Introduction

The period following the end of the Cold War has seen an 'increasing clash of cultures',[1] most notoriously with the attacks on 11 September 2001 by Islamic terrorists on the twin towers of the World Trade Center in New York, the pre-eminent symbols of Western global capitalism.[2] Immediately following the attacks, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a Universal Declaration on Cultural Diversity.[3] The Declaration proclaims that the 'defence of cultural diversity is an ethical imperative, [implying] a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples'.[4]

[1] Dru Gladney, 'Introduction: making and marking majorities', in Dru Gladney (ed.), *Making majorities: constituting the nation in Japan, Korea, China, Malaysia, Fiji, Turkey, and the United States* (Stanford: Stanford University Press, 1998), p. 1, at p. 3.

[2] The terrorists also attacked the Pentagon in Washington DC, the symbol of American military power.

[3] UNESCO Universal Declaration on Cultural Diversity, adopted unanimously by the General Conference of the United Nations Educational, Scientific and Cultural Organization, 2 November 2001. UNESCO's Director-General, Koïchire Matuura, expressed the hope that the Declaration might 'one day ... acquire the same force as the Universal Declaration of Human Rights': see 'Foreword', 'Universal Declaration on Cultural Diversity' (UNESCO: 2002).

[4] Article 4, *ibid*. The term 'culture' in the Declaration refers to the 'set of distinctive spiritual, material, intellectual and emotional features of society or a social group'. Culture encompasses 'lifestyles, ways of living together, value systems, traditions and beliefs': *ibid*., preamble. See also GA Res. 55/2, adopted 8 September 2000, 'Millennium Declaration', para. 6: human beings must 'respect one another, in all their diversity of belief, culture and language'. Additionally, the member States of the United Nations resolved to 'strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights': *ibid*., para. 25.

The purpose of this book is to examine the position of cultural minorities in international law, with a particular focus on democratic States.[5] For the purposes of the work, the term 'ethno-cultural' will be applied to cultural groups, given the inter-generational aspect of group identity. Ethno-cultural groups are groups of persons, predominantly of common descent, who think of themselves as possessing a distinctive cultural identity, which may be based on a particular religion and/or language, and who evidence a desire to transmit their culture to succeeding generations. In this context, 'culture' is a synonym for identity.[6] Cultural conflicts involve disputes (violent and other) between different identity groups.[7] Cultural conflicts exist primarily between the State authorities and ethno-cultural minorities. The cultural identity of the State is reflected, inter alia, in citizenship laws, language laws and practices, education policy, and in the adoption of public symbols and choice of public holidays.[8] This 'national identity', reflecting the cultural values, beliefs and practices of the dominant/majority ethno-cultural group, is imposed on minority cultures.[9]

[5] The rights of minorities in a democracy have been the subject of much writing in political theory and political science. See, for example, Brian Barry, *Culture and equality: an egalitarian critique of multiculturalism* (Cambridge, MA: Harvard University Press, 2001); Seyla Benhabib, *The claims of culture: equality and diversity in the global era* (Princeton, NJ: Princeton University Press, 2002); Seyla Benhabib (ed.), *Democracy and difference: contesting the boundaries of the political* (Princeton, NJ: Princeton University Press, 1996); John Dryzek, *Discursive democracy: politics, policy and political science* (Cambridge: Cambridge University Press, 1990); John Dryzek, *Deliberative democracy and beyond: liberals, critics, contestations* (Oxford: Oxford University Press, 2000); Will Kymlicka, *Multicultural citizenship: a liberal theory of minority rights* (Oxford: Clarendon Press, 1995); Will Kymlicka, *The rights of minority communities* (Oxford: Oxford University Press, 1995); James Tully, *Strange multiplicity: constitutionalism in an age of diversity* (Cambridge: Cambridge University Press, 1995); and Iris Marion Young, *Inclusion and democracy* (Oxford: Oxford University Press, 2000).

[6] Benhabib, *The claims of culture*, p. 1.

[7] See Avishai Margalit and Joseph Raz, 'National self-determination', in Will Kymlicka (ed.), *The rights of minority cultures* (Oxford: Oxford University Press, 1995), p. 79, at p. 86. See also Will Kymlicka, *Liberalism, community and culture* (Oxford: Clarendon Press, 1989), p. 178.

[8] Will Kymlicka, 'Western political theory and ethnic relations in Eastern Europe', in Will Kymlicka and Magda Opalski (eds.), *Can liberal pluralism be exported? Western political theory and ethnic relations in Eastern Europe* (Oxford: Oxford University Press, 2001), p. 13, at p. 49. See also Martti Koskenniemi, 'National self-determination today: problems of legal theory and practice' (1994) 43 *International and Comparative Law Quarterly* 241, 263; and James Tully, *Strange multiplicity: constitutionalism in an age of diversity* (Cambridge: Cambridge University Press, 1995), p. 68.

[9] Charles Taylor, 'The politics of recognition', in Amy Gutmann (ed.), *Multiculturalism: examining the politics of recognition* (Princeton, NJ: Princeton University Press, 1994), p. 25, at p. 43.

Explicitly cultural values may be given legal force in constitutional and/or other legislative provisions. In 2004, for example, France legislated to ban the wearing of conspicuous religious symbols or clothing by pupils in schools.[10] The law is intended to affirm the principle of *laicité* (roughly, secularism) against Islamic religious/cultural values, beliefs and practices (the wearing of the *hijab* or *foulard* by Muslim girl children).[11] It is unlikely that there will be a single group perspective on this or any other issue of culture. The recognised 'leaders' or 'representatives' of the 'community' might demand respect for the cultural practice. Other members of the group may consider a legal proscription on the wearing of the *hijab* as empowering girl children in discussions with their parents. Others might see it as an unjustified interference in the individual rights to freedom of religion and moral autonomy (both in respect of the parents and the child). Individuals have a multiplicity of identities relating to their gender, and other interests and commitments.[12] Identity is not constituted by group membership.[13] There is no single group position with which the State may engage. Cultures are the result of contested, and contestable, narratives.[14] The uncritical

[10] *Loi No. 2004-228 du 15/3/2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics*, Article 1. The European Court of Human Rights has translated the provision as 'In State primary and secondary schools, the wearing of signs or dress by which pupils overtly manifest a religious affiliation is prohibited': *Leyla Sahin* v. *Turkey*, App. No. 44774/98, judgment, 29 June 2004, para. 54.

[11] See generally Benhabib, *The claims of culture*, pp. 94–100. See also Human Rights Committee, General Comment No. 04, Article 3 (Equal right of men and women to the enjoyment of all civil and political rights), adopted 30 July 1981, reprinted in 'Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies', UN Doc. HRI/GEN/1/Rev.7, 12 May 2004, p. 127, at paras. 13 and 21. See *Hudoyberganova* v. *Uzbekistan*, Communication No. 931/2000, UN Doc. CCPR/C/82/D/931/2000, 18 January 2005.

[12] Young, *Inclusion and democracy*, p. 137. See also Jane Mansbridge, 'What does a representative do? Communicative settings of distrust, uncrystallized interests, and historically denigrated status', in Will Kymlicka and Wayne Norman (eds.), *Citizenship in diverse societies* (Oxford: Oxford University Press, 2000), p. 99, at p. 108; and Peter Leuprecht, 'Minority rights revisited: new glimpses of an old issue', in Philip Alston (ed.), *Peoples' rights* (Oxford: Oxford University Press, 2001), p. 111, at p. 124.

[13] For communitarians, individual identity is constituted by the values, beliefs and practices of the community: 'communality or groupness is a necessary condition of existence': Ronald Garet, 'Communality and existence: the rights of groups' (1982/3) 56 *Southern California Law Review* 1001, 1066. See also Rainer Forst, 'The rule of reasons: Three models of deliberative democracy' (2001) 14 *Ratio Juris* 345, 353.

[14] See Amy Gutmann, 'The challenge of multiculturalism in political ethics' (1993) 22 *Philosophy and Public Affairs* 171, 174–5; and Thomas Franck, *The empowered self: law and society in the age of individualism* (Oxford: Oxford University Press, 2001), pp. 250–1.

acceptance of the position of community leaders or community representatives ignores the possibility that other perspectives may exist within the group. Moreover, the values and practices of ethno-cultural groups (majorities and minorities) are often influenced by internal hierarchies, in particular those based on gender (men/women) and age (adults/children), with female children being particularly vulnerable to being the victims of multiple discriminations and harmful cultural practices.[15] Democratic governments cannot seek to respond to the fact of cultural conflict by concluding bargains with the putative representatives of ethno-cultural minorities.

In the majority of instances, no specific legislation is required for the imposition of cultural norms: the majority's language will be used in public institutions, and its holidays recognised as public holidays, etc.[16] The values of the majority pervade all aspects of public life, the media, schools, the courts, the government and other official bodies, where they are replicated and reinforced, exerting a powerful influence on the standards of behaviour that are accepted as the 'norm' within the State.[17] For members of the majority ethno-cultural group, '[p]ublic life is understandable and meaningful to them – familiar and comfortable'.[18] They are able to approach the ideal of a self-determined life

See also Rodolfo Stavenhagen, 'Cultural rights: a social science perspective', in Halina Niec (ed.), *Cultural rights and wrongs* (Paris: UNESCO Publishing, 1998), p. 1, at p. 6; and Benhabib, *The claims of culture*, p. 3.

[15] See, for example, Vienna Declaration and Programme of Action (1993), ILM 32 (1993) 1661, para. I(21): 'National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child.' The leading example is the practice of female genital mutilation. See Article 24(3) of the Convention on the Rights of the Child; Article 21(1)(a) of the African Charter on the Rights and Welfare of the Child, adopted 11 July 1990, in force 29 November 1999, OAU Doc. CAB/LEG/24.9/49 (1990), reprinted in (2002) 9 *International Human Rights Reports* 870; and Committee on the Elimination of Discrimination against Women, General Recommendation No. 14, 'Female circumcision', adopted 2 February 1990, reprinted in 'Compilation of General Comments and General Recommendations adopted by human rights treaty bodies', UN Doc. HRI/GEN/1/Rev.7, 12 May 2004, p. 241.

[16] Will Kymlicka, 'Introduction: an emerging consensus?' (1998) 1 *Ethical Theory and Moral Practice* 143, 149. Many disputes between majority and minority populations concern symbolic issues. Jacob Levi traces the break up of Czechoslovakia to the refusal by the national Parliament to insert a hyphen into the name of the State (i.e. Czecho-Slovakia): Jacob Levi, *The multiculturalism of fear* (Oxford: Oxford University Press, 2000), pp. 154–5. Cf. Rex Adhar, 'Indigenous spiritual concerns and the secular State: some developments' (2003) 23 *Oxford Journal of Legal Studies* 611, 636.

[17] Amy Gutmann, 'The challenge of multiculturalism in political ethics' (1993) 22 *Philosophy and Public Affairs* 171, 185.

[18] Alan Patten, 'Democratic secession from a multinational state' (2002) 112 *Ethics* 558, 569.

largely by relying on the human right 'to be free from unjustified interferences in one's personal life'. For members of ethno-cultural minorities, the 'context for thought and action is often much less congenial'.[19]

Ethno-cultural groups manifest themselves in political life in opposition to laws and regulation that conflict with the cultural values, beliefs and practices of the group.[20] As Seyla Benhabib explains, the concern should be 'less on what the group *is* but more on what the political leaders of such groups *demand* in the public sphere'.[21] The concern of this work is to consider the extent to which international law supports the claims of culture. The rights of ethno-cultural minorities are recognised in international instruments concerning 'minorities',[22] 'national minorities',[23] 'indigenous peoples'[24] and 'peoples'.[25] Where the demand is for cultural security, the group makes references to international instruments concerning the rights of minorities, and, in Europe, national minorities. For a number of ethno-cultural groups, the desire for political self-government forms part of the collective identity of the group. They consider themselves nations or peoples (including indigenous peoples). These groups demand the application of the right of peoples to self-determination to them.

The work is divided into three substantive chapters. Chapter 1 examines the right of persons belonging to minorities to enjoy their own culture, to profess and practise their own religion, and to use their own language. The position of national minorities in Europe is also considered. Chapter 2 examines the right of peoples to self-determination. It reviews briefly the application of the principle of equal rights and self-determination of peoples in the process of decolonisation, before considering self-determination 'beyond colonialism'. Two aspects are identified: an external aspect which provides the people with the right to determine the international status of the

[19] Perry Keller, 'Re-thinking ethnic and cultural rights in Europe' (1998) 18 *Oxford Journal of Legal Studies* 29, 39.
[20] Michael Hechter, *Containing nationalism* (Oxford: Oxford University Press, 2000), p. 70.
[21] Benhabib, *The claims of culture*, p. 16 (emphasis in original).
[22] Article 27 of the International Covenant on Civil and Political Rights, and the UN Declaration on Minorities.
[23] The Framework Convention on National Minorities, and OSCE Copenhagen Document.
[24] ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and the Draft Declaration on the Rights of Indigenous Peoples.
[25] Article 1 of the International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights.

territory, and an internal aspect, which is concerned with the right of peoples to self-government. The external aspect is enjoyed by the peoples of trust and non-self-governing territories, the peoples of sovereign and independent States, peoples excluded from public life, and the peoples of the units of an ethnic federation in the process of dissolution. The internal aspect of the right of peoples to self-determination is enjoyed by the peoples of sovereign and independent States, and groups recognised as indigenous peoples and peoples by the State. Chapters 1 and 2 demonstrate that the international community has failed to agree detailed rules for the implementation of the rights of minorities to cultural security and the rights of peoples to self-determination. Detailed commitments will emerge from domestic decision-making procedures.

The traditional position of international law has been to regard the system of government and the process for making decisions as falling within the reserved domain of sovereign and independent States. The emergence of democracy as a legal obligation of States changes this: the international community may concern itself with both the procedure and the substance of decisions in areas of reserved competence in democratic States. Chapter 3, on democracy, considers the importance of procedural inclusion for persons belonging to national or ethnic, religious and linguistic minorities, and the measures necessary to ensure that the interests and perspectives of persons belonging to minorities are included in relevant decision-making processes. The limits of procedural inclusion are recognised, and the chapter considers arguments that certain ethno-cultural minorities should be permitted to share power in a consociational democracy. The work rejects these arguments and considers alternative integrative and deliberative understandings of democracy. The work concludes by examining the implications of recognising the deliberative nature of contemporary democracy for the regulation of cultural conflict.

1 The rights of minorities

This chapter examines the protection afforded by international law to ethno-cultural minorities.[1] Central to this discussion is Article 27 of the International Covenant on Civil and Political Rights. The scope of application and content of the minority rights provided by Article 27 are examined, including the requirement for the State to take positive measures to maintain and support minority cultures. The regime concerning national minorities in Europe is considered, to the extent that it illuminates relevant debates at the universal level.

[1] Ethno-cultural majorities are protected, inter alia, by the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by General Assembly Resolution 260 A (III), 9 December 1948, in force 12 January 1951, and by the right of all peoples to self-determination. On the rights of minorities, see Patrick Thornberry, *International law and the rights of minorities* (Oxford: Clarendon Press, 1991). See also Gudmundur Alfredsson and Erika Ferrer (eds.), *Minority rights: a guide to United Nations procedures and institutions* (London: Minority Rights Group and Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 1998); Bill Bowring and Deidre Fottrell (eds.), *Minority and group rights in the new millennium* (The Hague: Martinus Nijhoff, 1999); Peter Cumper and Steven Wheatley (eds.), *Minority rights in the 'new' Europe* (The Hague: Kluwer Law International, 1999); Thomas Franck, *The empowered self: law and society in the age of individualism* (Oxford: Oxford University Press, 2001); Kristin Henrard, *Devising an adequate system of minority protection: individual human rights, minority rights, and the right to self-determination* (The Hague: Martinus Nijhoff, 2000); Yoram Dinstein (ed.), *The protection of minorities and human rights* (Dordrecht: Martinus Nijhoff, 1992); Natan Lerner, *Group rights and discrimination in international law* (Dordrecht: Nijhoff, 1991); Alan Phillips and Allan Rosas (eds.), *Universal minority rights* (Turku/Åbo: Åbo Akademi University Institute for Human Rights, 1995); Javaid Rehman, *The weaknesses in the international protection of minority rights* (The Hague: Kluwer Law International, 2000); Jay A. Sigler, *Minority rights: a comparative analysis* (Westport, CT: Greenwood, 1983); and Gnanapala Welhengama, *Minorities' claims: from autonomy to secession: international law and state practice* (Aldershot: Ashgate, 2000).

The League of Nations' minorities regime

Throughout the history of international law, examples existed of protective treaties concluded for the benefit of minority groups, often on the basis of some bond of religion, nationality or culture between the protecting power and the protected minority.[2] The most notable example was the inter-governmental system of the League of Nations. In the aftermath of the First World War, the new and greatly enlarged States of Central and Eastern Europe were compelled either to sign minority protection treaties, or to make declarations guaranteeing various rights for their minority groups.[3] The rights of minorities included not only the right to equality under the law, but also certain cultural, educational and language rights.[4] The League of Nations' scheme provided for the protection of certain minorities in certain States,[5] but did not recognise any general rights of minorities.[6] Absent of treaty obligations, no duty to protect the distinctive identities of minority groups existed for States in international law.[7]

[2] Patrick Thornberry, *International law and the rights of minorities* (Oxford: Clarendon Press, 1991), p. 25. See generally chapter 2, *ibid*.

[3] Nathaniel Berman, '"But the alternative is despair": European nationalism and the modernist renewal of international law' (1993) 106 *Harvard Law Review* 1792, 1822. The League of Nations minorities regime concerned treaties concluded between the Principal Allied Powers and Poland, Austria, the Serb-Croat-Slovene State, Czechoslovakia, Bulgaria, Romania (all 1919) and Hungary (1920); a treaty on the protection of minorities in Greece (1920), treaties between Poland and Danzig on the minorities in the Free City of Danzig (1920), and between Sweden and Finland on the preservation of Swedish traditions in the Aaland Islands (1921); declarations made to the League concerning minorities, respectively by Albania (1921), Lithuania (1922), Latvia (1923), Estonia (1923) and Iraq (1932); a German–Polish convention relating to Upper Silesia (1922), a treaty of peace regarding the protection of minorities in Turkey and Greece (1923), and a convention concerning minorities in the territory of Memel (1934). See Thornberry, *International law and the rights of minorities*, pp. 40–2. See generally Julius Stone, *International guarantees of minority rights* (London: Oxford University Press, 1932).

[4] Berman, 'But the alternative is despair', 1823.

[5] The application of minority treaties was not only restricted to Europe: the dividing line was between 'big and small states'. Obligations were imposed on defeated Austria, Hungary and Bulgaria, but not on Germany. Obligations were also imposed on '"victorious" new states' (Czechoslovakia, Poland) and the aggrandised States of Greece and Romania, but not on Italy: Josef Kunz, 'The present status of international law for the protection of minorities' (1954) 48 *American Journal of International Law* 282, 283.

[6] Attempts to introduce a general provision concerning minorities into the Covenant of the League of Nations were 'repulsed': Thornberry, *International law and the rights of minorities*, p. 39.

[7] Ifor Evans, 'The protection of minorities' (1923/4) 4 *British Year Book of International Law* 95, 102. The Third Assembly of the League of Nations did 'express the hope' that

The Polish Minorities Treaty,[8] the first adopted under the League of Nations' scheme, served as a model for the other treaties.[9] Poland undertook to 'assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion';[10] to recognise the 'free exercise of any creed, religion or belief';[11] and to recognise that all Polish nationals 'shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion'.[12] No restriction was to be imposed on the 'free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings', and adequate facilities were to be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.[13] Polish nationals who belonged to racial, religious or linguistic minorities were entitled to 'establish, manage and control at their own expense ... schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein'.[14] In towns and districts in which a considerable proportion of the citizens spoke minority languages, the Treaty provided that 'adequate facilities for ensuring that in the primary schools the instruction

States not bound by any legal obligations to the League with respect to minorities would nevertheless observe in the treatment of their own racial, religious or linguistic minorities 'at least as high a standard of justice and toleration as is required by any of the treaties': see Evans, *ibid*., 121.

[8] Treaty of Peace with Poland ('Polish Minorities Treaty'), adopted at Versailles, 28 June 1919. Treaty of Peace Between the United States of America, the British Empire, France, Italy, and Japan and Poland, reprinted in (1919) 13(4) Supplement, *American Journal of International Law* 423. See generally Theodore S. Woolsey, 'Editorial comment: the rights of minorities under the treaty with Poland' (1920) 14 *American Journal of International Law* 392.

[9] Thornberry, *International law and the rights of minorities*, p. 42.

[10] Article 2 of the Polish Minorities Treaty. Under Article 3, Poland was obliged to recognise as 'Polish nationals *ipso facto* and without requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident [in the territory of Poland]'. The application of Polish citizenship was not automatic: the relevant persons were entitled to 'opt for any other nationality which may be open to them'. Where an individual did opt for another citizenship, they were required to 'transfer within the succeeding twelve months their place of residence to the State for which they have opted': *ibid*.

[11] Article 2, *ibid*.

[12] Article 7, *ibid*. 'Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries': Article 7, *ibid*.

[13] Article 7, *ibid*.

[14] Article 8, *ibid*.

shall be given to the children of such Polish nationals through the medium of their own language'.[15]

The United Nations era

The limited protection afforded under the League system ended in the immediate aftermath of the Second World War – a consequence of the fundamental change of circumstances between 1939 and 1947.[16] The United Nations Charter makes no specific mention of minorities. The emphasis is on individual human rights.[17] The Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948, recognises the human rights to equality,[18] freedoms of thought, conscience and religion,[19] opinion and expression,[20] association,[21] freedom of choice in the education of children,[22] and the freedom to 'participate in the cultural life of the [but not 'their'] community'.[23] The Declaration does not contain a provision directly concerning minorities.[24] According to the General Assembly, it was considered 'difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises'. Given the 'universal character of the Declaration of Human

[15] Article 9, *ibid*.
[16] See UN Secretariat, 'Study of the legal validity of the undertakings concerning minorities', UN Doc. E/CN.4/367, 7 April 1950, referred to in Kunz, 'The present status of international law for the protection of minorities', 284. On the collapse of the minority protection system under the League of Nations, see Berman, 'But the alternative is despair', 1901.
[17] See Charter of the United Nations, adopted 26 June 1945, in force 24 October 1945, preamble, and Articles 1(3), 13(1)(b), 55(c), 62(2), 68 and 76(c).
[18] Articles 2 and 7 of GA Res. 217 (III) A, adopted 10 December 1948, 'Universal Declaration of Human Rights'.
[19] Article 18, *ibid*. [20] Article 19, *ibid*. [21] Article 20(1), *ibid*. [22] Article 26(3), *ibid*.
[23] Article 27(1), *ibid*.
[24] A proposal to include the following 'minorities' clause was rejected: 'In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right, as far as compatible with public order and security to establish and maintain schools and cultural or religious institutions and to use their own language in the Press, in public assembly and before the courts and other authorities of the State'. See Report Submitted to the Commission on Human Rights, UN ESCOR, Commission on Human Rights, 1st Session, at 13, UN Doc. E/CN.4/52 (1947), referred to in Johannes Morsink, 'Cultural genocide, the Universal Declaration, and minority rights' (1999) 21 *Human Rights Quarterly* 1009, 1017–18. See generally Thornberry, *International law and the rights of minorities*, chapter 13.