

PREFACE

The atrocities of the First as well as the Second World War have made it clear that persons belonging to national minorities are often vulnerable and in need of special protection. Legal and quasi-legal instruments adopted after both wars have stated this in many ways. However, it was not until after the fall of the Berlin Wall that the protection of (persons belonging to) national minorities became a really dominant issue in the international legal and political arena. Since then, it has become clear that, on the one hand, minority problems still exist in many ways and will probably cause new eruptions of violence, while, on the other hand, it has become an accepted idea within international legal doctrine and state practice that the way States treat ‘their’ national minorities is no longer a matter of exclusive national jurisdiction. From the beginning of the 1990s, States and their international organisations have started to question seriously how minorities are dealt with, and have developed new instruments and supervisory procedures in order to see how States live up to their obligations: in what sense do they offer protection to minorities; how do they try to bring into balance their own interests with the ones of ‘their’ minorities; and how do they avoid further conflicts by better protecting the interests of minorities?

In this book, Rianne Letschert focuses on three mechanisms in the field of the protection of national minorities: The High Commissioner on National Minorities, established in 1992 by the (then) Conference on Security and Cooperation in Europe, the United Nations Working Group on Minorities, established in 1995, and the Advisory Committee on Minorities, established by the Council of Europe in 1997. The core question raised is whether the three mechanisms, with the variety of approaches and working methods at their disposal, really make a difference in the protection of national minorities. Are their interests taken more seriously and have they been better protected due to the interventions by one or more of the mechanisms? In the words of Rianne Letschert herself: ‘The main issue that has inspired me concerns the question whether the three mechanisms have contributed to a further elaboration and promotion of the rights (and duties) of minorities in general and to a further implementation of minority rights at the domestic level. (...) This book aims to determine the impact of the three mechanisms on the implementation performance of States’ (Chapter 1).

Based on a plurality of sources, analysing the pros and cons of legal and quasi-legal/political instruments, assessing the conditions and factors influencing implementation, and thereby, above all, making use of her own analytical skills and qualities, Letschert comes to a series of very critical observations as to each of the mechanisms. In addition, while rightly underlining time and again the extremely

difficult situations in which these mechanisms have to do their work and having an open eye for the fact that the effectiveness of the mechanisms greatly depends on the cooperation by States, who themselves are often part of the problems the minorities concerned are confronted with, she comes up with a series of extremely valuable, well-thought observations as to a better protection of national minorities. Letschert has done her job in a very critical and balanced way, not falling into the trap of one-sidedness which is so characteristic of many minority rights studies. In doing so, she has made a great contribution to the minority rights literature, which deserves to be read and practised.

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