salish Law.

In 2012, UVic established the Indigenous Law Research Clinic in order to critically and rigorously investigate research questions pertaining to Indigenous law, in partnership with Indigenous communities, and in collaboration with the Indigenous Bar Association and the Truth and Reconciliation Commission (and funded by the Ontario Law Foundation). This national research project explored how Indigenous societies responded to harms and conflicts *between* and *within* groups. Student researchers used an adapted common law methodology created by Val Napoleon and Hadley Friedland to analyze and synthesize the law in published Indigenous stories, which they first researched. Through this process, the researchers articulated legal principles of compensation, sanctions, community safety, peace-making, and dispute resolution. Interviewing members of Indigenous partner communities about their results, the researchers identified internal strengths and resiliencies within Indigenous legal orders: intellectual resources, problem-solving procedures and ways of teaching.⁶⁶

As part of this project, researchers worked with Coast Salish, Cree, Tsilhqot'in, Secwepemc, Mi'kmaq, and Anishinabek legal traditions. Additional work is taking place with the legal traditions of the Inuit (circumpolar perspectives), Metis, and Dunne-za peoples. The clinic is also currently conducting a Coast Salish Civil Procedure and Legal Concepts research project.

In addition to the above, the clinic's work has included developing and delivering an intensive introductory course for working with Indigenous legal orders, and publishing a graphic narrative about Cree law, *Mikomosis and the Wetiko* (see bibliography).

Clinic participants spoke about their research as part of the Indigenous Bar Association annual conference in Winnipeg, October 17-18, 2012: "Accessing Justice and Reconciliation"; they presented at "Indigenous Law in the World: A Symposium", University of Victoria, Faculty of Law, Victoria, September 8, 2012); and they participated in the "Thinking about and Practicing with Indigenous Legal Traditions" workshop, September 30 to October 2, 2011, in Fort St John,

⁶⁶ Correspondence with Val Napoleon.

BC. See the program at: <https://sites.google.com/site/indigenouslawconference/program> All of these conferences and workshops were coordinated by Val Napoleon and Hadley Friedland, with the assistance of Renée McBeth.

Other Indigenous law initiatives at UVic have included involvement in the Akitsiraq program, as well as development of the Law and Society graduate program, which includes a focus on Indigenous issues. Since the UVic Law graduate program was begun in 2004, more than half of all of its students have researched Indigenous legal traditions.⁶⁷ In 2005, UVic offered a Summer Program in Indigenous Legal Studies. This six-week offering consisted of five courses taught by John Borrows (UVic), Heather Raven (UVic), Robert Williams (Arizona), James Hopkins (Arizona), and Robert Hershey (Arizona).

The UVic law school has a joint degree program with the university's Department of Indigenous Governance (IGOV). Some graduate students in IGOV and in Dispute Resolution have researched Indigenous laws (see bibliography). This fall (2013), Heidi Kiiwetinepinesiik Stark, in the Department of Political Science, will be offering a course entitled US/Canadian Comparative Indigenous Law and Policy.

UNIVERSITY OF WINNIPEG

The University of Winnipeg offers a Master's program in Indigenous Governance, "a multidisciplinary program grounded in an understanding of Indigenous peoples' values, principles, and philosophies."⁶⁸ While this program does not have a specific Indigenous laws component, it is designed to promote Indigenous self-determination and governance models.

YORK UNIVERSITY (OSGOODE HALL LAW SCHOOL)

Since 1993, Osgoode Hall has run the Intensive Program in Aboriginal Lands, Resources and Governments. This is a semester-long for-credit legal clinic placement in an Indigenous

⁶⁷ Current UVic law graduate students working on Indigenous laws in addition to those scholars referenced in the bibliography are Robert Cliff, Ronnie Edwards, and Debra McKenzie.

⁶⁸ University of Winnipeg, online: <https://www.uwinnipeg.ca/index/cms-filesystem-action/pdfs/grad-studies/indigenous-governance-ma.pdf>

community or agency. Students from all Canadian law schools are eligible to apply. According to the program brochure,

Over the last 20 years, issues relating to Aboriginal peoples and Aboriginal rights have entered the mainstream of Canadian political and legal life. Today, in such areas as constitutional law, environmental law, land use planning, resource management, and criminal law, it is necessary to know the basic principles which define the relations between Aboriginal peoples and Canada, *as well as the law of the Aboriginal peoples themselves*. [emphasis added]

To link to the brochure, see <http://www.osgoode.yorku.ca/clinics-experiential/clinical-education/aboriginal-lands-resources-governments>

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EUROPE

As in Asia and Africa, the concept of indigeneity in Europe is contested.⁶⁹ For instance, some describe the Sami as Europe's only Indigenous people (e.g. the European Union), while others consider Basques, Chechens, Circassians (Adhyge), Gorals, Mari and Setu, for example, to be Indigenous. Some states may accept the indigeneity of certain peoples, while other states deny it for the same peoples: for instance, the Setu, who are related to Sami people, are accepted by Russia as being Indigenous, although they are denied this status in Estonia.⁷⁰ Many Indigenous

⁶⁹ E.g. for an argument that Sardinian peasants meet many of the criteria of indigeneity, see Tracey Heatherington, *Wild Sardinia: Indigeneity and the Global Dreamtimes of Environmentalism* (Seattle: University of Washington Press, 2010). Compare Rainer Grote, who is far more restrictive, in "On the Fringes of Europe: Europe's Largely Forgotten Indigenous Peoples" (2006-07) 31:1 *American Indian Law Review* 425.

⁷⁰ Kristin Kuutma, Elo-Hanna Seljamaa & Ergo-Hart Västriik, "Minority Identities and the Construction of Rights in Post-Soviet Settings" (2012) 51 *Folklore* 49, online: <http://www.folklore.ee/folklore/vol51/minority.pdf>

peoples of the Russian Federation are not European, as only a small portion of the Russian state is within Europe (i.e. west of the Ural Mountains).⁷¹ Many peoples indigenous to the Caucasus, such as Chechens and Circassians (Adyghe), now live in Central Asia and the Middle East, having been repeatedly displaced from their lands.

Whether Roma are Indigenous is another contentious question, which is beyond the scope of this paper.⁷² I have included Roma in the Europe section, although Roma people also live in many places outside of Europe, including India, Central Asia, Egypt and the Americas.

BASQUE COUNTRY/EUSKAL HERRIA

For a brief survey in English of works on Basque law, see “Current Practice of Customary Law in the Basque Country: Analytic Summary” (1998) 13 *Azpigueta* 165, online:

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Richmond, Walter. *The Northwest Caucasus: Past, Present and Future* (Abingdon, UK: Routledge, 2008). Contains a discussion of *adyghe khabze*, or Circassian customary law and its interface with *adat*.

⁷¹ For an exploration of rationales for categorization of Indigenous groups in Russia, see Sergey Sokolovsky, “Rooted or Extinct? Post-Soviet Anthropology and the Construction of Indigenousness” in Gabriela Vargas-Cetina, ed., *Anthropology and the Politics of Representation* (Tuscaloosa: University of Alabama Press, 2013).

⁷² An argument in favour of this assertion, at least for one group of Roma, can be found in Martin Olivera, “The Gypsies as Indigenous Groups: The Gabori Roma Case in Romania” (2012) 22:1 *Romani Studies* 19.

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SAPMÍ

Sapmí, or the land of the Sami (previously known as Lapland), includes territories in Finland, Norway, Sweden and Russia. Sami people have their own parliaments in the Scandinavian countries, but not in Russia. Similarly, Sami rights are not protected in Russia, but are enshrined in the constitutions of Finland (1999), Norway (1995) and Sweden (1998).

University Initiatives

UNIVERSITY OF TROMSØ

The University of Tromsø (UiT) offers a Master's in Indigenous Studies through its Centre for Sami Studies (Sámi dutkamiid guovddáš) and the Faculty of Humanities, Social Sciences and Education. This interdisciplinary program focuses on comparative Indigenous issues, with perspectives from history, social anthropology, political science, law and society, and language studies. See <http://uit.no/sesam/master>

The university has a mandate to develop research and education on Sami and Indigenous issues.

<http://www.sami.uit.no/girji/innh-08.htm>

The University of Tromsø's Faculty of Law has a Research Group for Sámi and Indigenous Peoples law:

http://en.uit.no/ansatte/organisasjon/artikkel?p_document_id=184106&p_dimension_id=88177&p_menu=28713

The Director is Susann F. Skogvang and members are Gunnar Eriksen, Ánde Somby, Christina Allard, Matthias Åhren and Øyvind Ravna. The majority of works by these researchers are in Norwegian, but some English materials are available on the website.

Øyvind Ravna is also the leader of a research sub-group on Indigenous peoples' law through the Thematic Network on Arctic Law under the auspices of the University of the Arctic.⁷³

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⁷³ Natalia Loukacheva of the University of Toronto is the leader of the Arctic Governance sub-group.

INDIAN SUBCONTINENT/SRI LANKA/ANDAMAN ISLANDS
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The *Constitution of Pakistan* (1973), Chapter 3, recognizes federally and provincially administered Tribal Areas, and involves tribal authorities in decision-making in these areas. India currently recognizes 461 Indigenous groups, or “Scheduled Tribes” (sometimes called *Adivasis*), although there may be as many as 635 tribal groups in India. The Indigenous people of India are recognized in the constitution (1950), and comprise approximately 8.2 percent of the population (about 84 million people).⁷⁴ The Nagas are a transnational people who live in northeast India and in Burma.

There is no constitutional recognition of Indigenous peoples in Sri Lanka or Bangladesh, although the Indigenous people of the Chittagong Hill Tracts (CHT) in Bangladesh signed an accord with the government, following 25 years of war, which states that the CHT is a tribal region and also recognizes its traditional governance system.⁷⁵

University Initiatives

CENTRAL UNIVERSITY OF JHARKAND

Although there are many law schools in India – and many Indigenous peoples – there are not many universities that focus on Indigenous law. A notable exception is the Central University of Jharkand, which has just created a Master of Arts program in Tribal Law and Governance at the university’s Centre for Tribal and Customary Law in Ranchi. This is the first program of its kind in India and the first year of its operation; the program’s first cohort of 15 students will be admitted this year. The objective of the M.A. in Tribal Law and Governance is:

- To provide intricacies and insight about the culture of tribal peoples, their philosophy of life and prevailing customary practices.

⁷⁴ IWGIA, “India”, online: <http://www.iwgia.org/regions/asia/india>

⁷⁵ IWGIA, “The Chittagong Hill Tracts”, online: <http://www.iwgia.org/regions/asia/the-chittagong-hill-tracts->

- To instruct about laws and regulation concerning tribal peoples (both directly and indirectly).
- To develop and foster critical analytical skills for understanding and representation of tribal peoples, both in India and abroad.
- To provide an interdisciplinary perspective on the study of tribal peoples by introducing the basic concepts and debates on governance, development and administration within the national and global framework emanating from the disciplines of anthropology, sociology, political science, public administration, economics and law.
- To train students for multifaceted research in issues concerning tribal peoples.⁷⁶

Jharkhand is perhaps an appropriate site for such an institution in India, both because of its relatively high population of Indigenous peoples – 26% according to the 2001 Census of India – and because of a long history of Indigenous uprisings, culminating in the creation of the state of Jharkhand in 2000.⁷⁷ Thus, the need for understanding of the legal traditions of the Indigenous peoples of Jharkhand is particularly acute. There are over 30 “scheduled tribes” in Jharkhand (Government of Jharkhand website):

http://www.jharkhand.gov.in/New_Depts/fores/fores_tribal.html)

Jeuti Barua, the head of the program, told the *Times of India*, "CUJ is the first varsity in India to start a specific course on tribal people with such an approach. There are about 32 tribes in the state and they demand serious attention."⁷⁸

⁷⁶ Program brochure at 7, online: <http://www.cuj.ac.in/downloads/TCL/Information%20Brochure.pdf>

⁷⁷ For a history of this resistance, see R.D. Munda & S. Bosu Mullick, *The Jharkhand Movement: Indigenous Peoples' Struggle for Autonomy in India* (Copenhagen: Bursa & IWGIA, 2003).

⁷⁸ Rupa Giri, “Central University of Jharkhand introduces study of tribal and customary law” *Times of India* (8 April 2013).

NORTH EASTERN SOCIAL RESEARCH CENTRE

Also of interest is the work of the North Eastern Social Research Centre in Guwahati, a group of academics who study peace and conflict in India's seven northeastern states.

<http://www.nesrc.org/aboutus.html>

TRIBAL STUDIES IN OTHER UNIVERSITIES

Indira Gandhi National Tribal University in Amarkatnak, established in 2007, focuses on subjects relevant to Indigenous peoples' concerns, but does not have a law program. In Rajiv Gandhi University there is the Arunachal Institute of Tribal Studies in Doimukh, which offers Master's programs in Anthropology and Philosophy, with courses such as Traditional Socio-Political Institutions of Arunachal Pradesh.

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LATIN AMERICA/MEXICO/THE CARIBBEAN

Since the mid-1980s, the governments of many Latin American states have enshrined protection for Indigenous rights in their constitutions: Argentina (1994), Bolivia (1994), Brazil (1988), Columbia (1991), Ecuador (1998), Guatemala (1985), Mexico (1992), Nicaragua (1987), Panama (1994), Paraguay (1992), Peru (1993) and Venezuela (1999).

This has led to the creation of scholarship and university programs concentrating on Indigenous rights, especially concerning land and the environment. Law schools may teach the state or international law of Indigenous rights; I have not been able to find a law school other than the Pontifical Catholic University in Peru that teaches Indigenous law as law.⁷⁹ There, Antonio Peña Jumba teaches Aymara and Aguaruna law as part of two law school sources (see "Peru" section, below). However, there are many individual scholars such as Raquel Yrigoyen Fajardo who teach classes with Indigenous law content, either in their own universities, or as guest lecturers. Indigenous law, particularly as it relates to governance and ethics, is taught to some extent at

⁷⁹ As my ability to read Spanish is very basic and I do not read Portuguese, I look forward to the results of others' research into Indigenous legal education in Latin America.

various Indigenous universities, although these institutions tend to focus on teaching aspects of the state law of Indigenous rights.

Indigenous universities in Latin America include the Amawtay Wasi Intercultural University, or “the House of Wisdom” (UIAW) in Ecuador; the University of the Autonomous Regions of the Nicaraguan Caribbean Coast (URACCAN); the Autonomous Indigenous Intercultural University (UAIIN) in Colombia; the Indigenous University of Venezuela; and the Indigenous University of Bolivia (UNIBOL), which has sites in three ethnolinguistic regions: the Aymara UNIBOL is in Warisata, near La Paz; a Quechua branch is in the Chapare region north of Cochabamba; and a third is in the predominantly Guarani southeastern Chaco. The Guarani UNIBOL also serves other Indigenous peoples of Amazonia and eastern Bolivia. These universities all belong to the Network of Indigenous and Intercultural Universities of Abya Yala.

Indigenous higher educational institutions are grounded in Indigenous values, communities, knowledge and languages but also have relevance to non-Indigenous cultures, and are thus often referred to as “intercultural”.⁸⁰

There are a dozen intercultural universities in Mexico, including the Intercultural University of Veracruz (UVI) in Xalapa, Veracruz (<http://www.uv.mx/uvi/>), the only Mexican intercultural university to be housed in a pre-existing university. UVI’s undergraduate program in Intercultural Management for Development includes a module on “The Basics of Legal Pluralism”, which explores international and national Indigenous rights, anthropology and legal custom, and legal pluralism in autonomous regimes. There is also a module on “Intercultural Methodologies for Legal Pluralism”, which focuses on translation and interpretation of knowledge, methodologies of human rights education, and normative community systems. The module “Management and Application of Legal Pluralism” is concerned with anthropological

⁸⁰ For a discussion of interculturalism in Indigenous education, see Luciano Pedota, “Indigenous Intercultural Universities in Latin America: Interpreting Interculturalism in Mexico and Bolivia” (Master’s Thesis, Loyola University, Cultural and Education Policy Studies, 2011) [unpublished]; Gunther Dietz & Laura Mateos Cortés, “‘Indigenizing’ or ‘Interculturalizing’ Universities in Mexico? An Ethnography of Diversity Discourses and Practices Inside the *Universidad Veracruzana Intercultural*”, paper presented at “Anthropologies of University Reform”, the 10th biennial conference of the European Association of Social Anthropology, Ljubljana, Slovenia (August 2008).

surveys, transformation of social conflict, and argumentation and documentation strategies.

There is also a module on state law. See

<http://www.uv.mx/uvi/files/2012/11/ProgramaEducativo.pdf>

The Mexican states of México, Chiapas, Tabasco, Puebla, Michoacán, San Luis Potosí, Guerrero and Quintana Roo all have Indigenous universities. Other intercultural institutions in Mexico include the Centre for Ayuuk Studies at the Indigenous Intercultural Ayuuk University (CEA-UIIA), in Oaxaca, the Advanced College of Intercultural Comprehensive Education of Oaxaca (CSEIIO), the Indigenous Autonomous University of Mexico (UIEG), and the National Institute of Indigenous Languages (INALI).⁸¹

Twenty-four Latin American universities and one Spanish university belong to the virtual Indigenous Intercultural University (IIU) network. One of the member universities is the Universidad Academia de Humanismo Cristiano (UAHC)(University Academy of Christian Humanism) in Santiago, Chile, which has an Indigenous rights diploma program through its Faculty of Anthropology. It focuses on developing Indigenous autonomy and governance, and exercising the other rights protected by ILO Convention 169 and the UN *Declaration on the Rights of Indigenous Peoples*. See <http://www.escueladeantropologia.cl/diplomado.html>

The Faculty of Law at the University of Chile offers a post-grad Diploma in Legal Anthropology. See <http://www.derecho.uchile.cl/postgrado/diplomas/72595/diplomado-antropologia-juridica>

The Facultad Latinoamericana de Ciencias Sociales (Latin American Faculty of Social Sciences) is an important academic institution that occasionally produces work connected to Indigenous legal traditions.

FACULTAD LATINOAMERICANO DE CIENCIAS SOCIALES (FLASCO)

FLASCO, an independent academic association inaugurated in 1957, has branches in Argentina, Brazil, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala,

⁸¹ From June 21-22, 2013, Lethbridge University hosted the Canada-Mexico Round Table on Higher Aboriginal Education. This was attended by 10 of Mexico's Indigenous universities, and 15 primarily undergraduate universities in Canada. See University of Lethbridge, online: <http://www.uleth.ca/president/canada-mexico>

Mexico, Panama, Paraguay, Peru, Surinam and Uruguay. FLASCO collaborates with many national universities to offer graduate programs in Latin America and the Caribbean. Subject areas include: community forestry, development, education, economics, human rights, international relations, public policy and sociology. FLASCO Ecuador, for instance, offers an interdisciplinary doctoral program in Andean Studies, and has hosted many conferences and presentations on Indigenous issues. See <http://www.flasco.org.ec/portal/buscar/process/> for some examples. All member branches of FLASCO focus on Indigenous issues to some extent.

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ARGENTINA

The rights of Indigenous Peoples were enshrined in Argentina’s Constitution in 1994, thereby acknowledging the presence of Indigenous customary law. However, Argentina is not a legally pluralistic society.

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An article which addresses the recognition of Indigenous law in Argentina is “Indigenous Rights in Argentina” by Maria Delia Bueno on the FOCAL (Canadian Foundation for the Americas) website (organization no longer in operation). See

<http://www.focal.ca/en/publications/focalpoint/413-march-2011-maria-delia-bueno-en>

Teodora Zamudio, a law professor at the University of Buenos Aires, hosts the website <http://www.indigenas.bioetica.org>, the theme of which is “Derechos de los pueblos indígenas” (Indigenous Peoples’ Rights). It contains a database on the Indigenous peoples of Argentina, legislation, case law, articles (with some specifically on Indigenous laws), teaching materials, interviews, videos, and links to conferences and organizations.

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MEXICO

Pre-Columbian Indigenous laws and legal institutions were adopted into the colonial law in Mexico to the extent that they were not in direct conflict with Spanish or canon law.⁸² The constitution of the Mexico protects Indigenous peoples' rights to self-determination, and the state constitution of Oaxaca recognizes Indigenous legal traditions and governance.⁸³

In addition to the Mexican Indigenous universities mentioned in the general section above on Latin America, it is important to note the work of the Centro de Investigaciones y Estudios Superiores en Antropología (CIESAS) (Centre for Research and Advanced Studies in Anthropology), a Mexican institute with more than 150 members. A number of legal anthropologists are associated with CIESAS, including Victoria Chenaut, who writes on Indigenous legal traditions (see bibliography).⁸⁴

⁸² Francisco A. Avalos, *The Mexican Legal System* (New York: Greenwood, 1992).

⁸³ See Jonathan Fox, Gaspar Rivera & Lynn Stephen, "Indigenous Rights and Self-Determination in Mexico" (1999) 23:1 *Cultural Survival Quarterly* (n.p.), online: <http://www.culturalsurvival.org/ourpublications/csq/article/indigenous-rights-and-self-determination-mexico>

⁸⁴ For a review by Victoria Chenaut of the work of legal anthropologists Laura Nader (with the Zapotec of Oaxaca) and Jane Collier (with the Tzotziles of Chiapas) see "Género y antropología jurídica en México" (2009-10) 2:12 *Boletín electrónico – CIESAS Golfo* (n.p.), online: <http://www.ciesas-golfo.edu.mx/boletin/1-12/contenido/editorial.html>

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PERU

University Initiatives**PONTIFICAL CATHOLIC UNIVERSITY OF PERU**

The Pontifical Catholic University of Peru (PUCP) in Lima offers an international diploma in Indigenous Peoples' Development, Participation and Prior Consultation (Diplomatura de Estudio Internacional en Pueblos Indígenas, Desarrollo, Participación y Consulta Previa).

At the PUCP law school, Dr Antonio Peña Jumpa teaches Aymara and Aguaruna law as part of two courses: Sociology of Law and Theory of Law. He has made a proposal to teach Indigenous law and state law through his university within communities in Indigenous territories, but so far this proposal has not been accepted.⁸⁵

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MIDDLE EAST

The identity and even existence of Indigenous people in the Middle East is highly contested. See Ståle Knudsen, below (“Iraq”).

BEDOUIN

Bailey, Clinton. *Bedouin Law from Sinai and the Negev: Justice without Government* (New Haven, CT: Yale University Press, 2009)

Ginat, Joseph. *Bedouin Bisha'h Justice: Ordeal by Fire* (Eastbourne, UK: Sussex Academic Press, 2009).

IRAN

Barth, Fredrik. *Nomads of South Persia: The Basseri Tribe of the Khamseh Confederacy* (Oslo: University of Oslo Press, 1961).

IRAQ

Asfura-Heim, Patricio. “Tribal Customary Law and Legal Pluralism in Al-Anbar, Iraq”, in Deborah Isser, ed., *Customary Justice and the Rule of Law in War-Torn Societies* (Washington: United States Institute of Peace Press, 2011).

Knudsen, Ståle. “A Comparative Overview of Academic Discourse on Indigenous Knowledge in the Middle East and Africa”, in Emmanuel K. Boon & Luc Hens, eds., *Indigenous*

Knowledge Systems and Sustainable Development: Relevance for Africa: (2007) 1 Tribes and Tribals (Special Volume) 13, online: <http://www.krepublishers.com/06-Special%20Volume-Journal/S-T%20&%20T-00-Special%20Volumes/T%20&%20T-SV-01-Africa-Web/T%20&%20T-SV-01-03-013-07-Knudsen-S/T%20&%20T-SI-03-013-07-Knudsen-S-Tt.pdf>

Advocates for recognition and study of the knowledge (including customary law) of Indigenous groups in the Middle East, with particular reference to the Ma'dan ("Marsh Arabs") of Iraq.

YEMEN

Hovden, Eirik. *Rainwater Harvesting Cisterns and Local Water Management: A Qualitative Geographical/Socio-anthropological Case Study and Ethnographic Description from the Districts of Hajja, Mabyan and Shiris, Governorate of Hajja, Yemen* (Master's Thesis in Water Resources and Coastal Management, University of Bergen, Faculty of Mathematics and Natural Sciences. 2006), online: University of Bergen https://bora.uib.no/bitstream/handle/1956/2001/Masteroppgave_Hovden.pdf?sequence=1

This paper discusses in part how Indigenous Yemeni tribal groups govern water use via their customary law, or 'urf.

Weir, Shelagh. *A Tribal Order: Politics and Law in the Mountains of Yemen* (Austin: University of Texas Press, 2007).

PACIFIC ISLANDS

Indigenous people make up the majority of the population of the Pacific island states, most of which are multi-juridical;⁸⁶ Indigenous legal traditions, including traditional governance and judicial authority, and customary land tenures are protected in constitutions and other laws.

For instance, in Fiji and Vanuatu, Councils of Chiefs have a constitutional right to have a say in government; the Land and Titles Court of Western Samoa adjudicates on Aboriginal title; Fiji

⁸⁶ See <http://www.juriglobe.ca/eng/rep-geo/cartes/oceanie.php>

has a Native Land Trust Board; and in Vanuatu and the Solomon Islands, village chiefs have judicial power over land disputes.⁸⁷

University Initiatives

UNIVERSITY OF THE SOUTH PACIFIC (EMALUS CAMPUS)

Indigenous customary law is taught in both undergraduate and graduate programs at USP's law school at the Emalus campus in Vanuatu. See <http://www.usp.ac.fj/index.php?id=518>.

For instance, the Legal Process course looks at "the role of chiefs, reconciliation ceremonies, mediation etc." <http://www.usp.ac.fj/index.php?id=8384&type=98>

The Torts class also looks at liability under customary law. In Constitutional Law, students have an opportunity to consider the interface between customary law and the constitutions of various south Pacific nations. Consideration of customary law is also given in Property Law and in Wills, where custom wills are considered.

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Corrin, Jennifer C. "Conflict between Customary Law and Human Rights in the South Pacific" (1999) 1 Commonwealth Law Conference Papers 251, paper presented at the 12th Annual Commonwealth Law Conference, Kuala Lumpur, Malaysia (1999), online: http://www.vanuatu.usp.ac.fj/library/online/Pacific_law/Corrin.htm.

Corrin, Jennifer C. & Jean Zorn. "Barava Tru: Judicial Approaches to Pleading and Proof of Custom in the South Pacific" (2002) 51:3 International & Comparative Law Quarterly 611.

Corrin, Jennifer & S. Farran. "Law in the Pacific: Implications of Jurisdictional, Cultural, Ethnic Diversity for the Teaching of Law" (1997) 31:3 The Law Teacher 283.

⁸⁷ Correspondence with Debra McKenzie, PhD student in Law and Society, University of Victoria. See also *Constitution of Fiji*, 1990; the *Laws of Kiribati Act*, 1989; *Constitution of the Marshall Islands*, 1978; *Constitution of Nauru*, 1968; the *Niue Act*, 1966; *Constitution of Samoa*, 1962; *Constitution of Solomon Islands*, 1978; *Constitution of Tuvalu*, 1986; the *Laws of Tuvalu Act*, 1987; *Constitution of Vanuatu*, 1980; *Joli v. Joli* (Vanuatu Court of Appeal).

- de Deckker, Paul & Jean-Yves Faberon, eds. *Custom and the Law* (Canberra: Asia Pacific Press, 2001). Discusses the interface between Indigenous and French legal traditions in former French colonies in the South Pacific.
- Dinnen, Sinclair. *Traditional Justice Systems in the Pacific, Indonesia and Timor Leste* (Port Moresby: UNICEF, 2009). An overview of Indigenous/customary law in court processes in the Pacific sponsored by the Pacific Judicial Development Programme.
- Dinnen, Sinclair, Anita Jowitt & Tess Newton Cain. *A Kind of Mending: Restorative Justice in the Pacific Islands* (Canberra: Pandanus, 2003). For a book review by Lynne Parker, see <http://restorativejustice.org/editions/2003/July/mending>
- Evans, Daniel, Michael Goddard & Don Paterson. *The Hybrid Courts of Melanesia: A Comparative Analysis of Village Courts of Papua New Guinea, Island Courts of Vanuatu and Local Courts of Solomon Islands* (Washington, DC: The World Bank, 2010).
- Forsyth, Miranda. *A Bird That Flies with Two Wings: The "Kastom" and State Justice Systems in Vanuatu* (Ph.D. Dissertation, Australian National University, 2007) [unpublished].
- Lafargue, Régis. *La coutume face à son destin: Réflexions sur la coutume judiciaire en Nouvelle-Calédonie et la résilience des ordres juridiques infra-étatiques* (Paris: LGDJ, Collection Droit et Société, 2010).
- Law Reform Commission of New Zealand (LRCNZ). *Converging Currents: Custom and Human Rights in the Pacific* (Wellington, NZ: LRCNZ, 2006), Study Paper No. 17, online: http://www.lawcom.govt.nz/sites/default/files/publications/2006/10/Publication_120_340_SP17.pdf. A good overview of the various aspects of Indigenous/customary law in the Pacific.
- Narokobi, Bernard. "Law and Custom in Melanesia" (1989) 14:1 *Pacific Perspectives* 17.
- Reeves, Crystal R. *The Woven Object of Law and the Weaving Process of Law: An Interdisciplinary Conception of Legal Pluralism in Samoa* (LL.M. Thesis, University of Victoria, Faculty of Law, 2007) [unpublished].
- Sack, Peter. "Bobotoi and Pulu Melanesian Law: Normative Order or Way of Life?" (1985) 41 *Journal de la société des oceanistes* 16.
- Techera, Erika J. "Legal Foundations for the Recognition of Customary Law in the Post-Colonial South Pacific" (2009) 12 *Law & Anthropology: Current Legal Issues* 218.
- Tuala-Warren, Leilani. *A Study in Ifoga: Samoa's Answer to Dispute Healing*, Te Matahauariki Institute Occasional Paper Series No. 4 (Hamilton, NZ: Te Matahauariki Institute, 2002), online: <http://www.lianz.waikato.ac.nz/PAPERS/Occasional%20Papers/TMOP-4.pdf>
- Va'ai, Saleimoa. *Samoa Fa'amatai and the Rule of Law* (Apia: National University of Samoa, 1999).

Vierros, Marjo, *et al. Traditional Marine Management Areas of the Pacific in the Context of National and International Law and Policy* (Darwin, AU: United Nations University – Traditional Knowledge Initiative, 2010).

Zurstrassen, Matthew. *PJDP Phase 2: Customary Dispute Resolution Research Project – Final Report to the Regional PJDP Meetings in Samoa in March 2012* (Pacific Judicial Development Programme, 2012), online:
http://www.fedcourt.gov.au/_data/assets/pdf_file/0005/18698/CDR-Final-Regional-Strategy-and-Recommendation-Report-2012.pdf

See the Pacific Legal Information Institute at www.paclii.org/ for all the case law, statutes and constitutions of the Pacific Island countries.

University of South Pacific research repository website:
<http://repository.usp.ac.fj/view/subjects/K1.html>

HAWAII

University Initiatives

UNIVERSITY OF HAWAII AT MANOA

The Ka Huli Ao Center for Excellence in Native Hawai'ian Law at the William S. Richardson School of Law has been operating since 2005. The founding director of Ka Huli Ao is Honolulu lawyer Melody Kapilialoha MacKenzie, who is also the chief editor of the Native Hawaiian Rights Handbook, which focuses on Native Hawai'ian law. Ka Huli Ao focuses on research, scholarship, and community outreach. It also provides four graduate Research Fellowships yearly to support students pursuing projects related to Native Hawaiian law

This school has a partnership with the University of BC for a joint Canada-US law degree.

See <https://www.law.hawaii.edu/ka-huli-ao-center-excellence-native-hawaiian-law>

Ka Huli Ao also has a Law Certificate program. The course description is available at:

<https://www.law.hawaii.edu/sites/www.law.hawaii.edu/files/downloads/NHwnLawCertCourseDescripts4.17.09.pdf>

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Kidani, Lori. "Index to Law Review Articles on Native Hawaiian Law" (2007), online:
<https://www.law.hawaii.edu/sites/www.law.hawaii.edu/files/downloads/Ka%20Huli%20AO%20-%20Index%20Law%20Review%20Articles.pdf>

MacKenzie, Melody Kapilialoha. *Hawaiian Custom in Hawai'i State Law*, paper presented at "Tūhonohono: The State and Custom", Hamilton, Aotearoa/New Zealand, Tainui Endowed College, Te Mātāhauariki Research Institute, University of Waikato (2007).

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Native Hawai'ian and Indigenous Legal Resources

<https://www.law.hawaii.edu/native-hawaiian-and-indigenous-legal-resources>

Native Hawai'ian Law generally, online: <http://kamakakoi.com/2013-oha-legislative-package/oha-6-native-hawaiian-law-training-course/>

Pacific-Asian Legal Studies

<http://manoa.hawaii.edu/law/pals/>

<h3>PAPUA NEW GUINEA/IRIAN JAYA/TROBRIAND ISLANDS</h3>

There are over 700 Indigenous language groups in PNG. Over 97% of all residents are Indigenous and thus control the government, land tenures, etc. PNG achieved self-government in 1973 and independence in 1975 (it was previously colonized, partially, by England, Germany and Australia).

University Initiatives

UNIVERSITY OF PAPUA NEW GUINEA

The law school at the University of Papua New Guinea is the only law school in the country. An optional course in Customary Law, with a focus on conflicts of laws, is part of the undergraduate law program. This same course is compulsory in the Diploma program (prosecutions). For the LL.B. curriculum, see http://www.upng.ac.pg/sol_law.html

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UNITED STATES

In addition to the traditional laws of the Indigenous peoples of the United States, modern tribal law is vibrant and includes tribal courts, systems of reporting, constitutions and bylaws. Traditional and modern tribal laws intersect and diverge in various ways (see bibliography for some articles that provide details on this point). Both traditional and modern tribal law programs and bibliographical references are included here.

University Initiatives

MICHIGAN STATE UNIVERSITY

MSU's College of Law is home to the Indigenous Law and Policy Center. Faculty members are Matthew Fletcher, Winona Singel and Kathryn Fort. The program hosts a yearly Indigenous law conference and also provides an Indigenous law certificate program.

Indigenous Law & Policy Center: <http://www.law.msu.edu/indigenous/index.php>

Indigenous Law & Policy Class: <http://www.law.msu.edu/indigenous/center-clinic.html>

Indigenous Law & Policy Certificate: http://www.law.msu.edu/indigenous/cert_prog.html

SYRACUSE UNIVERSITY

According to their website, "The Center for Indigenous Law, Governance and Citizenship is a research based law and policy institute focused on Indigenous nations, their development and their interaction with the U.S. and Canadian governments." See

<http://www.law.syr.edu/academics/center-and-institutes/indigenous-law-governance-citizenship/index.aspx>

According to the link above, the centre, at the Syracuse University Faculty of Law, has five main goals:

1. To conduct policy analysis relating to all aspects of Indigenous sovereignty, its exercise and its recognition by other nations and governments;
2. To conduct analytical research relating to the law, governance, and citizenship of Indigenous nations and peoples;
3. To provide technical assistance to Indigenous nations seeking to reform their governing institutions and administrative laws, as well as to federal, state, local, and provincial governments seeking to reform their Indian affairs laws;
4. To provide education and training on Indian law and policy issues to attorneys (CLE), government officials (tribal, federal, provincial state, and local), and Indigenous and non-Indigenous community members; and
5. To promote a greater understanding of the law, governance, and history of the Haudenosaunee (the "People of the Longhouse").

Current fellows and associates include Kevin Maillard, Stephen Brimley, Joseph Thomas Flies-Away (Hualapai Nation Chief Judge, California) and Beverly Jacobs. The Executive Director is Carrie Garrow.

Syracuse publishes the Indigenous Nations and Peoples' Law eJournal, which links to a wide variety of articles on Indigenous peoples and the law: <http://www.ssrn.com/link/indigenous-nations-peoples.html>

UNIVERSITY OF ARIZONA

<http://www.law.arizona.edu/depts/iplp/>

The Indigenous Peoples Law and Policy Graduate Program was created in 2000-01 at the University of Arizona by Robert A. Williams, the current director. The first doctoral student with the program graduated in 2007. Graduates have come from 20 U.S. states, 15 countries and 49 Indigenous groups; 20 students are currently enrolled. In 2009, the University of Arizona law school created an undergraduate certificate program in Indigenous law and policy. In 2012, the program partnered with Native Nations Institute and Native Peoples Technical Assistance Office to offer continuing education courses. So far, there have been 77 LL.M. grads, nine S.J.D. (doctoral) grads, and 26 certificate grads. In addition, many undergraduate law students took courses through the program. For a comprehensive history of the program, see "IPLP History", online:

http://www.youtube.com/watch?v=MwH1dQFxC8g&list=UUGQLD2JBHk3nboKoS_vqg-w

UNIVERSITY OF MINNESOTA

John Borrows teaches Indian Law at the University of Minnesota Law School. This course has some focus on internal tribal laws and tribal courts.

The law school has an Indian Child Welfare Clinic:

<http://www.law.umn.edu/prospective/coursedetails.html?course=43>

The University of Minnesota also publishes the interdisciplinary *Wicazo Sa Review*, a journal providing a venue for Indigenous intellectualism and creativity.

UNIVERSITY OF NEW MEXICO

School of Law – Southwest Indian Law Clinic

The Southwest Indian Law Clinic (SILC) opened in 1993, headed by Christine Zuni Cruz. SILC provides legal representation and clinical practice experience in “Indian country”. SILC students may represent individual clients and/or tribal groups or Indian communities. Students are taught to approach legal solutions premised on tribal sovereignty, cultural rights or traditional internal law, as well as general legal principles. See online:

<http://lawschool.unm.edu/indian/indian-clinic.php>

UNM offers an Indian Law Program: <http://lawschool.unm.edu/indian/index.php> and an Indian Law Certificate: <http://lawschool.unm.edu/indian/certificate/index.php>

Zuni Cruz teaches a course at the University of New Mexico’s law school called Law of Indigenous peoples. One of the assignments she gives to students is to profile various tribal nations/laws. See <http://tlj.unm.edu/resources/tribal-law-profiles.php>

UNM’s Tribal Law Journal was launched in 1998 “for the purpose of promoting indigenous self-determination by facilitating discussion of the internal law of the world’s indigenous nations. The internal law of indigenous nations encompasses traditional law, western law adopted by indigenous nations, and a blend of western and indigenous law. Underscoring this purpose is the recognition that traditional law is a source of law.” See online: <http://tlj.unm.edu/>. Zuni Cruz is editor-in-chief.

Zuni Cruz, the first pueblo woman to earn tenure as a law professor, currently serves as an associate justice on the Isleta Appellate Court.

OTHER U.S. LAW SCHOOLS

Turtletalk provides a list of law schools providing instruction in Tribal Law (see below):

<http://turtletalk.files.wordpress.com/2009/04/law-schools-offering-indian-law-programs.pdf>

Gonzaga University School of Law

Indian Law Program

http://www.law.gonzaga.edu/about+gonzaga+law/indian_law_program/curriculum/default.asp

Institute for the Development of Economic Policy for Indigenous People

http://www.law.gonzaga.edu/about+gonzaga+law/indian_law_program/institute_for_indigenous_people/default.asp

Lewis & Clark Law School

Indian Law Program

http://www.lclark.edu/law/programs/indian_law/

Indian Law Summer Program

http://www.lclark.edu/law/programs/summer_school/indian_law_classes/

Oklahoma City University School of Law

Native American Legal Resource Center

<http://www.okcu.edu/law/NALRC/>

Seattle University School of Law

Center for Indian Law & Policy

<http://www.law.seattleu.edu/x1867.xml>

Institute for Indian Estate Planning and Probate

http://www.law.seattleu.edu/Centers_and_Institutes/Center_for_Indian_Law_and_Policy/Programs/Indian_Institute.xml

Indian Wills Clinic

http://www.law.seattleu.edu/Centers_and_Institutes/Center_for_Indian_Law_and_Policy/Programs/Indian_Wills_Clinic.xml

University of California Law – Los Angeles

Native Nations Law & Policy Center

<https://www.law.ucla.edu/home/index.asp?page=843>

Tribal Legal Development Clinic

<http://www.law.ucla.edu/home/index.asp?page=1108>

Tribal Appellate Court Clinic

<http://www.law.ucla.edu/home/index.asp?page=3269>

Tribal Learning Community & Education Exchange

<http://www.law.ucla.edu/home/index.asp?page=1981>

Joint Degree Program – Law & American Indian Studies (J.D./M.A.)

<http://www.law.ucla.edu/home/index.asp?page=1981>

University of Colorado at Boulder Colorado Law

American Indian Law Program

<http://www.colorado.edu/law/centers/programs/indianlaw/>

American Indian Law Clinic

<http://www.colorado.edu/law/clinics/ilc/>

University of Idaho College of Law

Native Law Program

<http://www.law.uidaho.edu/default.aspx?pid=109405>

University of Kansas School of Law

Tribal Law & Government Center

<http://www.law.ku.edu/academics/triballaw/center/>

University of Montana School of Law

Indian Law Clinic

http://www.umt.edu/law/clinics/indian_law.htm

American Indian Law Certificate

http://www.umt.edu/law/acadprog/special_curr_indian.htm

University of North Dakota School of Law

Northern Plains Indian Law Center

<http://www.law.und.edu/npilc/>

Native American Law Project

<http://www.law.und.edu/npilc/nalp/>

Tribal Judicial Institute

<http://www.law.und.edu/tji/>

Tribal Environmental Law Project

<http://www.law.und.edu/npilc/telp/>

Institute for the Study of Tribal Gaming Law & Policy

<http://www.law.und.edu/npilc/gaming/>

University of Oklahoma College of Law

Native American Law Program

<http://jay.law.ou.edu/IndianLaw/>

Native American Law Certificate Program

<http://jay.law.ou.edu/Indianlaw/certprogram.cfm>

Native American Constitution and Law Digitization Program

<http://thorpe.ou.edu/>

(a cooperative effort with the National Indian Law Library of the Native American Rights Fund)

The University of Oklahoma College of Law Publishes the American Indian Law Review:

<http://www.law.ou.edu/content/american-indian-law-review>

University of Oregon School of Law

Indian Law Program

<http://enr.uoregon.edu/indianlaw/>

Native Environmental Sovereignty Project

<http://enr.uoregon.edu/nesp/>

University of South Dakota School of Law

American Indian Law Program

<http://www.usd.edu/law/ail.cfm>**University of Tulsa College of Law**

Native American Law Center

<http://www.law.utulsa.edu:9090/portal/indianlaw>

Native American Law Certificate

<http://www.law.utulsa.edu:9090/portal/indianlaw/certificate>**University of Washington School of Law**

Native American Law Center

<http://www.law.washington.edu/indianlaw/>

Tribal Court Criminal Defense Clinic

<http://www.law.washington.edu/clinics/tribal/>**University of Wisconsin Law School**

Great Lakes Indian Law Center

<http://www.law.wisc.edu/gliic/>**Washington University School of Law – St. Louis**

American Indian Law Summer Program

<http://law.wustl.edu/clinicaled/index.asp?id=6891>***Bibliography (United States)***

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Bobroff, Kenneth. "Dine' Bi Beenahaz'ánii: Codifying Indigenous Consuetudinary Law in the 21st Century" (2004-05) 5 *Tribal Law Journal* (n.p.), online: [http://tlj.unm.edu/tribal-law-journal/articles/volume 5/ dine bi beenahazaanii codifying indigenous consuetudinary law in the 21st century/index.php](http://tlj.unm.edu/tribal-law-journal/articles/volume%205/dine_bi_beenahazaanii_codifying_indigenous_consuetudinary_law_in_the_21st_century/index.php)

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