

SELF-DETERMINATION OF PEOPLES

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Course Description

In this course students will read and discuss work by contemporary authors that bears on the historical development, current content, and normative justification of collective rights to self-determination, more commonly known as the self-determination of peoples. The course is organized around the right to self-determination in international law, with a primary emphasis on the conceptual underpinnings of the right and its status and relationship to other norms, both in international law and international ethics. Topics covered will include: the relationship between self-determination and land; the relationship between self-determination and state sovereignty; and the extent to which the right constrains and establishes obligations within states as well as between them.

Evaluation

5 Short Comments ^a (1-page each @ 2%)	5%
Due by 10 am on Thursday of the week the readings are covered	
7-10 page paper ^b	25%
Due October 22	
Research Outline ^c (3-5 pages)	10%
Due November 16	
Group Presentation ^d	15%
Last two weeks of class	
Term Paper ^e (15-20 pages)	45%
Due December 17	

Late assignments will be penalized in the amount of 5% per day they are late to a maximum of 30%.

Texts

The readings are available through Brightspace.

^aAbout the Short Comments: Short comments should be 1 page long and should discuss an issue, argument or topic from the readings of the week in which they are handed in. Short comments are due by 10 am on Thursday of the week in which the readings are assigned.

^bAbout the 7-10 page paper: The topic for this paper is open-ended but you must base the paper around one of the readings from the first half of the course. **Due date: Oct 22**

^cAbout the Research Outline: Research outlines should briefly outline the student's proposed paper topic, including a tentative bibliography. Research Outlines for topics that have not been discussed with me at least 2 weeks prior to the due date will not be accepted. **Due date: November 16**

^dAbout the Group Presentations: The last two weeks will feature group presentations. The groups will be randomly selected by me. Each group will present a case study that illustrates questions or issues related to self-determination. **Groups must advise me of the case study they have chosen by November 9.** The group presentation should last roughly 25 minutes, followed by Q&A. In preparing for the presentation groups should compile an annotated bibliography of the sources they have used. This bibliography is to be submitted on the day of the group's presentation.

^eAbout the Term Papers: The topic for the term paper is to be chosen by the student. The topic for the term paper is to be chosen by the student. You may write on the case study of their group presentation but you do not have to do so. Whatever the topic chosen, you are strongly encouraged to speak to me about it ahead of time. **Due date: December 17**

Grading Scale

100-90 = A+, 85-89 = A, 80-84 = A-, 77-79 = B, 73-76 = B, 70-72 = B-, 65-69 = C+, 60-64 = C, 50-59 = D, 0-49 = F

N Grades

Students who have completed the 5-7 page paper and the final paper will be considered to have completed the course. Failure to complete one or more of these elements will result in a grade of "N" regardless of the cumulative percentage on other elements of the course. N is a failing grade and factors into GPA as a value of 0.

Brightspace

A Brightspace page has been set up for this course. You may access it by signing in with your netlink id. This page will be used to post announcements, to:

- give you online access to readings, supplementary resources and assignment sheets
- collect assignments
- give you access to invites for zoom meetings
- give you access to Microsoft Teams for your group project

Please note that **all assignments for this course and all materials posted to Brightspace are the intellectual property of myself and the University of Victoria.** Do not circulate this material or post it to note-sharing sites without my permission. **Posting course materials to note-sharing sites or otherwise circulating course materials without the permission of your instructor violates the *Policy on Academic Integrity*.** Any evidence you are circulating materials without permission will be referred to the Chair of the Philosophy Department for investigation.

Academic Integrity

Any and all sources used in preparing work that is submitted for evaluation must be acknowledged. This includes websites and other students' work. **Plagiarism and other forms of cheating will not be tolerated.** Such conduct is contrary to the University's academic regulations, and shows a profound lack of respect for me, for fellow students and for the university as an institution of higher learning.

Any and all sources used in preparing work that is submitted for evaluation must be acknowledged. This includes websites and other students' work. **Plagiarism and other forms of cheating will not be tolerated.** Such conduct is contrary to the University's academic regulations, and shows a profound lack of respect for me, for fellow students and for the university as an institution of higher learning.

You are expected to read the University's *Policy on Academic Integrity*. You can find it in the Graduate Calendar

(https://www.uvic.ca/calendar/future/grad/#/policy/BJujesM_E?bc=true&bcCurrent=02%20-%20Policy%20on%20Academic%20Integrity&bcGroup=Faculty%20Academic%20Regulations&bcItemType=policies) It is your responsibility to know and follow the University's regulations regarding academic integrity. Penalties for academic integrity violations are harsh and are applied as written.

For additional information about the University's expectations with respect to academic integrity and resources to help you meet those expectations, visit the University's Academic Integrity page (<https://www.uvic.ca/students/academics/academic-integrity/#ipn-resources>).

Academic Supports

The University has a number of academic support services that may help you in this course, including the Centre for Academic Communication (<https://www.uvic.ca/learningandteaching/cac/>), the Library's Research Anywhere site (<https://onlineacademiccommunity.uvic.ca/ResearchAnywhere/>) and the Library's "Ask Us" service (<https://www.uvic.ca/library/research/ask/index.php>). Information about academic supports can be found through the University's Learn Anywhere site (<https://onlineacademiccommunity.uvic.ca/LearnAnywhere/academic-supports/>)

Academic Accommodations

The University of Victoria is committed to creating a learning experience that is as accessible as possible. If you anticipate or experience any barriers to learning in this course, please feel welcome to discuss your concerns with me. If you believe you will require academic accommodations to address barriers to your education in this course and you are not already

registered with the Centre for Accessible Learning, please do so (<https://www.uvic.ca/services/cal/onlineservices/register/index.php>). The Centre for Accessible Learning is the office designated to make arrangements for accommodations. You can find information about academic accommodations through the Centre for Accessible Learning's website (<https://www.uvic.ca/services/cal/programs/academic/index.php>).

Schedule

Sep 10

Cindy Holder, "Self-Determination as a Universal Human Right", *Human Rights Review* 7:4 (2006), 5-18.

Cindy Holder, "International Law Background" *unpublished*

Sep 14, 17

James Scott, *Seeing Like a State* (Yale University Press: New Haven, CT, 1998), pp. 1-8, 22-44, 53-63, 72-83.

<https://ebookcentral-proquest-com.ezproxy.library.uvic.ca/lib/uvic/detail.action?docID=3420352>

Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton University Press: Princeton, NJ, 2006), pp. 31-44.

https://princetonup-degruyter-com.ezproxy.library.uvic.ca/view/title/506644?tab_body=toc

Sep 21, 24

Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law, 8th edition* (Routledge: New York, 2019), pp. 367-381.

Milena Sterio, *Secession in International Law: A New Framework* (Elgar Publishing: Cheltenham, UK, 2018), chapter 1 (pp. 9-28) <https://www-elgaronline-com.ezproxy.library.uvic.ca/view/9781785361210/9781785361210.xml>

Allen Buchanan, "Uncoupling Secession from Nationalism and Intrastate Autonomy from Nationalism" in Hurst Hannum and Eileen Babbitt, eds. *Negotiating Self-Determination* (Lexington Books: Lanham, MD, 2006), pp. 81-114.

S. James Anaya, "A Contemporary Definition of the International Norm of Self-Determination", *Transnational Law and Contemporary Problems* 3 (1993), pp. 131-164.

Sep 28, Oct 1

Antonio Cassese, *Self-determination of Peoples: A Legal Reappraisal* (Cambridge University Press: Cambridge, 1995), chapter 4 (pp. 67-100).

S. James Anaya, *Indigenous Peoples in International Law, 2nd edition* (Oxford University Press: Oxford, 2004), pp. chapter 4 (pp. 129-184).

Benedict Kingsbury, "Whose International Law? Sovereignty and Non-State Groups", *American Society of International Law Proceedings* 88 (1994), pp. 1-13.

Oct 5, 8

Margaret Moore, "Sub-State Nationalism and International Law", *Michigan Journal of International Law* 25 (2003-2004), 1319-1340

Steven Roach, "Minority Rights and an Emergent International Right to Autonomy", *International Journal on Minority and Group Rights* 11 (2004), 411-432.

Yoram Dinstein, "Autonomy Regimes and International Law", *Villanova Law Review* 56 (2011-2012), 437-453.

Oct 12 *THANKSGIVING*

Oct 15

Group Project Set-up

Oct 19, 22

S. James Anaya and Maia S. Campbell, "Gaining Legal Recognition of Indigenous Land Rights: The Story of the *Awas Tingni* Case in Nicaragua" in *Human Rights Advocacy Stories* Deena Hurwitz and Margaret Satterthwaite, eds. (Foundation Press: New York, 2009).

Patrick Mackem and Ed Morgan, "Indigenous Rights in the Inter-American System: The Amicus Brief of the Assembly of First Nations in *Awas Tingni v. Republic of Nicaragua*", *Human Rights Quarterly* 22 (2000), 569-602.

S. James Anaya, "Developments in the Jurisprudence of the Inter-American System in the Aftermath of the *Awas Tingni* Case" in *International Human Rights and Indigenous Peoples*, S. James Anaya, ed. (Aspen Publishers: New York, 2009), pp. 284-314.

Oct 26, 29

Karen Knop, *Diversity, Self-Determination and International Law* (Cambridge University Press: Cambridge, 2002), chapters 1 & 2 (pp. 29-91)

<http://ezproxy.library.uvic.ca/login?url=http://www.myilibrary.com?id=42985>

Nov 2, 5

Karen Knop, *Diversity, Self-Determination and International Law* (Cambridge University Press: Cambridge, 2002), chapter 4 (pp. 109-212)

<http://ezproxy.library.uvic.ca/login?url=http://www.myilibrary.com?id=42985>

Nov 9 *READING BREAK*

Nov 12

Karen Knop, *Diversity, Self-Determination and International Law* (Cambridge University Press: Cambridge, 2002), chapter 8, Conclusion (pp. 327-381)

<http://ezproxy.library.uvic.ca/login?url=http://www.myilibrary.com?id=42985>

Nov 16, 19

Valmaine Toki, "Decolonization and the Right of Self-determination for the Pacific", *Studies in Law and Politics* 70 (2016), 181-2017.

Jessica Shadian, "From states to polities: Reconceptualizing sovereignty through Inuit governance", *European Journal of International Relations* XX:X (2010), pp. 1-26.

Samuel J. Spector, "Negotiating Free Association between Western Sahara and Morocco: A Comparative Legal Analysis of Formulas for Self-Determination", *International Negotiation* 16 (2011), 109-135.

Govand Khalid Azeez, "The 'Kurd' between capitalist-statist nationalism and class conflict", *Critique: Journal of Socialist Theory* 47:3 (2019), 411-432.

Nov 23 GROUP PRESENTATIONS

Nov 26 GROUP PRESENTATIONS

Nov 30 GROUP PRESENTATIONS

Dec 4 GROUP PRESENTATIONS