Recent Books on Human Rights and Groups

Book Reviews


The increasing discussion of the protection of the rights of national minorities has led to the publication of a significant body of scientific literature in Europe in the past 20 years. The main reason for this is the fall of the Berlin Wall, the subsequent political scenario, and the attempts by several European regional institutions, as well as by some interested States, to prevent potential conflicts and tensions derived from the particular situations of their respective kin-minorities. The worries that during the 1920s had led to a system of protection of minorities in central Europe under the supervision of the League of Nations arose again at the end of the century, although in a slightly different institutional and political context. In any case, this topic (that had been put aside by doctrine since the 1940s) has re-emerged in the past 20 years with much vitality, leading to the publication of a considerable number of general as well as highly specialised works by European authors, among whom Arp’s name is not a novelty.¹

*International Norms and Standards for the Protection of National Minorities* is, from a descriptive point of view, a comprehensive compilation of the main documents that clarify the present state of the European Law on Minorities. It is also a useful instrument for scholars and practitioners who work in this field. From a more substantive perspective, the work is above all a recognition of the growing role played by bilateral treaties in the evolution of this specific branch of the international law on human rights.

The volume, published by the prestigious publisher Martinus Nijhoff, is divided into two parts. The first is made up of one chapter that contains the introductory study entitled ‘International norms and standards for the protection of national minorities: special focus on bilateral treaties’. The second part is a compilation of the texts, divided into three chapters. One contains treaties and

¹ One of his most relevant contributions is the book *Las minorías nacionales y su protección en Europa* (Centro de Estudios Políticos y Constitucionales, Madrid, 2008).
conventions from the interwar period that still have normative effects; the others
are the texts of the contemporary multilateral protection of national minorities
and the contemporary bilateral protection of national minorities. The work also
includes a bibliography that lists both scientific literature and other treaty collec-
tions and compilations. Finally, the volume contains a useful analytical index.

This publication is partially justified by the increased number of standards and
documents related to the protection of minorities that have been adopted by the
European states over the past 20 years. As noted in the introduction, the volume
is intended to fill a gap, given that there are such compilations for similar fields
related to the international law on human rights (e.g., protection of refugees,
freedom of religion, non-discrimination and citizenship). However, the field of
minority protection is not entirely lacking of compilation volumes. There are, in
fact, several collections of reference documents in this field. Some emphasise a
specific issue, such as language rights,2 autonomy,3 or bilateral treaties;4 others
have a wider historical perspective.5 There is also a useful compilation of the mul-
tilateral instruments in force, edited by the main European institutions involved,
including the Organization for Security and Co-operation in Europe (OSCE)
and the Council of Europe.6 The added value of Arp’s work is its exhaustiveness
in compiling bilateral treaties on the matter and their incorporation into the
broader context of the progressive development of the international law on
minorities.

In spite of the impression given by the title and the table of contents, the work
is not merely a compilation of documents. Part One, the Introductory Study, is
much more than a mere introduction to the compilation. Many of the most cur-
rently relevant questions concerning the international protection of national
minorities by international law are presented and examined. The study is also
thoroughly annotated, with references to works written in several European
languages.

In the introduction, Arp alludes to the delicate issue of the (lack of a) defini-
tion of a ‘national minority’ and the subsequent need to shape this concept
according to the consolidated practice in this respect. In this sense, the author
aligns himself with the majority of European doctrine and the position of most
European states by considering that the concept of national minority includes
only minorities who are nationals of the state in which they live and who have

41 A. Bloed and P. Van Dijk (eds.), Protection of Minority Rights through Bilateral Treaties: The Case
51 A. Fenet (dir.), Le Droit et les minorités. Analyses et textes (Bruylant, Bruxelles, 1995).
61 National minority Standards. A Compilation of OSCE and Council of Europe Texts (Council of
Europe-OSCE, Strasbourg, 2007).