

THE SCOPE OF THE PROBLEM:

The extent of the potential minority problem* is staggering. According to some estimates, there might be roughly 1,300 identifiable minority groups distributed throughout the existing nation-states in the world today¹. In addition, in only 27 per cent of the 161 states for which data were available in 1981 did one nation-group account for more than 95 percent of the state's population; in 38 percent, one nation-group accounted for between 60 and 95 percent of the population². If one take the number of languages spoken as an indicator of the potential for fragmentation, the numbers jump dramatically. In the world today - depending of the definition used - there are between 2,500 and 7,000 languages spoken. Two-thirds of all independent states (as of 1984) have linguistic minorities making up more than 10 percent of their population.³

In Europe alone, there are 60 existing or potential ethnic, nationalist or religious conflicts, in addition to some 14 other conflicts in the Caucasus and other potential conflicts in the non-European part of the former Soviet Union.⁴

With roughly 180 politically-independent states, the world system is already showing the strain of regulating inter-state relations within frameworks designed for a smaller system with larger states. Adding more states to the current system, as the Secretary General of the United Nations has recently cautioned, might simply lead to its implosion. For example, between the spring of 1991 and July 1992, the CSCE has grown from 35 participating States to 52. Already deemed to be inefficient because of the number and heterogeneity of its membership (as well as its rules of procedure), it could prove to be impossible for this regional organization to fulfil its mandate if membership escalates further. Limiting the number of new states entering the international system might become in its own right an important reason for emphasizing the protection of minority rights.

The task of addressing conflicts involving minority rights will not be easy. In 1988 there were 111 armed conflicts involving states, of which 63 were internal and 36 were conflicts between one government and an opposition group demanding autonomy or secession for a particular ethnic group or region⁵. Since 1988, at least 16 new ethnic

* For the purposes of this paper, we will use the term minority in the sense of a "minority group" i.e.:

An aggregate of persons who perceived themselves or are perceived by the surrounding community as different and sharing distinctive common features (religion, language, race, culture...), common history and destiny as well as the feeling of belonging to the same group. Although the notion of minority implies a numerical imbalance, we will also use it to qualify the non-dominant position - real or perceived - of the "group" in a community.

This definition draws heavily on the approach proposed by Nathan Lerner in, "Group Rights and Discrimination in International Law", (1992), Martinus Nijhoff.