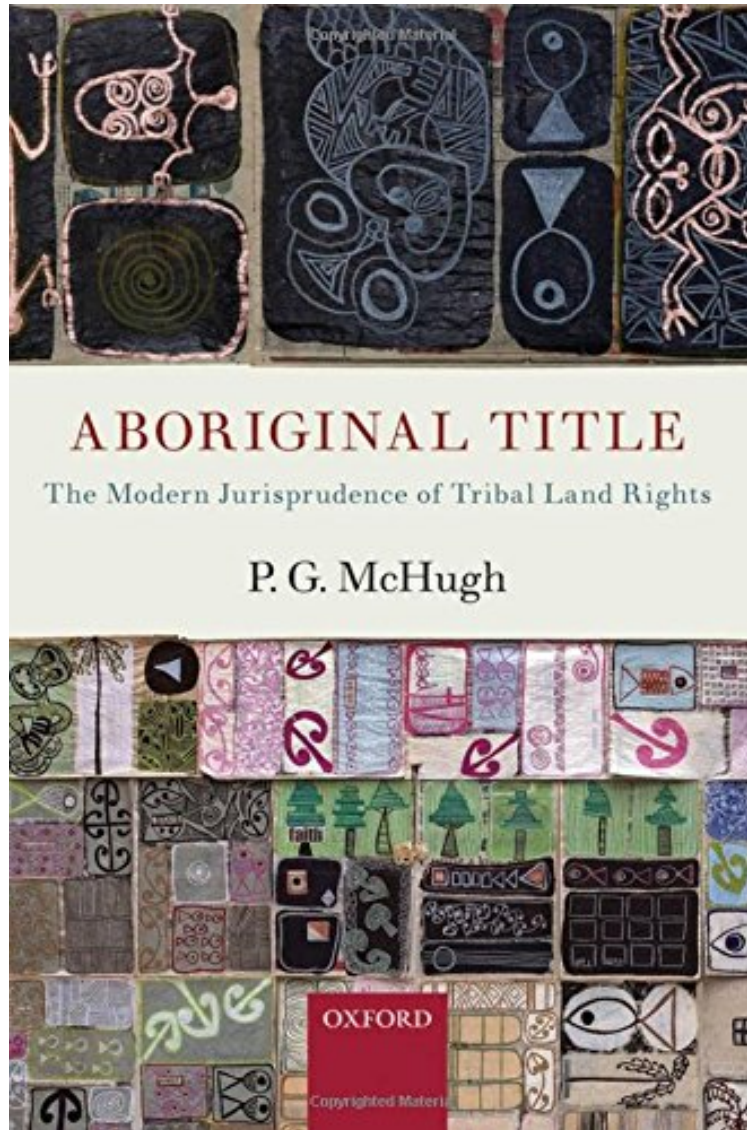


(Ebook free) Aboriginal Title: The Modern Jurisprudence of Tribal Land Rights

Aboriginal Title: The Modern Jurisprudence of Tribal Land Rights

P.G. McHugh

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P.G. McHugh : Aboriginal Title: The Modern Jurisprudence of Tribal Land Rights before purchasing it in order to gauge whether or not it would be worth my time, and all praised Aboriginal Title: The Modern Jurisprudence of Tribal Land Rights:

Aboriginal title represents one of the most remarkable and controversial legal developments in the common law world of the late-twentieth century. Overnight it changed the legal position of indigenous peoples. The common law doctrine

gave sudden substance to the tribes' claims to justiciable property rights over their traditional lands, catapulting these up the national agenda and jolting them out of a previous culture of governmental inattention. In a series of breakthrough cases national courts adopted the argument developed first in western Canada, and then New Zealand and Australia by a handful of influential scholars. By the beginning of the millennium the doctrine had spread to Malaysia, Belize, southern Africa and had a profound impact upon the rapid development of international law of indigenous peoples' rights. This book is a history of this doctrine and the explosion of intellectual activity arising from this inrush of legalism into the tribes' relations with the Anglo settler state. The author is one of the key scholars involved from the doctrine's appearance in the early 1980s as an exhortation to the courts, and a figure who has both witnessed and contributed to its acceptance and subsequent pattern of development. He looks critically at the early conceptualisation of the doctrine, its doctrinal elaboration in Canada and Australia - the busiest jurisdictions - through a proprietary paradigm located primarily (and constrictively) inside adjudicative processes. He also considers the issues of inter-disciplinary thought and practice arising from national legal systems' recognition of aboriginal land rights, including the emergent and associated themes of self-determination that surfaced more overtly during the 1990s and after. The doctrine made modern legal history, and it is still making it.

"The book offers an excellent overview of the common law aboriginal title doctrine. It gives a detailed and comprehensive legal and historical analysis of the development of the doctrine and its consequences, and covers the most recent developments within the relevant jurisdictions...the book makes an important contribution to the field of indigenous studies and provides researchers on this issue with an enormous wealth of information and guidance." -- Katja Gcke, Global Law Books, www.globallawbooks.org About the Author P.G. McHugh is a New Zealander whose pioneering work has been at the forefront of this field. After graduating LLB (Hons, first class) from Victoria University of Wellington he completed an LLM at the University of Saskatchewan (1981) and a PhD at the University of Cambridge (winner of Yorke Prize 1988) for his dissertation "The aboriginal rights of the New Zealand Maori at common law." His work has been cited in court judgments and has been influential in policy-setting and resolution of land claims in several jurisdictions where he has acted as occasional independent advisor to governments and tribal bodies. He is known not only as a legal scholar but a legal historian, especially in the field of historiography and the disciplinary interplay of law and history.