

Course Syllabus

Maria M. Kovacs

1-4. Self-determination: the current debate

Readings:

- Hurst Hannum, “International Law” in Alexander J. Motyl (ed.) *Encyclopedia of Nationalism*, Academic Press, San Diego, 2001, Vol. 1. 405-419;
- “Secession”, “Self-Determination” *Encyclopedia of Nationalism*, Vol. 2. 465-467.
- Donald Horowitz, “Self-Determination: Politics, Philosophy and Law” in I. Shapiro and W. Kymlicka (eds.), *Ethnicity and Group Rights*, NYU Press, 1997, 421-463.
- Thomas Franck, “Fairness to Peoples and their Right to Self-Determination” in *Fairness in International Law and Institutions*, Clarendon, Oxford, 1995, pp. 140-169.

In class discussion: Please use the documents (UN Charter, UN Declaration on Granting Independence to Colonial Countries, Helsinki Principles) to reflect on the readings.

Discussion points:

- Is there a right to self-determination in international law?
- Does the „right to self-determination” imply a right to secession?
- Why and how did the end of the Cold War lead to a reformulation of problems of self-determination?

5-9. Self-determination in post-Soviet Eastern Europe

Readings:

- Peter Radan, *The Breakup of Yugoslavia in International Law*, Routledge, London and New York, 2002 pp. 9-23; 245-253.
- Mária M. Kovács, “Standards of Self-Determination and Standards of Minority Protection in the Post-Cold War Era” *Nations and Nationalism*, 9 (3) 2003, 433-450.
- Steven R. Ratner, “Drawing a Better Line: Uti Possidetis and the Borders of New States”, *AJIL*, 90/4, 591-608.
- Opinions of the Arbitration Commission (1991-1993) (in Appendix)

In-class discussion of the decisions of the Badinter Commission based on Franck, Radan and Ratner

Discussion points:

- What does international law currently regard as the proper unit of self-determination, and ultimately, of secession?
- What concept of self-determination did the European Community embrace when it explicitly named the republics as units of future statehood? The uti possidetis debate.

10-14. Dealing with conflicting rights: the self-determination of minorities?

Readings:

- Hurst Hannum, Territorial Autonomy: Permanent Solution or Step toward Secession? (http://www.zef.de/download/ethnic_conflict/hannum.pdf)
- Markku Suksi, "Constitutional Options for Self-Determination: What Works?" (<http://www.unausa.org/issues/kosovo/rome/>), Suksi.asp, pp. 1-1-11;17-26.

In class analysis: Please use the relevant parts of the Badinter decisions and the Draft Convention of the EC Conference on Yugoslavia to assess what type of minority rights the EC prescribed for the minorities in Yugoslavia's successor states.

Discussion points:

- How did the application of the rule of uti possidetis affect the fate of minorities in the successor states of former Yugoslavia?
- How did the European Community try to compensate unwilling minorities in the new successor states?
- In what ways do minority autonomies carry seeds of future statehood? What solutions have been suggested to overcome the tension between territorial integrity and self-determination?

Appendix:

Documents to be analyzed in M. Kovacs's classes

1. Charter of the United Nations
2. Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960
3. Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States... (1970)
4. Conference on Security and Co-operation in Europe, Final Act, Helsinki (1975)
5. Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union... (1991)
6. Opinions of the Arbitration Commission (1991-1993)
7. The European Community Conference on Yugoslavia, Draft Convention resolution 1244 on Kosovo (1999)

15-18. Conclusions

Erica Benner

1-2. Introduction: basic concepts and debates

Readings:

- Herder, Letters for the Advancement of Humanity no. 10
- Max Weber, Ethnic Groups

Discussion points:

- Introduction and basic concepts: ethnicity, nation-state, culture, identity

3-4. Liberal democracies and national cultures

Readings:

- John Stuart Mill, Of Nationality (Ch. 15 On Representative Government)

Discussion points:

- How does a 'national culture' differ from an 'ethnic group'?
- Why do some people think that liberal democracies should be based on shared national cultures? Are they right?

5-6. Multiculturalism

Readings:

- David Miller, On Nationality, ch. 5

Discussion points:

- Is multiculturalism a fact, an ideal, or a pragmatic policy?
- Are there any good reasons NOT to grant cultural autonomy to ethnic minorities?

7-8. Illiberal minorities and toleration

Readings:

- Kukathas, Are there any cultural rights?

Discussion points:

- Can individual freedom be safe if group identities are threatened?
- What should liberal states do if some ethnic groups treat their own members in illiberal ways?
- Will Kymlicka, Multicultural Citizenship Ch. 8

9-10. Strategies for coexistence: power sharing and federalism

Readings:

- Lijphart, Ch. 12 in Kymlicka, ed. Rights of Minority Cultures; G. Smith, Sustainable Federalism

Discussion points:

- Relate proposals for power sharing and federalism to different situations and cases

11-12. Top-down and bottom-up approaches: international norms, civil society, and

ethnic conflict

Readings:

- K. Holsti, From Khartoum to Quebec
- J. Weiler, To be a European Citizen

Discussion points:

- Do changing norms of national sovereignty and international order affect ethnic relations inside states?
- What can international laws and institutions do to encourage inter-ethnic peace?
- In what ways do improved ethnic relations depend on informal/grassroots activities (education, NGOs) or on social and economic development?

Will Kymlicka

* The main text will be *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, edited by Will Kymlicka and Magda Opalski (Oxford University Press, 2001) – cited as CLPBE.

Class 1: Western Models in Theory and Practice

READING:

Will Kymlicka, sections 1-4 of "Western Political Theory and Ethnic Relations in Eastern Europe", in CLPBE, pp. 13-53.

Class 2: Relevance of Western Models to East-Central Europe

READINGS:

Claus Offe, "Political Liberalism, Group Rights and the Politics of Fear and Trust", *Studies in East European Thought*, Vol. 53 (2001): 167-82.

Panayote Dimitras and Nafsika Papanikolatos, "Reflections on Minority Rights Politics for East Central European Countries", in CLPBE, pp. 186-99

Class 3: Prospects for Federalism/Autonomy in East-Central Europe

READINGS:

Pal Kolsto, "Territorial Autonomy as a Minority Rights Regime in Post-Communist Countries", in CLPBE, pp. 200-19.

Miodrag Jovanovic, "Territorial Autonomy in Eastern Europe – Legacies of the Past", *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 4/2002, pp. 1-18.

Class 4: International Minority Rights Norms

READINGS:

David Chandler, "The OSCE and the internationalisation of national minority rights", in Karl Cordell (ed) *Ethnicity and Democratisation in the New Europe* (Routledge, 1999), pp. 61-76.

Stephen Deets, "Reconsidering East European Minority Policy: Liberal Theory and European Norms", *East European Politics and Societies*, Vol. 16/1 (2002): 30-53.

Will Kymlicka, sections 4-6 of "Reply and Conclusions", CLPBE, pp. 361-93

Class 5: Ethnocultural Justice and Democratization

READING:

Alfred Stepan, "Federalism and Democracy: Beyond the US Model", *Journal of Democracy*, Vol. 10/4 (1999): 19-34.

Class 6: Towards a Postnational Future?

READING:

Janos Kis, "Nation-Building and Beyond", in CLPBE, pp. 220-42.

Florian Bieber

Institutionalizing Ethnicity: Theoretical Considerations and Case Studies

1. Managing Diversity through Institutions. Options and Alternatives

Group discussion on how different normative approaches to diversity inform institutional design. Followed by lecture and discussion on different theoretical frameworks for managing diversity and institutional design.

John McGarry and Brendan O'Leary, 'Introduction. The Macro-Political Regulation of Ethnic Conflict,' John McGarry and Brendan O'Leary (eds), *The Politics of Ethnic Conflict Regulations* (London & New York: Routledge, 1993), 1-40.

Giovanni Satori, *Comparative Constitutional Engineering* (New York: NYU Press, 1997), pp. 195-202.

2 Classes

2. Electoral Systems

Lecture, followed by discussions, on electoral systems in diverse societies and their (possible) effects on interethnic relations.

Peter Harris, Ben Reilly (eds), *Democracy and Deep-Rooted Conflict: Options for Negotiations* (Stockholm: IDEA, 1998), pp. 191-204.

2 Classes

3. Constitutional and Institutional Design: Power-Sharing

Lecture, followed by discussions, exploring varying approaches to institutional design, focusing on power sharing arrangements for multiethnic societies.

Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington: USIP, 1996), pp. 27-45.

2 Classes

4. Constitutional and Institutional Design: Autonomy

Lecture, followed by discussions, examining different tools to ensure territorial autonomy in diverse societies.

Yash Ghai, 'Ethnicity and Autonomy: A Framework for Analysis,' Yash Ghai (ed.) *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-Ethnic States* (Cambridge: CUP, 2000), pp. 1-26

2 Classes

5. Institutionalizing Ethnicity: A Simulation

Participants in the course will work in groups representing different communities in an imaginary multiethnic country to design a system of incorporate group representation. The outcome will discussed and contrasted to the theoretical considerations offered earlier.

2 Classes

6. Cases: Macedonia, Kosovo and Bosnia

Discussion of cases, applying the theoretical considerations. In addition, the role of international actors will be examined in detail

Florian Bieber, "Power Sharing after Yugoslavia: Functionality and Dysfunctionality of Power-sharing Institutions in Post-war Bosnia, Macedonia and Kosovo" Sid Noel (ed.) From Power-sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies (Montreal: McGill-Queen's UP, 2003), forthcoming.

2 Classes

7. Cases: The Experience of Eastern Europe and Beyond

Presentation by Participants, followed by discussion. Examples from participants' countries of institutionalized ethnicity and power-sharing.

Jack Snyder, "Managing Ethnopolitics in Eastern Europe: An Assessment of Institutional Approaches," Johnathan P. Stein (ed.) The Politics of National Minority Participation in Post-Communist Europe. State-Building, Democracy and Ethnic Mobilization (Armonk & London: East-West Institute, M.E.Sharpe, 2000), pp. 269-285.

2 Classes

András Kovács

I. Identity, social identity, national identity, ethnic identity

Readings:

- Henri Tajfel: Human groups and social categories. Cambridge Univ. Press, Cambridge, London, New York, 1981. Part I. Ch. 7. p. 143-164;
- R. Brubaker:
- Anthony D. Smith: National identity. Penguin Books, London 1991. Ch. 1. p.1-18.; Ch.4. p. 71-98
- Hans Dekker - Darina Malova: Nationalism and its explanations. Paper presented at the First Dutch-Hungarian Conference on Interethnic Relations. NIAS, Wassenaar, 1997. p. 11-41.

II. Assimilation, dissimilation

Readings:

- Henri Tajfel: Human groups and social categories. Cambridge Univ. Press, Cambridge, London, New York, 1981Part IV. Ch. 11. p. 228-253.; Ch. 15. p. 309-344.;
- Milton M. Gordon: Assimilation in American Life. Oxford Univ. Press, New York, 1976. Ch. 5.; 6.; p. 115-159.;
- Herbert J. Gans: Symbolic ethnicity: the future of ethnic groups and cultures in America

III. Ethnic and national stereotypes and prejudices

Readings:

- Gordon W. Allport: The Nature of Prejudice. Addison-Wesley, Reading, Mass. 1954 (first edition); Part I. Ch. 1. Attitudes and Beliefs.
- Karen Phalet – Edwin Poppe: Competence and morality dimensions of national and ethnic stereotypes: a study in six Eastern-European countries. In: European Journal of Social Psychology, vol. 27. 1997. p. 703-723.
- András Kovács: Antisemitic prejudices in contemporary Hungary. ACTA Nr. 16. SICSA, The Hebrew University, Jerusalem, 1999. p. 1-20.