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Language, Minorities and Human Rights

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legal system.

One of the most enjoyable aspects of reading this book is its distinct Chinese perspective and voice. "The Function of Legal Evasion in China's Economic Reform," by Dr. Zhu Suli, in Part Four, and "The Present and Future of Criminal Defence in China," by Dr. Hualing, in Part Five, are perfect examples of this trend. Although the articles are brief, their arguments on the legal problems facing China are sharp and well crafted, while presented in an easily understandable manner.

Part Six is dedicated to the environmental and consumer protection problems plaguing modern China. Several articles critically analyze the 1987 Air Pollution law and its 1995 Amendments. New legislation addressing a consumer's right to information, such as the Law Against Unfair Competition, and the Law of Advertisement, are also given ample discussion. This book is an essential read for all practitioners and academics wishing to gain an understanding of the legal reforms which are giving shape to China's emerging market economy.

Jason Chin Hung Kwan

FERNAND DEVARENNES, LANGUAGE, MINORITIES AND HUMAN RIGHTS; Martinus Nijoff Publishers, The Hague, Netherlands (1996); (295 Dutch Guilders); ISBN 90-411-0206-X; 532 pp. (hard cover).

Minorities have often been the subject of scrutiny, debate and study during the Twentieth Century. Likewise, human rights have often been the focus of much attention, especially within the arena of international law. In *Language, Minorities and Human Rights*, Fernand deVarennnes takes an innovative look at both of these subjects and resolves that language is the key to society.

The book begins with an explanation of the link between language and human rights. Human rights is deemed a way to protect minority languages. The author eloquently and creatively emphasizes the importance of language, through historical examples.

Next, deVarennnes gives a historical overview of language based conflicts and the involvement of international law in such conflicts. He intermittently addresses various treaties relating to minority rights and containing language provisions. Some of these treaties include the United Nations Charter, the Universal Declaration on Human Rights, the African Charter of Human Rights and People's Rights, and the Convention Against Discrimination in Education.

Turning from historical to theoretical, deVarennnes addresses the freedom of expression. This right leads to a state's duty not to intervene in the use of language in private matters. Moreover, deVarennnes considers equality and the prohibition of discrimination based on language. The author presents an overview of this issue then compares various national systems for handling this equality. The systems ex-

amined include Spain, Austria, the United States, England, Wales, Japan and Canada. These international comparisons give the reader a more detailed appreciation of the concept of non-discrimination based on language.

The author then attempts to define language discrimination by drawing upon existing definitions created by the Inter-American Court of Human Rights, the European Court of Justice, the European Court of Human Rights and judicial interpretations by a number of states. The author relies upon these sources, because a court can determine whether a language policy is unreasonable by balancing the general interests of a nation against the protection and respect of the rights of individuals who primarily use a different language. He determines that, at its most essential level, non-discrimination constitutes a limit on the conduct of the state and their agents.

Linguistic minorities and the use of their language is examined in the next section. This subject, as the author explains, is delicate because it encompasses membership in minority groups, protection of cultural based languages and the issue of assimilation and conforming to the majority. The author argues that Article 27 of the United Nations Charter provides certain rights to persons who prove themselves to be members of a minority group.

The next section addresses state language preferences, practices or restrictions as well as human rights. This section depicts a state's role in language use and the limitations placed on the states. A state must respect, by way of its actions and in providing services and benefits, the human rights of the members of a linguistic minority. Such respect includes allowing the minority to use their language with other members of the group. This section outlines various rights that people possess with regard to language. The concept of prohibiting discrimination means that no state policy for an "official language" will be acceptable. A sliding scale model for education requires that public education offer instruction in languages spoken by its population at a level corresponding to the number of persons speaking that language. He author states that it is improper to isolate minorities in "linguistic ghettos" because they need exposure to the majority language. The media is another forum for language debate. Public media applies the same sliding scale formula as education. Within private media, state authorities cannot interfere with language because of the right to freedom of expression.

The final section contemplates indigenous people and language. Indigenous people comprise a group that is entitled to "special consideration" in international as well as national law. The author first presents an historical overview of the indigenous people. He then focuses on the present status of these people. He argues that their position in international law differs from that of individuals and minorities. The rights of indigenous people are the same as those of minorities, the right to non-discrimination, the right to freedom of expression and entitlement to other measures based on their unique political and legal status. They are not subject to the minority requirement of relative

numbers, as described above. Rather, indigenous people are given a degree of political autonomy, including the means and resources to protect and use their language in the community and in institutional settings.

In his conclusion, deVarenes asks, why should human rights be used to protect language? He then resolves that human rights are not, and have never been, concerned with safeguarding languages. This study attempts to determine how certain well-established human rights can impact the burdens and benefits of a state's linguistic policies or restrictions on the private use of language.

Ester Martin

PUBLIC CITIZEN'S GLOBAL TRADE WATCH STAFF, *NAFTA'S BROKEN PROMISES: THE BORDER BETRAYED*, Public Citizen, Inc., Washington, D.C. (1996); (\$15.00); ISBN 0-937188-03-4; 82 pp. (paperback).

NAFTA's Broken Promises attempts to answer the question: Will the passage of NAFTA exacerbate our environmental problems or give us effective mechanisms to ameliorate them? The authors answered this question by gathering environmental health evidence on the U.S.- Mexico border conditions between 1993 and 1995. The evidence included interviews with academics, activists, medical doctors, representatives from NAFTA, the United States and Mexico, and hundreds of articles. The research revealed two results. First, NAFTA has failed a "do no further harm test" for U.S.- Mexico border environmental and health conditions. Second, two years of NAFTA data show that NAFTA is not on target to satisfy its proponent's promises in the future.

The book is divided into seven chapters which describe different elements of the environmental research gathered. Chapter one details the broken promise that NAFTA would decrease the number of "maquilladoras," U.S. owned manufacturing plants, in Mexico. In fact, statistics showed a 20 percent increase in maquiladora workers from 1993 to 1995. In addition, the devaluation of the peso and high interest rates further increased the environmental cleanup costs in Mexico.

Chapter two examines the increase in border hazardous waste generated under NAFTA. Data revealed not only an increase in hazardous waste, but also, that much of it has been washed down the drain. Further, resources for hazardous waste management have not improved since NAFTA. The third chapter discusses the increased incidence of neural birth defects in the border area. Although a direct link has yet to be proven, the higher than average rate of birth defects correlates to the high pollution levels in the border area.

Chapter four addresses the problem of contaminated water and its negative affect on border health. The incidence of waterborne diseases, such as Hepatitis-A, is two to five times higher than the national averages in the border region. Chapter five shows that border air pollution