International Norms and their Application: Border Disputes, Self-Determination and External Minority Protection

The course will concentrate on problems of national self-determination and external minority protection. We will examine various theories of self-determination, the extent and actual content of self-determination rights, the extent to which self-determination is regarded as a legal right, and current initiatives to extend and redefine self-determination rights as benefiting minorities, too.

This course will examine issues that remain hotly debated to our day. Where possible, readings are selected to introduce students to the polemical arguments advanced on various sides of these debates. The readings provide a historical account of experiments with self-determination and international minority protection as well as a cross section of contemporary debates within various disciplines.

There will be a set of readings assigned for each class for all participants. Few days before the class you will receive discussion questions by email to help you to prepare for the class discussion of the readings. Please always bring your reader to class.

Individual assignments will be the following:

Seminar presentation and paper. You will be asked to select one topic from the list of classes below. You will be asked to write one seminar paper (ca. 2500-2750 words, with bibliography added). You are asked to select one topic from the list of class topics. Your paper should focus on the problems explored by the class readings for your selected topics and include one relevant case study suggested by you. You are welcome to consult on your selection of a case study in advance of making a decision.

You will be asked to present (in 15 minutes) a preliminary oral version of your paper in a seminar session. Written papers should be submitted at the end of the term. Once you signed up for a paper you are advised to consult with your colleagues who also signed up for the same session. Your oral presentation should include your explanation of how your case study connects to the main topic of the class session, and your case study. You are advised to prepare a fact sheet that contains the most important data (dates, map, names, events) to be distributed to all class participants at the time of your presentation. This will save you time to present your thoughts. The final written version of your paper should also include a bibliography.

Discussion questions
You are welcome to comment on all discussion questions in class or via email. During the term you are requested to address some of the questions during class discussion.

Grading will be based on class participation (30%) and the seminar paper (30% for the oral presentation, 40% for the final written version). Class participation will be considered satisfactory if you regularly participate in class discussions and excellent if you exhibit a good grasp of the issues involved.
Learning outcomes
By the end of the class, students will have acquired basic knowledge of international norms related to self-determination and external minority protection and the debates that surround these norms. The course draws upon several distinct approaches - including international law, political theory and history – and thereby enhances students’ multidisciplinary skills and orientation.

Class 1.
Introduction
The introductory class will outline the structure of the course and define the key terms under discussion.

Class 2.
Self-determination, the current debate
The increase of claims to national self-determination in post-Cold War Eastern Europe revived the theoretical debate on self-determination norms. The class will examine these debates in the context of recent developments.

Required reading:

Documents:
- Response of the international community to the declarations of independence by Slovenia and Croatia
- Yugoslavia on the eve of its dissolution
- List of countries by date of independence

Class 3.
External minority protection, the current debate
The end of the Cold War ushered in an era of the emergence of new democratic institutions and debates on rights and protective mechanisms for citizens of the newly democratizing countries. At the same in many countries of Central and Eastern Europe nationalism also re-gained momentum among majorities as well as minorities. These developments sparked off a growing a debate on minority protection throughout the 1990s. The class will trace these debates, explore the emergence of recent attempts at external minority protection and link these to the debates on self-determination.

Required reading:
- Gwendolyn Sasse, “EU Conditionality and Minority Rights: Translating the Copenhagen Criteria into Policy, EUI, 2005/6, pp. 1-21

Class 4.

Self-Determination and external minority protection in history: developments up to the Second World War

The origins of the concepts of national self-determination and minority rights are closely linked with the emergence of modern nationalism as a challenge to multinational states. The class will trace self-determination disputes and debates surrounding them during the first half of the 20th century and attempts at external minority protection, focusing in particular on the minority treaties established in Central and Eastern Europe after the First World War.

Required reading:

• Antonio Cassese, Self-Determination of Peoples, a Legal Reappraisal, CUP, 1995, pp. 11-33.

Documents:

President Woodrow Wilson’s Fourteen Points
President Wilson’s Address to Congress
Peace Treaty with Austria
National Minorities in the East European States, 1919-1938
The Polish Minority Treaty

Class 5.

Self determination and external minority protection in history: developments after the Second World War

Following the Second World War self-determination came to be linked largely with decolonization, while the issue of minority rights was subsumed under the process of the development of universal human rights standards.

Required reading:

• Antonio Cassese, Self-Determination of Peoples, a Legal Reappraisal, CUP, 1995, pp. 37-63; 321-339
• Inis L. Claude, National Minorities, an International Problem, HUP, Cambridge, 1955, pp. 51-60; 91-106; 110-144

Recommended reading:


Documents:

Percentage agreement
Class 6.
The conceptual shift: from colonial self-determination to self-determination in post-Soviet Central and Eastern Europe. 239-285

The class will discuss the evaluation of the concept of self-determination and in particular the shift from decolonization to state disintegration. While some self-determination disputes from the decolonization process remained acute even after the end of the Cold War, the focus shifted to Eastern Europe with the disintegration of three multi-national states—the Soviet Union, Yugoslavia and Czechoslovakia. The class will trace this shift of self-determination conflicts and explore its impact on the theoretical conceptualization and expansion of the concepts of self-determination.

Required reading:


Class 7.
The Self-Determination crisis in Yugoslavia and the FSU 286-354

After 1989 the most controversial self-determination conflict involved the disintegration of Yugoslavia. The class will examine the debates surround the self-determination dispute and the role of international actors in the crisis.

Required reading:


Documents
Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union

Opinions of the Arbitration Commission (Badinter Commission)

Self-Determination Movements and Their Outcomes – 1955-2004

Kosovo Ruling Reveals World Court’s Darker Side
Class 8.

**Dealing with conflicting rights: the self-determination of minorities?**

The topic of the class is the concept of territorial autonomy as a means of accommodating minority demands. The class will consider whether autonomy could be seen as a step towards resolving self-determination conflicts through a limited degree of self-determination.

**Required reading:**

**Recommended Reading:**

Class 9.

**EU and minority rights: double standards or new standards?**

The class will examine different approaches in understanding the current minority rights policies, in particular in regard to the European Union instance on minority rights in accession countries in Central and Eastern Europe. The class will discuss whether the policy constitutes a case of ‘double standards’ or rather just the emergence of a broader understanding of minority rights.

**Required reading:**
Class 10

Class roundtable: Recent discussions on self-determination norms
Libya, Syria, Falklands, Gibraltar


- Thomas D. Musgrave, Self-Determination and National Minorities, 239/245-252

Class 11

Student presentations
This class will be reserved for presentations and discussions of draft papers.
Course Bibliography


Allen Buchanan, Secession, the Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, Boulder, Colo, Westview Press, 1991.


Alex Danchev and Thomas Halverston, International Perspectives on the Yugoslav Conflict, St Martin’s Presss, 1996


Percy B. Lehning (ed.), Theories of Secession, Routledge, 1997


Nicolson, op. cit., p.


Yael Tamir, Liberal Nationalism, Princeton, 1993.


Leo Tindeman et al. (eds.) Unfinished Peace, Report of the International Commission on the


Mark Weller, "The Rambouillet Conference on Kosovo", International Affairs, April 1999, Vol. 75, Issue 2,