

INDIGENOUS RIGHTS AND LEGAL PLURALISM

Location: Lima and Madre de Dios (Amazon), Peru

- The course deals with the situation and rights of indigenous peoples in the region, from both theoretical and empirical interdisciplinary approach. The course shall enable students to visit an indigenous community of the Peruvian Amazon affected by gold-mining, and to learn about the issues and struggles of indigenous peoples directly to enforce their rights. This community won the first case before the Constitutional Court of Peru that recognizes the rights of self-determination, territory and autonomy.
- The course, organized by PUCP and the Instituto Internacional de Derecho y Sociedad-IIDS (International Institute of Law and Society), will follow the work experience of the Strategic Litigation on Indigenous Rights Section of the Clinic of the Law Faculty at PUCP and comprises the International Exchange Program in multiculturalism, legal pluralism, and indigenous rights.

SESSION DATES

July 2nd – July 20th

COURSE DESCRIPTION

Application fee: \$ 150.00

Credits: 3

Program fee: \$ 3200.00

The activities of the course will provide students with tools to contextualize conflicts and issues currently suffered by indigenous peoples and for the understanding of cultural and legal pluralism situations within the context of globalization as well as develop capabilities in order to learn the management of the corpus of international law on the rights of indigenous peoples.

The field trip shall make it possible to see directly the lifestyle of the community and the impacts of the gold mining activity in its territory besides the manner how the community fought to win the case before the Constitutional Court of Peru.

These activities shall be aimed at developing different types of skills being organized in three types of methodologies: Lectures, Workshops and Field work.



DISCOVER
ENJOY



PROFESSOR: RAQUEL Z. YRIGOYEN FAJARDO



Lawyer (PUCP), PhD in Law by the University of Barcelona, Master in penal system and social problems (U. Barcelona), indigenous customary law specialist (UNAM-USAC), Fellow in comparative Indian Law (University of Oklahoma), Diploma in Anthropological Studies (PUCP).

OAS Interamerican Human Rights Commission Consultant to elaborate the report on indigenous women; former UN Consultant on indigenous rights, access to justice, legal pluralism and state's reform. Visiting Professor at the universities of Carlos III of Madrid, the IISL Oñate, U. Deusto, FLACSO, Harvard; the International Training Centre of the ILO Turin. Professor of the Section of indigenous rights in the legal clinic (PUCP) and Coordinator of the Diplomas of International Studies on indigenous rights (PUCP-IISD).

SCHEDULE

Week 1

Introduction of the course and participants. Introduction to cultural and legal pluralism. Historical policies applied to indigenous peoples in the Americas. Liberal constitutionalism and indigenous exclusion. Social constitutionalism and indigenous integration in the 20th century. Contemporary policies: from multiculturalism to self-determination. Globalization and contemporary issues of indigenous peoples. Workshops.

Week 2

International law on the rights of indigenous peoples: Autonomy rights. Territory rights. Rights to participation, consultation and prior, free and informed consent.

Case study: Native community Tres Islas in Madre de Dios. Analysis of the judgment and challenges in its implementation.

Trip to the Madre de Dios region to visit the native community Tres Islas, formed by the Shipibo and Ese'ejá peoples, in the Peruvian Amazon.

Week 3

Field work in Puerto Maldonado: Visit to the affected area by mining in the Tres Islas's indigenous territory. Visit to institutions of Puerto Maldonado, Madre de Dios. Forum/Workshop on indigenous rights. Feedback and Report. Return to Lima.



COMPLEMENTARY ACTIVITIES

The trip shall also allow students participate in some forums or public presentations on indigenous rights in the region. Students can choose to stay for extra days and visit protected areas as the Tambopata Natural Reserve, Bahuaja Sonene National Park or Manu National Park.

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