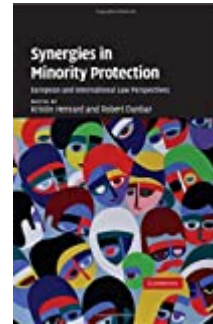




Kristin Henrard, Robert Dunbar, eds. *Synergies in Minority Protection: European and International Law Perspectives*. Cambridge: Cambridge University Press, 2008. ix + 462 pp. \$120.00 (cloth), ISBN 978-0-521-86483-1.



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Protecting Minority Rights in Contemporary Europe: A Group Project

The past few decades have seen an increasing consciousness in Europe and elsewhere in the world regarding the various rights of minorities. In this recently published work, editors Kristin Henrard and Robert Dunbar have assembled several articles that address the creation and implementation of standards for minority protection among international organizations, primarily within Europe and the United Nations hierarchy. For the most part, they are well written and informative, but their narrow focus means that interest in the collection will likely be limited to specialists in contemporary international law and international institutions. This limitation is unfortunate, as at least two of the articles—one by William A. Schabas on the development of the concept of genocide, and the other by Bruno De Witte and Enikő Horváth on the history of European Union minority policy—deserve a wider audience.

Perhaps the largest hurdle the work must overcome is misgivings about its title. Henrard and Dunbar make an excellent case for using the umbrella term “synergies” to indicate levels of policy convergence and coop-

eration between various institutions. The editors seem quite enamored with the word—it seems that the volume grew out of article published by Henrard in 2003 that introduced the use of “synergy” in this context—and have convinced all of their contributors to integrate the idea into their articles. The results are mixed, and in several articles the inclusion of “synergies” feels forced and artificial. In addition, at least in an American context, the term “synergy” falls somewhere between organizational-consultant jargon and corporate slogan, and is thus nearly impossible for scholars to use without irony. This unfortunate connotation may also have an impact on the work’s reception—a regrettable outcome, given its other strengths.

The articles are organized into two broad sections—those addressing minority-specific organizations, institutions, and conventions (for example, the UN Working Group on Minorities and the OSCE High Commissioner on National Minorities), and those addressing non-minority-specific topics with significant minority-related aspects, such as genocide, discrimination, and hu-

man rights. The former includes detailed analyses of Article 27 of the UN International Covenant on Civil and Political Rights, the UN Working Group on Minorities/Independent Expert on Minority Issues, the OSCE High Commissioner on National Minorities, the Council of Europe's Framework Convention for the Protection of National Minorities, and the Council of Europe's European Charter for Regional or Minority Languages, written by Martin Scheinin, Li-Ann Thio, Arie Bloed and Rianne Letschert, Asbjørn Eide, and Robert Dunbar, respectively.

The included articles tend to be more descriptive than argumentative. For the most part, all provide cogent descriptions of some very complex institutions and treaties, and would serve as useful primers to any scholar interested in their inner workings. Particularly notable is Li-Ann Thio's account of the creation of the UN Working Group on Minorities and the subsequent negotiations that led to the establishment of the office of the Independent Expert on Minority Issues in 2007. Of all the articles in the volume, this may be the best demonstration of the editors' definition of "synergy" in the development of international institutions—coordination between various UN agencies accompanied by a convergence of working methods and approaches. Adding to the value of this article is the brief postscript offered by the current independent expert, Gay McDougall.

Most of the articles in the second section also tend to be more descriptive than argumentative, covering the UN International Covenant on Economic, Social, and Cultural Rights, the UN International Convention on the Elimination of All Forms of Racial Discrimination, the UN International Convention on the Rights of the Child, the UNESCO Convention Against Discrimination in Education, and the European Court of Human Rights, by María Amor Martínez Estebanez, Ivan Garvalov, Paap E. Doek, Fons Coomans, and Kristin Henrard, respectively. Broadening the focus from UN and European institutions, this section also includes articles on the African Charter on Human and Peoples' Rights, by Tim Murithi, and on various Asian and Pacific organizations, including ASEAN, the ASEAN Regional Forum, and the Pacific Islands Forum, by Erik Friberg.

However, two articles in this section are notable for their more general approach to minority protections and rights, and they should be of interest to a much wider group of scholars. In "Developments Relating to Minorities in the Law on Genocide," William A. Schabas provides an excellent overview of the historical development

of genocide laws from the end of the Second World War through the present. Schabas highlights the debate over the inclusion of "cultural genocide" during the drafting of the 1948 UN Genocide Convention and the effect of that debate on later prosecutions in Rwanda and the former Yugoslavia. Later in the volume, Bruno De Witte and Enikő Horváth's article, "The Many Faces of Minority Policy in the European Union," also provides a good overview of a large subject—the various guises of minority protection in the European Union. They focus not only on the obvious approaches—like the European Convention on Human Rights and the Race and Ethnic Discrimination Directive—but also on more subtle means of influence, including cultural and educational funding policies, linguistic policies, and EU external relations. Both articles are recommended for scholars with a general interest in the study of genocide and minority rights.

One key test for a work of this scope is the complex relationship between classic definitions of minority status, focused on longstanding linguistic or cultural minorities or trans-border national minorities, and those that take into account recent immigration to Europe from other parts of the world. The introduction and their separate articles suggest that the editors themselves are very clear on their understanding of this relationship, and they seek to demonstrate how policies that initially protected national minorities have been co-opted to offer a modicum of protection to recent migrants—one example of the "synergies" they seek to identify. This area, however, is one where other contributors could have made their own understanding of this relationship more clear.

Given the subtitle, one might expect a greater focus on international law than the articles provide (outside of several articles on the UN, which is, of course, an entity unto itself). The articles by Murithi and Friberg seem tacked on to the end of the work, and do not engage several of the more compelling debates raised by other contributors. It is also important to note that several of the articles included in this volume were contributed by "insiders"—individuals writing on institutions with which they have been, or are currently, affiliated. It is clear that these authors are intimately familiar with their own institutions as well as their relationships with national governments and other nongovernmental organizations, but it is not difficult to see the potential for biased coverage in this sort of arrangement. While the editors may have been well served to address this issue directly in their introduction, it does seem that the participation of these individuals has been an asset to this work. What is lost

in critical distance is more than balanced by the extensive coverage of some exceptionally complex topics.

Surprisingly, although published by Cambridge University Press with a production value that conforms to that company's high standards, the work contains some unexpected flaws. It has no unified list of contributors, and in-text affiliations (such as in the footnote at the beginning of each article) are sporadic and stylistically inconsistent. Such indications are particularly important when one seeks to identify which contributors have personal experience with various institutions and organizations. For example, given that the article on the Council of Europe's Framework Convention for the Protection of National Minorities is provided by Asbj  rn Eide, it would be helpful to know that Eide is the president of the advisory committee for that convention. As stated above, it is not that such relationships are necessarily

problematic, but the editors do have a responsibility to be forthright about their contributors. This neglect may be evidence that, in such a quickly changing field, this work was rushed through publication without taking time to ensure that each article adhered to the same style sheet.

Even so, the flaws in this volume are not so great that its usefulness is compromised. Even the contributors whose affiliations are not listed are easily found via simple Internet searches. Beyond its stated goal of outlining several different approaches to the legal protection of minorities, perhaps the work's greatest potential lies in its status as a reference to a number of important international organizations, institutions, and treaties in contemporary Europe and the world. Thus, it is likely that it will become, in future decades, an invaluable reference for historians writing on the social and legal history of the early twenty-first century.

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