**Course Description and Pedagogical Objectives**

**Learning 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. As such, the course aims to provide a strong analytical background for students who are interested in key subjects such as racial and racialized minorities, ethno-religious minorities, migrants, native peoples, and, linguistic and territorial minorities.

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 the early 1990s, 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 during each class. Please notify the professor if you are to be absent for extenuating circumstances for 2 weeks or more 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

**Course Evaluation Method**

1\textsuperscript{st} in-class essay/exam 25\% (the first week of October)

2\textsuperscript{nd} in-class essay/exam 25\% (the first week of November)

In-Class Final Take-Home Exam (entire course material) 40\% (the last week of classes)

Class Participation 10\% (based on regular attendance)

**Missed Exams:**

A medical note or certificate will be required for the missed in class exams and upon an agreement with the professor, an alternative submission method will be offered to the student.

**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 read, browse, 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 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.
Readings and Key Topics

Lecture I: Minority Rights in a Global Context


Lecture II: Minority Rights in International Law


--please see the full text at the link cited below--

--please see the full text at the link cited below--
http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1127&context=scholarly_works&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.tr%2Fscholar%3Fq%3Drelated%3A5qv1hWUYc2oJ%3Ascholar.google.com%2F%26hl%3Den%26as_sdt%3D0%2C5#search=%22related%3A5qv1hWUYc2oJ%3Ascholar.google.com%2F%22

Lecture III: The Canadian Context (I)


**Lecture IV: Debates on Toleration, Accommodation and Clash of Rights**


**Lecture V: Minority Rights in Post-colonial States**


**Lecture VI: Minority Rights and the Canadian State**


Lecture VII: Minority Rights, Quotas and Affirmative Action


http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1027&context=pa&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.tr%2Fscholar%3Fstart%3D10%26q%3Dminority%2Brights%2Band%2Baffirmative%2Baction%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2012#search=%22minority%20rights%20affirmative%20action%22

Lecture VIII: Minority Rights and Constitutional Law


Lecture IX: Minorities at Risk Project


Lecture X: Minority Rights in Europe


Carol, Sarah, and Ruud Koopmans. "Dynamics of contestation over Islamic religious rights in Western Europe." Ethnicities 13, no. 2 (2013): 165-190.


Lecture XI: Minority Rights in Canada (II)


https://books.google.com.tr/books?hl=en&lr=&id=L09zYvsdct8C&oi=fnd&pg=PA3&dq=minority+rights+in+canada&ots=TFUVUwzWQ5&sig=qjuc9ZdjMDIsQx4EN6sbnUXDL9o&redir_esc=y#v=onepage&q=minority%20rights%20in%20canada&f=false


Lecture XII: Minority Rights, Civil War and Ethno-nationalism


Máiz, Ramón, Emel Akçali, Olga Malinova, Ksenia Gorbenko, Sangit Kumar Ragi, Klaus-Jürgen Nagel, and Jennifer Todd. "Part I Case Studies on Ethnonationalism”


Lecture XIII: Review and in-Class Discussion of Critical Issues

**Additional/Recommended Readings**


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


Kymlicka, Will. The internationalization of minority Rights. ICON, Volume 6, Number 1, 2008, pp. 1–32.


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.


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


