This course explores the challenges faced by contemporary indigenous peoples and the burgeoning global indigenous rights regime. It takes a critical anthropological approach to how global human rights concepts, practices and institutions are contested, appropriated, and transformed in specific contexts to reconfigure social and political relations at local, national, and international levels. The course has four parts: I. introduces the ideas, events, definitions, institutions, and debates of international human rights and indigenous rights discourses; II. explores contradictions and controversies surrounding the implementation of human rights in local contexts, e.g., cultural relativism versus universal rights, group versus individual rights, and the cases of indigenous women and children; III. analyses examines Indigenous Politics: large-scale indigenous mobilizations for social justice and political enfranchisement, as well as national and international legal instruments and institutions, e.g. in disputes over natural resources, traditional lifestyles, land rights, affirmative action, transitional justice.

DEPARTMENT LEARNING GOALS - [http://anthro.rutgers.edu/undergrad-program/department-learning-goals](http://anthro.rutgers.edu/undergrad-program/department-learning-goals)

CA1) Students gain knowledge that will allow them to identify, explain, and historically contextualize the primary objectives, fundamental concepts, modes of analysis, and central questions in their major field and demonstrate proficiency in their use of this knowledge

CA2) Students are able to demonstrate proficiency in the use of critical thinking skills

CA3) Students are able to demonstrate proficiency using current methods in their major fields, including library research skills

CA4) Students are able to express themselves knowledgeably and proficiently in writing about central issues in their major field

CA5) Students are able to express themselves knowledgeably and proficiently in speaking about central issues in their major field

LEARNING OBJECTIVES

- Identify and historically contextualize instruments of the international system of protection of human rights that apply to indigenous peoples. (CA1)
- Identify key issues debates surrounding the application of human rights discourses to indigenous peoples (CA1)
- Identify key challenges that Indigenous peoples share across the globe and key differences (CA1)
- Interrogate the self-evident, universal nature of ideas such as “rights” and “indigeneity” (CA2,4,5)
- Analyze global rights ideas, practices and institutions as culturally and historically-situated and socially-contested (CA2,4,5)
- Compare and contrast specific cases of how indigenous groups contest, appropriate and transform global human and indigenous rights discourses according to their own values, beliefs, and senses of social justice (CA1,2,3,4,5)
- Evaluate the degree to which human rights concepts, practices, and institutions may be effective vehicles for social, political and cultural transformation at the local and national level (CA2,4,5)
- Argue informed personal positions on contemporary indigenous rights debates (CA2,4,5)

ASSIGNMENTS AND GRADING INFORMATION

Participation (20%) – based on your level of preparation and engagement. Complete readings before class! (CA5)

“Show & Tell” (5%) – kick off class with a brief critical analysis of something you come across in the popular media e.g. NY Times, facebook, youtube, etc. related to class content. Post it to the discussion board (CA2)

Presentations (7x5% ea = 35%) (CA1,2,3,5) – projects demonstrate your ability to apply course concepts

1. Human Rights and Indigenous People 1 (in class writing/discussion)
2. Research on International Human Rights Instrument (discussion/posting)
3. Indigenous Peoples in Africa and Asia (Presentation)
4. Criminalize, Medicalize, or Relativize? (Debate)
5. Human Rights Discourse: Conflicts and Contradictions (presentations of midterm paper topic)
6. Was it Genocide? (Debate)
7. Final Research Project Presentations

Midterm Paper (20%) - Human Rights Discourse: Conflicts and Contradictions (CA1,2,3,4)

Final Research Paper (25%) - See instructions for intermediate steps to help you organize your research process (CA2,3,4)

TEXTBOOKS AND REQUIRED READINGS - All required readings are available on Sakai.

ACADEMIC INTEGRITY - You are responsible for adhering to these policies: [http://academicintegrity.rutgers.edu](http://academicintegrity.rutgers.edu)

SAKAI & EMAIL INTEGRITY - regularly check the email attached to Sakai. It is the means by which I will contact you about class

ABSENCES - Use the University absence reporting website [https://sims.rutgers.edu/ssra/](https://sims.rutgers.edu/ssra/) to indicate the date and reason for your absence. It will email me, so you do not need to. Please post an image of your note in the “Doctor’s Note” in your Dropbox in Sakai.
LECTURE & READING SCHEDULE

I. What are Human Rights? Who is Indigenous?

Week 1 (Wed, 9/5) Course Introduction
Introduction to the class. Icebreaker.
Film: (selection) Avatar (2009) James Cameron. 20th Century Fox (162min)
*Assignment 1: Human Rights and Indigenous People 1 (in class)

Week 2 (Wed 9/12) Human Rights Discourse and Instruments
We will start with a brief history of the idea of universal or natural human rights and, more specifically, the United Nations Human Rights regime that emerged in the 20th century. Who was entitled to what rights at which point in history? To whom was legal personhood extended? After becoming acquainted with We will also examine some of the conceptual contradictions and practical problems inherent to implementing the protection of such human rights. We will consider the possibilities and limits of using human rights approaches to discrimination as opposed to other approaches such as civil rights, cultural relativism, etc.

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights


Further reading (optional):
Wollstonecraft, Mary. 1792, A Vindication of the Rights of Woman.
Declaration of the Rights of Man (1789)
The Magna Carta (1215) https://youtube.com/7x04tUMdAMw
Week 3 (Wed 9/19)  But who is Indigenous?
Fourth World, First Nation, First People, Indian, Indigenous, Indigene, Native, Natural, Aboriginal, Originary People, Host People, Autochthonous are some of the terms used to describe a certain kind of modern collective rights-bearing subject. Such groups usually have their own names for themselves. In other contexts, they might also be called, peasant, undocumented, under-developed, backwards, alien, refugee, subaltern, primitive, backwards, savage. We will examine the attempts to create a universally valid definition of “Indigeneity” as well as the politics of who applies this identity to which groups of people, why, in which political-economic and historical contexts, and whether or not the so-called indigenous groups agree with this interpellation.

*Assignment 2: International Human Rights Instruments

Case: Indigeneity and Africa

View at home:

Further Reading (optional):
Angry replies to Kuper in Current Anthropology. 44:3
N!ai study guide www.der.org/resources/study-guides/N!ai.pdf
Week 4 (Wed 9/26) Case: India’s Scheduled Tribes and Castes ST/SC

Although often lumped together in Indian legislation, “Scheduled Tribes and Castes” (ST/SC), Dalits (untouchable castes) and Adivasis (tribal/indigenous) are distinct categories, who are often pitted against one another and against other minority groups in local politics. We will explore the uniquely South Asian forms of social hierarchy and their implications for Indigenous and Human Rights discourse and look at cases of local Adivasi groups from different regions of India (Gujarat, Assam, Jharkhand). Adivasis and Dalits suffer from lack of access to education, health care, economic opportunities, and political representation. In some cases, they fight to retain their customary and legal rights to land, forest products, and water. While often depicted as isolated, Adivasis must negotiate their status with the State, NGOs, political parties, religious groups, and insurgent groups. Please note that in this national context “communalism” is often a euphemism for violence aimed at a particular ethnic/religious group, not to be confused with “communist (maoist) insurgency,” which refers to political violence rooted in the idea of class. This distinction can be confusing as both kinds of political parties may attempt to coopt the Adivasi identity.

- The Scheduled Tribes and other Traditional Forest Dweller Act (Recognition of Forest Rights Act) (2006)
  Banerjee, P. 2016. “Writing the Adivasi.” Special Issue: Reading the archive, reframing ‘adivasi’ histories. The Indian Economic and Social History Review. 53:1 Jan-Mar.
  Dasgupta, S. 2016. “Intro: Reading the archive, reframing ‘adivasi’ histories.” Reading the archive, reframing adivasi histories. The Indian Economic and Social History Review. 53:1 https://doi.org.proxy.libraries.rutgers.edu/10.1177/0019464615619527
  Thachil T. & Herring, R. 2008. “Poor choices: de-alignment, development and Dalit/Adivasi voting patterns in Indian states.” Contemporary South Asia, 16:4, 441-64. Also check out Thachil’s book http://www.tariqthachil.com/research/


Further reading:
Any other article from: Special Issue: Reading the archive, reframing ‘adivasi’ histories. The Indian Economic and Social History Review. 53:1 Jan-Mar. http://journals.sagepub.com.proxy.libraries.rutgers.edu/loi/ier?expanded=2016&expanded=53
Check out http://joais.org/
View at home: Migration and the Adivasi. 2016. The Great Courses. [available via Kanopy]

*Assignment 3: Indigenous Peoples in Africa and Asia (in-class presentations)
II. Conflictual Constructions of Community

Supporting indigenous rights is not so straightforward, as the category of “indigenous” may be intersected by other distinctions, such as ethnicity, language, religion, class, gender, sexual orientation and generation. In some cases, different ethnic group claiming the protections due to indigenous and originary peoples may clash over the same resources. In other cases, the “human” rights, interests, or desires of individuals or sub-groups may conflict with the collective rights or customary laws of the indigenous group at large, causing internal dissention. In this section, we examine the idea of the indigenous community as something that is constructed and examples of competing claims to define the community, and at specific issues affecting minority groups within indigenous communities.

*Post Research Topic for Final Paper*

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)
- Convention on the Political Rights of Women. (1953)
- Convention on the Nationality of Married Women. (1957)
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. (1962)

The Conflictual Construction of Community.


Indigeneities at odds. Case: Highland and Lowland Indigenous Groups in South America.


Further Reading:


Rousseau, S. 2016. Indigenous Women’s Movements in Latin America: Gender and Ethnicity in Peru, Mexico, and Bolivia. Palgrave. [ebook] http://web.a.ebscohost.com.proxy.libraries.rutgers.edu/ehost/ebookviewer/ebook/b001YmntXzEvOdCjMDZI0FOO%3ds78d096fb-86e1-41b1-96d0+16635388f9%0esessionmgr4007&sid=0&format=EB&rid=1

Film: Moolaadé. Ousmane Sembene. 2004. (Senegal)

Week 6 (Wed 10/10) Case: Female Genital Surgery: Criminalize, Medicalize, or Relativize?

*Debate: Practices such as Sati, child marriage, female infanticide, are among the traditional cultural practices the human rights community has found to be harmful to women. We will focus on the case of Female Genital Mutilation (FGM) aka Female Genital Surgery (FGS) aka Female Genital Circumcision (FGC). In spite of interventions by the state, NGOs, and other parties that would like to eradicate the practice, it continues. How can you explain the failure and what should be one about these practices? With your group, inform yourself about the issue of FGM. Formulate a stance. Be prepared to defend it using arguments and research. It is acceptable to take a stance that contradicts your personal feelings on the subject. The objective is to demonstrate that you understand and can speak knowledgeably about the different perspectives on this issue. Here are some articles to get you started.


Further viewing (analyze the films, rather than taking the information at face value):

Film: A Walk to Beautiful (2007). Mary Olive Smith. Engle Entertainment. (85min) [Netflix]

Film: Escape: Female Marriage in Kenya. 30min.

Week 7 (Wed 10/17) Indigenous Children’s Rights – Case: The “Stolen Generation” in Australia

Children are a special case for human and Indigenous rights. Their individual rights (e.g. to health, education, freedom from harm, etc.), may come into conflict with the collective rights of their group. If the state deems it necessary, it may intervene to take custodianship of legal minors. This may impact the ability of the group to culturally reproduce itself, encroach on the child’s cultural, cultural, linguistic, and/or religious rights. On the other hand, the desires and interests of the child may conflict with those of their elders’. In the past, Native North American and Aboriginal Australian children were taken from their communities to be raised by white foster parents or institutions. We will focus on the historical case of Stolen Generation of aboriginal Australian children and the contemporary national controversies over how to deal with this legacy.

- Cubillo v Commonwealth


Film: Rabbit-Proof Fence (2002) Phillip Noyce. 93min

Further reading:
Pilkington Garimara, D. Follow the Rabbit-Proof Fence.

*Post Region for Research paper
*MIDTERM**Assignment 4: Human Rights Discourse: Conflicts and Contradictions

III. Nature, Culture, and Politics

In contrast to prior leftist movements, which focused on class-based revolutions and insurgency, contemporary indigenous mobilizations of the pots-cold war era put a focus on culture and/or ethnicity at the forefront of their demands. Rather than seeking to overthrow the state, most indigenous movements seek political recognition as citizens and indigenous peoples from their nations as well as the broader the modern nation-state system.

Week 8 (Wed 10/24) Indigenous movements

Week 9 (Wed 10/31) Oil and Water: Neoliberalism, Indigenous Rights, and Natural Resources

From Sioux of Standing Rock to the Ogoni people of Nigeria, indigenous and other minority peoples suffer from the deleterious effects of extractive industries on local ecologies and health, without reaping the financial rewards from valuable subsoil resources located on their land. Their access to life-giving natural resources such as land and water are also threatened by contamination as well as dispossession.

Water:

Oil:

Popular Press
Chevron’s press releases https://www.chevron.com/ecuador/

Film: Crude (2009). Joe Berlinger. 105min

Further Reading:
Sawyer, S. Crude Chronicles.
Week 10 (Wed 11/7) Sumaq Kawasy: Ethno/Development *Post Preliminary Literature Review for Final Paper

Indigenous peoples have a right to benefit from national development; however, national and international development projects at times interfere with their cultural or customary rights to a traditional lifestyle. Some indigenous groups find themselves at the mercy of tourism international aid organizations; in contrast, under pressure by indigenous movements, the recent Bolivian and Ecuadorian constitutions have enshrined the right to water and the rights of Mother Earth.

Case: Mother earth and the constition in the Andes


Case: The San


Further Reading:


Explore: Video in the Villages in Kanopy


Week 11 (Wed 11/14) Multicultural, Plurinational State - Case: Bolivia and Ecuador

American Anthropological Association Annual Meeting 11/13-11/18


[Ricardo Ulcungo the ambassador to Bolivia]

Watch at home: on Kanopy Cocalero (2007) Alejandro Landes. 86min

Further Reading:


Week 12 ** Thanksgiving Break (November 11/22-11/25)** No class - Change of designation day!
**Week 13 (Wed 11/28) State Violence and Reconciliation**

- Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity
- 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Protocol for the further extension of the period of validity of the Convention on the Declaration of Death of Missing Persons (1967)

**Case: Peru**


**Case: Guatemala**


**Film:** Pamela Yates. 2011. Granitos: How to Nail a Dictator 1:22

**Further Reading:**

* African Conflict and Peacebuilding Review. 3:2, Fall 2013. Special Issue: Peace Education, Memory, Reconciliation in Africa

Poole, Deborah & Rojas Pérez, Isaías. 2010. “Memories of Reconciliation: Photography and Memory in Postwar Peru.”


**Week 14 (Wed 12/5) Repatriation of Remains *Post Thesis and Final Paper Outline***

From the 17th century Extirpation of Idolatries, which destroyed the mummies and religious accoutrement of the native Andeans to more recent practices of collection in the name of scientific inquiry, important cultura and religious objects, as well as actual human remains, have been taken from native peoples. In some cases, recent national legislation and international treaties have begun the process of repatriation of looted material cultural patrimony and remains of deceased native peoples from museum collections. In other cases, for example, the mortuary objects such as the vigango of the Mijikenda in Kenya, which house the souls of dead relatives, are not protected by such legislation. Nevertheless, activist pressure can impel the repatriation of such goods.

- Native American Graves Protection and Repatriation Act (1990) [https://www.nps.gov/nagpra/](https://www.nps.gov/nagpra/)
- American Indian Religious Freedom Act (1978)

**Case: North American Graves Protection and Repatriation**


**Case: Vigango of Kenya**


**Further Reading:**


(skim) Government Accountability Office. 2010. NAGPRA: After nearly 20 years, key federal still have not fully complied with the act.

**Week 15 (Wed 12/12)*4/21 – Last day to withdraw with a W***
*Peer Review Paper Drafts. Assignment 5: Presentation of Research Projects*