

SUMMARY/CONCLUSIONS:

This paper argues in favour of the "internationalization" of minority rights in order to address an emerging security problem of serious proportions. The re-emergence of the minority issue, particularly in Europe, after almost five decades of artificially-imposed order, has triggered the possibility of major internal and international conflict. This issue will become more acute in years ahead. A fundamental re-thinking of minority rights will be needed to address this problem at the two stages where problem-solving is possible: at the early stages, when conciliation and negotiation are possible; and after conflicts have taken place, when parties are amenable to compromise settlements.

The minority problem is complex, and the traditional "statist bias" of international law and practice is not helpful. But addressing the difficult issue of the trade-off between self-determination and minority rights is not necessary. Practical approaches, through existing institutions, can address most of the key issues.

Among the proposals advanced are the following:

- (1) the need for universality: all states must accept new standards and regimes for the management of minority issues, involving degrees of international intrusiveness which might have seemed abhorrent only a few years ago.
- (2) the need for automaticity: the mechanisms envisaged for the protection of minority rights should be triggered by the nature of perceived violations of minority rights rather than await the injection of political will on the part of the international community, which may never come.
- (3) the need for confidence-building: claims to rights by various minorities cannot be denied forever; the objective is to devise a series of measures which build confidence in concrete problem-solving, and thereby deny the need for minorities to proclaim sovereignty and independence.

Traditional approaches to international human rights law and practice have favoured strengthening national mechanisms; while not questioning the usefulness of this approach, in this paper we advocate a much stronger reliance on international pressure to ensure that states meet international expectations.

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