The Rights of Minorities in International Area

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Abstract - In a general background of the international development of today's minority understanding will be given. Being derived from the term 'minor' in Latin, the term 'minority' was concurrently born with the rise of 'nation-state' formation in the 16th century. The study will be focusing on how the cohesion ideology of a particular era affects the term's definition with a particular reference to the progression of 'nation-state' system. Next, related documents beginning from the 16th century onwards will be slightly touched upon in order to see the legal development. The 20th century will be separated into mainly two parts. Firstly, international understanding of minorities issue will be analyzed between two World Wars, and the era of the League of Nations. Then, secondly, legal and political background of the issue after 1950s-including the era of the United Nations, the Cold War, the collapse of Soviet Bloc and integrationist perspective of International Law - will be examined. Here, a particular reference to the Article 27 of the International Covenant on Civil and Political Rights will be given in order to represent the 'core' of any regional or supra-regional legal understanding.

Index terms: International Law, Minority Rights, Protection of Minorities, United Nations, Nation-State

1. Historical and Theoretical Background of Minorities*

Technically, minorities concept was born in the Treaty of Westphalia (1648), signed between France and Holy Roman Empire, which acknowledged territorial unity and sovereignty of nation-states as well as the capability of choosing their 'own' religion-for the first time in history. Since the 16th and 17th centuries (influenced by the Reformation movement) picked up 'religion' as the `cohesion ideology` for the era, the categorization criteria for minorities to be separated from the majority were shaped upon religion-based differences. However, still, religious variances did not 'define' minorities; yet, only let minority groups to be 'differentiated' from the rest of the society. Definition for minorities, in that case, was missing in the literature of this particular era. Supporting this fact, the Westphalia document was significantly inspired by Peace of Augsburg (1555), which granted the `Lutheran` right to designate religion of the population residing under his territory to the Emperor, and Treaties of Münster and Osnbabrück (both signed in 1648), which recognized the legal equality of Protestant and Catholic sects.

A different approach to the minorities concept in the similar period came from the Treaty of Oliva, signed among Poland, Sweden and Livonia in 1660, which established the rules about freedom of religion in the case of land handovers. Similar rights had been grounded in 1598 Edict of Nantes, in the particular commercial agreement signed between France and Ottoman Empire in 1535, and in 1773

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Treaty of Warsaw. 'Religion', once again, played its 'differentiating' role in the minority definition for this period, as well. However, it would not be safe to claim that religion stood alone as the main motive behind the 17th century minority development; the concept of 'nation-states' also needed a special attention.

Unwillingly to reduce the significance of other actors, International Relations are traditionally and conventionally defined as relations between 'nation-states'. While identity, which was neglected in the International Relation studies until recently, is defined with the specific features that separates the self from others; A. D. Smith defines national identity with a list of existing conditions, including "an historic territory, or homeland; common myths and historical memories; a common, mass public culture; common legal rights and duties for all members; a common economy with territorial mobility for members." William Bloom, additionally, describes the 'power' of national identity in a phrase of 'national identity dynamic', which grants the ability to national identities to "produce both political integration and national mobilization" at the same time. Nation-state, in that sense, can be defined as a kind of 'polity' including four major determinants, namely ***territoriality***-within a demarcated territory-, ***sovereignty***-granting the 'arbitrator' status to the state-, ***centrality***-centralized authority that does not need intermediaries and ***nationality***-to achieve a 'uniformed society'. By this definition, further arguments upon citizenship, national symbols, secularism, legal recognition and eventually 'minorities' can be elaborated.

Beginning with the 18th century, as the cohesion ideology was altered from religion to nationalism, the recognition of Protection of Minorities witnessed dramatic increase in the international arena. The emergence of nation-states basically proved that non-religious, so maybe 'secular', identification was also possible. The 'language', in this sense, became the dominant determinant in minority 'differentiation'.

When it comes to the 19th century, minorities issue gained considerable significance than had it ever before. The major influence in the mentioned period was nationalist tendencies, given birth by French Revolution, 1789. Besides, the Enlightenment era negatively affected the political power of the churches in Europe and the transition from 'motherhood' to nation was keenly felt.

Van Dyke, carrying a liberal view in political theory, stresses the relation between the individual and the state in the 19th century understanding of minorities. However, unlike the liberal theorists, such as Hobbes, Locke and Rousseau, who accept that citizens must feel themselves to constitute a distinct group-establishing a 'state' through a form of 'social contract' with common language and desire to live together -, he notifies a problem in this liberal orthodox view due to the fact that in today's societies more than one ethno cultural communities cohabit a single state. Moreover, he argues that since liberalism ignores the group dominance in political life, all these liberal theories are blind to the injustices suffered by minorities. His proposal to the solution of this dilemma is to supplement a theory of 'collective rights', where the groups, like individuals, have to act

as "right-and-duty-bearing units". Yet, quoting directly from his conclusion,

> … in principle, too, the grant of status and rights to communities on an intermediate basis should make for peace-on the assumption that justice is one of the conditions of peace. But it is unrealistic to expect the prompt achievement of justice even if just rules are accepted. Struggle is likely to be necessary. Hope for justice might increase violence, as surer and more rapid change is demanded by some and resisted by others. In the long run, however, it seems probable that the interests of peace as well as the interests of justice would be served.

If it is accepted that, according to Van Dyke, the main deficiency of liberalism is linked to its 'individualist' perspective, it will not be difficult to observe a similar pattern followed by the rival theory of the same century, namely Marxist tradition. Nimni, an observer of this pattern, further claims that Marxist theorists have been even more indifferent or hostile to the minority protection or rights due to the theory's commitment to 'internationalism'. For instance, as the Communist Manifesto expresses "The Communists are further reproached with desiring to abolish countries and nationality. The workers have no country. We cannot take from them what they have not got". Quoting from Kymlicka;

> Marx and Engles accepted the right of 'the great national subdivisions of Europe' to independence, and hence supported the unification of France, Italy, Poland, and Germany; and the independence of England, Hungary, Spain and Russia. But they rejected the idea that the smaller 'nationalities' had any such right, such as the Czechs, Croats, Basques, Welsh, Bulgarians, Romanians, and Slovenes. These smaller 'nationalities' were expected to assimilate to one of the 'great nations', without the benefit of any minority rights, whether it be language rights or national autonomy.

It is, undoubtedly, no surprise that 19th century political theorists were in common to carry nation-states into the center of the political structure and neglected the rights of any minority groups. Realist perspective, which emphasizes the importance of material power as the determining factor of national interest, in that sense seems to be more advantageous to be examined since the distinction between small groups (or small states) and powerful ones constitutes the subject matter of the particular study. Yet, since there is no clear link between the theory and the concepts of Protection of Minorities or minority rights in the 'Realist literature', a sociological approach, instead, might be usefully addressed.

In the sociological context, each occasion that leads to great amount of population exchanges and border alterations, and any change in political structure, brings about the introduction of minorities. Nevertheless, such a definition, as well, does surely lack in elaborating upon a certain criteria to be fulfilled in order to mention 'a protection' for the minorities or simply defining them. Therefore, it will be useful to concentrate this study upon the historical background that has led to current minority perspective, from the 19th century onwards.

2. Toward to National Minorities

Vienna Congress (1815) was taken place right after the Napoleon Wars and could be considered the pioneering example of **multi-national** gatherings of the forthcoming years. The major consequence of the Congress was that European monarchies, for the first time, faced with the rising

'nationalism' in an official ground. International Law, furthermore, took its first steps in Vienna by aiming to restrict the warfare in the Continent. More importantly, with the Vienna Congress, the traditional understanding of assimilation towards minorities was broken and replaced by so-called 'egalitarian treatment'. Moreover, unlike all the relevant documents about minorities issues signed up to this point, the first article of the General Agreement granted to the Polish the right to maintain their 'national' institutions, based on national grounds, rather than religious. Additionally, discussions about the source of sovereignty found a different response in Vienna, by considering 'people' as holders of civil, religious and even some political rights.

The Congress of Vienna resulted in some indirect consequences, as well. The most significant of those was to approach to 'Protection of Minorities' as a foreign policy tool for the Imperialist States. The Greek Independence War against Ottoman Empire in 1820s was a striking related instance, which ended up, in 1829, with that Greece gained its independence by the Treaty of Edirne. Overall, Vienna Congress was a breakthrough point in minorities context which witnessed the convergence (or alteration) between Protection of Minorities and independence movements of 'people'.

The most considerable impact of the abovementioned convergence was experienced in the lands of the Ottoman Empire. After the Thirty Year Wars, European states began to contemplate upon Christian minorities outside the Continent. The nearest target, then, beyond doubt, became the Ottoman Empire, which would be named after the Eastern Question by the second half of the 19th century. From then on, the main arguments about Protection of Minorities left the Ottoman Empire at the center of all questions.

The Ottoman Empire had its own minorities system since 1454, a year after the conquest of Istanbul. The so-called **millet** system had been applied for the first time by Fatih Sultan Mehmet, and remained effective until the beginning of 19th century. The logic behind the Ottoman system was to separate the inhabitants into different communities according to their religion. The word, **millet**, referred to a manner by which Ottoman residents identified themselves on the basis of religion or sect. The **millet** system allowed each religious community to establish a sub-system in which one's own traditions, customs or religious acts set up the legal, administrative, educational, communicative or financial orders to be followed by only those persons belonging to a particular community. Solely taxation, military and defence were organized by the Empire. In other words, **millet** system was arranged in a way that non-Muslims were significantly tolerated in their own patterns of life. This arrangement, however, was interrupted, firstly, by the **infamous** Capitulation Agreements, signed between France and Ottoman Empire during 1535-1740. Though not considered being minority protection agreements, capitulations were arranged to grant some particular privileges, including free commerce in the Ottoman land, to the 'foreigners' on the basis of religion. During the period, 1606 Peace Treaty of Zitvatorok, signed between Ottoman and Austrian Empires, became the very first minorities-related document that the Ottomans had ever been a part of. The Treaty granted Catholics the right to establish their own churches,

although the inhabiting Catholics could already decide on establishing a church in Ottoman land with the help of **millet** system. On the following came 1699 Treaty of Karlowitz, 1718 Treaty of Passarowitz and 1739 Treaty of Belgrade, which all ensured the rights of the Catholics in Ottoman borders. The peak point in the context of minorities, however, was reached at 1774 Treaty of Kuchuk-Kainarji, which also compromised the Orthodox residents in addition to the rights granted to the Catholics. After the
Treaty of Paris (1856), not only for the Ottomans but also for the whole international minorities, bilateral agreements were substituted by multilateral ones-by particular virtue of the fact that minority protection through bilateral agreements ended up with the sole dominance of the signor state by means of intervention to internal affairs of the Empire.

3. 1878 Congress of Berlin

The final 'blow' to the **millet** system came in the Congress of Berlin (1878), which also affected the whole understanding of the world-wide Protection of Minorities. The independence of Greece triggered the tensions in Balkans and led to the Ottoman-Russian War (1877-78). At the end of the war, the Ottoman Empire was defeated and the Peace Treaty of San Stefano was signed among the counterparts. Accordingly, Serbia, Montenegro, Romania and Bulgaria gained their independence. However, since the results of the Peace Treaty was shaped in accordance with Russian interests, European powers (the Great Britain and Austrian Empire coming at the top) requested a more comprehensive arrangement for Balkans and called for a multilateral congress in Berlin. The consequences of the Congress drew new borderlines for the Balkan states, denying the independence of Bulgaria and Macedonia and prohibited any course of discrimination based on religion differences.

Taylor regards the Congress of Berlin as the breakthrough point in the minorities development in European history due to its stipulating character that leads to 're-awakening of Southern Slavs' and 'translation of the Italian and German spirit to the Balkan languages'. Furthermore, after the Congress, Protection of Minorities became the `precondition` before recognition of new-born states in the international arena (Article 43). For instance, as the articles of the Treaty of Berlin displayed, Serbia's sovereignty was tied to the religious rights of Muslim minorities, Romania was bound to confer administrative, civil, political and religious rights to its minorities and Bulgaria could not gain its independence due to the fact that clash of interests of all national groups (including Turkish, Romanian, Greek and Bulgarians) could not be eliminated.

Berlin Congress is, indeed, not only an important historical figure but also a useful reflection for today's minority discussions. It must be noted that by this congress, many new-born nation-states came into existence, new borders were drawn and, hence, new minorities appeared. However, more importantly, multilateral agreements `bound` particularly smaller states with `minority rights` and threatened them, in any opposing case, with giving their `sovereignties` away. The similarity between today's arguments of `conditionality` and the character of Berlin Congress needs special attention. Yet, the problem is, as the history demonstrated cruelly, the sequence of 'new nation states-new

borders-new minorities', which might well be interpreted as being implemented because of so-called 'humanitarian perspectives', led to two bloodiest wars of human history. The previously mentioned link, between national sovereignty, intervention and minority protection through unequally designed treaties pioneered the way towards such fatal consequences. Below, the environment between two world wars, namely the era of League of Nations and its approach to minority rights will be elaborated.

4. Minority Rights in the League of Nations

After the World War I, the obvious failure of inter-European agreements was interpreted in a close reference to their weak and unjust provisions regarding minority rights. Hence, an international approach to the minority rights regime was called under the leadership of the newly-built League of Nations. However, 'internationality' of the League of Nations' minority regime was restricted to the sanctions (or the international guarantee) to be applied 'only' upon the 'defeated nations' of the World War I. In other words, despite international, the Protection of Minorities was not yet 'universal' in between two world wars. The predominant positions of the triumphant states in minorities issue were basically left untouched.

The peace treaties signed with Germany, Austria, Hungary, Bulgaria, and eventually Turkey, after the World War I, had five common articles, which might be utilized to display the perspective of the League of Nations regarding the minority rights. These were about granted civilian rights to the persons belonging to minorities; preservation of the religious and general rights of majority groups; equality and anti-discrimination before law; freedom of minority languages; and public aid granted to those town and cities where different sort of minorities were dominantly populated. Yet, since a universal definition of minorities could not be reached by these provisions and each new treaty led to different differentiation criteria for minorities, it is not healthy to mention a consistent attitude of the League of Nations' documents in terms of minorities issue.

Ensuing these treaties; several different occasions - including abandoned minority groups (e.g. Germans and Hungarians left outside the borders of their home countries), formerly dominant but currently ruled out groups (e.g. Germans under Polish government), the will to integrate into kin-states (e.g. Slovenes of Hungary), and inability to establish a separate sovereign state for some weaker groups (e.g. Rutherians, Vlachs) led to even more tension in the minorities scene such that it became one of the pioneering motives to the outbreak of the World War II. Preece comments in the very similar vein that the whole League of Nations regime failed due to 'political instability', 'favoring kin-state relations', 'weak international guarantee', 'support to extreme demands' (including, irredentist politics), 'ad hoc nature of the decision-making mechanism', 'inequality of the signing states', 'power-balance maneuvers that limited the implications only within Eastern Europe', 'hypocrisy in implementation', 'misunderstanding of the European nature that forgot the socialist tendencies and rather focused only on

liberalism', and 'the unwillingness of the powerful states'.

In the course of the failure of the League of Nations system and the consequences of the World War II, minorities issue became realized as a disappointing adventure of the international powers. However, contrary to general expectations, the international scene did not completely relinquish Protection of Minorities but, instead, began to discuss it under the name of Human Rights. In other words, the Protection of Minorities was transformed into the multi-layered international relations within a broader agenda. The reasons lying behind this transformation were basically linked to the very same logic when the minorities issue had become 'bilaterally evaluated' due to the problems; such as, akin relations with kin-states, severity of human rights and minority rights as a part of it, natural linkage between Protection of Minorities and intervention in the internal affairs of a country, willingness of nation-states to protect their nationals living outside their borders, and at the same time their will to benefit from those nationals in terms of irredentist politics and lobbying activities. What was distinctive about the internationalization of minorities issue in the post-war period, in that sense, was the puritanical role of the great powers which eventually failed, not being able to establish a well-designed and well-controlled (with sanctions) universal minority regime and restricted within the prevailing limits of stronger-weaker state relations.

5. Minority Rights in the United Nations

While the League of Nations was altered into the United Nations, the attempts of conceptualization (setting 'strict definitions') in problematic areas seemed increasing. For instance, the understanding of 'nation state', which evolved around the `homogeneity` of a whole nation, was called to be discussed within the limits of 'national state', which did not necessitate such homogeneity but more willingly approached to differences in a sovereign territory. Federalist and supranationalist tendencies, furthermore, became apparent especially with the efforts in the European Continent, such as the emergence of European Community.

The concept of 'minority', however, did not make a major breakthrough. It still was out of a universally accepted definition. Instead, it might be readily claimed that the distinctive feature of the UN era, in terms of minorities, is minorities issue's unbreakable bound to the concept of Human Rights, which even may sometimes surpass the minority discussions and be considered as an 'inclusive' context that does not require any further policies particularly arranged for disadvantaged groups or persons. Yet, various attempts to construct a proper 'minorities' definition has been done, though. Among those scholars who inclined the definition with historical perspectives, Inis L. Claude, for instance, accepts the group of persons who is `persuaded` to form or to be a part of a nation within a state as minorities. Hannum, on the other hand, defines minorities with differences from the majority in terms of ethnicity, race, religion or language. The other

characteristic of Hannum's definition is related to the numbers of population, in which minorities must be fewer than other groups, i.e., the majority. Furthermore, Laponce relates the minority definition with conscious choices of a certain group of people, though adhering to the criteria of differences by Hannum. The critical point in Laponce's definition is the fear of being excluded from the rest of the nation, to which the group is willingly attached, or of being assimilated into the rest of the nation, despite or because of their unique characteristics.

Macartney and Allan, moreover, demote the minorities issue into a `national` minorities problem within a nation, since the minority definition constitutes a `differentiation` of a certain group, which cannot be at a position of 'governing', from the majority of a certain nation in terms of `national identities`. Similar to these two scholars' position, Modeen identifies minorities with `visible` differences from or `national sensitivities` towards the rest of the nation. According to Ürer, Macartney and Modeen converge in the grounds that attach the minority definition with 'damnification' of a certain group.

The abovementioned definitions are attempts to form a sociological understanding to the minorities issue. However, as pointed out earlier, minority analyses have more than one dimension; hence, legal definition must also be considered in order to complete the picture. Yet, due to the political side of the issue, a universally accepted legal definition is hard to find. During the League of Nations period, minorities rights developed as a citizens' right. Mello Toscana, for instance, defined minority concept, in a trial case about Upper Slonsk in the International Court of Justice, with 'historical attachment to the land', 'unique culture', 'differencein race, language or religion' and 'permanent members of a nation'.

In the UN, however, a broader consensus seemed to be reached in the definition of Francesco Capotorti, 1978. The so-called Capotorti-definition was appeared in response to a formal request of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1977. Accordingly, Capotorti defined a minority as:

A group of numerically inferior to the rest of the population of a State, in a non-dominant position, whose members- being nationals of the State- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.

Jules Deschenes, the Canadian reporter of the same UN Sub-Commission, further suggests in 1985 that a minority is:

A group of citizens of a state constituting a numerical minority and in a nondominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and law.

Contrary to these two experts, Nowak and Eide doubt the necessity of citizenship for the criterion of minority definition on the grounds that the new way of Human Rights-triggered understanding of the Protection of Minorities must reject such preconditions that even immigrants, who

reside in a State for a considerable time, may benefit from minority rights. Eide, for instance, concludes in his final report to the UN Sub-Commission that:

For the purpose of this study, a minority is any group of persons resident within a sovereign State which constitutes less than half the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them from the rest of the population.

As it might be clearly understood from the above discussions, due to several reasons- including the dominance of national politics, unpleasant experience of the League of Nations and unwillingness of States - it is hard to gather around a universally accepted definition for the minorities. However, it should not imply that International Law does not have any saying over the Protection of Minorities. The reason why the Law is involved in the minorities is basically due to the close relationship between minorities and states, including the consequences of `assimilation`, `integration`, `segregation`, `ethnodevelopment`, or `genocide` Hence, as long as these relations prevail, the inclusion of International Law into the field of minorities issue will be inevitable.

6. Minority Rights according to the International Law

The UN is involved in the Protection of Minorities, and generally minorities issues under Human Rights provisions, due to one of its founding purposes, stating "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". So as to achieve this aim, the UN established the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1947, under the United Nations Commission on Human Rights (UNCHR) and Economic and Social Council (ECOSOC). Then, the UN has taken two further steps by signing Universal Declaration of Human Rights (UDHR) in 1948, which did not contain any minority-related article but did grant several cultural rights, and International Covenant on Civil and Political Rights (ICCPR) in 1966, which came into force after ten years of its signing. Apart from being a purpose of the UN Charter, the UN had to take considerable measures with respect to Protection of Minorities because of the 'unwillingness of States to re-implement the national minority rights of the League of Nations', 'new borders after the World War II', 'severely distinguished bilateral agreements about population exchanges', 're-birth of the assimilation tendencies', and 'human rights perspective'. These underlined reasons can also be interpreted as the political side of the minorities issue; however, by virtue of the UN's own position, it is healthier not to look for a specified target aimed to permit the dominance of politics over law. The Article 27 of the ICCPR directly involved measures about international Protection of Minorities. To quote;

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their

own culture, to profess and practice their own `religion`, or to use their own `language`.

The organic link of the Article 27 is directed towards the Article 26 about the non-discrimination regardless of individual characteristics such that;

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Under the light of the well-known study of A. Füsun Arsava, forthcoming paragraphs will be devoted to this only-legally-binding-international instrument regarding minorities issue. Being a multilateral agreement, the ICCPR carries a Human Rights and Fundamental Freedoms dimension to the Article 27. However, the significance of the Article 27 emerges for the Protection of Minorities, where 'minority' concept, coming from the term 'minor', blooms in a 'democratic environment', and represents numerical inferiority; ethnic, religious or linguistic differences from the majority; and implicit solidarity among a group. Moreover, Article 27 considers a minority only when there is a *stable unity* within a group represented by moral values, differentiating characteristics, and non-territorial unity; consciousness of identity, with the willingness to maintain the prevailing differences, group dynamics, and common reaction to external factors and to the threat of assimilation. *Citizenship* is not an explicit prerequisite for the minority definition since the Article uses the term 'persons' instead of 'citizens' in the wording. This interpretation converges with those of Tomuscht, Nowak and Eide; yet, it does not explain *explicitly* whether immigrants, gypsies and temporary workers should be included in the minority lists.

Another crucial feature of the Article 27 is about the role of States in defining minorities. As this thesis will also display several problematic cases, whether the States are fully and solely charged on the definition of minorities residing within their territories is a critical dilemma for the minorities issue. In his previously dealt report, Capotorti states that "if the existence of a minority group within a state is objectively demonstrated, non-recognizing of the minority does not disperse the state from the duty to comply with the principles in Article 27". Arsava also agrees upon that recognition of a minority does not belong to a State under the roof of Article 27 such that if a certain group calls for a trial for its recognition, States cannot have a saying upon it. However, it may also be stressed that the recognition of a 'minority' is still in the hands of a State, according to Article 27, as long as there is no violation of rights and freedoms against a certain group or a person belonging to that group.

Approaching to the issue in a different scale, Arsava pays considerable attention for the States' position in the International Law, as well. She reminds that the fundamental principle of the International Law prohibits any sort of intervention to the internal affairs of sovereign states; hence, Protection of Minorities or minority rights granted by Article 27 cease being effective if the minorities misuse their rights out of the borders of 'loyalty towards the nation' or if a third country (not

necessarily a kin-state) abuses these granted rights in order to interfere the internal affairs. Furthermore, though unrelated to defining minorities, Arsava calls attention to a feature of the Article 27, which leaves severe amount of space to the States for interpreting upon the article.

When it comes to the developments in the UN minority context since 1966, frankly, there have been no radical shifts. Article 27 of the ICCPR was repeated in 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (18 December 1992), which represents the very first international document with the sole reference to minority rights, with the emphasis on that "states shall protect the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories". The 2001-revision of this particular text, done by Asbjorn Eide on behalf of the non-binding UN Working Group on Minorities (established in 1995), further, clarifies two important points for the minority studies. First, the revised version of the document does not accept citizenship as a criterion for being a minority; second, it demystifies that minority rights are of purely individual characteristic while the rights of indigenous people are collective rights.

Under the light of the collected information and the interpretation of the ICCPR Article 27, tentative criteria might be drawn for a group to be involved in a minority definition, including;

i) Difference from the majority: The difference might be ethnic, religious or linguistic.

ii) Numerical inferiority: The distribution of the population does not matter for this criterion.

iii) Non-dominance: No minority group can have dominance over the rest of the population. For instance, the white-population of the Apartheid era cannot be counted as minorities due to the mastery they carried over the majority.

iv) Citizenship: Though arguable and the only binding international document, Article 27 of the ICCPR, does not mention explicitly; the criterion of citizenship diminishes its value in the international area, in time. Yet, it must be borne in mind that long-time of residence is still sought for installation of those rights.

v) Minority Consciousness: Having not explicitly mentioned, in order to consider a minority, that person or group must have the consciousness that names him/her as a minority. In other words, among a group of persons that feels belonging to minorities, there must be 'solidarity' and 'willingness' to protect their differences and traditions. Otherwise, the term so-called willing assimilation implements itself and there cannot be a minority protection anymore.

7. Conclusion

The minorities issue came into the agenda of international relations in the revolutionary atmosphere of the 16th century Europe, which not coincidentally converges with the emergence of 'nation-states'. Until the 19th century, however, assimilationist and repressive politics towards minorities of different types – dependent on the cohesion ideology of the time -, maintained their dominance.

The League of Nations, at the very beginning of the 20th century, constituted the main figure in international minority scene. Yet, by virtue of its non-

universal character, which adjudged only about the defeated nations of the Great War and their minorities while leaving all the mastery to the winning States, the era of the League of Nations did not last long and was ended by the vengeful belligerence of the defeated nations, followed by the outbreak of the World War II.

After the heavy loss of the World War II and the bipolarization of the world scene between the USA and the Union of Soviet Socialist Republics (USSR) leadership, the international arena paid much less attention to the minorities issue until 1990s. Carefully selected wordings, limited expression of rights and hesitant interest of the international actors and, most essentially, reducing the minorities issue into the broader Human Rights perspective, were commonly witnessed in this time period. 1948 UDHR, for instance, did not contribute any 'minority' references within the text. However, in 1966, among the twin-UN documents concerning political and civil rights, the Article 27 emerged as the sole universally and legally binding statement, concerning the minority rights and protection. Yet, even such a crucial article could not escape from the timid atmosphere and not elaborate upon drawing a minority definition or putting International Law in front of the other arguments. 'Human Rights' perspective, in other words, prevailed in the international scene for a long time, restricting the necessary scope over minorities.

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