SOSC 1270

Library Workshop

Monday Sept. 28th, 2020  3:30-4:30pm

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

Victoria Caplan
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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
Your SOSC 1270 Library Guide & Librarian:

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

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

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

Welcome | Topic to Research Question(s) | Information Types | Concepts & Keywords | Find Books | Find Articles | Open Web Sources | Cite APA Style -

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 time frame am I investigating or hope to investigate (any scope on time)?
  • What larger issues surround it?
  • What sub-sections 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 affect 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 (3)

<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 | - UN Declaration on the Rights of Indigenous People’s (UNDRIP) was passed in 2007. Many indigenous people across the world have lands with resources (oil, trees, metals, etc.) that their national or provincial governments or powerful companies want. 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?_  
  - What has been the effect of the UN Declaration on the Rights of Indigenous People’s on land disputes in the courts of Brazil, Canada, and the USA? Other countries?  
  - What land-disputes have been in the courts of these countries since 2007?  
  - Who has been involved (indigenous tribes? Government bodies (national courts, national legislatures? National gov admin? Province/state gov admin? Individual people? |

| 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 |  |

| After I start searching | What Have I found? Articles mostly seem to say not really used in the courts, no direct effect. |  |

| My research question(s) or thesis (this 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 12 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 |  |

| Possible change: Maybe look for an interesting case of land claims in international law having to do with UNDRIP? Maybe look for things about cross-border indigenous land claims (e.g., Mohawk in Canada & USA) |  |
From Topic to Research Question (4)

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
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

Cindy Holder

Indigenous peoples' struggles for justice are global in both scope and significance. Indigenous communities often span more than one state, they are subject to similar harms of human rights violations around the world, and these human rights violations are often shaped and exacerbated by global political and economic structures. Indigenous rights to land are central to understanding how and why this is so.

Indigenous rights to land are collective human rights, the recognition and realization of which are inextricably bound up 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 indivisible 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

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Search: indigenous rights

References (11)

Inter-American Court of Human Rights (2011) Nagpra (Samo) v Awa Tani Community v Nicaragua. ICHR (Ser C) No. 79. 31 Aug 2001

Search: indigenous rights

Search: indigenous rights
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.

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Information Sources – Articles from Journals, Law Reviews, etc.

http://libguides.ust.hk/sosc1270/law-review-etc
PowerSearch for Articles (a)

Indigenous land claims and international law

Search Results:

1. Article
   - Title: Historical Indigenous Peoples' Land Claims: A Comparative and International Approach to the Common Law Doctrine on Indigenous Title
   - Journal: International and Comparative Law Quarterly
   - Abstract available online.

2. Book
   - Title: Law and Social Economics: Essays in Ethical Values for Theory, Practice, and Policy
   - Abstract available online.

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.
PowerSearch for Articles (b)
ARTICLE: Principles of International Law That Support Claims of Indian Tribes to Water Resources, 63 UCLA L. Rev. 1530

Reported
63 UCLA L. Rev. 1530

Length: 16641 words

Author: Reid Peyton Chambers & William F. Stephens

Highlight

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 peoples 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 five 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
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.

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International and Comparative Law Quarterly
Nexis Uni

- Law Reviews (journals), cases, and other legal information, in addition to news information
- 15 concurrent users at a time
united nations and declaration rights and indigenous people and land

Date (set from Oct 1, 2011 to present)

2016

Reported:
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, the Declaration "represents the dynamic development of international legal norms and 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

2016

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

Length: 43574 words
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, and organizations, non-governmental organizations, national human rights institutions and academics.

Regional documents addressing human rights also abound. One such document, the American Declaration of the Rights and Duties of Man, emphasizes the right to liberty, 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.
Nexis Uni (i)

united nations w/3 declaration w/3 rights w/3 indigenous peoples w/5 court!

Reminder:
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• Refer to your worksheet
• Try (in any order)
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  – PowerSearch for books (suggested keywords)
  – PowerSearch for articles (expand search from catalog)
  – WestLaw for articles
• Victoria will walk around & help
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- Two authors
- Three to five authors
- Six or more authors
- Groups as authors
- No identified author or with an anonymous author
- Secondary sources
- Direct quotation of sources
- Tables or figures, including graphs, charts.

Legal Materials


Appendix 7.02, p. 217-219

Court Decisions

*In-text reference*

Give the name of the case (italized) and the year of the decision.

Congreve v Home Office (1976)

*End of Paper reference*

Name of case, name of reporter (italized), page number (date)

Congreve v Home Office, QB 629 (1976)

More details are available on the APA Style Blog: Citing Court Decisions in APA Style

Treaties & International Agreements

The APA Publication Manual doesn't explain how to cite or reference treaties, instead, APA recommends people use this book:


Basic components of a treaty cite (from http://guides.brooklaw.edu/treaty)
Q& A & Feedback

http://library.ust.hk/feedback