

3 August 2004

“Plural Society and Social Cohesion: Challenges under Legal Pluralism”

*An International Course on Legal Pluralism, August 21-24, 2004
hosted by the Commission on Folk Law and Legal Pluralism and the University of
New Brunswick, Fredericton, New Brunswick, Canada.*

This four-day course will be held for academics and practitioners immediately before the XIVth International Congress of the Commission. The course aims at capacity building on the complex issues of legal pluralism by drawing on the expertise of international scholars in the field who attend the conference. It will provide a combination of practical and theoretical insights into some of the central questions and problems facing those concerned with all aspects of social cohesion in plural societies today. The course will enhance the capacity to develop the necessary legal anthropological techniques and skills to understand and reshape problems of legal pluralism. The purpose of the course is to familiarize the participants with current international debates and to offer them a comparative perspective that allows them to rethink their own research and practical work. Special attention will be given to the position of indigenous peoples.

As at the past school courses (held in Wellington, Accra, Moscow, Arica and Chiang Mai) the teaching teams will consist of senior academics drawn from the Commission and of colleagues from the region, in this case colleagues concerned with indigenous peoples and with local access to and management of natural resources in North America. Co-teaching among international and local scholars has proven to be conducive to challenging discussions among the staff and the participants. Here, as during the conference, both practitioners and academics of various backgrounds will be brought together.

Forms of Sessions

Generally morning sessions are planned to run from 8.30 am to 11.30 am, with a half-hour break around 10.00 am for coffee and other refreshments, and afternoon sessions from 1.30 pm to 4.30 pm with a half-hour break around 3.00 pm.

The organisers have thought it best to ask instructors to decide how their sessions will be structured. Some may give both the presentations at the start, and devote the rest of the time to discussion. Some may have a discussion after each presentation. Some may propose specific questions for discussion. Some may divide the group into smaller groups for discussions, perhaps with everyone returning at the end for each group to report.

Preliminary Readings

Participants will be provided with reading material, which will be despatched by email during the first week of August to give the opportunity for them to be read before participants arrive in Fredericton. These readings have been selected, and in

some cases written by the session leaders to provide introductions and background information about the subject-matter of their sessions. The materials are listed in the course programme below. It is possible that a few more may be included after this notice has been sent out.

The materials will be despatched in electronic form to participants' email addresses by the Course and Congress secretariat under Professor Melanie Wiber at the University of New Brunswick, Fredericton. To avoid overloading participants' email boxes, they will be sent in instalments. You are requested to empty your boxes at frequent intervals during this period.

PROGRAMME

(including recommended preliminary readings)

Friday 20 August 2004

- *Registration*

Saturday 21 August (Day 1)

8.30 am *Registration*

- *Morning Session 9.00-11.30 am* : Welcome from the course organisers;
- Presentation: J Vanderlinden, "**Developments of the theory of legal pluralism in the course of the last quarter of the XXth century up to now**".

Reading: Vanderlinden, J., "Return to legal pluralism: twenty years later", *Journal of Legal Pluralism* 28, pp. 149-157 (1989).

- *Afternoon Session 1.30-4.30 pm*: **General Theory of Legal Pluralism**

- Presentations: Franz v Benda-Beckmann and Werner Zips

Reading: (1) K. von Benda-Beckmann, "Legal Pluralism", *Tai Culture* VI, pp. 18-40 (2001)
(2) F. von Benda-Beckmann, "On the reproduction of law: micro and macro in the time-space geography of law", in: W. Fikentscher (ed.), *Begegnung und Konflikt: eine kulturanthropologische Bestandsaufnahme*, pp. 119-131 (2001)

(Reference will also be made to K. von Benda-Beckmann "Transnational dimensions...", listed below)

Sunday 22 August (Day 2)

- **Morning Session 8.30-11.30: Natural resources and the claims of indigenous minorities - rights, control, conservation.**
- Presentations: JoAnne Fiske and David Trigger

Reading: Bryan Horrigan and Simon Young, "Murrandoo Yanner, His Crocodiles, the High Court, and the Native Title Implications", *Online Opinion* (posted Friday, October 15, 1999), <http://www.onlineopinion.com.au/view.asp?article=1081>

- **Afternoon Session 1.30-4.30 pm: Gender issues in the debate about social cohesion and legal pluralism**
- Presentations: Anne Griffiths and Connie Dieter

Reading: WLSA, "The Introduction: Where Are We Going?", Chap. 1 in *In the Shadow of the Law: Women and justice delivery in Zimbabwe*, pp. 13-17.

Monday 23 August (Day 3)

- **Morning Session 8.30-11.30 a.m.: Human Rights Issues**
- Presentations: Brad Morse and Natasha Novikova

Reading: (1) B.W. Morse, "The Scope of Human Rights Law Concerning Indigenous and Minority Peoples"
(2) N. Novikova, "Life in Reindeer Rhythms: Customary and State Regulation"

- **Afternoon Session: Field Trip to Boistown Community-based Forestry**

Tuesday 24 August (Day 4)

- **Morning Session 8.30-11.30 am: Transnational issues - transnational law, globalizing influences, migration.**
- Presentations: Keebet von Benda-Beckmann and Arnaldo Godoy

Reading: (1) K von Benda-Beckmann, "Transnational dimensions of legal pluralism"

(2) Michael Hardt and Antonio Negri.
Empire. Harvard UP, pp. xi-xvi (2000).

- *Afternoon Session 1.30-4.30 pm: Roundtable Discussion on Activism* by and on behalf of folk-law groups - tactics, strategies, skills (including natural resource management)
- Presentations: Chris Milley and Peter Grant. Discussants include: David Trigger, Brad Morse, Natasha Novikova, Arnaldo Godoy, Connie Dieter

Reading: Social Impacts of the Marshall Decision. The Experiences of Four Mi'kmaq First Nations before, during and after the Supreme Court of Canada ruling. Study prepared for the Mi'kmaq Confederacy of PEI (Charlie Greg Sark) (2004) (Chris Milley).

- *Closing Session*

Wednesday 25 August: Registration for Congress

Thursday 26 - Sunday 29 August - Congress

SESSION LEADERS, ORGANISERS AND DISCUSSANTS

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COURSE PARTICIPANTS

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Larissa Godoy, lawyer, Peru.

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Wickramasinghe, Ranjith, PhD candidate, University of Amsterdam, working in project in Sri Lanka.