TEACHING GUIDE - 2026-2027

Self-Determination & Minority Rights

UGRA_015655

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	3
Teacher responsible	Olivier Georges Robert Baillet - olivier.baillet@esade.edu

Course Goals

The student will be capable of:

1) Understanding the evolution of the concepts of self-determination and that of minorities;

2) Familiarising themselves with the use of comparative law techniques in the human rights and constitutional law sector;

3) Analysing from an international and european perspective the questions of self determination and minority rights.

Prerequisits

A good command of English.

Public International Law, Constitutional Law and European Union Law not required, but strongly suggested.

Teaching methodology

Lectures, followed by class discussions and case studies.

Description

Course contribution to program

This course contributes to students' development in three key ways:

a) Deepening their understanding of law as an international, constitutional, and political instrument;

b) Enhancing their knowledge of self-determination processes over the past century and the current challenges, from both international/European and

constitutional law perspectives;

c) Equipping them to critically approach the legal and political parameters of minority protection, particularly counter-majoritarian principles, in the context of rising illiberal and electoralist trends.

Short description

This course begins by exploring the evolution of the concept of self-determination from the nineteenth century to the present day. It focuses on the development of legal norms, including the interpretation of the principle of self-determination by the League of Nations and the United Nations. These ideals are examined in light of contemporary developments and the material limitations of self-determination—particularly the challenges or impossibility of fundamentally transforming the global economic order.

Secondly, the course gives special attention to current constitutional issues surrounding self-determination claims, both from the perspective of existing states and the European Union. Particular focus is placed on the cases of Catalonia and Scotland.

Finally, the course addresses the protection of minorities beyond—or alongside—the issue of self-determination, with particular attention to indigenous communities and socially "minority" or "minoritized" groups based on race, gender, and sexual orientation.

The seminar adopts a case-study methodology combined with lectures.

Program Learning Objectives

GEL23-Bachelor in Global Governance, Economics and Legal Order

- General Management Skills
  - Recognise the economic, legal and social concepts that define the context of different stakeholders in the context of international relations and global governance.

- Lawyering skills and knowledge
  - Integrate legal reasoning in the field of international relations, in the context of the application of international law.
  - Identify mechanisms for the protection of individuals and minorities in the context of international law.

Bibliography

Sparks, T., Self-Determination in the International Legal System: Whose Claim, to What Right?, Oxford: Hart Publishing (Book)

González Represa, G., Self-Determination and Secession in Constitutional Democracies: A Study of the Spanish Case., Valencia: Tirant lo Blanch

Activities

Written and/or oral exams

Other
Quizz and Surveys

Group presentations

Readings

Case study analyses

Content

#	Topic
1	1. The Origins of the Principle of Self-Determination These sessions will explore the origins of the principle of self-determination and its relationship with the emergence of nations and nation-states. This will allow us to examine key concepts such as minorities, nations, states and peoples.
2	2. The right to self-determination under the UN era These sessions will explain how (e.g., the UN Charter, UNGA Resolution 1514, UNGA Resolution 2625) and why (e.g., the decolonization period) the principle of self-determination evolved into a recognized right under the UN framework. We will explore the concept of self-determination, its interaction with related notions such as the right to secede, and the broader claims made in its name—particularly regarding the transformation of the global economic order—and assess whether such transformation has occurred. Case Studies: - Western Sahara -Kosovo - Chagos Archipelago
3	3. Self-Determination and National/EU Constitutionalism These sessions will address the ongoing debate about the compatibility between constitutional law and secession, focusing on the question: Should liberal constitutions include a right to secede? Special attention will be given to secessionist movements in contemporary Europe, examining how national constitutional law and EU law respond. We will compare Spanish and British constitutional frameworks to answer the question: Why was it legally possible to hold an independence referendum in Scotland, but not in Catalonia? Should this be the case? We will also consider the potential impact on the EU of the hypothetical independence of a sub-national entity within a current EU Member State. Case Studies: - Quebec - Catalonia - Scotland & Northern Ireland - Greenland
4	4. Minority Rights Beyond Self-Determination? This theme will explore how various categories of minorities can be protected beyond, and independently from, the issue of self-determination. We will focus on two key areas: the protection of indigenous peoples, and the protection of racial and sexual minorities under human rights law. This section will highlight both the challenges and the necessity of counter-majoritarian legal and judicial protections. Case Studies: - Indigenous Communities - Racial, Gender and Sexual Minorities

Assessment

Tool	Assessment tool	Category	Weight %
Group project		Ordinary round	20.00%
Written and/or oral exams		Ordinary round	40.00%
Attendance and punctuality		Ordinary round	20.00%
Written and/or oral exams	Midterm Multiple Choice Questionnaire	Ordinary round	20.00%
Written and/or oral exams		Retake	100.00%

PROGRAMS

GBL25-Double Degree in Business Administration and Global Governance, Economics and Legal Order (Undergraduates: Business)

GBL25 Year 2 (Mandatory)

GDL23-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)

GDL23 Year 4 (Mandatory)

GEL19-Bachelor in Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL19 Year 1 (Mandatory)

GEL19 Year 2 (Mandatory)

GEL23-Bachelor in Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL23 Year 2 (Mandatory)

GEL25-Bachelor in Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL25 Year 2 (Mandatory)