

COURSE
HUMR 5501
ETHNIC CHALLENGES TO THE NATION STATE:
STUDYING STATE RESPONSES FROM A HUMAN RIGHTS PERSPECTIVE
Autumn 2009
SYLLABUS

LECTURE 1**Introduction**

*Tuesday, 1 September, 2009,
 12:15-14,
 Room 365 Domus Nova*

Structure of the course
 Seminars & Exams

*Instructors: Stener Ekern
 (course leader) and Asbjørn
 Eide*

About the State as an Object of Study
 The State as it Appears in Different Disciplines

LECTURE 2**Political Science Perspectives I: Theory**

*Tuesday, 8 September, 2009,
 12:15-14
 Room 365, DN*

Instructor :Nils Butenschøn

Butenschøn, "State, Power and Citizenship. A Theoretical Introduction", pp.3-27
 Kymlika, "Modernity and National Identity, in compendium
 Lijphart, "Majority Rule v. Democracy...", in compendium
 Eide, "Citizenship and international human rights law", in compendium
 Ghai, "Ethnicity and Autonomy", in compendium

LECTURE 3**Political Science II**

*Tuesday, 15 September, 2009,
 12:15-14
 Room 365, DN*

Instructor: Nils Butenschøn

Butenschøn (ibid)
 Kymlika (ibid)
 Lijphart (ibid)
 Eide (ibid)
 Scheinin, Martin, "How to Resolve Conflicts between Individual and Collective Rights?", in compendium

LECTURE 4

(Legal Science I: Democracy & Citizenship)
Democracy, Citizenship and Ethnicity as Constitutional and Rights Concepts

*Tuesday, 22 September 2009,
 12.15-15
 Room 365, DN*

Instructor: Mads Andenæs

Citizenship concepts and ethnicity: direct and indirect links.
 Different liberal and republican approaches.
 German and Israeli citizenship compared to French and US.
 The case of Estonia and other former Soviet republics. Ethnic minorities and indigenous peoples.
 Indirect exclusion of minorities in ethnically 'neutral' constitutions.

European citizenships: EU Citizenships, ECHR impact on national citizenship.

Stavenhagen, R. (1996) 'Indigenous Rights- some conceptual Problems'. In *Constructing Democracy: Human Rights, Citizenship and Society in Latin America*, edited by Elizabeth Jelin and Eric Hershberg, pp. 141-161. Boulder: Westview Press
 JHH Weiler 'The Selling of Europe:

The Discourse of European Citizenship in the IGC 1996'
<http://www.jeanmonnetprogram.org/papers/96/9603.html>

Kymlicka, Will, "Modernity and National Identity", in *Ethnic Challenges to the Modern Nation State*, Shlomo Ben-Ami and Yoav Peled and Alberto Spektorowski (eds.), Basingstoke: Palgrave, 2000. Pp. 11-41. (31 pp.)

LECTURE 5

*Tuesday, 6 October, 2009,
 12:15-14
 Room 365, DN*

Instructor: Cecilia Bailliet

Legal Science II: Autonomy and International Human Rights

Joshua Castellino, Territorial integrity and the 'right' to self-determination: An examination of the conceptual tools, in *Brooklyn Journal of International Law*, 2008, 55 p

Susanna Mancini, Rethinking the boundaries of democratic secession: Liberalism, nationalism, and the right of minorities to self-determination, *International Journal of Constitutional Law*, July-October 2008, 26 p.

Marc Weller, Settling self-determination conflicts: Recent developments, in *European Journal of International Law*, February 2009, 49 p.

LECTURE 6

*Tuesday, 20 October 2009,
 12:15-14
 Room 365 DN*

Instructor: Stener Ekern

Anthropological Perspectives I: Group Formation

Hylland Eriksen, "The Social Organisation of Cultural Distinctiveness" (ch 3, pp 36-56), in compendium

Hylland Eriksen, "Nationalism" (ch 6, pp 96-119), in compendium

Amit, "Reconceptualizing Community", in compendium

LECTURE 7

*Tuesday, 27 October, 2009,
 12:15-14*

Anthropological Perspectives II: Cases / How to Handle Collective Identities

Ekern, "Visions of the Right Order" (Guatemala), in compendium

Room 365 DN

Instructor: Stener Ekern

D. Gellner, "From Group Rights to Individual Rights and Back" (Nepal), in compendium
 Geschière, "Ecology, Belonging and Xenophobia" (Cameroon), in compendium

LECTURE 8

*Tuesday, 3 November, 2009,
 12:15-14*

Room 365 DN

Instructor: Stephen Karanja

Case Study I: Constitutionalism and Ethnic Cooperation in Kenya

Yash Ghai, Constitutionalism and the Challenge of Ethnic Diversity, Prepared for World Justice Forum, Vienna, July 2-5, 2008, 32pp

Stephen Karanja, Post-election violence in Kenya: Sowing democracy in a constitutionalism vacuity, 21pp. (coming in Autumn)

LECTURE 9

*Tuesday, 10 November 2009,
 12:15-14*

Room 365, DN

Instructor: Jo Stigen

Ethnic Cleansing & The International Criminal Court

Darryl Robinson, "Serving the interests of justice: Amnesties, truth commissions and the International Criminal Court", *European Journal of International Law* 14 (2003), s. 481-505.

Paul van Zyl, "Promoting Transitional Justice in Post-Conflict Societies", in Alan Bryden and Heiner Hänggi (eds.), *Security Governance in Post-Conflict Peacebuilding*, Geneva 2005, s. 209-222.

LECTURE 10

*Tuesday, 17 November, 2009,
 12:15-14*

Room 365 DN

Instructor: Anne Hellum

Case Study I: Zimbabwe (Identity Politics and International Human Rights)

Martin Chanock "Culture and human rights: orientalisering, occidentalising and authenticity", in *Beyond Rights Talk and Cultural Talks. Comparative Essays on the Politics of Rights and Culture*. ed. Mahmood Mamdani, David Phillips Publishers, Cape Town 2000

Bill Derman and Anne Hellum "Land, Identity and Violence in Zimbabwe", in *Conflicts over Land and Water in Africa*. Eds. Bill Derman, Rie Odgaard and Espen Sjaastad, James Curry 2007

LECTURE 11

Case study IV: Indonesia

*Tuesday, 24 November 2009,
12:15-14
Room 365 DN*

Recommended reading:
McGibbon, Between Rights and Repression
Van Klinken, Big States and Little Secessionist Movements

Instructor: Knut Asplund
