

Exam questions HUMR5502 autumn 2020

Choose one of the four questions below:

1) Human Rights and Ethnic Diversity

Almost all contemporary states contain two or more groups commonly thought of as belonging to different ethnic groups. From the reading list and during the course you have become familiar with different ways of accommodating such differences through e.g. constitution-making and legislation. Discuss the strengths and weaknesses that legal instruments offer for accommodating ethnic diversity. Feel free to choose any set of specific countries to drive the argument and illustrate your points.

2) Indigenous Peoples and the State

Various definitions of "indigenous peoples" have been put forward and most of them include references to the relationship between the state (on whose lands the group in question lives) as well as to self-identity. With a particular view to the legal definitions given in e.g. ILO Convention 169/1989 and UNDRIP. And in the light of the debates around group formation and citizenship presented throughout the course, choose at least two actual countries and discuss the strengths and weaknesses of such definitions in terms of how they can be said to accommodate the social and cultural diversity of the state in question.

3) Citizenship revocation as a counter-terrorism measure

Citizenship is the official link between an individual and a specific State, the citizenship of whom the individual holds. This link forms the basis for many other human rights and entitlements. In international law practice and literature, one usually refers to this link as nationality. As citizenship revocation gains new attention from States as a tool to counter terrorism, prompting much political, public and academic debate, the reality that this measure often applies only to particular sub-groups of citizens demands closer scrutiny. Applying citizenship deprivation, that is, turning certain individuals into aliens is not a new phenomenon and is generally applied as a punishment for disloyalty or for working actively against the interests of the State. Analyze the phenomenon of citizenship deprivation as a counter-terrorism measure from a human rights perspective, focusing especially on whether such a measure is in accordance with international human rights law obligations, and if so, what legal safeguards would need to be applied during such processes?



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4) Self-determination as a people's right and remedial secession

The right of a people to self-determination is a general principle of public international law which has found expression in the 1945 UN Charter, the two 1966 Covenants, and many other legal instruments. Due in large part to this right, the international community has grown from the original 51 signatories to the UN Charter to the current 193 UN member States. US President Wilson, widely known for his Fourteen Points, stated in 1918 that "National aspirations must be respected; people may now be dominated and governed only by their own consent." However, it took a long time for the decolonization process to be set in motion and for these words to be given meaning for many peoples outside Europe. Overall, new State formation processes have been accompanied by secession efforts, many of which have been brutally quelled. The end of the Cold War brought about new secessionist aspirations and the strengthening and re-awakening of existing or dormant separatist claims everywhere. The creation of a new independent entity through the separation of part of the territory and population of an existing State raises serious difficulties as to the role of international law generally and international human rights law more specifically. Analyze a specific case of purported secession or new State creation on the basis of the right of peoples to self-determination and key aspects of this right.