

**PLAN DE COURS 2015/2016
ACADEMIC SYLLABUS 2015/2016**

DISCIPLINE	International law			
Titre du cours Course title	Minorities and indigenous peoples Rights			
	Langue Language	Heures Hours	ECTS	Master Programme
	English	20	4	4ème
Nom de l'enseignant/ Name of the lecturer	Laurent Sermet			
Fonction / Employeur Position / Employee	University Professor			
Contact :	Laurent.sermet@sciecnespo-aix.fr			
Objectifs du cours / Course objectives	Introduction to minorities and indigenous peoples rights as part of International human rights law			
Compétences acquises/ Learning outcomes	Legal skills			

Contenu du cours par session/ Course content per session	Nombre d'heures/ Number of hours
<p>Introduction . What are the political tools for a peacefull society ?</p> <p>Several models seem to be available. None of them is perfect, working as a circular conceptualization :</p> <ul style="list-style-type: none"> - Unitary model as in France and Turkey - Political federalism (United states) or ethnic federalism (Sami people of the Arctic) - Balance between political majority and political minority : minority rights - Beyond colonialism : indigenous rights for indigenous people 	

UNE GRANDE ÉCOLE EN PROVENCE

INSTITUT D'ÉTUDES POLITIQUES D'AIX-EN-PROVENCE

-
- Out of multiculturalist solution : what model of unity ?

2. Methodological perspectives

Anthropological
Political
Technical / legal
Legal theory

PI – Minorities rights

SI - What is a minority ?

§ 1 - Doctrinal perspective
§ 2 - Historical perspective
§ 3 – Legal perspective
7 points

Lesson from european experience
Beyond cultural minorities (migrants, gender and disabled rights).

- *What are the minority's rights ?*
Article 27 of ICCPR /UN Declaration 1992 /
UN Special Rapporteur on minority issues /
CoE conventions : 1992, 1995
Roma rights in Europe

- *Lessons from France ?*
Conceptualization of refusal of minority's rights

II – Indigenous rights

- *Main UN source of Indigenous rights*
UN Resolution 2007 on *Indigenous people's rights*
UN Special Rapporteur on indigenous issues

- *Main findings of Constitution and regional courts*
South America case law
Africa : customary law in South Africa
Europe : Sami people and European Court of Human rights

- *The Kanak Charter : a case study*

UNE GRANDE ÉCOLE EN PROVENCE

INSTITUT D'ÉTUDES POLITIQUES D'AIX-EN-PROVENCE

III – An anthropological perspective

- *Legal pluralism*

What is legal pluralism

French overseas perspective on legal pluralism

- *Cultural diversity and Human rights*

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005

UNESCO Convention on Intangible cultural Heritage, 2003 and the Manden Charter

UN Work on traditional values of Humanity 2012

- *Popular forms of law*

Permanent people's tribunal

Méthodes d'évaluation *Sur quoi sera basée la note finale?* / **Method of assessment** *What will the final grade be based on?*

Type d'évaluation/ Type of evaluation

Durée/ Duration % de la note finale/ % of the final grade

Written Personal work

Bibliographie – Auteur, titre, année, éditeur/ Bibliography – Author, title, year, publisher

•

BURGORGUE-LARSEN, Laurence and UBEDA DE TORRES, Amaya

and Translated by Greenstein, Rosalind

The Inter-American Court of Human Rights

Case Law and Commentary

Oxford University Press, April 2011

GRIFFITHS, John (1986)

"What is Legal Pluralism ?" in *Journal of Legal Pluralism* 24: 1-55.

MOYNIHAN, Daniel Patrick

Pandaemonium: Ethnicity in International Politics – February 25, 1993

UNE GRANDE ÉCOLE EN PROVENCE

INSTITUT D'ÉTUDES POLITIQUES D'AIX-EN-PROVENCE

ROULAND, Norbert

L'Anthropologie juridique, Paris, PUF, coll. "Que Sais-Je ?", 2e éd., 1995, 128 p.

Legal Anthropology, Stanford Univ. Press, Calif.; Athlone, London, 1994. 352 p.

Droit des minorités et des peuples autochtones (with J.Poumarède and S.Pierré-Caps), Paris, PUF, 1996, 400 p.

Anthropological foundations of Human rights, In *Law and Anthropology*, oct. 1999

SERMET, Laurent

. *Une anthropologie juridique des droits de l'homme. Les chemins de l'Océan indien*, Paris, Agence universitaire de la francophonie éd., Edition des archives contemporaines, nov. 2009, 266 pages. Préface d'Abdou Diouf et postface de David Anoussamy (**individuel**)

. *Mayotte dans la République*, Actes du colloque de Mamoudzou les 14, 15 et 16 septembre 2002, Sous la direction de L. Sermet et de J. Coudray, Paris, Montchrestien, Collection Grands colloques, 728 pages (**co-direction**)

. *Droit et démocratie en Afrique-du-sud*, Actes du colloque de Saint-Denis, décembre 1999, sous la direction de L. Sermet, L'Harmattan, 2001, pp. 93-105 (**direction**)

Mini CV de l'enseignant/ Mini CV of the lecturer

University Professor

PHOTO (non obligatoire)

UNE GRANDE ÉCOLE EN PROVENCE

INSTITUT D'ÉTUDES POLITIQUES D'AIX-EN-PROVENCE

25, rue Gaston de Saporta - 13625 Aix-en-Provence Cedex 1 - Tél. : 04 42 17 01 60 - Fax : 04 42 96 36 99 -

www.sciencespo-aix.fr