SOSC 1270

Library Workshop

Friday October 25th  10:00 -11:00am

http://libguides.ust.hk/sosc1270/

Victoria Caplan
lbcaplan@ust.hk
By the end of the workshop you will be able to:

- Be able to analyze your topic & create research question(s)

- Use different search tools to find different information types
  1. Encyclopedias, & PowerSearch.
  2. WestLaw for law review & journal articles

In order to do useful research for your International Law project & become better at asking questions & finding answers for your future life as a scholar & citizen
Outline of Session

• Search vs. Research
• From Topic to Research Question
• Information Sources for Research
  – Dictionaries, Encyclopedia, etc.
  – PowerSearch (books & articles)
• Your Searching
• Q&A
http://libguides.ust.hk/sosc1270/
Research – Different from Search

Search
You know the answer, or know an answer exists

Research
You don’t know the answer, or aren’t even sure about the question
- Ask good questions
- Not just one time search
- Finding new things leads to new questions

https://senseandreference.wordpress.com/2014/07/15/is-research-inquiry/
accessed 2 October 2015
From Topic to Research Question (1)

http://libguides.ust.hk/sosc1270/topic-question

SOSC 1270 - International Law: Topic to Research Question(s)

Analyze Your Information Needs

Before you start searching, try to clarify "what you really need to find". Ask yourself these questions:
- What do I already know (or think I know) about this topic?
- What words do experts use to discuss it?
- What timeframe am I investigating or hope to investigate (any scope on time)?
- What larger issues surround it?
- What subsections does this topic have?
- Would one of these be more suitable for my paper or essay?
- What do I want to know more about this topic?
- What sort of evidence or data would help me know more about this topic?

Once you have a clearer picture of what you need, you can then examine your assignment topic, break it down into small components (concepts and keywords) to make your search more efficient.

My Research Question(s)?

A topic IS NOT a research question.

Example:
- Topic: Status of Indigenous land claims in International law.
- Possible Question: Has the respect for Indigenous people's land rights improved since the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was passed in 2007?
- Possible Question: What has been the effect of the UN Declaration on the Rights of Indigenous Peoples on land disputes in Brazil, Canada, and the USA.

How to go from topic to questions:
1. Do some background reading (encyclopedias, short magazine or news articles)
2. List questions & answers you may already have
   - Who
   - What
   - Where
   - When
   - How
   - Why
3. Think about your questions and what answers you have.
4. Try to make a few clear questions, that are based on some of the ideas (theories, words, methods) that you have learned in your course.

Mind Mapping Video

This video outlines the mind-mapping technique, to get you from broad ideas to more narrow topics, and to help you see different approaches and questions.
From Topic to Research Question

<table>
<thead>
<tr>
<th>Topic</th>
<th>What I know so far</th>
<th>Questions I have</th>
</tr>
</thead>
</table>
| Status of Indigenous land claims in international law | *I know UNDRIP was passed in 2007  
*know that many indigenous people across the world have lands with resources (oil, trees, metals, etc.) that their national governments or powerful companies want  
*I know that sometimes indigenous peoples use the courts | ? Has the respect for indigenous people’s land rights improved since the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was passed in 2007?  
? What is the text of the UNDRIP?  
? What do I mean by “respect”?  
? Where? (which countries?)  
? When did these changes (if any) happen? Do I have a time-frame?  
? Why was there (or was there not) an effect |}

<table>
<thead>
<tr>
<th>Topic</th>
<th>What I know so far</th>
<th>Questions I have</th>
</tr>
</thead>
</table>
| Who | Names of indigenous groups?  
Names of individual plaintiffs or defendants? |  |
| What is the text of the UNDRIP? |  |
| What do I mean by “respect”? |  |
| When did these changes (if any) happen? Do I have a time-frame? |  |
| Where | What countries, or what courts (state/provincial, vs. national) |  |
| Why was there (or was there not) an effect |  |

My research question(s) or thesis (will change and get more precise after I research & read):

Your Argument/Thesis/Theory:
- Relates to “how” & “why”
- Will emerge after researching the question
- Should tie into the readings and topics and theories and arguments of the scholars you have read & studied

How has UNDRIP been used in the courts by indigenous people in the past 10 years?

Why has the UNDRIP not caused an increase in the respect for previous treaties and increase in indigenous people’s success in court cases
From Topic to Research Question (3)

10 Minutes

- Work with your partner (or alone)
- Try to come up with at least 2 “who” or “what” questions to start searching
- Try to create at least 1 research question about your topic that you hope to begin to answer via your research
Information Sources – Books, Encyclopedias, Dictionaries etc.

http://libguides.ust.hk/sosc1270/books
Introduction

This two-volume *Encyclopedia of Global Justice*, published by Springer, along with Springer's book series, Studies in Global Justice, is a major publication venture toward a comprehensive coverage of this timely topic. The *Encyclopedia* is an international, interdisciplinary, and collaborative project, spanning all the relevant areas of scholarship related to issues of global justice, and edited and advised by leading scholars from around the world. The wide-ranging entries present the latest ideas on this complex subject by authors who are at the cutting edge of inquiry.

The *Encyclopedia* sets the tone and direction of this increasingly important area of scholarship for years to come. The entries number around 500 and consist of essays of 300 to 5000 words. The inclusion and length of entries are based on their significance to the topic of global justice, regardless of their importance in other areas.
Search: indigenous rights
Indigenous rights to land are collective human rights, the recognition and realization of which are interlinked with the rights of indigenous peoples to self-determination. To say that these rights are collective is to say that they are rights held and exercised collectively by indigenous peoples. To say that they are human rights is to say that indigenous peoples have these rights in virtue of basic and universal interests and capacities of human beings. As human rights, indigenous rights to land are inalienable and have moral, political, and legal priority over the interests of states.

Some have objected to characterizing indigenous rights to land as human rights of peoples on the grounds that human rights cannot be collective. However, it is an established norm of international human rights law that groups as well as individuals may be subjects of human rights.
Information Sources – Articles from Journals, Law Reviews, etc.

http://libguides.ust.hk/sosc1270/law-review-etc
Indigenous land claims and international law

1 - 2 of 2

Full text available at: Nexis Uni
Available from 1982.

Public notes:
Access via Nexis Uni (Previously LexisNexis Academic)

Full text available at: WestlawNext
Available from 1982.
ARTICLE: Principles of International Law That Support Claims of Indian Tribes to Water Resources, 63 UCLA L. Rev. 1530

Reported by:
63 UCLA L. Rev. 1530 *

Length: 16641 words

Author: Reid Peyton Chambers & William F. Stephans

Abstract:
A growing body of international legal principles recognizes the right of indigenous people to water resources as a key component of their rights to self-determination, land, and economic self-sufficiency. These legal norms impose obligations on states both to recognize this right and to take affirmative steps to allow indigenous people to realize it. While the United States has not formally acceded to many of the applicable international instruments, the primary principles are embedded in instruments it has joined, and, in addition, some of these principles may constitute customary international law that applies regardless of accession.

Part I of this Article examines this body of legal principles as they relate to indigenous people’s access to water resources and also examines the international institutions which have been set up to interpret and implement these principles. Part II discusses the bipartisan federal policy over the last five decades in the United States to promote and protect the self-determination of Indian Tribes and this specific actions the United States has taken over that time period concerning Indian water rights. Finally, Part III discusses how international legal principles and mechanisms might be used to support a more comprehensive approach by the United States to address
63 UCLA L. Rev. 1530

UCLA Law Review
August, 2016

The Next Frontier in Federal Indian Law: Building on the Foundational Work of Carole E. Goldberg

Article
Reid Peyton Chambers, William F. Stephens

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PRINCIPLES OF INTERNATIONAL LAW THAT SUPPORT CLAIMS OF INDIAN TRIBES TO WATER RESOURCES

ABSTRACT

A growing body of international legal principles recognizes the right of indigenous people to water resources as a key component of their rights to self-determination, land, and economic self-sufficiency. These legal norms impose obligations on states both to recognize this right and to take affirmative steps to allow indigenous people to realize it. While the United States has not formally acceded to many of the applicable international instruments, the primary principles are embodied in instruments it has joined, and, in addition, some of these principles may constitute customary international law that applies regardless of accession.

Part I of this Article examines this body of legal principles as they relate to indigenous peoples' access to water resources and also examines the international institutions which have been set up to interpret and implement these principles. Part II discusses the bipartisan federal policy over the last decades in the United States to promote and protect the self-determination of Indian Tribes and the specific actions the United States has taken over that time period concerning Indian water rights. Finally, Part III discusses how international legal principles and mechanisms might be used to support a more comprehensive approach by the United States to address the unmet water needs of Tribes, rather than the current approach that focuses primarily on the adjudication and settlement of individual Tribes' legal claims to water.
<table>
<thead>
<tr>
<th>Journal Title</th>
<th>Articles</th>
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<tbody>
<tr>
<td>Behavioral And Brain Sciences</td>
<td>81</td>
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<td>Comparative Studies In Society and History</td>
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<tr>
<td>European Journal of International Law</td>
<td>63</td>
</tr>
<tr>
<td>Griffith Law Review</td>
<td>47</td>
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<tr>
<td>International and Comparative Law Quarterly</td>
<td>120</td>
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<tr>
<td>International Community Law Review</td>
<td>31</td>
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<tr>
<td>International Journal of Cultural Property</td>
<td>143</td>
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<tr>
<td>International Journal of Law in Context</td>
<td>49</td>
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<tr>
<td>International Journal on Minority and Group Rights</td>
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<td>International Organization</td>
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<td>Journal of African Law</td>
<td>69</td>
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<tr>
<td>Journal Of Asian Studies</td>
<td>130</td>
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<td>Journal of Latin American Studies</td>
<td>270</td>
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<td>Land Use Policy</td>
<td>145</td>
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<td>Leiden Journal of International Law</td>
<td>70</td>
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<tr>
<td>Modern Asian Studies</td>
<td>185</td>
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<tr>
<td>Polar Record</td>
<td>92</td>
</tr>
</tbody>
</table>

**International and Comparative Law Quarterly**


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**Note:** The text continues with more articles and research papers, each with detailed abstracts and references relevant to the field of international and comparative law.
Nexis Uni

- Law Reviews (journals), cases, and other legal information, in addition to news information
- 15 concurrent users at a time

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nexis|
united nations and declaration rights and indigenous people and land

Date (set from Oct 1, 2011 to present)

Report
37 Pub. Land & Resources L. Rev. 157 *

Length: 43574 words

Author: Matthew J. McKinney**, Richard Kyle Paisley*** and Molly Smith Stenovec****

* This article is adapted from a report with the same title. The report was published by the Universities Consortium on Columbia River
C. Other Relevant International Law

1. Declaration on the Rights of Indigenous People

The United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples ("Declaration") during its 61st session at UN Headquarters in New York City on September 13, 2007. While it is not a legally binding instrument under international law, it "represents the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in new directions." The UN also describes the Declaration as setting "an important standard for the treatment of indigenous peoples that undoubtedly be a significant tool towards eliminating human rights violations against the over 370 million indigenous people worldwide and assist them in combating discrimination and marginalization." Although Canada, the United States, Australia, and New Zealand initially voted against the Declaration, all have subsequently signed. However, in 2007 during the United Nations General Assembly, and again upon signing, Canada placed on record its concerns with various provisions of the Declaration, including provisions dealing with lands, territories and resources; free, prior, and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of Indigenous peoples, States and third parties.

When it finally signed the Declaration in 2007, Canada described it as an "aspirational document that speaks to the individual and collective rights of Indigenous peoples, taking into account their specific cultural, social and economic circumstances" and a "not legally binding document that does not reflect customary international law, or change Canadian laws." However, the fact that the Declaration has managed to successfully showcase indigenous rights on the world stage is a very major accomplishment.

2. International Convention on Biological Diversity
Create a citation
Another article… no real effect as far as I can see…

Following much discussion among Indigenous groups and U.N. representatives in the Working Group on Indigenous Populations, the Draft Declaration on the Rights of Indigenous Peoples was finalized in 1994. The official U.N. Declaration on the Rights of Indigenous Peoples was then passed by the General Assembly in 2007. The Declaration’s definition of the right to self-determination is wide in scope, including "the right to create and maintain indigenous peoples’ own governments and their own laws and legal systems." The Declaration also proclaims that indigenous peoples have the right not to be forcibly removed from their lands.

Like the ILO Convention, however, the Declaration upholds the principle of territorial integrity, as enshrined in customary international law. Specifically, it emphasizes that people should pursue self-determination within the avenues provided for by the State and should only seek secession under extreme forms of oppression. In 2007, the Human Rights Council established an Expert Mechanism on the Rights of Indigenous Peoples to implement the Declaration by "providing thematic expertise and making proposals to the Council pertaining to the rights of indigenous peoples." Five experts are appointed to the Expert Mechanism; it is open to states, U.N. mechanisms, bodies, agencies, as well as indigenous peoples’ organizations.

Regional documents addressing human rights also abound. One such document, the American Declaration of the Rights and Duties of Man, emphasizes the right to life, liberty, and property, among other rights. As scholars have noted, the Declaration implicitly recognizes the right to autonomy in local affairs, and indigenous law "within the state’s legal, economic and social systems." In 1969, the OAS adopted the American Convention, which is a multilateral treaty binding member countries. The Convention affirmed the American Declaration rights and established the Inter-American Commission on Human Rights, charging it with the tasks of promoting human rights and making relevant recommendations to governments. Finally, the Convention established the Inter-American Court of Human Rights to enforce the provisions of the Convention against State parties that submit to its jurisdiction.

Jo M. Pasqualetti, Professor of Law, University of South Dakota School of Law; S.J.D. International and Comparative Law, George Washington University Law School; J.D., M.S., and B.A., University of Wisconsin. E-mail: jpasqualet@usd.edu. The author wishes to thank the H. Lauren Lewis Faculty Research Foundation of the University of South Dakota Foundation for the grant that supported this research and Erin Bradley for her research assistance.

WISCONSIN INTERNATIONAL LAW JOURNAL

These safeguards for indigenous property rights, including indigenous participation in decision-making, benefit sharing, and assessment studies, if observed by...
Nexis Uni Commands

Search Connectors Quick Reference Card

Tip:
You can save or print a copy of this page. Use the options in the top-right corner of this help page to choose the format you'd like.

How do I use search connectors?
1. On the search form, enter your search terms.
2. Enter one or more search connectors to join your search terms. For more information and example searches for each search connector, see Using Search Connectors (and, or, etc.) and Commands (AND, OR).
3. Click the Search button.

and Connector

Use the and connector to find words that are far apart from one another or in different sections. Searches using and usually find more documents than searches using the or connector. As a general rule, use and when it doesn’t matter where your search words appear in a document. Use the or connector when there is a connection between your search terms and you need to find the terms near each other.

Examples:

To find general information about budget deficits, you could use this search:

dbudget and deficit

However, to find documents that are relevant when your search terms are less specific, you may need to use the or connector. For example, this search will find more relevant documents than if the and Connector was used:

fiduciary near/1 duty near/10 breach

tip:
You can use an ampersand (&) in place of and. The two connectors operate the same way.


Reminder:
Suggested Subject keywords & “help you cite” tools
Your Turn – Start searching (10 min)

• Start searching
• Refer to your worksheet
• Try (in any order)
  – Encyclopedias
  – PowerSearch for books (suggested keywords)
  – PowerSearch for articles (expand search from catalog)
  – WestLaw for articles
• Victoria will walk around & help
Remember to Cite

SOSC 1270 - International Law: Cite APA Style

How to Cite in APA Style?

Different subject disciplines use different citation styles. APA (American Psychological Association) style is common in many subjects outside of psychology. By learning to follow one specific style, you will learn methods that will help if you ever have to follow other styles (such as MLA, Chicago, Harvard, etc.).

This video will help you learn the APA Style basics for in-text and end-of-paper references, or help remind you if it's been a while. Click "Start". (Requires Flash)
http://library.ust.hk/feedback