UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Transitional Justice and State Building

2122-5-A5810221

Learning objectives

The course aims to provide students with an advanced understanding of the core principles and topics regarding the reconstruction of state institutions in countries emerging from post-conflict situations characterized by serious violations of human rights and the related issues that societies are facing in these complex historical circumstances.
To extend learning beyond the classroom teaching, invited experts in this field of law will take part in the Transitional Justice and State Building course. Accordingly, students are expected to participate actively in class.

Contents

This course analyzes transitional justice, i.e. the legal, ethical, conceptual and policy issues confronting societies and governments in dealing with past violence and massive human rights violations committed in the context of undemocratic and repressive regimes. and it explores the theory of “state-building” and in particular the reconstruction of state in conflict-torn societies.

Detailed program

This course will be divided into two sections.

The first part of the course – taught by prof. Roccatello – analyzes transitional justice, i.e. the legal, ethical, conceptual and policy issues confronting societies and governments in dealing with past violence and massive human rights violations committed in the context of undemocratic and repressive regimes. The course explores, in a criminological and historical perspective, the dynamics of collective violence and hate crimes, which occurred in Countries in transition. Moreover, it analyzes the problems that societies face when exploring the different options they have at their disposal to tackle these crimes against humanity, also considering the political, legal, economic

and moral ramifications of each choice.

The second part of the course – taught by prof. Tanzarella - will explore the theory of “state-building” and in particular the reconstruction of state in conflict-torn societies: special attention will be given to the critical steps of drafting, adopting and implementing a new Constitution as well as the fundamental stage of establishing the necessary agencies for the functioning as a state. It then surveys several cases of international state building efforts and analyzes the role of constitution-making in the political and governance transition. In this context the course focuses in particular on the EU’s state building practices in the Western Balkans and the Eastern Neighbourhood

Prerequisites

No specific prerequisite required

Teaching methods

Because of the Covid Emergency period the lessons will be delivered in streaming on the webex platform. All of them will be recorded as well.

Please, see the e.learning web page for more details or write to Prof. Tanzarella (palmina.tanzarella@unimib.it).

Assessment methods

Type of exam for all students:

Oral exam.

Type of exam for attending students only:

Students are expected to participate actively in the remote class and they will be asked to write a final essay on one of the topics covered during the course.

Textbooks and Reading Materials

Reference texts for all students

The oral exam will focus on selected cases and materials: Students are required to send a mail to Prof. Tanzarella (palmina.tanzarella@unimib.it) asking to send by mail all the exam materials.

Reference texts for attending students only

Further additional readings will be suggested at the beginniing of the course.

Reference texts for non-attending students

The oral exam will focus on selected cases and materials: Students are required to send a mail to Prof. Tanzarella (palmina.tanzarella@unimib.it) asking to send by mail all the exam materials.