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Supervisor's Department	Social Science
Project Title	Reading Indigenous legal spaces

Description of Research Project (1500 characters maximum)

This project examines how diverse legal institutions read and recognize spaces of indigenous law and governance in the context of conflicts with mining companies. The project starts from the observation that, with the decentering of state authority and the profusion of multiple and overlapping centres of governance, new nonstate regulators and law-making communities have come to be integrated into networks of global governance. In the global extractive sector, these include private governance schemes managed by lenders, public/private standard-setters, and investment treaty regimes. These various schemes tend to recognize and reinforce one another's authority. Indigenous authority however is dealt with more ambiguously. It is neither fully recognized and integrated nor fully dismissed.

I have chosen four legal decisions that help to illustrate and explore this equivocal relationship with indigenous law. The four legal decisions concern notorious conflicts involving indigenous peoples and mining companies in Canada, Ecuador, Peru and India. Two are decisions of the Ontario Court of Appeal. Two are decisions of Investment Arbitration Tribunals. One is a decision of the Supreme Court of India. While each court or tribunal is addressing different legal questions in these cases, each must also wrestle with the legal significance of the assertion of indigenous authority over territory. Each decision adopts a different key concept with which to frame/articulate indigenous authority. These are "social licence", "duty of care", "duty to consult", and "free prior and informed consent".

Undergraduate Student Responsibilities (1500 characters maximum)

Student responsibilities include preparing a literature review and an annotated bibliography of relevant scholarship.

The student will carry out additional internet research in order to gather further background information concerning the events involved in the legal cases examined.

This will likely also involve receiving training concerning relevant databases and tools (e.g. Zotero, etc.).

Qualifications Required (750 characters maximum)

Qualifications required include strong research and writing skills. The ability to reach Spanish is a bonus but not required.
