

Declaration on the Rights of Persons belonging to Minorities partly closes this gap, although it contains nothing with respect to "implementation".

The CSCE is clearly ahead of the UN in the development of effective mechanisms to ensure that commitments undertaken are implemented and that adequate review mechanisms are in place. Participating states, in the Geneva, Moscow and Helsinki FUM documents, have reinforced the CDH's mechanism and the CSO's emergency mechanism and created a High Commissioner on National Minorities. These mechanisms could ensure the early detection of actual or potential violations of commitments to human and minority rights, assuming that they are equipped with an adequate "early warning" function.

The UN has some potential means of exerting pressure on states to abide by their commitments. Article 41 and the Optional Protocol of the International Covenant on Civil and Political Rights provide means to states (art.41) and individuals (Protocol) to petition or inform the Human Rights Committee about the non-fulfilment of obligations under the Covenant. From that point, a process of clarification and conciliation is triggered. Unfortunately, Article 41 has never been used, and only 56% of the UN members have become party to the ICCPR, while only 33 states have made a declaration recognizing the competence of the Human Rights Committee under article 41. Even fewer, only 23% of states, have ratified the Optional Protocol. Clearly, universality is a prerequisite for greater effectiveness.

The ICCPR contains only a very general reference to minority rights in article 27, which states that:

" In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Although the Declaration on Minority Rights will add moral legitimacy to concerns about minority rights, and complement the ICCPR, it will not provide credible guarantees which will assuage the fears of minority groups. Nor will the resulting implementation machinery be any more effective.

The Council of Europe is the regional organization which offers the most advanced example in setting legal standards for the protection of human rights. Moreover, the Commission's Steering Committee for Human Rights has recently produced a report recommending the adoption by the Committee of Ministers of "specific legal standards relating to the protection of national minorities, in the spirit of the European Convention on Human Rights". This could involve setting a legal "machinery" for the peaceful solution