Module Coordinator: Professor Siobhán Mullally

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Credits: 5 credits (12 hours)
Semester 2

Guest Speakers:

- Ms Anastasia Crickley, former Chairperson of the UN Committee on the Elimination of Racial Discrimination (CERD)
- Mr Amal de Chierca, Statelessness Institute
- UN Special Rapporteur on Minority Issues: Professor Fernand de Varennes (Adjunct Prof of Human Rights, NUI Galway)

Aim:

To equip students with the knowledge and analytical skills to analyse and evaluate legal and policy arguments relating to the status of minority groups and indigenous peoples in international law and to reflect on the legal, political, and philosophical challenges that arise in practice.
Learning Objectives:

On completion of this module, students will be equipped to:

- Describe and identify the legal frameworks relating to minorities and indigenous peoples in international law
- Analyse and assess the conceptual challenges and current international law and policy debates relating to the rights of minorities and indigenous peoples
- Analyse and critically evaluate the challenges arising in adjudicating on the rights of minority groups and indigenous peoples in international law, in relation to land claims and territorial disputes, environmental rights, ownership and control of natural resources, religious law exemptions, education and family law.
- Evaluate and critique current international and regional human rights law frameworks regulating the claims of minority groups and indigenous peoples, and the political context within which such claims are raised, and contested.

Teaching methods:

Teaching is by means of seminar discussion and advanced readings, and case-studies. Case-studies and readings will be assigned in advance and available on Blackboard. Students will be expected to contribute to class discussions, including through assigned presentations.

Guest speakers: The course programme will include engagement with guest speakers working in legal and policy practice relating to minority rights and the rights of indigenous peoples.

Assessment:

The course will be examined by way of a research paper of not more than 2,500 words (including footnotes, excluding bibliography). Students will have the opportunity to work on a research project of their choice, subject to approval. The research paper may take the form
of a submission to a UN Special Rapporteur, a UN human rights treaty body, or regional human rights law and policy mechanisms. Students may also complete a research paper focusing on a selected case study at national level, and are encouraged to examine the law, policy and politics underpinning the study.

Background reading: (The reading list below is intended to provide you with a background bibliography for this module. Assigned readings will be posted on Blackboard in advance of each seminar, with a seminar handout and outline).


Castellino J and Cavanaugh K (2013) Minority Rights in the Middle East (OUP)


Castellino J Global Minority Rights [ed.] (Dartmouth: Ashgate, 2012)

Doyle C Indigenous Peoples, Title to Territory, Rights and Resources: The Transformative Role of Free Prior and Informed Consent (2014: Routledge)


Course Outline

1 INTRODUCTION - MINORITY RIGHTS IN INTERNATIONAL LAW

- History, Concepts, Philosophical foundations and conflicting claims
- Self-determination, autonomy, self-government and collective claims (Case-studies: Nigeria, Canada, Spain, India)
- Socio-Economic Rights: Housing, Health and Education
- Racism and Xenophobia
- Minority Rights in the UN and Regional Human Rights systems

2 THE POLITICS OF MULTICULTURALISM, MIGRATION, GENDER EQUALITY, MINORITY RIGHTS – CONFLICTING CLAIMS

3 THE RIGHTS OF INDIGENOUS PEOPLES AND ENVIRONMENTAL JUSTICE

- Historical debates, conceptual challenges, case-studies,
- Environmental rights, land rights and control over natural resources

4 STATELESSNESS, CITIZENSHIP AND MINORITIES

(Guest speaker: Amal de Chicera, Statelessness Institute)

- Case Studies from India, African Human Rights system, Inter-American Human Rights System, Roma Rights in Europe