Seminar: The European Minority Regime

Part I: History, International Law and Relations

This module aims to introduce the students to the major events in European history that led to the emerging protection scheme that exists today at the international level. The module will review a number of European treaties from the Peace of Augsburg (1555) to the reformed Lisbon Treaty (2007). It will examine the international institutions, such as the League of Nations, the United Nations, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the European Union in relation to minority protection and minority issues. This will include examining the international human rights law system to understand the various types of minority rights in law. The module will also examine bilateral treaty systems and international security systems. In addition, it will review some of the national settlements achieved for minorities who live in distinct territories of homelands, such as the territorial autonomy arrangements in Finland, Northern Italy and Spain as well as the less peaceful settlements and those that have become known as “frozen conflicts.” With European integration on the rise, the module will finish with and examination of how the moral force of norm diffusion has influenced Europe’s expansion and the ramifications of this within the European Union in terms of Roma migration. Topics to be covered:

1. History
   - The emergence of a protection regime (religious rights, ‘nation-state’ system)
   - 19th Century bilateral relations in Europe
   - The League of Nations and the Minority Treaties (self-determination, language rights)

2. European international law and inter-governmental institutions
   - The UN system and minority rights (cultural rights)
   - The European international law regime (language and cultural rights)

3. Inter-state relations and European integration
   - Bilateral treaties
   - Territorial and non-territorial autonomy (self-government)
   - Conditionality and norm diffusion

4. Transnationalism
   - Kin-state relations
   - The Roma

Week 1: Introduction of topic and teachers – Malloy et al.

Week 2: European history of minority relations – Mr. Raul Carstocea

Week 3: European international law and inter-governmental institutions – Mr. Ugo Caruso

Week 4: Inter-state relations and European integration – Ms. Tamara Jovanovic

Week 5: Transnationalism – Dr. Andreea Udrea
Reading List for the First Part (READ AT LEAST TWO FOR EACH CLASS)

**Week 2: European history of minority relations – Mr. Raul Carstocea**

The lecture will address the main landmarks in European history that led to the emergence of minority rights and regimes of protection of minorities. The discussion will begin with a consideration of the issue of religious rights and their incorporation in various treaties starting with the Peace of Augsburg (1555). It will continue by exploring the redefinition of this protection regime as one of national minority rights in the context of the emergence of nationalism and the rise of nation-states in the 19th century, paying special attention to the formulations issued at the Congress of Vienna (1815) and Congress of Berlin (1878). The lecture will conclude with an assessment of the minority rights regime established at the end of World War One in the Minority Treaties and placed under the protection of the League of Nations, as well as discuss its failure to prevent conflict in the interwar period. The aim of the lecture is to provide students with a historical background to the history of minorities in Europe, as well to the emergence and evolution of issues such as minority rights, protection regimes, identity, nationalism, self-determination, etc.


Rosting, H. “Protection of Minorities by the League of Nations” *(The American Journal of International Law, 17(4), 1923, pp. 641-660)*

**Week 3: European international law and inter-governmental institutions – Mr. Ugo Caruso**


**Week 4: Europeanization and national minorities – Ms. Tamara Jovanovic**


Kanner A.A. and Gurses Mehmet “The complexities of minority rights in the European Union”
Haverland, M. “Does the EU cause domestic development? Improving case selection in Europeanisation research” (West European Politics 29(1), 2006)

Week 5: Transnationalism – Dr. Andreea Udrea


OSCE High Commissioner on National Minorities (HCNM), “Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations & Explanatory Note” (2008, Available at:www.osce.org/hcnm/33633)