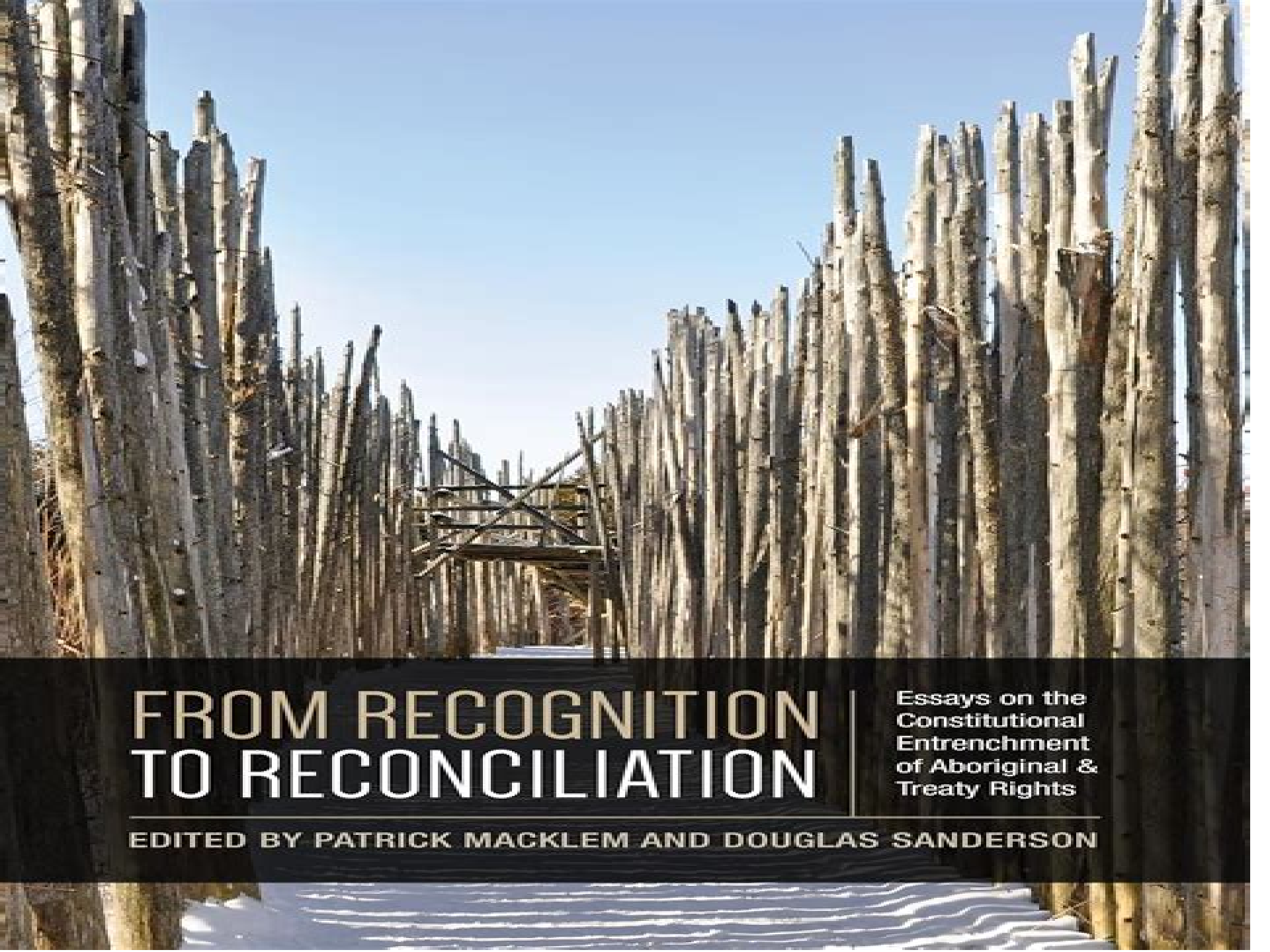




FROM RECOGNITION TO RECONCILIATION

Essays on the
Constitutional
Entrenchment
of Aboriginal &
Treaty Rights

EDITED BY PATRICK MACKLEM AND DOUGLAS SANDERSON

And Recognition Reconciliation Constitutional Entrenchment Aboriginal

Payam Akhavan



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Canadian Law and Indigenous Self-Determination Gordon Christie, 2019-08-22 For centuries Canadian sovereignty has existed uneasily alongside forms of Indigenous legal and political authority Canadian Law and Indigenous Self Determination demonstrates how over the last few decades Canadian law has attempted to remove Indigenous sovereignty from the Canadian legal and social landscape Adopting a naturalist analysis Gordon Christie responds to questions about how to theorize this legal phenomenon and how the study of law should accommodate the presence of diverse perspectives Exploring the socially constructed nature of Canadian law Christie reveals how legal meaning understood to be the outcome of a specific society is being reworked to devalue the capacities of Indigenous societies Addressing liberal positivism and critical postcolonial theory Canadian Law and Indigenous Self Determination considers the way in which Canadian jurists working within a world circumscribed by liberal thought have deployed the law in such a way as to attempt to remove Indigenous meaning generating capacity

A First Nations Voice in the Australian Constitution Shireen Morris, 2020-08-06 This book makes the legal and political case for Indigenous constitutional recognition through a constitutionally guaranteed First Nations voice as advocated by the historic Uluru Statement from the Heart It argues that a constitutional amendment to empower Indigenous peoples with a fairer say in laws and policies made about them and their rights is both constitutionally congruent and politically achievable A First Nations voice is deeply in keeping with the culture design and philosophy of Australia's federal Constitution as well as the long history of Indigenous advocacy for greater empowerment and self determination in their affairs Morris explores the historical political theoretical and international contexts underpinning the contemporary debate before delving into the constitutional detail to craft a compelling case for change

The Inherent Rights of Indigenous Peoples in International Law Antonietta Di Blase, Valentina Vadi, 2020-02-24 This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights These rights are not established by states rather they are inherent to indigenous peoples because of their human dignity historical continuity cultural distinctiveness and connection to the lands where they have lived from time immemorial In the past decades a new awareness of the importance of indigenous rights has emerged at the international level UN organs have adopted specific international law instruments that protect indigenous peoples Nonetheless concerns persist because of continued widespread breaches of such rights Stemming from a number of seminars organised at the Law Department of the University of Roma Tre the volume includes contributions by distinguished scholars and practitioners It is divided into three parts Part I introduces the main themes and challenges to be addressed considering the debate on self determination of indigenous peoples and the theoretical origins of indigenous sovereignty Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively Not only do the contributors to this book critically assess the current international legal framework but they also

suggest ways and methods to utilize such legal instruments towards the protection promotion and fulfilment of indigenous peoples rights to contribute to the maintenance of peace and the pursuit of justice in international relations DOI 10.13134/978.88.32136.92.0 The Oxford Handbook of the Canadian Constitution Peter Oliver, Patrick Macklem, Nathalie Des Rosiers, 2017-08-10 The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non-Canadians seeking a clear concise and authoritative account of Canadian constitutional law The Handbook is divided into six parts Constitutional History Institutions and Constitutional Change Aboriginal Peoples and the Canadian Constitution Federalism Rights and Freedoms and Constitutional Theory Readers of this Handbook will discover some of the distinctive features of the Canadian constitution for example the importance of Indigenous peoples and legal systems the long standing presence of a French speaking population French civil law and Quebec the British constitutional heritage the choice of federalism as well as the newer features most notably the Canadian Charter of Rights and Freedoms Section Thirty Five regarding Aboriginal rights and treaties and the procedures for constitutional amendment The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation **In Search of A Better World** Payam Akhavan, 2017-09-09 A work of memoir history and a call to action the CBC Massey Lectures by internationally renowned UN prosecutor and scholar Payam Akhavan is a powerful and essential work on the major human rights struggles of our times Renowned UN prosecutor and human rights scholar Payam Akhavan has encountered the grim realities of contemporary genocide throughout his life and career He argues that deceptive utopias political cynicism and public apathy have given rise to major human rights abuses from the religious persecution of Iranian Bahá'ís that shaped his personal life to the horrors of ethnic cleansing in Yugoslavia the genocide in Rwanda and the rise of contemporary phenomena such as the Islamic State But he also reflects on the inspiring resilience of the human spirit and the reality of our inextricable interdependence to liberate us whether from hateful ideologies that deny the humanity of others or an empty consumerist culture that worships greed and self indulgence A timely essential and passionate work of memoir and history *In Search of a Better World* is a tour de force by an internationally renowned human rights lawyer *The Oxford Handbook of Comparative Environmental Law* Emma Lees, Jorge E. Viñuales, 2019-05-06 This Handbook is the first comprehensive account of comparative environmental law It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries from four vantage points country studies from all continents responses to common problems including air pollution water management nature conservation genetically modified organisms climate change and energy chemicals waste foundational components of environmental law systems including principles property rights administrative and judicial organisation command and control regulation market mechanisms informational techniques and liability mechanisms and common interactions of environmental protection with

the broader public private and criminal law contexts The volume brings together the foremost authorities in this field from around the world to provide a concise self contained and technically rigorous account of environmental law as a single overall system The Rights of Indigenous Peoples in Marine Areas Stephen Allen,Nigel Bankes,Øyvind Ravna,2019-09-19 The question of what rights might be afforded to Indigenous peoples has preoccupied the municipal legal systems of settler states since the earliest colonial encounters As a result of sustained institutional initiatives many national legal regimes and the international legal order accept that Indigenous peoples possess an extensive array of legal rights However despite this development claims advanced by Indigenous peoples relating to rights to marine spaces have been largely opposed This book offers the first sustained study of these rights and their reception within modern legal systems Taking a three part approach it looks firstly at the international aspects of Indigenous entitlements in marine spaces It then goes on to explore specific country examples before looking at some interdisciplinary themes of crucial importance to the question of the recognition of the rights of Indigenous peoples in marine settings Drawing on the expertise of leading scholars this is a rigorous and long overdue exploration of a significant gap in the literature *Envisioning Democracy* Terry Maley,John R. Wallach,2023-02-27 Few terms elicit such strong and varied feelings and yet have so little clarity as democracy Leaders of large states use democracy to designate their nations public character even as critics and rivals use the term to validate their own political perspectives In *Envisioning Democracy* the editors and contributors address the following questions What does democracy mean today What could it mean tomorrow What is the dynamic of democracy in an increasingly interdependent world *Envisioning Democracy* explores these questions amid the dynamic of democracy as a political phenomenon interacting with forms of economic ethical ethnic and intellectual life The book draws on the work of Sheldon S Wolin 1922 2015 one of the most influential American theorists of the last fifty years Here scholars consider the historical conditions theoretical elements and practical impediments to democracy using Wolin s insights as touchstones in thinking through the possibilities and obstacles facing democracy now and in the future Canada in the World Richard Albert,David R. Cameron,2017-11-02 In this volume marking the Sesquicentennial of Confederation in Canada leading scholars and jurists discuss the evolution of the Canadian Constitution since the British North America Act 1867 the role of the Supreme Court in interpreting the Constitution as a living tree capable of application to new legal issues and the growing influence of both the Constitution with its entrenched Charter of Rights and Freedoms and the decisions of the Court on other constitutional courts dealing with a wide range of issues pertaining to human rights and democratic government The contributors assess how the Canadian Constitution accommodates the cultural diversity of the country s territories and peoples while ensuring the universal applicability of its provisions the role of the Court in interpreting and applying the Constitution and the growing global influence of the Constitution and decisions of the Court on legislatures and courts in other countries The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman,2020 Abstract Global legal pluralism has become one of the leading

analytical frameworks for understanding and conceptualizing law in the twenty first century

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