

International Protection of Minority Rights

Abdulrahim P. Vijapur

The twentieth century began, well after the First World War, to focus on the rights of minorities and their linkages with general peace and welfare. The record of the League of Nations, however, was not very encouraging. This is perhaps why, in the post-Second World War period, the international community adopted a more cautious approach to minority rights than before. This is manifested in the reluctance to agree on a definition of minorities, and also a clear preference for perceiving minority rights as being inseparable from human rights. The growing body of international legal instruments for the protection of human rights has, nevertheless, a discernible bearing on minority rights. The international covenants on human rights best exemplify this. Further, the monitoring mechanisms of the UN have also contributed to minority rights through progressive interpretations and rulings. Alongside, regional initiatives, as in Europe, have also helped the cause of minority rights after the end of the Cold War. Shortcomings in the international protection of minority rights are due to the apprehensions of state actors. They fear the abuse of the right to self-determination and the rights of indigenous peoples—as part of minority/human rights—will endanger the existing socio-political order.

Serious concern for human rights and minority rights has become a staple of the contemporary agenda of national and international governance. How far-sighted was Harold J. Laski when he wrote in 1925 in his classic work *A Grammar of Politics* that 'Every state is known by the rights that it maintains'. Elaborating further he maintained that our method of judging the character of a state lies, above all, in the contribution that the particular state makes to the substance of man's happiness (Laski 1967: 89). Today there is perhaps no country in the world that does not have minorities of one or the other kind. In fact, there are some 3,000 ethnic or tribal groups in the world conscious of their respective identities and rights (Elazar 1994: xvi). Felix Ermacora (1983: 347) states that only 9 per cent of the states in the world today are technically homogenous. In all other cases majorities and minorities differ to a varying degree ethnically, linguistically, culturally and also religiously. Of the over 191 politically 'sovereign' states now

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Minority Rights Protection In International Law

Minority Rights Protection In International Law

Ulrike Barten



Minority Rights Protection In International Law Minority Rights Protection In International Law:

Justifications of Minority Protection in International Law Athanasia Spiliopoulou Åkermark, 2021-09-27 This volume examines minority protection in international law Its task is twofold to examine existing methods of minority protection and to analyse the underlying justifications of minority protection as reflected in international legal standards and discourse Part I outlines the theoretical framework Part II addresses minority protection and its justifications in the League of Nations the Council of Europe the OSCE and the United Nations Finally the author argues that it is possible to develop a working holistic approach to minority protection combining protection of peace human dignity and culture Minority Rights Protection in International Law Helen O'Nions, 2016-04-22 There are approximately ten million Roma in Europe making them the continent's largest non territorial minority Despite this fact the Roma continue to experience routine discrimination and marginalization in European countries As a result they are seldom engaged in national political activism and are frequently at the bottom of the economic and social ladder The severity of exclusion experienced by the Roma in societies which have long paid heed to the notion of individual universal human rights combined with their geographical dispersal and heterogeneous nature makes the study of the Roma highly informative This book examines the theoretical debate concerning the most appropriate way of protecting the fundamental human rights of the Roma which also illuminates ways in which the rights of minority groups can be protected more generally As a result this work will be a valuable resource for social scientists and practitioners in the field of human rights **The International Protection of Minorities** James Edmund Sandford Fawcett, 1979 Protection of Minority Rights Through Bilateral Treaties Arie Bloed, Pieter van Dijk, 2021-10-25 Since the end of the Cold War mounting tensions related to national minorities have increased international efforts to contain and to solve these inter ethnic disputes While much has been written about the efforts of international organizations such as the United Nations the Council of Europe and the OSCE in this respect much less attention has been paid to the advances in minority issues made on a bilateral level Many former socialist states have concluded bilateral treaties to improve their relations and these treaties often include clauses relating to mutual national minorities Against this background and at the request of the High Commissioner on National Minorities the Foundation on Interethnic Relations in The Hague convened two meetings of legal experts to discuss the relevance of bilateral treaties for the settlement of inter ethnic disputes These meetings form the basis of the current publication which includes an analysis and a collection of case studies The case studies center around Poland Hungary and Russia and offer a comprehensive survey of the network of bilateral treaties and the role of minority rights within these instruments The book also contains the English translation of the main parts of the relevant bilateral agreements that are ordinarily difficult to access for scientific research This book will therefore serve as an important instrument for anyone involved in the study of inter ethnic conflict and minority rights *Minorities in International Law* Gaetano Pentassuglia, European Centre for Minority Issues, 2002-01-01 This book the first in the series of

publications on minority issues provides a critical overview of the protection of minority groups in international law Topics covered include the definition of a minority concepts of state sovereignty and self determination the historical context to international human rights law the legal frameworks developed by the UN the Council of Europe the Organisation for Security and Co operation in Europe OSCE and the EU as well as examples of legal approaches adopted by individual European countries to address the protection of minorities

The Weaknesses in the International Protection of Minority Rights Javaid Rehman, 2000-04-13 Features of the convention

Human Rights and Minority Rights in the European Union Kirsten Shoraka, 2010-06-17 Examines the development and the role of human rights in the European Union arguing that human rights have become an important component of the foreign policy of the European Union This book analyses the EU s policy on minorities as a particular example of human rights

Minority Rights Protection in International Law Dr Helen O'Nions, 2012-12-28 There are approximately ten million Roma in Europe making them the continent s largest non territorial minority Despite this fact the Roma continue to experience routine discrimination and marginalization in European countries As a result they are seldom engaged in national political activism and are frequently at the bottom of the economic and social ladder The severity of exclusion experienced by the Roma in societies which have long paid heed to the notion of individual universal human rights combined with their geographical dispersal and heterogeneous nature makes the study of the Roma highly informative This book examines the theoretical debate concerning the most appropriate way of protecting the fundamental human rights of the Roma which also illuminates ways in which the rights of minority groups can be protected more generally As a result this work will be a valuable resource for social scientists and practitioners in the field of human rights

Devising an Adequate System of Minority Protection Kristin Henrard, 2000-07-19 2 Article 16 ECHR

The Protection of Minorities and Human Rights Yoram Dinstein, Mala Tabory, 2023-11-27 From the dawn of modern international law manifold treaties especially peace treaties have recognized the rights of specific minorities in specific territories Today with Eastern Europe once more in turmoil and with minority groups all over the world clamouring for recognition there is a growing awareness that irrespective of the observance of the fundamental freedoms of individuals minority groups have their legitimate interests that must be appreciated and accommodated This collection of essays grew out of an international legal colloquium held at the Faculty of Law of Tel Aviv University in March 1990 Some of the papers have already been published in volume 20 of the Israel Yearbook on Human Rights but others are printed here for the first time The authors come from different parts of the world and represent different legal backgrounds They are by no means at one in their analysis of the human rights of minority groups but they all share the sense that problems of minorities cannot be brushed aside or glossed over It is not too hazardous to forecast that these problems will actually intensify in the 21st century Whereas they cannot be solved through exclusively legal means international and constitutional lawyers must do their utmost to identify flash points and to offer at least some prescriptive guidelines This is the principal purpose of the

present volume **Research Handbook on Minority Politics in the European Union** Tove H. Malloy, Balázs Vizi, 2022-11-25 This timely Research Handbook provides a multidisciplinary overview of research on ethno cultural minority issues at the supranational level of the EU It delivers a state of the art review of the EU s approaches to development and institutional implementation of minority policies from the Treaty of Rome until today **The Rights of National Minorities in International Law** Zofia Stachowska, 2013 This book presents the most important documents on the subject of national minority rights As the topic of minority protection is very broad the book mainly focuses on the legislation regarding protection of national ethnic minorities The aim is to display how the international law concerning national minority protection has developed throughout the years within universal and regional systems The book contains the documents or parts of documents concerning national minorities mostly from the United Nations system and European regional systems the Organization for Security and Cooperation in Europe the Council of Europe and the European Union as these are the systems with the most advanced legislation on the subject of minority rights protection Additionally the regional systems from Africa the Americas and Asia are represented by their legislation regarding general human rights while these regions have not yet developed systems that explicitly protect minorities Subject International Law Human Rights Law Human and Minority Rights Protection by Multiple Diversity Governance Joseph Marko, Sergiu Constantin, 2019-03-04 Human and Minority Rights Protection by Multiple Diversity Governance provides a comprehensive overview and critical analysis of minority protection through national constitutional law and international law in Europe Using a critical theoretical and methodological approach this textbook provides a historical analysis of state formation and nation building in Europe with context of religious wars and political revolutions including the re conceptualisation of basic concepts and terms such as territoriality sovereignty state nation and citizenship deconstructs all primordial theories of ethnicity and provides a sociologically informed political theory for how to reconcile the functional prerequisites for political unity legal equality and social cohesion with the preservation of cultural diversity examines the liberal and nationalist ideological framing of minority protection in liberal democratic regimes including the case law of the European Court of Human Rights and the European Court of Justice analyses the ongoing trend of re nationalisation in all parts of Europe and the number of legal instruments and mechanisms from voting rights to proportional representation in state bodies forms of cultural and territorial autonomy and federalism This textbook will be essential reading for students scholars and practitioners interested in European politics human and minority rights constitutional and international law governance and nationalism The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution CC BY 4.0 license **Protection of Minorities** Borhan Uddin Khan, Muhammad Mahbubur Rahman, 2013-01-16 We live in a world that not only sets standards for but also professes its commitment to promoting and protecting rights Since ours is an age of heightened public interest in auditing the actual realisation of such standards and

commitment the first major focus of this book is a critical account of international standards aimed at the protection of minorities To that end it concentrates on four key dimensions Firstly it addresses the issue of the identification of minorities as understood by international law Secondly it outlines a brief history on the development of international law towards improving the protection of minorities Thirdly it gives an overview of international instruments and mechanisms on minorities Finally it analyses the rights of minorities under international standards All these dimensions point to the fact that international minority rights lag behind the development of other branches of rights The second major focus of this book is to relate international standards on minority protection to South Asian regimes Concentrating on India Pakistan Bangladesh Nepal Sri Lanka Bhutan the Maldives and Afghanistan an endeavor is made to examine the state of minorities and their protection under the domestic regimes It emerges that the normative commitments of these states are more or less compatible with international standards Nevertheless majority minority syndrome persistently remains as one of the causes behind multidimensional deprivation and victimization of South Asian minorities The present book also assesses the extent to which regional cooperation in South Asia has so far contributed to extending protection to minorities This ends with an argument that SAARC South Asian Association for Regional Cooperation has the potential to play a far greater role in this regard

Managing Babel Li-Ann Thio, 2005 This book is a comprehensive modern study of the important field of international protection of minority rights focusing on 20th century developments

Minority Rights and Liberal Democratic Insecurities Anna-Mária Bíró, Dwight Newman, 2022-11-11 This book addresses the impact of a range of destabilising issues on minority rights in Europe and North America This collection stems from the fact that liberal democracy did not bring about the end of history but rather that the transatlantic region of Europe and North America has encountered a new era of instability particularly since the global financial crisis The transatlantic region may have appeared to be entering a period of stability but terrorist attacks on the soil of Euro Atlantic states the financial crisis itself and other changes including mass migration the rise of populism changes in fundamental political conceptions technological change and most recently the Covid pandemic have brought increasing uncertainties and instabilities in existing orders In these contexts the book investigates the resulting difficulties and opportunities for minority rights Bringing together scholars from a range of disciplines who are engaged in work on various unstable orders the book provides a unique and largely neglected perspective on present developments as well as addressing the pressing issue of the future of the minority rights regime at global regional and national levels This book will appeal to those with interests in minority rights human rights nationalism law and politics

The Impact of EU Law on Minority Rights Tawhida Ahmed, 2011-01-12 This book provides a critical evaluation of the ways in which EU law engages with minority rights protection at its core is an analysis of EU law and minority rights Unlike the UN or ECHR the EU has no competence to set standards on minority protection and this has been a point of disappointment for minority rights advocates Indeed this book will demonstrate that in EU law binding standards

really only exist in the sphere of non discrimination and are at their strongest in the field of employment As such binding standards within EU law affect only a small proportion of the canon of minority rights However the EU does have competence to promote diversity and facilitate redistribution of power and resources across the EU According to a broad understanding of minority rights protection acts of promotion and facilitation alongside those of standard setting constitute essential underpinnings for minority protection The EU s existing competences do therefore play a key role in minority protection In order to support these conclusions the book undertakes a comprehensive examination of the impact of EU law on minority rights protection The book examines a broad range of the EU s legal provisions and principles which may affect minority protection before undertaking in depth analyses of the examples of minority cultural rights and minority linguistic rights In addition the final substantive chapter of the book contextualises the impact of EU law within the perspective of the overall needs of a specific group the Roma minority The concluding chapter draws together the EU s contribution to minority rights In short the EU can be seen as a promoter but not a protector of minority rights Although not ideal especially from the perspective of minorities it is worth at least exploring such a view Such an exploration would enable the EU most easily to build upon its existing competences and regulatory capacities This book will be of interest to lawyers and activists concerned with minority rights and Roma rights protection within the EU It will also be of relevance to those interested in understanding the dynamics between the EU and the international law community in overlapping areas of rights protection and exploring how this informs our perception of the capacity of the EU to be a central actor in the field of rights protection

Peoples and Minorities in International Law Catherine Brölmann, René Lefebvre, Marjoleine Zieck, 2023-12-11 The revival of group consciousness in Eastern European countries in the wake of the Cold War has put the protection of subnational groups high on the political agenda The present book bears witness to the renewed interest in the legal position of subnational groups in international law This book and the Conference at which provisional versions of most of the contributions were presented originate in perceived deficiencies of contemporary international law to protect subnational groups within a legal framework of which the principal subjects are states Divided into three parts the book commences with an analysis of the antagonistic relation between the right of peoples to self determination and the right of states to territorial integrity and the need to redefine these concepts in the post Cold War era The book continues with the highly controversial issue of the attribution of rights to subnational groups and the identification of subnational groups which would be entitled to such rights The second part deals with the identification and protection of peoples and minorities at different levels of organization viz subnational national and supranational This part is followed by an analysis of the modes and means by which international obligations vis vis subnational groups can be enforced Not only the judicial means are considered but also the justifiability of recourse to military means to the cause of subnational groups This book not only provides an in depth analysis of contemporary international law with respect to the protection of peoples and minorities but also of the law as it is

developing in the post Cold War era *International Law and the Rights of Minorities* Patrick Thornberry, 1992 The treatment of ethnic and religious minorities by states is a major issue in the closing decade of the twentieth century Conflict between ethnic groups and between groups and states colours international relations and politics The developments in Eastern Europe and the USSR have led to a re emergence of ethnic and nationalist issues whilst the problems of national consolidation of new states inevitably raises questions of culture religion and language Minorities rights are difficult to accommodate within the individualist and universalist framework of human rights International law is required to deal with dilemmas such as individual versus collective rights passivity on the part of the state towards minority cultures or positive action to promote them and nation building as against group self determination and autonomy International Law and the Rights of Minorities attempts to explore the response of international law to these major questions through detailed analysis of treaty and customary law including regional treaties Areas covered include the prohibition of genocide Article 27 of the Covenant on Civil and Political Rights the principle of non discrimination and the related but separable issue of indigenous peoples and international law Reference is also made to the pre UN tradition of group protection International Law and the Rights of Minorities concludes with an assessment of the achievements of international law in these areas and explores the possibilities for future progress **Minorities, Minority Rights and Internal Self-Determination** Ulrike

Barten, 2014-09-23 The book questions the classic idea of self determination the right to self determination is a right of peoples not of minorities by examining the content of the right to self determination and the content of minority rights Self determination has four dimensions the political the economic the social and the cultural dimensions Minorities have minority rights that touch on most aspects of life as a member of a minority If there is an overlap between minority rights and the different dimensions of self determination the concept that the right to self determination is only applicable to peoples loses credibility No global and general conclusion is envisaged there are restrictions in place The work is limited to the European framework and is further restricted to classic minorities The argument is based on a legitimacy and justice approach The analysis in this book shows that some minority rights overlap with the different dimensions of internal self determination In short classic minorities in Europe have a right to internal self determination

Decoding **Minority Rights Protection In International Law** **Minority Rights Protection In International Law:** Revealing the Captivating Potential of Verbal Expression

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