Course Description and Pedagogical Objectives

The aim of this course is to provide the students with an overview of the legal and political issues pertaining to minority rights and the rights of indigenous peoples from a comparative perspective. The concepts of 'minority' and of ‘discrimination’ will be scrutinized and consideration will be given as to which groups constitute a minority in legal terms and how political claims are made to counter discrimination in different political regimes. The minority rights jurisprudence to be covered in this course is comprehensive and policy-relevant for both Canadian and comparative contexts.

The course supports York University’s overall objectives of cultural diversity and dissemination of interdisciplinary research and scholarship. The course will serve students specializing in at least five areas:

(a) Public Policy and Administration

(b) Certificate in Anti-Racist Research and Practice

(c) Race, Ethnicity and Indigeneity

(d) Human Rights and Equity Studies

(e) Comparative Politics

With a notably large number of York students from a minority background, this course fills an important gap in the existing curriculum on minority rights, public policy debates
on minorities and international human rights regimes. Students with an interest in minority groups and human rights can build a substantial focus in this area by taking the proposed course in conjunction with several other courses on refugees, migrants and human rights.

*Pre-requisites/Co-Requisites: familiarity with human rights, migration and refugee issues, minority rights and minority politics; Degree Credit Exclusions (DCE): NA

**Detailed Course Content**

In public international law, legal protection for minorities began with the system of minority rights created under the League of Nations through special treaties with Central and Eastern European states. Heightened vulnerabilities of minorities to human rights abuses have been recognized by the UN Sub-Commission for the Prevention of Discrimination and the Protection of Minorities, as well as academic projects such as the Early Warnings Signs. A range of legal instruments followed with an international mandate. These include the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Declaration on the Rights of Indigenous Peoples. The question remains, however, whether these legal tools serve the purpose of protecting and shielding minorities from discrimination, abuse, exclusion and structural marginalization.

Since 1990, minority rights have enjoyed a renaissance in Canada and Europe as well as at a global scale. Many governments in the Global South signed up to a large number of international human rights treaties with explicit minority rights clauses. In return, minorities and indigenous peoples are pressuring their governments to realize their legal obligations dictated by those treaties. Meanwhile, minority rights regimes had a varied impact on situations confronting different minorities in dissimilar settings. This course reflects on whether current conceptions of minority rights are well suited to such an extraordinarily heterogeneous group of ‘people’ constituting present-day minorities, some of whom have lost the cultural and linguistic features that formerly distinguished them as a minority. In the first part of this course, the main international instruments, jurisprudence and details of key legal cases concerning Minority Rights Abuses will be covered. In the second part, the discussion will focus on the Canadian, American, Australian and European Union minority rights regimes to underline similarities and to highlight differences in a historical context. In the third part, the dual role of politics and institutions in the articulation and diffusion of minority rights as human rights norms will be attended in a global context. The course will take the liberal democratic model of rights as a historical construct rather than as a finished project with universal applicability and predictable solutions.
Course Requirements, Evaluation and Due Dates

All registered students must attend to the weekly-held 3 hour classes regularly. Attendance sheets are circulated each class. Please notify the professor if you are to be absent for extenuating circumstances for more than 2 weeks in a row.

Please also check the two following websites to make sure you are fully aware of university regulations regarding academic honesty and plagiarism.

http://www.yorku.ca/tutorial/academic_integrity/index.html
http://www.library.yorku.ca/ccm/ScottReference/reference/index.htm#style

Please submit a copy of the completion records of these two exercises listed above attached to your first Critical Review Essay.

Course Evaluation Method

1\textsuperscript{st} Critical Review Essay (1000 words) 25\% (due the first week of October)

2\textsuperscript{nd} Critical Review Essay (1000 words) 25\% (due the first week of November)

In-Class Final Exam (Final) 40\% (the last day of classes)

Class Participation 10\% (based on regular attendance)

Critical review essays are exercises on a chosen writer’s contributions to the contemporary debates on minority rights. Students will be given a set of questions/concerns pertaining to each reading or a combination of readings, depending on the course director’s choice, two weeks in advance. The critical review essays are to be written ONLY on the assigned course material and not on outside readings.

Where to hand in assignments

Note: The SPPA Department drop box at McLaughlin College is only to be used for late papers. Essays must be submitted in class at the assigned date and time, or during the professor’s office hours. Please keep electronic copies of all your essays. Please use e-mail submission only in exceptional cases.

Late penalty

1 point grade per day of the total assignment grade will be taken out for the first 3 days.
Afterwords, the assignment will only be graded at a 50 percent rate until 2 weeks past its due time. Past that date, the assignment will not be graded.

**Important Notice Regarding Extenuating Circumstances**

Students who encounter extenuating circumstances during the term that may interfere with the successful completion of exams or other course assignments should discuss the matter with the course director without delay. Students with physical, psychiatric or learning disabilities may request reasonable accommodations in teaching style or evaluation methods, as outlined in Appendix A the Senate Policy on Students with Special Needs. They should advise the program director at the earliest opportunity, so that appropriate arrangements may be with the assistance of the Office for Persons with Disabilities, the Counseling Development Centre or the Learning Disabilities Program.

**Assigned Reading Material**

All of our reading material is available on-line. It is your own responsibility to print this material and complete assigned readings for each week. There is a gmail account where all these articles could be found for downloading. They could also be retrieved directly from the York University Libraries data-bases for articles and scholarly materials. You are strongly advised to download all of your reading material in advance and carefully examine them before each class rather than waiting for the critical review or exam dates as indicated in your syllabus. The class gmail account is canefeminorityrights, and the password is minorityrights. On my personal website, www.ncanefe.webs.com, you will find our syllabus loaded.
--- LIST OF CLASSROOM READINGS ---

Week 1 Introduction (September 11)

Week 2 Minority Rights at a Global Scale (September 18)


De Villiers, Bertus. Language, Cultural and Religious Minorities: What and Who Are They? 36 University of Western Australia Law Review 92 (2012)/

Week 3 Minority Rights: Critical Debates (September 25)


Week 4 Development of Minority Rights Law (October 2)

---FIRST REVIEW ESSAY IS DUE---


Week 5 Religion and Minority Rights (October 9)


Thio, Li-ann. CONSTITUTIONAL ACCOMMODATION OF THE RIGHTS OF ETHNIC AND RELIGIOUS MINORITIES IN PLURAL DEMOCRACIES: LESSONS AND CAUTIONARY TALES FROM SOUTH-EAST ASIA. 22 Pace Int'l L. Rev. 43 2010.
Week 6 Minority Rights Debates in United States and Europe (October 16)


Week 7 Minority Rights Debates in Canada (October 23)


Week 8 Cocurricular Week –No Classes to be Held—(October 30)

Week 9 Constitutional Protection of Minority Rights (November 6)

--SECOND REVIEW ESSAY IS DUE--


Saban, Ilan. Minority Rights in Deeply Divided Societies: A Framework for Analysis and the Case of the Arab-Palestinian Minority in Israel.


Week 10 Nationalism and Minority Rights (November 13)


Week 11 Clash of Rights? (November 20)


Week 12 Review and in-Class Discussion of Critical Issues (November 27)

Week 13 Last Class

In-class Exam