

COURSE**HUMR 5502****ETHNIC CHALLENGES TO THE NATION STATE:****STUDYING STATE RESPONSES FROM A HUMAN RIGHTS PERSPECTIVE**

Autumn 2013 – Tuesdays 1215-1400 hrs (except 24.09 and 05.11, when the time is from 1015 to 1200) at Auditorium 5, Domus Academica (except first four lectures, please see below)

SYLLABUS**(revised 12 September 2013)****LECTURE 1****Introduction**

*Tuesday, 3 September,
1215-1400,
RG 7 (Mestersalen,
Håndverkeren)*

Structure of the course
Seminars & Exams

*Instructor: Stener Ekern
(course leader)*

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

LECTURE 2**Legal Science I: Democracy and Citizenship**

*Tuesday, 10 September,
1215-1400
RG 7 (Mestersalen,
Håndverkeren)*

Eide 2000 (“Citizenship and Int. HR Law”)
Eide, “Cultural Autonomy ...”
Scheinin, “How to Resolve Conflicts...”.

Instructor: Gentian Zyberi

LECTURE 3**Political Science Perspectives I: Theory**

*Tuesday, 17 September, 1215-
1400
RG 7 (Mestersalen,
Håndverkeren)*

Butenschøn, “State, Power and Citizenship. A Theoretical Introduction”.
Kymlicka, “Modernity and National Identity”.
Lijphart, “Majority Rule v. Democracy...”.
Eide, “Citizenship and international human rights law”.
Ghai, “Ethnicity and Autonomy: A Framework...”.

Instructor :Nils Butenschön

LECTURE 4**Political Science II**

*Tuesday, 24 September,
1015-1200
Room 370, Domus Nova*

Butenschøn (ibid)
Kymlicka (ibid)
Lijphart (ibid)

Instructor: Nils Butenschön Eide (ibid)
Scheinin, Martin, "How to Resolve Conflicts ...".

LECTURE 5

*Tuesday, 8 October,
1215-1400
Domus Academica,
Auditorium 5*

Anthropological Perspectives I: Group Formation

Hylland Eriksen, "Ethnic Identity and Ideology"
Hylland Eriksen, "Ethnicity in History".
Hylland Eriksen, "Nationalism".

Instructor: Stener Ekern

LECTURE 6

*Tuesday, 15 October,
1215-1400
Domus Academica,
Auditorium 5*

Anthropological Perspectives II: Cases / How to Handle Collective Identities

Amit, "Reconceptualizing Community...".
Ekern, "Visions of the Right Order...".
D. Gellner, "From Group Rights to Individual Rights...".

Instructor: Stener Ekern

LECTURE 7

*Tuesday, 22 October,
1215-1400
Domus Academica,
Auditorium 5*

Legal Science II: Autonomy and International Human Rights

Castellino, "Territorial integrity...".
Mancini, "Rethinking the boundaries...".
Weller, "Settling self-determination...".

Instructor: Gentian Zyberi

LECTURE 8

*Tuesday, 29 October,
1215-1400
Domus Academica,
Auditorium 5*

Case Study I: Zimbabwe. Identity politics and international Human Rights

Chanock, "Culture and human rights .."
Derman and Hellum, "Land, identity and violence..."

Instructor: Morten Bøås

LECTURE 9

*Tuesday, 5 November,
1015-1200
Domus Academica,
Auditorium 5*

Case Study II: Constitutionalism and Ethnic Cooperation in China

Ghai, “Constitutionalism and the Challenge of...”

Instructor: Koen Wellens

LECTURE 10

*Tuesday, 12 November,
1215-1400
Domus Academica,
Auditorium 5*

Ethnic Cleansing & The International Criminal Court

Robinson, “Serving the interests ...”

Paul van Zyl, “Promoting Transitional Justice ...”

Instructor: Jo Stigen

LECTURE 11

*Tuesday, 19 November,
1215-1400
Domus Academica,
Auditorium 5*

Exam Preparations

Instructor: Stener Ekern

Reading List:

Articles marked with an asterisk () are compiled in a compendium which can be purchased from Gnist Akademika bookstore (Domus Nova), Law faculty.*

Required reading:

- Amit, Vered, “Reconceptualising Community” in Vered Amit (ed.) *Realizing Community. Concepts, social relationships and sentiments*. London: Routledge 2002, pp 1-19. (19 pp.).
<http://ask.bibsys.no/ask/action/show?pid=040469603&kid=biblio>

- Butenschøn, Nils, “State, Power and Citizenship in the Middle East. A Theoretical Introduction” in Nils A. Butenschøn, Uri Davis, Manuel Hassassian (eds.), *Citizenship and the State in the Middle East*, New York: Syracuse University Press, 2000, pp. 3-27. (25 pp.)
http://www.google.com/books?hl=en&lr=&id=C9TkD3ugwEUC&oi=fnd&pg=PR9&dq=nils+butensch%C3%B6n&ots=5HAUerJ4td&sig=pZFH07QAapQYRMd2QJ9JHItD8_s#v=onepage&q&f=false
- Castellino, Joshua, “Territorial integrity and the ‘right’ to self-determination: An examination of the conceptual tools”, *Brooklyn Journal of International Law*, 2008, Vol. 33, 2, pp 503-58. (55 pp.)
<http://www.heinonline.org/HOL/Page?page=503&handle=hein.journals%2Fbjil33&collection=journals>
- *Chanock, Martin, “Culture and human rights: orientalisering, occidentalising and authenticity”, in Mahmood Mamdani (ed.), *Beyond Rights Talk and Cultural Talks. Comparative Essays on the Politics of Rights and Culture*, Cape Town: David Phillips Publishers, 2000, ch 1. (22 pp.)
- *Derman, Bill and Anne Hellum. “Land, Identity and Violence in Zimbabwe”, in Bill Derman, Rie Odgaard and Espen Sjaastad(eds.), *Conflicts over Land and Water in Africa*, James Curry 2007, pp 161-186. (25 pp.)
- *Eide, Asbjørn, “Citizenship and International Human Rights Law” in Nils A. Butenschøn, Uri Davis, Manuel Hassassian (eds.), *Citizenship and the State in the Middle East*, New York: Syracuse University Press, 2000, pp. 88-122. (35 pp.)
- *Eide, Asbjørn, “Cultural Autonomy: Concepts, Content, History and Role in the World Order”, in Markku Suksu (ed.), *Autonomy: Applications and Implications*, The Hague: Kluwer Law International, 1998, pp. 251-276. (26 pp.)
- *Ekern, Stener, “Visions of the Right Order: Contrasts between Mayan Communitarian Law in Guatemala and International Human Rights Law” in Lone Lindholt and Sten Schaumberg-Müller (eds.), *Human Rights in development Yearbook 2003. Human Rights and Local/Living Law*, Leiden: Martinus Nijhoff Publishers, 2005, pp 265-290. (25 pp.)
- Eriksen, Thomas Hylland, *Ethnicity & Nationalism : Anthropological Perspectives*, 3rd edition, London: Pluto Press 2010, ch 2-6, pp. 23-146. (123 pp.)
<http://ask.bibsys.no/ask/action/show?pid=120156407&kid=biblio>
- *Gellner, David, “From group rights to individual rights and back: Nepalese struggles over culture and identity” in Cowan, Jane K, Marie Bénédicte Dembour and Richard A. Wilson: *Culture and Rights. Anthropological Perspectives*, Cambridge University Press, 2001, pp 177-200. (23 pp.)

- Ghai, Yash, "Ethnicity and Autonomy: A Framework for Analysis", in Yash Ghai (ed.), *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, Cambridge: Cambridge University Press, 2000, pp. 1-26. (26 pp.)
<http://ask.bibsys.no/ask/action/show?pid=123447356&kid=biblio>
- Ghai, Yash, Constitutionalism and the Challenge of Ethnic Diversity, Prepared for World Justice Forum, Vienna, July 2-5, 2008, (32 pp.)
http://www.lexisnexis.com/documents/pdf/20080924033607_large.pdf
- Kymlicka, Will, "Modernity and National Identity", in Shlomo Ben-Ami and Yoav Peled and Alberto Spektorowski (eds.), *Ethnic Challenges to the Modern Nation State*, Basingstoke: Palgrave, 2000, pp. 11-41. (31 pp.)
<http://ask.bibsys.no/ask/action/show?pid=04055676x&kid=biblio>
- *Lijphart, A, "Majority rule versus democracy in deeply divided societies", *Politikon*, vol. 4, 1977, no. 2, pp. 113-126. (14 pp.)
- Mancini, Susana, "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 pp.)
<http://icon.oxfordjournals.org/content/6/3-4/553.full.pdf+html>
- Robinson, Darryl, "Serving the interests of justice: Amnesties, truth commissions and the International Criminal Court", *European Journal of International Law* 14 (2003), pp 481-505 (24 pp). <http://ejil.oxfordjournals.org/cgi/reprint/14/3/481.pdf>
- *Scheinin, Martin, "How to Resolve Conflicts between Individual and Collective Rights?", in Martin Scheinin and Reetta Toivanen (eds.), *Rethinking Non-Discrimination and Minority Rights*, Åbo/Turku: Institute for Human Rights, Åbo Akademi, 2004, pp 2189-38. (20 pp).
- Weller, Marc, "Settling self-determination conflicts: Recent developments" *European Journal of International Law*, February 2009, (49 pp.)
http://www.swetswise.com/FullTextProxy/swproxy?url=http%3A%2F%2Ffejil.oxfordjournals.org%2Fcgi%2Freprint%2F20%2F1%2F111.pdf&ts=1302877681027&cs=3469584268&userName=3117227.ipdirect&emCondId=3117227&articleID=41548242&yevoID=2530813&titleID=72078&referer=1&remoteAddr=129.240.226.34&hostType=PRO&swsSessionId=2shN5RuY3+FgubVEhvYGLw_.pasc2
- *van Zyl, Paul, "Promoting Transitional Justice in Post-Conflict Societies", in Alan Bryden and Heiner Hänggi (eds.), *Security Governance in Post-Conflict Peacebuilding*, Geneva 2005, pp 209-222 (13 pp).
<http://www.dcaf.ch/Publications/Security-Governance-in-Post-Conflict-Peacebuilding>
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- Zyberi, Gentian, “Self-determination through the lens of the International Court of Justice”, Netherlands International Law Review, vol. LVI (2009) pp 429-453. (24 pp.).
<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=6864144&fulltextType=RA&fileId=S0165070X0900429X>

Total: 637 pp