UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Transitional Justice and State Building

2526-5-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.

More in details, at the end of the course, the student should have acquired:

- Knowledge and understanding of the fundamental principles of Transitional Justice and State building, with a focus on the specific context in which the process occured.
- Ability to apply the notions learned to the analysis of concrete cases
- Autonomy of judgement in the interpretation of rules and in the identification of the most appropriate legal solutions.
- Communication skills in the presentation and discussion of legal arguments, both in written and oral form.
- Ability to learn independently, also by consulting normative, doctrinal and jurisprudential sources.

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 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 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

Despite no specific prerequisite are required it is strongly reccomended to refresh skills about Constitutional, European and International law.

Teaching methods

Lectures will take place in face-to face mode with interactive discussion of practical cases

Assessment methods

Students are expected to participate actively in class and they will be asked to solve a written practical case

The ability to expound, understand and apply concepts, autonomy of judgement and ownership of language will be assessed.

Textbooks and Reading Materials

Reference texts for all students

TStudents are required to send a mail to Prof. Tanzarella (palmina.tanzarella@unimib.it) asking to send by mail all the exam materials.

Further additional readings will be published on the e.learning web page .

Sustainable Development Goals

REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS