

Human Rights & Human Welfare

Volume 10 | Issue 1

Article 2

2010

Richard Burchill on Synergies in Minority Protection: European and International Law Perspectives. Edited by Kristin Henrard and Robert Dunbar. New York: Cambridge University Press, 2008. 462pp.

Richard Burchill
University of Hull

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Law and Politics Commons](#), and the [Social Justice Commons](#)

Recommended Citation

Burchill, Richard (2010) "Richard Burchill on Synergies in Minority Protection: European and International Law Perspectives. Edited by Kristin Henrard and Robert Dunbar. New York: Cambridge University Press, 2008. 462pp.," *Human Rights & Human Welfare*: Vol. 10: Iss. 1, Article 2.

Available at: <https://digitalcommons.du.edu/hrhw/vol10/iss1/2>



All Rights Reserved.

This Book Notes is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Richard Burchill on Synergies in Minority Protection: European and International Law Perspectives. Edited by Kristin Henrard and Robert Dunbar. New York: Cambridge University Press, 2008. 462pp.

Abstract

A review of:

Synergies in Minority Protection: European and International Law Perspectives. Edited by Kristin Henrard and Robert Dunbar. New York: Cambridge University Press, 2008. 462pp.

Keywords

Human rights, Minority rights, International relations

Copyright Statement / License for Reuse



All Rights Reserved.

Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

Synergies in Minority Protection: European and International Law Perspectives. Edited by Kristin Henrard and Robert Dunbar. New York: Cambridge University Press, 2008. 462pp.

The position and protection of minorities have been prominent features in international law and relations, but creating and implementing a coherent legal regime has been problematic due to the sensitivities involved. This collection provides an important contribution to the ongoing understanding and development of minority rights protection, as it provides a foundation for future research regarding the evolution of a global minority rights regime. As the title indicates, the main theme of the book is the identification of synergies in international instruments that are relevant to the development of minority protection. This process of identifying synergies and analyzing their impact is crucial to the ongoing development of a global minority rights regime.

The collection is presented in two parts. Part A has five chapters covering instruments, provisions, and institutions that are “minorities-specific,” (i.e. they directly address minority rights). Each chapter provides an overview of the instrument, provision, or institution, discusses the wider context in which it operates, and then provides examples of synergies or relations with other instruments, cross-referencing other contributions in the collection where relevant. This part contains chapters on Article 27 of the International Covenant on Civil and Political Rights, the Council of Europe's Framework Convention for the Protection of National Minorities, and the Council Of Europe's European Charter for Regional or Minority Languages; it also covers entities like the UN Working Group on Minorities (with a short comment from the United Nations Independent Expert on Minority Issues) and the Organization for Security and Cooperation in Europe's High Commissioner on National Minorities.

Part B has nine chapters on “non-minorities-specific” instruments, provisions, and institutions that currently contribute (or have the potential to contribute) to minority rights protection in a variety of ways. In these chapters, there is an overview and discussion of the particular context each instrument addresses, as well as a discussion of the provisions and concepts embodied in each instrument that may be relevant to minority rights protection. Part B covers laws on genocide, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the UNESCO Convention against Discrimination in Education, the relevant jurisprudence from the European Convention on Human Rights, the EU's minority policy, the African Charter on Human and Peoples' Rights, and regional efforts in the Asia-Pacific region.

The overriding intention of the collection is to highlight the existing and potential connections between the various instruments and institutions in international law that deal, either directly or indirectly, with minority rights protection. In this it succeeds very well, providing a consolidated set of authoritative accounts of the diverse range of instruments in international law dealing with minorities. Clearly, the next step in the research agenda is to examine the extent to which this diversity is coalescing into a coherent system for the protection and promotion of minority rights.

In the introduction, the editors identify three different aspects of synergy that allow us to examine and understand how the diverse instruments on minority rights contribute to the formation of a global system for protection. The first aspect is express cross-referencing, where

there is “explicit and specific referencing of the standards of one or more instruments or the output of one or more monitoring bodies or organisations in the standard-setting of another organisation or the work of another monitoring body” (9). The second is substantive convergence, which is less explicit but involves the identification of common approaches such as relevant themes, how a particular theme is addressed, and how issues are resolved. The editors explain that this synergy is less obvious at first sight, but that it comes into focus through a study of this nature, in which it is possible to identify how the varying instruments take a similar approach to issues such as recognizing the collective element of minority rights (to take just one example) without explicit cross-referencing to other instruments. The final concept of synergy is the emergence of similar working methods, such as how monitoring and other oversight activities are carried out. These synergies occur to differing degrees and with varying intensity, which may lead to a view that there is too much diversity amongst the various instruments to make a truly global regime possible. However, one of the objectives of the collection is to emphasize how and where cooperation is occurring rather than dwell on the diversity of approaches and the shortcomings this entails.

If there is one shortcoming to this work, it is the absence of more in-depth analysis from the editors regarding the current state of synergy in the field of minority rights protection. In the introduction, they provide the broad strokes of this research agenda, but the work would have been significantly enhanced by some sort of conclusion that analyzes the evidence provided by the individual chapters. The editors explain that developments so far have provided a “complex and multi-faceted regime” that still falls short of an integrated or coherent system. Clearly, there is much more research to be done in this area and this collection provides a substantial contribution for future work.

*Dr. Richard Burchill, Director
McCoubrey Centre for International Law
Law School
University of Hull*