

Introduction and Acknowledgements

The protection of national minorities was thrown into the international arena in the aftermath of World War I. During the peace negotiations in Paris, it became clear that numerous 'new' national minorities would be created and an international watchdog was required. The end of the War saw the creation of the League of Nations and a number of international minority treaties to be monitored by the League of Nations' Commission. However, events in Europe for most of the twentieth century prevented this international approach from taking hold of the issue. At the global level, national minority rights gained some leverage with the establishment of the United Nations (UN) Human Rights Committee in 1979 under the auspices of the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966. In Europe, the arguably strongest step towards protecting national minorities was taken almost three quarters of a century after the minority treaties, with the adoption of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) in 1995. Subsequently, the Advisory Committee on the FCNM (ACFC) was established in 1998 upon the entering into force of the instrument.

Today, the FCNM sits at the top of a pyramid of international law instruments that comprise the 'family' of minority rights documents, or what might be called a 'minority rights regime'. The quest, which began with the decision of the UN General Assembly on 10 December 1948 asking the Economic and Social Council of the UN to ensure that a study on 'the problem of minorities' be undertaken by the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, reached its climax in the UN system with the adoption in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. During this quest, the UN included minority

rights protection in Article 27 of the 1966 ICCPR on the cultural rights of ethnic, religious and linguistic minorities. Outside the UN system, the momentum was kept when, in Vienna in 1993, the Council of Europe decided to draft a document that would protect persons belonging to minorities, namely the FCNM. The ‘family’ also includes important anti-discrimination provisions, such as Article 14 of the Council of Europe’s 1950 European Convention on Human Rights and Fundamental Freedoms and Article 21 of the European Charter for Fundamental Rights and Freedoms (2000).

Unlike at the time of the League of Nations, international politics is now quite accustomed to international watchdogs. Studies of international relations focus increasingly on the functioning and leverage of such institutions, especially institutions of the UN system, such as the Human Rights Committee and its reform. In Europe, the focus has been on the European Court of Human Rights and its various reforms. However, very little research has focused on European monitoring bodies, such as the ACFC. The primary aim of this volume is, therefore, to insert the ACFC’s role into this international perspective.

Articles 24-26 of the FCNM provide for a monitoring system to evaluate how the Convention is implemented by the States that have ratified the instrument.¹ It results in recommendations to improve minority protection in the States under review. The committee responsible for providing a detailed analysis on minority legislation and practice is the ACFC. It is responsible for adopting country-specific Opinions. These Opinions are meant to advise the Committee of Ministers (CM) in the preparation of its Resolutions. The ACFC is composed of 18 independent experts elected and appointed for four years.² In accordance with Resolution (97)10 adopted by the CM, Members of the ACFC represent recognized expertise in the field of the protection of national minorities. They serve in their individual capacity, are independent and impartial, and must be available to serve on the Committee effectively.³ FCNM monitoring cycles take place every five years and begin with the submission of State Reports. The first cycle required States to submit a first Report within one year following the entry into force of the FCNM and additional Reports every five

1 Resolution (97) 10: Rules Adopted by the Committee of Ministers on the Monitoring Arrangements under Articles 24 to 26 of the [FCNM], Resolution(1997)010, adopted on 17 September 1997 at the 601st Meeting of the Ministers’ Deputies.

2 See <http://www.coe.int/t/dghl/monitoring/minorities/2_Monitoring/ACFC_Intro_en.asp>.

3 Resolution (97)10, *op. cit.* note 1.