

Contents

Acknowledgments	xi
Table of Cases	xiii
Chapter 1 Introduction	1
Minority protection: a story in movements	2
The UN debate	6
The emerging fourth movement	11
<i>Saramaka</i> as an illustration of judicial discourse	18
A note on terminology and structure	22
PART I	
Chapter 2 Recognition	29
Spaces of group identity	30
Domestic courts and international law	48
Chapter 3 Elaboration	59
Indirect protection: spaces of freedom or the 'hands off approach'	59
Direct protection: diffusing general human rights	66
Private and family life	66
Property	75
Education, language, participation	83
Non-discrimination	89
Chapter 4 Mediation	105
Reconciling majority and minority interests	106
Involvement in the decision-making process	106
(Positive) equality as a justificatory test	121
Reconciling interests within the group	134
Women and the group	134
Dissenters and group representation	142

Chapter 5	Access to justice	149
	Right to judicial protection	150
	<i>Locus standi</i> and injured party	155
	Continuing effects of rights violation	163
	Evidence	167

PART II

Chapter 6	Ethno-cultural diversity and international judicial discourse	183
	Dimensions of judicial discourse: preliminary observations	183
	Courts in plural societies	187
	The theoretical debate	187
	The case of socio-economic rights	198
	International jurisprudence re-assessed	208
	Expanding on the procedural model	221
	Between substance and procedure	227
	Interpretation as cross-fertilisation	237
	On judicial persuasiveness	241
	Between universalism and justice	248
Chapter 7	Conclusion	257
	Bibliography	265
	Index	273