

**Optional Programme:**  
**INDIGENOUS LEGAL STUDIES**



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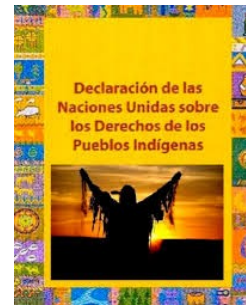
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**“The world is our classroom**

**The wilderness is our forum”**





The focus of this optional programme is on the rights of indigenous peoples, and their significance for the design of pioneering pluralistic democratic legal structures.

Worldwide, legal systems of many nation states contributed to cultural exclusion and, as a consequence, to social discrimination of many ethnic groups (indigenous and non-indigenous). During the last decades, the movement of indigenous peoples has picked up this cultural bias of the law, and paradoxically indigenous movements have been citing universal equality standards to claim the right to be different.

The practical challenges that have been emanating from indigenous peoples legal claims have led to the emergence of a new field of law, closely related to fundamental theoretical questions of the philosophy of the state and of legal theory. These questions go far beyond their direct relationship with indigenous peoples. “Indigenous Legal Studies” will discuss relevant legal developments and related theoretical questions.

#### RELATIONSHIP OF INDIGENOUS LEGAL STUDIES WITH OTHER PARTS OF THE LAW:

Here can only be made some hints to the wide range of content of legal areas affected by the issue of indigenous rights:

- Critical contributions to the legal philosophical theories about the function and the purpose of the state (“Social contract”-theories, between individuals or between social groups?);
- Intellectual property rights - protecting or undermining traditional knowledge?
- The representation of collective interests of ethnic groups within democratic states; deliberative democracy?
- Contributions to an intercultural understanding of universal human rights;
- And many more .....

The study of indigenous law allows contradictions and double of traditional (Western) legal theory when applied to indigenous communities, groups or peoples.

The optional programme “Indigenous Legal Studies” is a cross-cutting area. In many areas of the law (beginning with business law to cultural heritage protection law) new models and

new legal institutions were developed, to meet new requirements of the rights of indigenous peoples.

#### STUDENTS OF „INDIGENOUS LEGAL STUDIES“:

"Indigenous Legal Studies" are directed to various groups of law students:

The study of the rights of indigenous peoples contributes to a better understanding of a broader legal context affected by many social problems. The study of indigenous law also has a high educational value to understand fundamental legal problems and solutions. So it is an excellent field for students of theoretical problems of the law.

Apart from the theoretical value of this legal field, many representatives of classical legal professions can expect to be confronted with problems of indigenous law in their future professional work, especially working in the international field and in settler states with a Common Law background.

For a small group of law students, the elective field of "Indigenous Legal Studies" provides an axis for specialization in a specific field, with good and attractive job opportunities. This curriculum is the only one of its kind in the context of a general academic education scheme for law.

#### CURRICULUM OF INDIGENOUS LEGAL STUDIES:

Like any optional programme at the Faculty of Law, University Vienna, *Indigenous Legal Studies* consists of a mandatory core section ("Kernbereich") and an optional section ("Wahlbereich"). The core section is currently being designed that it can be completed within 4 semesters: The following classes are offered:

- International developments relevant for indigenous peoples (conventions, soft law, international jurisprudence ....)
- Indigenous rights in selected thematic areas (as an example, land-, resource- and territorial rights; or self-government and autonomy arrangement of indigenous peoples; or intellectual property and traditional knowledge);
- Indigenous rights in selected regions (as an example, Latin America; or the Arctic Region; or Australia etc.);
- Legal pluralism and indigenous jurisdiction and customary law.

For the optional section, the following classes are recommended:

- One class on international human right law or environmental law;
- One class on Legal Anthropology or Political Anthropology, offered at the "Institut für Kultur- und Sozialanthropologie".

