

Revidert - Globalizing Minority Rights: Cosmopolitanism, Global Institutions, and Cultural Justice

NFR application ES575484

Project leader: Prof. Kasper Lippert-Rasmussen

1. Relevance relative to the call for proposals

International soft law (treaties, conventions etc.) protects minority rights. However, the implementation of these rights falls primarily within the tasks of individual states. These states may, or may not, follow their international commitments, and they may, or may not, cooperate with others in minority protection. In the era of globalization, and the increasing movement of people (e.g. refugees), the role of inter- and transnational co-operation becomes increasingly important. In order to be both effective and morally justified, this co-operation needs to be based on a sound understanding of who the contemporary minorities are, how their claims are justified, and who bears the responsibility for guarding their rights. *Globalizing Minority Rights* (GMR) aims to do this by developing a cosmopolitan approach to the conceptualization (WP1), justification (WP2), and implementation (WP3) of minority rights, and by testing this theoretical framework on three case studies addressing the Indigenous Sami (WP5), refugees (WP6), and sexual- and other ‘minorities within minorities’ in the East-African context (WP4). GMR provides important insights into the changing cultural conditions affecting the current societal challenges within Norway (Sami), for Norway and the world in general (refugees), and for Norway’s role as a global actor and part of the international community (East-Africa). GMR interrelates two of the main themes prioritized by SAMKUL 2016: (1) ‘knowledge, economy and welfare’ when critically exploring the current justifications for minority claims and the institutional mechanisms of implementation, and (2) ‘man and nature’ when discussing the forward looking challenges of the emergence of large flows of refugees owing to environmental and population changes.

2. Aspects relating to the research project

2.1. Background and status of knowledge

Minority rights are commonly viewed as group-specific rights that rectify disadvantages encountered by minority cultural groups or, less controversially, their members, where the term ‘cultural’ is used as a short hand for describing a variety of minority groups, including indigenous, national, religious, and linguistic groups.¹ The self-governance rights of the Indigenous Peoples (such as the Sami in the Nordics) aim to give the indigenous communities a right to govern the land they live in, and to preserve their traditional ways of living (such as traditional reindeer herding). The religious exemptions, e.g. the exemptions granted to turban wearing Sikhs from school uniforms, aim to provide members of these minorities equal opportunities to work and education by allowing them to keep their distinctive religious identities while engaging in the ordinary life of society. The special assistance rights, such as the right to interpretation for certain linguistic minorities, aim to provide everyone access to public services, by including also those who may not otherwise be able to access these services or even be aware of the rights and opportunities they have. Minority rights aim to level the playing field so that everyone has equal, or at least not too unequal, rights and opportunities in the society in which they live.²

¹ The focus of this project also extends to minorities that may not traditionally be viewed as ‘cultural’ (including, for example, women and refugees), but whose claims for justice are both relevant, and may also bear certain structural similarities, to the claims of the groups mentioned above. For relevant differences between the more traditional categories of cultural groups, see Song, S. (2009) “The Subject of Multiculturalism: Culture, Religion, Language, Ethnicity, Nationality, and Race”, in: de Bruin, B. and Zurn, C. (eds), *New Waves in Political Philosophy*. Basingstoke: Palgrave Macmillan.

² Patten, A. (2014) *Equal Recognition*. Princeton University Press.

³ Patten, A. (2014) *Equal Recognition*. Princeton University Press. <http://www.queensu.ca/mcp/index.html>

Within the last 20 years, there have been several advancements in both the practice and theory of minority rights. Many countries have adopted a variety of multicultural policies, including special rights for indigenous, national, and ethnic minorities.³ These rights are commonly justified with resort to the basic liberal values and principles, such as individual freedom, autonomy, toleration and equality.⁴ Within the last 20 years, minority rights have become, not only legitimate policy options of liberal states, but also common realities in western liberal democracies.

While there thus seems to be an agreement on both the need for certain types of minority rights, as well as the grounds for these rights within the basic liberal framework, one aspect that remains relatively unexplored, is the role and status of minority rights as a global phenomenon.⁵ In the traditional state centered literature on multiculturalism, minority rights are argued for via three steps of (1) state rationale, (2) rights justification, and (3) implementation.⁶ On step 1 (state rationale), culture is established as a legitimate concern of the liberal state, and people's culturally induced disadvantages are viewed as something that the state should, as a default, aim to rectify. On step 2 (rights justification), minority rights are established as one of the legitimate means through which people's cultural disadvantages can be rectified, by showing the compatibility of culturally differentiated rights with the basic liberal values and principles. The third step (implementation) then aims to see, in which contexts minority rights should be applied. That is, when and to whom should the liberal state grant minority rights, e.g. rights for self-governance, religious exemptions, or linguistic assistance.

For the purposes of this project, the traditional debates on multiculturalism and minority rights have operated within the framework of relatively confined societies, viewing the protection of different types of minorities as a primarily domestic issue. Minorities are defined by virtue of their disadvantages in relation to the cultural majority, whose norms, values and practices are embedded in the public institutions of society (cf. working week based on the Christian calendar, school curriculums based on national history, official language(s) based on the language of the majority, etc.). In this framework, the liberal state is also seen as primarily responsible for rectifying minority disadvantages, as it is within a particular society, governed by a particular state, that minorities are defined, their claims justified, and their rights implemented. However, in the contemporary globalized world, the protection of different types of minorities is, to an increasing extent, also becoming a transnational even global issue, thus giving raise to the following broad question:

How does the shift from a state-centered focus to a global focus affect the conceptualization of minorities, minority disadvantages, the rationale and justification for minority rights, and the institutional mechanisms for implementing these rights?

Like much of the theoretical literature on multiculturalism and minority rights discussed above, the international law framework on minority rights has also focused extensively on the role of sovereign states in the treatment and protection of minorities within their territories.⁷ The international and regional documents – including the *UN Human Rights Treaties* (esp. *ICCPR* Art. 27), the *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (1992), the *UN Declaration on the Rights of Indigenous Peoples* (2007), and the *Council of Europe's Framework Convention for the Protection of National Minorities* (1995) –

³ Multiculturalism policy index / Queens University at <http://www.queensu.ca/mcp/index.html>

⁴ Cf.: Kymlicka, W. (1995) *Multicultural Citizenship*. Oxford: Oxford University Press; (2001) *Politics in the Vernacular*. Oxford: Oxford University Press; Barry, B. (2001) *Culture & Equality*. Harvard University Press; Phillips, A. (2007) *Multiculturalism without Culture*. Princeton University Press; Festenstein, M. (2007) *Negotiating Diversity*. Cambridge and Malden: Polity Press; Lenard, P. (2012) *Trust, Democracy and the Challenges of Multiculturalism*. University Park: Penn State Press.; Patten, A. (2014) *Equal Recognition*. Princeton University Press.; See also Holtug, Lippert-Rasmussen & Lægaard (eds.) (2009) *Nationalism and Multiculturalism in a World of Immigration*. Basingstoke: Palgrave Macmillan.

⁵ With notable exceptions of Kymlicka, W. (2007) *Multicultural Odysseys*. Oxford University Press; Parekh, B. (2008) *A New Politics of Identity*. Basingstoke: Palgrave Macmillan.

⁶ See also Vitikainen, A. (2015) *The Limits of Liberal Multiculturalism*. Basingstoke: Palgrave Macmillan.

⁷ See Lerner, N. (2003) *Group Rights and Discrimination in International Law*. Hague, London, New York: Martinus Nijhoff Publishers.; Castellino, J. (ed.) (2012) *Global Minority Rights*. Farnham and Burlington: Ashgate.

provide important guidelines for the state signatories to follow, while preserving state sovereignty and the view of the sovereign state as the primary actor of cultural justice within its territory. However, this state centricity, and the framing of minority issues as primarily (although not exclusively) as a domestic issue may be questioned on various grounds. Minorities are not always constrained by state borders, but often reside in several state territories. This is the case, for example with the indigenous Sami (Norway, Sweden, Finland, Russia), regionally dispersed minorities such as the Roma, and linguistic minorities (for example Russian speaking minorities in the Baltic). The same territorial transcendence also goes for the ethnic and religious minorities (be they immigrants, locals or refugees) as well as for minorities within minorities, including women and children, disabled persons, sexual and gender minorities. Moreover, the claims of some minorities are no longer directed only to particular states, but e.g. international and regional institutions such as the EU, the UN or the European Court of Human Rights (ECtHR). The emergence of different level actors and institutions not only creates a need to understand and assess the role of these institutions in minority protection, but also has a more fundamental effect on the ways in which minorities and their claims for justice are understood. In a globalized world, the traditional categories of minorities may no longer be enough, and some of those that are presently recognized might be less relevant now. For example, within state Unions with open borders (e.g. Schengen) some minority claims (e.g. the German-speaking Belgians) may lose some of their relative force, as the frame of context transfers from the state level to the level of the EU. On the other hand, some minorities (e.g. the Roma) may be viewed as gaining strength to their claims as their disadvantages are now located in broader contexts, thus bringing forth some of the systematic features of their disadvantages across many different countries.

This shift from the traditional state centered understanding of minorities to the territorially unconstrained understanding of both minorities and the potential agents of justice has certain consequences for the traditional, three-step argument for minority rights discussed above. At the levels of state rationale and rights justification, the multiplication of global actors and institutional structures transfers the question about why the liberal state should be concerned about people's cultural disadvantages, to the assessment of those bases that we have for minority protection and minority rights in the global arena. These bases include many of the traditional arguments for minority rights that must now be reconceptualized in order to fit the changing circumstances of the globalized world. These include arguments based on (global) equality of opportunity, compensation for past injustices, non-discrimination, individual freedom, autonomy, toleration, recognition, and appeal to the value of diversity. Much, at the level of establishing the rationale and justification for minority rights, will also hang on our understanding of those actors that are viewed as responsible for minority protection, as it is no longer clear that the primary agent of cultural justice is, or should be, the sovereign state. Consequently, the implementation step of the traditional case for minority rights is broadened in scope, as the new international and regional institutions must be assessed together with the more traditional, state centered mechanisms for minority protection.

2.2. Approaches, hypotheses and choice of method

One part of the project (WP1) is conceptual and explores the concept of a minority (right). The project assesses the following hypothesis:

(H1) 'Minority' is a polyseme and many of the standard conceptualizations are unfruitful from a cosmopolitan perspective.

By way of example: it is not fruitful within a cosmopolitan approach only to conceive of minorities as groups of people whose members only form a small proportion of a given state's population. For example, Icelanders might in some ways form a minority even if almost all people living in Iceland are Icelanders. Relatedly, the project will take into account, not only state-based, but also transnational and dispersed minorities, as well as those with double or multiple minority status (e.g. homosexual women of an ethnic minority in the global south). This part of the project will employ the standard tools of conceptual analysis used by analytical philosophy, such as thought

experiments, careful attention to logical implications etc. However, it will also draw from the three case studies that the project involves in order to test the usefulness of the taxonomy that this part of the project will result in and confront.

Another part of the project (WP2) focuses on ethical issues in relation to the justification of minority rights. It adopts a cosmopolitan framework of analysis testing the following hypothesis:

(H2) The main, traditional justifications of minority rights play out very differently once these are applied in a global context and given a global scope (and, not as is usually the case, applied to individual states with a scope that is limited to within these states).

This hypothesis is quite broad and the project corroborates it by corroborating it for each of the 8 main justifications for minority rights that we identify under WP2. For instance, what might protect diversity in a state-focused context might not do so in a global context, where global diversity might sometimes be best enforced by promoting local non-diversity, e.g. the Tibetan culture might contribute to global diversity better if Tibet restricts the influx of Chinese immigrants, and vice versa. Assessing H2 is important, because, in recent years, cosmopolitan approaches have become increasingly influential, with many theorists turning their attention towards the appropriate principles of economic distribution in the global arena.⁸ These approaches have not, however, addressed many of the cultural conditions underlying such distributive principles, nor have they focused on the issues of cultural justice and minority rights. This project aims to lift the minority issues into the center of debates on cosmopolitan global justice, and thus fills this gap in current cosmopolitan thought. Assessing H2 requires analysis of conceptual implications of norms that is well-known in political philosophy. However, the three case studies will also serve as illustrations as well as test cases of the normative justifications, for example by showing that a certain justification of minority rights has implausible implications for one of the test cases, e.g. that certain justification of territorial right is implausible regarding the minority rights of refugees.

A third part of the project (WP3) focuses on super-national, including global, mechanisms and institutions for implementing minority rights. The project tests the following hypothesis:

H3: While super-national and global mechanisms and institutions face various problems in relation to implementing minority rights, all of the 8 main justifications for minority rights, when globalized, justify such mechanisms etc. as ways of securing and enforcing minority rights.

The debates on cosmopolitan global justice have focused on the questions relating to the global principles of distributive justice and their feasibility. These debates have not, however, focused on minority rights, nor have they thus provided systematic analyses of how minority issues, e.g., in relation to the protection of refugees, should be addressed within the cosmopolitan institutional framework. While this part of the project has an institutional focus which the second part does not have, it is also normative to the extent that it seeks to develop a cosmopolitan normative framework for assessing institutions for minority rights protection in the global context, e.g., in relation to humanitarian interventions which presents a challenge to the traditional Westphalian idea of state sovereignty, and will thus go beyond the already existing legal and empirical literature on minority rights and global institutions. Since minority rights, as justified by the 8 main justifications, are often not respected, the focus in this, unlike the second part of the project is non-ideal theory. However, it will also rely on conceptual analysis, and have an important descriptive component, e.g., in that it will draw on legal analysis of the workings of ECtHR and on how international agents in Eastern Africa face obstacles in promoting minority rights.

⁸ Central works on global justice include: Rawls, J. (1999) *Law of the Peoples*. Cambridge, Mass.: Harvard University Press; Pogge, T. (2002) *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge and Malden: Polity Press; Moellendorf, D. (2002) *Cosmopolitan Justice*. Cambridge and Oxford: Westview Press; Tan, K. (2004) *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism*. Cambridge University Press. Caney, S. (2005). *Justice Beyond Borders: A Global Political Theory*. Oxford University Press; Brock, G. (2009) *Global Justice: A Cosmopolitan Account*. Oxford University Press. Valentini, L. (2011) *Justice in a Globalized World: A Normative Framework*. Oxford University Press.

A fourth part of the project (WP4-6) consists of three case studies, which provide a detailed, case-by-case analysis of the current institutional structures and mechanisms for minority protection by focusing on different global, regional, and local institutions, norms and practices, and their role in the protection and improvement of the status of minorities, including minorities within minorities. These comprise the assessment of the current international treaties and documents, and their implementation in relation to the indigenous rights protection in the north (WP5), the protection of sexual minorities and albinos in the south (WP4), and the treatment of refugees under the current and predicted global order (WP6). The three case studies will, first, serve as a useful empirical background to the more theoretical parts of the project. In analogy with the method of difference, the project involves three cases that are very different both with respect to the minority groups involved, and with respect to their geographical (and political) location. The motivation for this is to provide a stronger test for, e.g. the fruitfulness of the conceptualizations of a minority (right) proposed in the first part of the project, than we would have had had our cases been quite similar. Second, the cases selected are independently interesting and it would strengthen our cosmopolitan approach to demonstrate that it can yield fruitful analysis of the three cases in question. Finally, the three cases provide important insights to some of the current societal challenges within Norway (WP5), in relation to Norway and the world in general (WP6), as well as in relation to Norway's role as an international actor abroad (WP4).

The research project is organized into six working packages that (1) explore conceptual questions in relation to minority rights, e.g. when is a group of people a minority in the relevant sense?; (2) assess the normative bases (the rationale and justification) for minority rights; (3) scrutinize the current practices and mechanisms (implementation), e.g. ECtHR, for minority protection in the global arena; (4) identify obstacles for international agents in promoting the protection of and cultural variation in the interpretation of minority rights, especially of albinos and sexual minorities, in East Africa; (5) address issues of compensation for historic injustice and collective landownership in relation to indigenous rights protection of the Sami; and (6) look into conceptual and normative questions relating to refugees and stateless persons as a global minority.

The six WPs hang together in ways detailed below. For instance, WP1 provides much of the conceptual framework for some of the other WPs. For example, in order to explore how minority rights can be justified, it is necessary to know what a minority right is and, thus, to know what a minority is. However, such conceptual groundwork benefits from being informed by concrete empirical cases, which will often contain material motivating conceptual groundwork, e.g., by illustrating how distinctions drawn are unclear or otherwise infelicitous or how a particular taxonomy is incomplete or unproductive. Hence, while the focus of WP1-3 is at a more abstract level than the focus of WP4-6, they hang closely together and work in any of the WPs will have implications for all other WPs. The underlying assumption here is in part that underpinning Rawlsian reflective equilibrium, i.e. that normative principles are justified when they are part of a reflective equilibrium which also includes various empirical and metaphysical background assumptions (*in casu*: about the nature of minority groups and minority groups rights among other things) and moral judgments about concrete cases.

2.3. The project plan, project management, organization and cooperation

Globalizing Minority Rights (GMR) will run through a four year period of 1.11.2016-31.10.2020.

Research group members: Tom Campbell (CAPPE), Melina Duarte (UiT), Hege Finholt (UiO), Andreas Føllesdal (UiO), Sirkku Hellsten (Nordic Africa Institute), Nadim Khouri (UiT), Patti Lenard (Ottawa), Kasper Lippert-Rasmussen (UiT), Serena Parekh (Northeastern), Juha Räikkä (Turku), Øyvind Stokke (UiT), Annamari Vitikainen (UiT), NNx2 PhD student (UiT – 1 presently being filled) and PostDoc (UiT – presently being advertised). (for further details, see attached CVs)

Professor Kasper Lippert-Rasmussen (UiT) heads the research group as principal investigator (PI). Together with vice-PI Dr. Annamari Vitikainen (UiT) he will run the research group on a daily basis. The PI and vice-PI will work closely together and interact on a more or less weekly basis

meeting on skype as well as in person. There are two motivations for this arrangement. First, through this arrangement there will be at least one of the research leaders present at UiT at any time, which will ease the organization of the research group's activities. Second, the arrangement will involve training in research leadership and will help Dr. Vitikainen in acquiring qualifications that will be useful in relation to future research project applications that she might want to submit.

The steering committee makes strategic decisions about the activities of the research group and the implementation of its research program. It consists of the PI, the vice-PI, three senior researchers (Campbell, Hellsten, and Føllesdal) and one junior researcher (Duarte). It will meet twice in the first year of the program and once a year in the three remaining years. All meetings will be held in connection with conferences etc. organized by the research group. In connection with its first three meetings, we will invite two-three internationally established specialists to comment on general aspects of the research plan, suggest further potential partners of cooperation, contribute to the specification of the research plan, workshop topics etc. We expect to pay the specialists a modest honorarium for their services (they will be required to read a certain amount of material). We also expect to invite them in a dual capacity (e.g. as keynotes, people who present papers at workshops etc.)

The current co-operation partners include both individual researchers and research institutions. The co-operation partners are not part of the main research group named above, but they have been invited to take part in some of the working packages (WP), and some of them will also have a dual role as external advisors and keynotes. The three institutional partners (International Migration Network at CIPS Ottawa, The Ethics Institute Boston, and University of Nairobi) have agreed to host some of the workshops and conferences during the project. The individual co-operation partners include: Prof. Alan Patten / Dept. of Politics, Princeton (member of WP2), Prof. Nils Oskal / UiT and Sami University College, Kautokeino (WP5), Prof. Rebecca Lawrence / Indigenous Rights and Global Politics of Resource Extraction, Stockholm (WP5), Dr. Sune Lægaard / Philosophy, Roskilde (WP1), Dr. Masoud Nassor / Philosophy, Univ. of Namibia (WP4), and Dr. Francis Owakah / Philosophy, University of Nairobi (WP4).

All members of the main research group are affiliated with at least two out of six WPs. Each WP is headed by research group leader, who is responsible for organizing the events in the WP, including fixing dates, venue and agenda of meetings and for inviting participants that come from outside the main research group; facilitating communications between participants; and coordination with the PI and vice-PI. WP participants will meet in connection with the events that are common for all participants in the research group and, additionally, organize two-three individual workshops. In the selection of research group leaders, for logistical reasons, we have given some priority to people affiliated with UiT and, for different reasons, to having at least one junior research group leader.

Presently non-identified members of the research group include one PhD student and one PostDoc funded by UiT, and another PhD student to be funded by the project. The PhD project (UiT) is primarily tied to WP2 and WP6, concerning the recognition-based approaches to migration and refugees. The PhD funded by the project will be advertised with a similar connection to at least two of the WPs in the project. The PhDs will be enrolled in the UiT PhD program in Philosophy, and receive relevant supervision from the senior members of the research group. The PostDoc position (currently advertised by UiT) will be tied to one or several of the work packages, with preference on projects that are also tied to one of the three case studies (WPs 4,5 or 6).

For researchers directly employed in the project, the Department of Philosophy, UiT provides the adequate working, administration, computing etc. services, as calculated in the budget. The international members are committed to the project as part of their ordinary research activities, with reasonable travel and subsistence allowances provided by the project.

Working Packages

WP1: Conceptual questions

Underlying the justification and implementation of rights is a set of conceptual questions. Answers to these questions do not in themselves determine the right answers to normative questions and questions about implementation. For instance, one such core conceptual question is the question of what a minority is in the first place. On a purely descriptive, quantitative account, a minority is a group of people who, relative to a certain cognate group, constitutes less than 50% of the total population. On this account, men, not women, form a minority in most countries. Also, the largest group in a society consisting of three or more groups might form a minority. On a partly evaluative, quantitative account, a minority is a group of people who is disadvantaged relative to the cognate group. A group, which is a minority in this sense, need not be a minority in a numerical sense, e.g. black South Africans formed a minority in South Africa under Apartheid in the present, but not in the purely numerical, sense. The normative case of minority right looks different depending on which of these two conceptions of minority one presupposes. Another issue, which arises on either of the two conceptions mentioned, concerns the populations in relation to which minorities are defined. One possibility would be to view nations as the relevant populations, but in an age of globalization an exclusive focus on nation-based conceptions of minorities become problematic. Similarly, there is the thorny issue of the basis for individuating groups. Are Sunnis and Shias one group, Muslims, or two? This question cannot be answered non-contextually. WP1 addresses these, as well as further questions relating to the conceptual relation between minority rights and human rights, thus providing important background material to the other WPs while testing and developing its own work in the light of the material provided by the other WPs.

Participants: Campbell, Føllesdal, Lippert-Rasmussen, Lægaard, Vitikainen (leader)

WP2: Normative questions

What is the moral basis for minority rights? The main answers to this question in the literature are: 1) equality of opportunity; 2) compensation for past injustice; 3) non-discrimination; 4) individual freedom; 5) autonomy; 6) toleration; 7) concern for recognition; and 8) appeal to the value of cultural diversity. In part, WP2's aim is to chart the relation between these normative justifications. There is nothing problematic about a set of rights being justified on the basis of one rather than another basic normative concern, but, often, different justifications point in quite different directions. For instance, the case for minority rights for a group which is presently advantaged, but suffered injustices in the past, looks quite different depending on whether we endorse an equality of opportunity-based justification of rights or a compensation-based one. Another part of WP2 is to explore how processes of globalization affect the implications of the main justifications for minority rights. Our hypothesis is that the main justifications have been discussed almost exclusively within a state-focused framework, but that they have quite different implications in a global framework. For instance, justifications appealing to equality of opportunity will look quite different depending on how we identify groups and on whether, assessing equality of opportunity, we must take into account immigration. One underexplored issue which WP2 will address is under what circumstances non-minority groups are justified in restricting immigration to avoid becoming minorities in the future, e.g., might Shias in Lebanon restrict immigration of Sunnis to avoid becoming a small minority? Many of the conceptual questions bear heavily on the normative ones. Accordingly, there is some overlap between members of WP1 and WP2 and we plan to hold at least one common workshop – on immigration – with all members from both groups.

Participants: Føllesdal, Khouri, Lippert-Rasmussen (leader), Patten, Stokke, Vitikainen, PhD 1

WP3: Issues of implementation

What are the possible and desirable means of implementing minority rights, e.g. who are the duty bearers and who are the right holders? WP3 is closely connected with WP2 in that different normative accounts of minority rights will give different answers not only to the question of which minority rights are justified, but also to the question of how they ought to be implemented. Traditionally, the literature has focused on state-based means of implementing minority rights. However, WP3 focuses on non-state means of implementing minority rights. In particular, WP3

focuses on the role of the ECtHR in minority protection, and on the ways in which the ECtHR manages (or does not manage) to protect minorities' human rights against majority rule whilst respecting democracy. WP3 also explores whether affirmative action, whether remedial or non-remedial, which so far has only been conceptualized in a state-based setting, can be extended to as a means of guaranteeing minority rights across national borders. WP3 also assesses international interventions as a means of enforcing minority rights. Recently, a number of theorists have addressed the possibility of a cosmopolitan theory of war, one component of which is humanitarian interventions. Finally, WP3 will look at the more traditional state-focused means of protecting minority rights, e.g. in relation to democratic inclusion and refugees. This part of WP3 overlaps with WP6 and benefits from WP6's exploration of cases of democratic ex(in)clusion of refugees.

Participants: Campbell, Duarte, Føllesdal (leader until 2018), Finholt (leader from 2018), Hellsten, Khouri, Lenard, Räikkä

WP4: Case study: East Africa

The project also involves three different cases studies each of which forms a WP. The selection of cases is based in part in the interest of maximizing the difference between the three cases in the set, in part on the relevance of the cases for Norwegian policy making. The East African countries (Tanzania, Uganda and Kenya) are also long term development partners of Norway and thus relevant to Norway's development policies. WP4 thus takes up the East African case and focuses particularly on the issues of conflicting rights, including the gender perspective within minorities, different cultural conditions underlying such rights, and the widespread differentiation between what are viewed as locally acceptable and non-acceptable minorities. WP4 focuses on two minorities: 1) sexual minorities in East Africa and 2) albinos. Re 1) Not only are the rights of sexual minorities not protected, but they are also sometimes violated in the name of the protection of the rights of the majority, or the rights of cultural or religious minorities. The case illustrates some of the ethical dilemmas incorporated in the cultural interpretations of minority rights and casts light on the difficulties that international agents that aim to promote minority rights are faced with. This part of WP4 works in close contact with WP3, and there will be at least one common workshop with all members from the two working groups. Re 2) People living with albinism (PLWA) in East Africa face human rights violations for various reasons, but the rights of PLWA are difficult to define in terms of groups rights, as PLWA do not form a homogenous minority, e.g. through particular cultural or religious minority views. The case provides a test case for the conceptualizations of minorities developed in WP1, as albinism is not commonly viewed as a trait leading to (political) minority status, but that, in the East-African context, has major social and political consequences often condoned by the traditional tribal systems. WP4 and WP1 will hold a common workshop on the hard cases and cultural variations for defining minority (rights).

Participants: Duarte, Hellsten (leader), Khouri, Nassor, Owakah, Vitikainen

WP5: Case study: Sami

WP5 concerns a case, which is quite different from the cases of WP4: the Sami people in northern Norway, Sweden, Finland, and Russia. For one thing, the situation of the Sami is in many ways much better, rights protection-wise, than the situation of East African minorities. From the point of view of GMR, this case is especially interesting for two reasons. First, in the present case, the protection of cultural minority rights is essentially related to the collective ownership over land in a way that few other minority rights are. This is one of the reasons, why the rights of Indigenous Peoples (incl. Sami) are often not categorized as minority rights, but as forming their own distinctive category. The Sami's cultural connection to land does, however, bring into the picture Lockean justifications of ownership rights that have been used in arguments both for and against indigenous land rights. Presuming that the Lockean ownership rights are accepted in this context, this might also have implications for minority rights in other contexts, e.g. in relation to the protection of minority rights of national minorities or immigrants. Second, the case of the Sami also represents an interesting case from the perspective of justifications of minority rights that appeal to

considerations about historic injustice. Global climate change threatens to make the traditional Sami ways of earning a living impossible. Accordingly, special means of protection may be needed. Also, if the historic injustice justifications for special rights are accepted in this context, this will also have implications for minority rights in different contexts. WP5 is relevant to WP2 in that it provides a concrete case to which some of the central justifications for minority rights apply. To facilitate interchange between WP2 and WP5 the research group leader of WP5 is also a member of WP2 and a common workshop is planned.

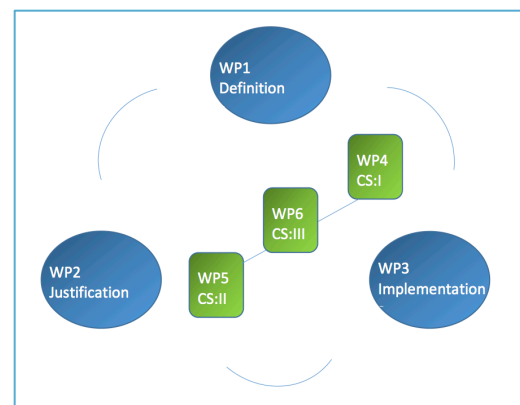
Participants: Lawrence, Lippert-Rasmussen, Oskal, Parekh, Stokke (leader)

WP6: Case study: refugees and stateless persons

WP6 examines the cultural conditions affecting the integration and allocation of rights to refugees and stateless persons whose mobility across borders challenges the traditional scope of individual states. Based on an integrative analysis of social developments regarding displacement and transnational movement of persons, WP6 comprises past, present, and future accounts. Historical accounts and data from the World Bank, UN Global Migration Database, OECD and Migration Observatory is used to trace the changes in the framework conditions, while forward-looking accounts are used to put these conditions into new perspectives in order to anticipate future challenges and institutional responses. WP6 will draw from the work in WP3 and provide a test case for some of the institutional mechanisms explored in WP3. While the traditional understandings of the current refugee crisis presume that there is both a beginning and an end to the current crisis, the integrative analysis of WP6 will show how the leaning on temporary solutions that undermine the integration and allocation of rights beyond immediate humanitarian help may not be the best strategy when faced with new sets of conditions imposed by 1) globalization and 2) climate change. Re 1: Globalization contributes to the increase in the number of international migrants fleeing from war-torn and economically deprived areas. Re 2: The predicted changes in natural environment and landscape due to climate change will cause permanent loss of some territories and displace a large number of persons, peoples and, in some cases, whole nations (e.g. Nauru). These conditions require a redefinition of these minorities beyond the traditional state system, which will bilaterally draw upon the work developed in WP1. Questions on territorial rights and resettlement of large number of refugees will be dealt conjointly with WP5.

Participants: Duarte (leader), Føllesdal, Khouri, Lenard, Parekh, Rääkkä, PhD 1

The relations between different WPs, including the three structural WPs (1-3) and the cross-cutting dimensions of case studies (WPs 4-6) are illustrated in the attached chart. While all WPs are related to and have an effect on all other WPs, certain relations are more prominent than others. While WP4 interacts primarily with WP1 and WP3, WP5 focuses on testing justifications raised in WP2. WP6 engages with the conceptual and normative questions discussed in WPs 1-3, and has, as a result, common challenges with WP4 and WP5. These will be addressed in conjoint workshops.



For both research dissemination, announcing of events and activities, and for networking purposes, the research group will have active online presence, including the group institutional website, Facebook page, Twitter (for real-time dissemination), as well as Academia.edu and Research Gate (for facilitating open access). These will be supported by UiT, and run by Dr. Duarte, who has considerable experience in electronic dissemination and communication.

2.4. Budget

Detailed budget is calculated in the application form.

3. Key perspectives and compliance with strategic documents

Relevance and benefit to society

Globalizing Minority Rights provides a cosmopolitan understanding and analysis of minority rights in the global context, including essential conceptual clarifications, usable theoretical frameworks and normative guidelines for policy implementation. GMR deepens our understanding of those cultural conditions that are necessary for developing sustainable approaches for minority protection, as well as for ways to protect and empower those most vulnerable within minority groups, e.g., women and minorities within minorities. GMR is highly relevant for addressing some of the societal challenges both within Norway (e.g. Sami land rights), in Norway together with the international community (e.g. refugees), and abroad (e.g. Norway's role in the developing world). GMR provides useful information for national, regional and international policy-making in relation to present minority-related challenges, e.g. in relation to immigration.

Environmental impact

The project's environmental impact is indirect in so far as the project addresses questions relating to the land and sea rights of the indigenous Sami, and the issues of climate change in relation to the new group of climate refugees. Addressing these questions is likely to provide positive impact on the external environment by contributing to the development of more sustainable forms of social organization.

Ethical perspectives

The project follows the Ethical principles of research in the social sciences and the humanities and is committed to promoting good conduct within and outside the academia. This includes taking into account the local norms of conduct, continuous dialogue with the international cooperation partners, legal experts and grass roots level actors, as well as the follow-up of the application of the research results together with the relevant operators. As the project incorporates political philosophers, ethicists and experts on good governance, the ethical aspects are often also incorporated into the research questions themselves.

Gender issues (Recruitment of women, gender balance and gender perspectives)

One of the research questions of the project concerns the role and involvement of women in decision-making bodies. The status of women within minority groups is approached as one of the preconditions for group-specific rights, although the project also acknowledges and inquiries into the different interpretations of gender equality among minority groups. The research group itself is gender balanced (five of the current 11 named researchers are women), and the project is strongly committed to gender equality and the value of diversity in future recruitment, e.g. in relation to generating research leadership experience for junior or relatively junior female researchers.

4. Communication with users

GMR has wide applicability in policy-making, including better implementation of regional systems such as the traditional forms and processes of justice within the other global and international justice approaches. This includes ongoing dialogue with the minority groups, local and regional actors, consulting of legal experts and briefing of governmental and non-governmental actors of the results of our work both in relation to different types of minorities (Indigenous Peoples, refugees, minorities within minorities), and on the relevant institutional frameworks (Global institutions, EU, ECtHR, levels of democratic participation etc.). The research group will actively address a wider public audience (e.g. popularized articles and opinion pieces), give public lectures and training, as well as retain close contacts to different actors both in Norway and abroad. The textbook, *Protecting Minority Rights in the Global World*, is intended as training material for both governmental and non-governmental organizations. As noted, the research group will have active online presence, including the group institutional website, Facebook page, Twitter, as well as Academia.edu and Research Gate.