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Romedi Arquint:

*Eröffnungsansprache des Präsidenten der Föderalistischen Union Europäischer Volksgruppen
Prag, 21. Mai 1998*



Romedi Arquint, Präsident der Föderalistischen Union Europäischer Volksgruppen

Es ist für die FUEV eine ausserordentliche Ehre, hier in Prag den 43. Nationalitäten - Kongress durchführen zu können, und es erfüllt mich mit grosser Freude, Sie alle hier zu begrüssen.

Was Prag über Jahrhunderte auszeichnete: nicht nur, dass Menschen verschiedener Sprachen, Nationalitäten

und Religionen hier lebten, Prag wurde zum Begegnungsort und Schmelztiegel westeuropäischer und osteuropäischer Geistesgeschichte; diese Funktion ist in unserem Jahrhundert in schmerzvoller Weise unterbrochen worden, durch nationalistische Entwicklungen, die die Bürger in dieser Stadt und im Staat nach ethnischer Zugehörigkeit einteilten und die zu gegenseitigen Verfolgungen führten, durch Barrieren, die Begegnung und friedliches Zusammenleben durch die Sprache der Ideologien und der Gewalt ersetzten, die aber auch die Reflexion über begangenes und erlittenes Unrecht unter den Angehörigen der verschiedenen Völker und Volksgruppen nicht aufkommen liessen und damit die Aufarbeitung der Vergangenheit und einen Neubeginn im Zeichen der Versöhnung über Jahrzehnte hinaus verhinderten.

Dass wir heute in Prag einen Kongress zur Thematik der nationalen Minderheiten abhalten können, wäre noch vor wenigen Jahren unmöglich gewesen, es ist in höchstem Masse der menschlichen und politischen Reife der beteiligten Partner - und ich denke vor allem an das Versöhnungswerk zwischen der tschechischen Republik und Deutschland - zuzuschreiben, dass in einer historisch gesehen sehr kurzen Zeit eine derart belastete Geschichte aufgearbeitet und in eine konstruktive und zukunftsverheissende Richtung gelenkt werden konnte.

Nur zu gerne hätte ich heute jene Persönlichkeit begrüsst, die für die Sache der Menschlichkeit und der Versöhnung zur Symbolfigur geworden ist. Ich und Sie alle hätten gerne dem tschechischen Staatspräsidenten Vaclav Havel zugehört, wie er eine Auslegung dessen vorgenommen hätte, was der einzelne Mensch, das Volk, die Staatgemeinschaft und Europa für die geistige und politische Neuordnung und den Aufbruch ins neue Jahrtausend benötigen. Vielleicht hätte er (wie er es an dies an anderer Stelle tat) von der Heimat geredet, dem „vlast“ im Tschechischen, und davon, dass das urgermanische Wort „heima“ nicht nur die uns nahestehende und vertraute Welt, sondern gleichzeitig auch die Welt und das Weltall in seiner Gesamtheit bezeichnet, das Zuhause also wie auch das Universum.

Havel hätte von der Heimat als dem festen Boden unter den Füßen gesprochen, den jeder von uns braucht, vom südböhmischen „Marterl“, von der unverwechselbaren Sprache, der gemeinsamen Geschichte, den farbenprächtigen Traditionen der Völker in Europa. Er hätte aber auch darauf hingewiesen, dass der feste Boden nicht zur Höhle oder zum Loch ausgebuddelt werden darf, in dem wir unsere Standarten, und Melodien in tote Pakete verschnürt aufbewahrt halten; der feste Boden ist nötig, damit der Mensch sich zum Himmel ausrichten kann.

Vaclav Havel hätte vom Wesen des Staates ge-



Der 43. FUEV Kongress und die jährliche FUEV-Delegiertenversammlung fand vom 21.- 23. Mai 1998 im Radio Free Europe/Radio Liberty (Parlament der früheren Tschechoslowakei) am berühmten Wenzelplatz von Prag statt.

sprochen und uns aufgefordert, ihn einfach und emotionsfrei als einen der vielen Versuche zu begreifen, ein möglichst vernünftiges und gerechtes Zusammenleben der Menschen zu errei-

chen. Prophetisch hätte er davor gewarnt, die traditionelle Auffassung des Nationalstaates als den Gipfelpunkt dieser Versuche, und damit de facto als das Ende der Geschichte, zu betrachten.

Damit, meine Damen und Herren, hat Havel exakt die Schnittstelle markiert, an der der Kongress angesiedelt ist: Bei der dringenden und während der letzten 50 Jahre vernachlässigten Reflexion darüber, was wir mit der Heimat und dem Volk meinen und dessen, was Aufgabe des Staates sein darf, soll muss. Die FUEV hat seit jeher auf die Schwachstellen des nationalstaatlichen Konzeptes hingewiesen, auf die Gefahren, die darin liegen, wenn der Staat zu seiner Rechtfertigung sich nicht auf die Grundsätze der Freiheit und Gerechtigkeit bezieht und für seine Existenzberechtigung sich damit begnügt, sondern wenn er sich anheischig macht, sich selber mit geistigen und symbolischen Elementen all dessen, was wir gemeinhin mit den Begriffen Volk und Heimat verbinden, aufzublasen, wenn der Staat auch gleichzeitig das Monopol der nationalen Gefühle usurpiert. Abgesehen davon, dass es sich dabei immer nur um das Mehrheitsvolk im betreffenden Staat handeln kann, abgesehen davon, dass dieses ideologische Konzept in beinahe keinem der sich als Nationalstaaten definierenden Staaten Europas mit der Realität zur Deckung bringen lässt, das nationalstaatliche Konzept führt unweigerlich zu Konflikten und Spannungen zwischen der Mehrheitsbevölkerung und der sich ebenfalls als staatstragend fühlenden Bevölkerung der nationalen Minderheiten.

Das Wesen der Zivilgesellschaft besteht jedoch darin, dass der Staat sich zu bescheiden lernt, sich auf die ihm eigenen und wesentlichen Aufgaben beschränkt. Gerade die höchst sensiblen Fragen der persönlichen und kollektiven, geistigen und emotionalen Zugehörigkeit zu einem Raum, zu einer Sprache und einer gemeinsamen Geschichte lassen sich nicht gegen den Willen der Betroffenen uniformieren und umpolen, sondern nur gemeinsam mit ihnen entwickeln: so offensichtlich und so eindeutig uns dies die Geschichte Europas lehrt, so gross erscheint immer

noch Mühe, dies in unserem Kontinent zu erkennen und politisch umzusetzen.

Wenn Vaclav Havel das südböhmische »Marterl« erwähnt und dieses als einen Teil der Volkskultur darstellt und würdigt, so fügt er im gleichen Satz bei, es komme dabei nicht auf die Oberfläche an, wichtiger sei der Sinn solcher Dinge, in unserem Beispiel: Das Marterl ist wohl einzigartig in seiner äusseren Gestaltung, seine eigentliche Bedeutung erhält es durch die religiösen Werte, die dahinter stehen und die als Ausdruck der christlichen Prägung weit über Südböhmen hinausweisen und diese mit den Bewohnern in der Estremadura und denjenigen in Aland verbinden.

Einen festen Boden haben und zum Himmel aufschauen zu können, eine Heimat im überschaubaren Raum zu haben und gleichzeitig an einer Vision Europas teilhaben zu können: dies könnte das dialektische Grundmuster für ein Europa des ausgehenden 20. Jahrhunderts werden. Ein Europa, dass nicht allein und einseitig durch eine gemeinsame Wirtschaftsordnung und Militärbündnisse geeint werden soll, sondern viel deutlicher zur Heimat der gemeinsamen Werte heran-



Weit über 200 Teilnehmer und Interessierte nutzten die Gelegenheit, sich über die FUEV zu informieren.

zubilden ist.

Lassen Sie mich deshalb die Einführungsworte schliessen und den Kongress eröffnen mit einem Satz Havels: Wir sind aufgerufen, gemeinsam zum Werk der europäischen Vereinigung beizutragen, und, von unseren eigenen Traditionen ausgehend, gemeinsam darin das zu bekräftigen, was die stärkste Bindung europäischer Staaten und Nationen darstellen kann, nämlich das Bewusstsein, dass wir miteinander eine gemeinsame Heimat der Gedanken, Werte und Ideale teilen.

Dr. Erhard Busek:

»Die nationalen Minderheiten und die europäische Einigung«

Prag, 21. Mai 1998



Vizekanzler a. D. Dr. Erhard Busek, Vorsitzender des Instituts für den Donauraum und Mitteleuropa IDM, Wien

Es ist eine Binsenweisheit, wenn wir seit 1989 darüber reden, daß wir ein neues Europa bauen können. Die Globalisierung hat dazu geführt, daß die europäische Integration eine neue Begründung erfahren hat. Es ist nicht mehr die Situation nach dem Zweiten Weltkrieg, alte Konflikte wie etwa den zwischen Deutschland und Frankreich abzubauen, es ist auch nicht die Herausforderung des Kommunismus, denn alle diese Fragen haben sich entweder durch Generationenablauf oder durch Zusammenbruch der politischen System erübrigt. Es gilt nun ein neues Europa aufzubauen, das uns allerdings auch neue bzw. auch alte Fragen stellt. Es ist zum Beispiel die grundsätzliche Frage, ob Europas Einheit die Vielfalt bedroht oder Fördert.

Seit 1989 sind wir mit einer ungeheuren Vielfalt konfrontiert. Später einmal wird dieses Jahr die Bedeutung einer Achsenzeit haben. Davor war die Welt einfach in Europa zu erklären, sie war nämlich bipolar. Der Kontinent war geteilt zwischen West und Ost, auf der einen Seite waren die Guten und auf der anderen die Bösen. Wir erinnern uns alle an das Wort von Ronald Reagan: "The empire of the evil". Es ist die Versuchung der Politik, einfache Erklärungen zu wählen. Wenn sich allerdings die Situation so ändert, wie das bei uns in der Mitte Europas der Fall ist, helfen einfache Erklärungen nicht mehr, sie sind höchstens eine politische Versuchung.

Lassen Sie mich einige Punkte nennen, die seit 1989 Europa kennzeichnen: es hat die Zahl der Staaten in Europa dramatisch zugenommen. In der Nähe von Prag und Wien sind 21 neue Staaten entstanden. Vielfach kennen wir diese Situation gar nicht, ja die Unkenntnis der Bevölkerung führt zu den eigenartigsten Entwicklungen. Die Botschafter der Slowakei und Sloweniens erzählen mir, daß sie täglich Post austauschen müssen, weil die Staaten verwechselt werden. Da muß man froh sein, daß es keinen eigenen Staat Slawonien gibt. Die Landkarten sind neu gezeichnet, dadurch sind neue Nachbarschaften entstanden. Es ist ein Unterschied, ob man als Nachbar das alte Tito-Jugoslawien oder heute Slowenien hat, oder die Tschechoslowakei oder Tschechien und die Slowakei.

Die längst vergessenen Minderheitenprobleme sind über aktuell und uns erst jetzt wieder bewußt geworden. Diese Minderheiten hat es schon lange gegeben, nur der Kommunismus hatte es an sich, sie quasi in den Eiskasten der Geschichte zu stecken. Jetzt aber sind sie herausgekommen und tauen auf und sind weit von Lösungen entfernt. Auch hier müssen wir erst lernen, mit der Vielfalt zu leben und jenen gemeinsamen Rahmen zu finden, der ihnen die Rechte garantiert.

Seit 1989 hat auch die Desintegration einiger europäischer Staaten stattgefunden. Tschechen und Slowaken sind eigene Wege gegangen. Das Jugoslawien, das nach dem Ersten Weltkrieg geschaffen und nach dem Zweiten Weltkrieg fortgesetzt wurde, hat sich in fünf Staaten aufgeteilt und aus der ehemaligen Sowjetunion ist eine differenzierte Landschaft herausgewachsen, die wohl kaum in der Gemeinsamkeit der GUS gesehen werden kann. Rußland selbst bleibt noch ein Rätsel: wer von uns hat schon in der Schule gelernt, daß es Tschetschenen, Afhasen, Oseten, Baschkieren, etc. gibt. Dieser Prozeß ist noch keineswegs am Ende, sondern wird sicher dazu führen, daß zumindest die politische Landschaft noch reicher wird. Aber auch hier muß die Frage untersucht werden, ob nicht diese Desintegration notwendig ist, um ein Mehr an Integration zu erreichen.

Überhaupt können wir feststellen, daß sich seit 1989 Europa erst wieder finden kann. Ich behaupte immer, daß es vor diesem Datum den Kontinent als Einheit gar nicht gegeben hat. Er ist schon schwer zu beschreiben, denn er diffundiert über den Ural auf den asiatischen Kontinent, er ist über das Mittelmeer mit anderen Räumen verbunden. Doch vor 1989 war die eine Hälfte über den Atlantik mit einer Supermacht freiwillig verbunden. Die andere Hälfte unter kommunistischer Herrschaft. Beide Supermächte hatten ihr

Schwergewicht außerhalb des europäischen Kontinents. Die Repräsentanz Europas gemeinsam, also in der Einheit, ist noch nicht gelungen. Der Europarat vereint zwar viele europäische Staaten, hat aber eine sehr begrenzte politische Wirkung. Die Europäische Union erhebt den Anspruch, eine neue Form Europas zu sein, steht aber vor der Frage, ob sie bereit ist, die übrigen europäischen Staaten zu integrieren. Die ECE (Wirtschaftskommission der UNO für Europa) führt ein Schattendasein. Die OSZE ist durch die Hereinnahme der GUS-Staaten unübersichtlich geworden, Österreich sitzt z. B. nach dem französischen Alphabet zwischen Armenien und Aserbaidschan und weiß eigentlich nicht, was es dort tun soll. Es gibt noch die Visegrád-Staaten, die Central European Initiative, die mit Mitteleuropa nach der Aufnahme von Weißrussland und Moldawien herzlich wenig zu tun hat. Man könnte meinen, daß die moderne Chaostheorie in diesen vielfältigen Organisationsformen ihre Widerspiegelung wiedergefunden hat. Jedenfalls ist das Wort von der neuen Unübersichtlichkeit bei diesen Organisationsformen berechtigt.

Auf der anderen Seite aber drängt unsere technisch orientierte Zivilisation auf Vereinheitlichung, die vor allem in den täglichen Lebensäußerungen und Gebrauchsgegenständen, aber auch genauso in der Unterhaltung sichtbar wird. Diese tägliche Lebenskultur ist aber sehr wesentlich von amerikanischen Einflüssen bestimmt. Die Globalisierung macht sich hier bemerkbar, wie man an zwei Beispielen feststellen kann. Es gibt auf der Welt nur mehr zwei Videorecorderproduktionen von Relevanz: die eine ist in Japan zu Hause, die andere ist mit ca. 15 % der Weltproduktion Philips. Vielfalt gibt es nur mehr im Gehäuse, in der Verpackung und in der Werbung, nicht aber beim Produkt. Der Satellitenhimmel ist voll von Fernsehstationen, wer aber rund um Mitternacht die Stationen durchgeht, wird erleben, daß die Programme ziemlich ähnlich sind: überall wird ein Film gespielt, der von Mord und Totschlag handelt.

Wegen dieser Vereinheitlichung gibt es eine starke Tendenz in Europa, auf Unterschiedlichkeit Wert zu legen. Der Regionalismus, verschiedene Sezessionsbewegungen, aber auch die Europamüdigkeit haben hier ihre Wurzeln. Gewisse alte und neue Nationalismen sind aber kein Beitrag zur Vielfalt, sondern drängen nur auf machtpolitische Durchsetzung. Nach 1989 hat Francis Fukuyama behauptet, das "Ende der Geschichte" wäre gekommen. Davon kann keine Rede sein. Der Beweis aber für die Behauptung von Samuel Huntington, daß wir auf den "clash of civilization" zugehen, steht auch noch aus. Die bisherigen Konflikte in Europa waren nicht der Zusammenstoß von Zivilisationen, sondern machtpolitische Konflikte, wie etwa der von der jugoslawischen Volksarmee darauf beschworene in Südosteuropa. Die Vielfalt der Kulturen ist solange kein Problem, als es nicht zu Konfrontationen kommt, die entlang dieser Bruchlinien laufen. Die Liste der Vielfalt ließe sich beliebig fortsetzen, das ist aber kein Grund zum Pessimismus. Was muß geschehen? Die Grundvoraussetzung ist, daß

wir aus Konsequenz der Anerkennung der Menschenrechte und der Menschenwürde "den anderen" akzeptieren. Es darf darüber nachgedacht werden, daß im alten Griechenland das Wort für den Fremden und für den Gastfreund gleich gewesen ist. Ich habe das immer als den Hinweis verstanden, daß uns der Wert des anderen bewußt sein muß. Wenn wir den anderen anerkennen, dann steigt auch die Neugierde und die Sehnsucht nach Partnerschaft. Dann erkenne ich, was am anderen wertvoll ist und auch für mich einen Gewinn darstellt. Man erfährt das Anderssein als eine Bereicherung des eigenen. Die heute so oft geführten Identitätsdiskussionen müssen in diese Richtung weiterentwickelt werden. Es hat keinen Sinn, von der eigenen Identität zu reden, wenn man sie nicht in Beziehung zur Identität des anderen stellt.

Gibt es also in Europa einen gemeinsamen Rahmen neben der Entwicklung zur politischen Integration. In einer Reflexionsgruppe der Europäischen Union ist die Frage bearbeitet worden, was den europäischen Bürger ausmacht. Das kann ganz sicher nicht ein Paß und ein Staatsbürgerschaftsgesetz sein, denn das bedeutet noch keinen Inhalt. In dieser Gruppe hat man zunächst einmal die historische Entwicklung betrachtet: die gemeinsame Basis griechischer Philosophie und römischen Rechts in der Antike. Die Ergebnisse der jüdischen und christlichen Religion, der Beitrag der Aufklärung und all jene Gedanken der Geistes- und Kulturgeschichte, die eben von Europa ausgegangen sind. Die einen meinten, daß es eine Eigenheit des europäischen Bürgers gar nicht geben kann. Wenn jemand zur Meinung kommt, daß der Buddhismus seine Grundlage ist, müsse dies ebenso möglich sein, denn es gäbe eigentlich heute Europa nicht mehr, sondern nur die Tendenz zur Globalisierung. Die anderen wieder aber haben davon gesprochen, daß es gemeinsam errungene europäische Werte als Ergebnis der politischen Geschichte und des Denkens und Fragens gibt. Wir haben versucht einen Katalog aufzustellen, der nicht Anspruch auf Vollständigkeit erhebt. Unter diesen Werten haben wir verstanden: die Menschenrechte und die Menschenwürde, die Grundfreiheiten, die demokratische Legitimität, den Frieden und die Ablehnung von Gewalt als Mittel oder Methode, die Achtung der anderen, die Solidarität zwischen den Menschen (innerhalb Europas und gegenüber der Welt), eine ausgewogene Entwicklung, die Chancengleichheit, das wissenschaftliche Denken, nämlich die Ethik des Augenscheins und des Beweises, die Bewahrung des Ökosystems und die Verantwortung des Individuums.

Bei all diesen Punkten könnte man meinen, daß sie in der einen oder anderen Weise überall auf der Welt vertreten sind, sie haben jedoch jeweils eine spezifische europäische Ausprägung erhalten. Vor allem sind sie in dieser Kombination eigentlich am dichtesten in Europa vertreten. Wir sind aber nicht am Ende der Entwicklung angelangt, sondern inmitten eines geistig-kulturellen Prozesses, der noch weitere Ergebnisse zeitigen wird. Es ist daher notwendig, von einem unfertigen Prozeß zu reden, wie auch die Relation von Einheit und Vielfalt einen ständigen Prozeß darstellt.

Damit wird auch die Rolle Mitteleuropas sichtbar, von dem diese Spannungen in einem hohen Ausmaß vertreten sind, aber jeweils auch kreativ für die Menschen geworden sind.

Vor allem aber auch die geistig-kulturellen Bereiche sind in der heutigen Entwicklung gefordert. Was sich heute Europäische Union nennt, hat kein Mitglied, das aus dem slawischen Sprach- und Kulturbereich kommt. Weiters gibt es nur Griechenland als einziges, das von der christlichen Orthodoxie geprägt ist, mit der die Auseinandersetzung Europas im wesentlichen noch aussteht. Wir haben weiters überhaupt keine Kenntnis des islamischen Denkens. Schmerzhaft ist uns das beim Bosnienkonflikt bewußt geworden, der in sich die Gefahr trägt, entgegen der Tradition des Islams, in Europa radikale Elemente auf unseren Kontinent zu bringen. Um aber Konfrontationen mit blutiger Konsequenz zu vermeiden, ist gerade die Auseinandersetzung mit diesen Denkwelten sehr wichtig. Damit entscheidet sich, ob die oft zitierte "Multikulturalität" ein leeres Gerede oder eine beginnende Wirklichkeit ist.

Wir müssen uns auch der Frage stellen, was wir mit jenen tun, die die Akzeptanz der Vielfalt ablehnen. Natürlich sind in der Politik populistische Antworten, die vereinfachenden Erklärungen unserer Zeit sehr angenehm, sie sind aber auch gleichzeitig sehr gefährlich. Wir dürfen uns nicht darüber hinwegtäuschen, daß sie in Europa in der letzten Zeit Raum gefunden haben. Offensichtlich ist es für den Menschen gar nicht so einfach, mit der Vielfalt zu leben. Daher wird Einheit als Vereinfachung verstanden, aber Vereinfachungen sind immer gefährlich. Manchmal todesgefährlich. Das Spannungsfeld "Einheit und Vielfalt" ist die Schlüsselfrage der Zukunft Europas - die Bestimmung Europas.

Damit ist die europäische Dimension der Vielfalt, der Volkskultur und der Bewahrung der eigenen Identität gegeben. Wir können schlicht und einfach sagen, das macht Europa aus. Was aber ist Europa?

Wenn wir von der europäischen Dimension der Volkskultur reden, müssen wir zuerst wissen, was Europa ist. Die geographische Definition, daß es vom Atlantik bis zum Ural, vom Mittelmeer bis zum Eismeer reicht, wird wohl der Situation nicht gerecht, denn wer heute am Ural steht, wird sich der Grenzsituation nicht bewußt sein, die Vermengung im Mittelmeerraum selbst ist uralte. Wer nach den Kriterien der Zivilisation geht, müßte etwa auch Neuseeland als Europa bezeichnen, denn dort fühlt und denkt man europäisch. Um eine lange Debatte kurz zu machen: man wird nie ohne die kulturelle Dimension auskommen, um Europa zu definieren. Hier sind es wieder Wertvorstellungen und kulturelle Dimensionen, die uns darüber Auskunft geben. Daß es die Lebensäußerungen der Menschen, des Volkes, sind, ist dabei unbestritten.

Meistens wird auch dann gesagt, daß die Vielfalt Europa ausmache. Das ist richtig, wobei gerade die Entwicklung dieser Vielfalt das Interessante und Span-

nende an unserem Kontinent bedeutet. Es gibt aber immer wieder auch eine Tendenz, die man als Gegensatz verstehen kann, nämlich das Streben nach Einheit. Die Einheit im Geistigen ist uralte, mag sie nun im alten Imperium Romanum oder in der Welt des Mittelalters zu Hause gewesen sein. Zur Vielfalt gab es die Einheitlichkeit christlicher Wertvorstellungen oder aber das Leben der Universitäten, das dadurch dokumentiert war, daß man im Mittelalter selbstverständlich von Paris nach Padua, von Krakau nach Heidelberg zog. Wer einmal das Leben des Thomas von Aquin verfolgt hat, wird merken, wie selbstverständlich damals akademische Mobilität war - man würde sich wünschen, daß es heute auch so ist.

Dieses Wachsen hat dazu geführt, daß im 19. Jahrhundert diese Unterschiede in den Eigenschaften des Volkes zu einem konstituierenden Element wurden. Die so oft beschworene Identität ist daraus entstanden, wobei es sich dabei um kein gutes Wort handelt. Auch die unterschiedlichen Identität in der Volkskultur der europäischen Stämme zum Ausdruck kommt, hat etwas Gemeinsames: nämlich die Auseinandersetzung mit dem Lebenskreis, dem Jahreskreis oder der Natur.

Eine Kultur oder viele?

In einem Zeitalter, das von sich redet, daß es im "global village" - im Weltdorf - lebt, wird wohl kaum die Behauptung aufrechtzuerhalten sein, daß man miteinander nichts zu tun habe. Im Gegenteil: Die Begegnung der Kulturen führt zu einer wechselseitigen Befruchtung, wieviele Elemente gibt es doch bewußt oder unbewußt in unserem eigenen Kulturbereich, die wieder auf andere zurückgehen, die da bei uns durchgezogen sind, wo manche geblieben sind oder längst in uns aufgegangen sind. Ich möchte das Bild bringen: Polyphonie und Kontrapunkt. Viele Melodien, ja krasse Mißtöne gehören ganz selbstverständlich dazu, aber es braucht einen Rahmen, ein Prinzip, auf das hin alles geordnet ist. Carl Friedrich von Weizsäcker hat das Wort geprägt, daß Europa der "Rahmen und das Bild" ist. Der Rahmen sind die gemeinsamen Vorstellungen, das Bild die unterschiedlichen Farben, Töne und Formen. Gerade heute gilt es, um den Rahmen bemüht zu sein, denn sonst fällt das Bild auseinander.

Ein anderes Bild möchte ich bemühen: jenes vom Marktplatz und Tempel. Auf dem Marktplatz werden Arbeit und Leistung erbracht, ertönt Geschrei und spielt das Leben, findet die Kommunikation statt, aber auch der Egoismus der Menschen. Wir haben heute viel Marktplatz, vielleicht aber wenig Tempel. Im Tempel selbst ist das Ruhende und Bleibende unseres Lebens zu Hause, das was bewahrt werden muß und weiterzugeben ist. Gerade die Sprachlosigkeit gegenüber dem Osten zeigt sehr deutlich, daß offensichtlich bei uns der Tempel gegenwärtig fast leer ist. Wenn wir etwa kulturell den Reformstaaten nichts anderes vermitteln konnten, als Mc Donalds-Filialen, muß es um unsere eigenen Wertvorstellungen sehr schlecht gestellt sein.

Was es auch in Europa braucht, ist Geschichte und Ge-

dächtnis. Die kulturellen Wertvorstellungen, ja die Formen und Farben sind eben jenes Gedächtnis der Menschen, in dem sie sich nicht nur aufbewahren, sondern auch weitergeben. Dazu braucht es Geschichte und Geschichten. Es werden heute viel zuwenig Geschichten etwa von der älteren Generation erzählt, die ja nichts anderes sind, als die Weitergabe von Erfahrung. Es fehlt auch an den großen Erzählungen, denn darin verbirgt sich menschliche Erfahrung. Was wären wir ohne Dantes Göttliche Komödie, ohne Goethes Faust, ohne Cervantes Don Quijote, ohne Shakespeares Hamlet, ohne Peer Gynt und Jean d'Arc? Es muß wieder mehr erzählt werden. Volkskultur ist auch Erzählung.

Gefahr Zivilisation

Die wirkliche Gefahr für uns besteht in den zivilisatorischen Erscheinungen, daß wir uns nur mehr technisch verständigen, aber keine Inhalte haben. Jeder ist heute begeistert von Internet und anderen Kommunikationsformen. Haben wir sie schon genutzt? Was wäre es, wenn die Volkskultur in Internet einsteigt, auf diese Weise die Verbindung der Menschen untereinander nützt, um die Darstellung davon zu geben. Wir gehen auf die "virtual reality" zu, daß der Erfahrungswert nicht mehr im wirklich Gesehenen, sondern in der Welt der Vorstellungen zu Hause ist. Europäische Volkskultur muß diesen Weg ergreifen. Vielleicht sollte das Forum Volkskultur ein solches Projekt entwickeln.

Wir dürfen uns nicht gegen die technischen Errungenschaften unserer Zivilisation stellen, sondern müssen ihre Dienstfunktion ausnützen.

Sprache ist Begegnung

Volkskultur heißt auch, Leben zur Sprache zu bringen. Ich darf mich hier zweier biblischer Gleichnisse bedienen. Zum einen des Turmbaus von Babel, wo sich die Menschen über Gott erheben und versuchen, ein großes Werk, das in den Himmel reicht, zu bauen. Sie scheitern daran und verlieren das Verständnis der Sprache füreinander. Die "babylonische Sprachenverwirrung" ist längst in unsere Ausdrucksformen eingegangen. Das Kontrastprogramm ist Pfingsten. Dort heißt es: "Ein jeder hörte den anderen in seiner Sprache reden." Ist nicht Volkskultur in Europa eine solche Verständigung. Eine Sprachform, die anderen mitteilt, wie man das Leben, das Jahr und die Natur sieht? Daher muß die europäische Volkskultur sich selbst auch zur Sprache bringen und diese Brücke nutzen. Ich habe mich gewundert, als der Musikantenstadl "nach Australien ging". Daß 3.000 Österreicher ihm gefolgt sind, daß es dort eine Sensation war, eine solche Begegnung durchzuführen, sollte die vielen Volkskulturen ermuntern, noch mehr europäische Begegnungen durchzuführen - und das auf dem entsprechenden Niveau.

Desintegration und Integration

Viele regen sich heute darüber auf, daß wir Desintegrationserscheinungen haben. Das gilt nicht nur

für Staaten (Sowjetunion, Jugoslawien, Tschechoslowakei, etc.) sondern auch für das Leben. Wir leben heute alle in verschiedenen Welten, die oft miteinander nichts zu tun haben. Ich glaube, daß diese Desintegration eine Voraussetzung für eine Integration ist, indem wir Größen schaffen, die wir bewältigen können und damit die Möglichkeit einer Gleichberechtigten Begegnung. Die Frage ist nur, ob es ein Nebeneinander oder ein Miteinander wird. Die Volkskultur kennt auch die Form der Gastfreundschaft, das Aufnehmen des Fremden als einen respektierten Menschen, der den Schutz und den Frieden des Gastes genießt. Die europäische Dimension besteht darin, daß wir dem "anderen" Schutz geben. Tun wir das nicht, dann entsteht der Haß auf das Fremde, die Ablehnung des anderen und der Verlust der Kultur.

Daraus ist ein klarer Schluß zu ziehen: Die europäische Einigung wird nur gelingen, wenn wir die Vielfalt anerkennen. Teil dieser Vielfalt aber sind die nationalen Minderheiten in all ihrer Buntheit, Pracht, Verschiedenheit und kulturellen Identität. Alles andere würde bedeuten, arm zu werden. Gerade aber kulturell darf Europa kein Armenhaus sein, sondern ein Ort des genußvollen Reichtums.

Prof. Dr. Silvo Devetak:

*»On The Future Role Of Ethnic Minorities In European International Relations«
Prague, 21 May 1998*

ON THE FUTURE ROLE OF ETHNIC MINORITIES IN EUROPEAN INTERNATIONAL RELATIONS

FOREWORD

Problems connected with ethnicity and with ethnic minorities consequently are not only problems of human rights, but become the first grade security problems. Europe's security problems derive from the specific dynamics of its inter-state system. The fragmentation of the European security system, regional and sub-regional forms of cooperation and conflict will reassert themselves. Western Europe will remain the 'core' area of the continent, in terms of the high degree of economic interdependence within the region, and the informal social and cultural exchanges. The most problematic area would be the Balkans, given the ethnic, national, religious and political rivalries in the region.¹ There are pessimistic prospects to stop the persistent and systematic efforts of the neighbouring countries concerned for the division of Bosnia and Herzegovina on ethnic basis. New traditional conflicts could reassert themselves, new friendships could also develop in the face of common enemies (not necessarily the present ones).

Any future European security system must be able to manage - and, if possible, resolve - a much more diffuse and multifaceted series of security 'challenges', in the context of an increasingly polycentric and heterogeneous continent. This is likely to prove a much more difficult task than managing what was essentially a bipolar system of European security. This in turn will place much higher demands on the diplomatic skills and statesmanlike qualities of political elite in both East and the West.² Many of the future security concerns of declining saliency of military force as a currency of power in a continent increasingly marked by complex interdependence and common security.

52 representatives of the members of the OSCE (Organisation for Security and Co-operation in Europe), had at a conference held on 20-21 March 1995 in Paris, adopted a Pact on Stability in Europe. Provisions of the Pact ought to stimulate Central and Eastern European states to, within the framework of the so called preventive diplomacy, resolve minority problems, taking into consideration the principles from the Helsinki Act on the inviolability of borders. By concluding mutual agreements on good neighbourliness, in this geographic area, a network of mutual guarantees and obligations should be established, including guarantees for the unavailability of borders and for the rights of minorities. The Pact has though, the significance of a political document, invoking existing and nascent treaties, entered into within the Council of Europe, or at the bilateral level, as one of the foundations of the future system of stability in Europe.

In the endeavours thus far, in order to develop a

new concept of security and stability in Europe, there has not (yet) been found the solution for fundamental problems, which need to be clarified in advance. They pertain to the respect of national interests of all European states. By the present expansion of NATO, the field of the future strategic confrontation with Russia and with the "Muslim fundamentalism" be moved toward the East and South East Europe. In that way, primarily, there will come about a strengthening of the political and military presence of the USA in this area. The future European system of security and stability will be anchored firmly only when it will contain standards and mechanisms for the regulation of inter-ethnic relations and if it will take into consideration the role of ethnic minorities in the new European order.

Interdependence is an increasingly important feature of the global system, and is particularly pronounced in Europe. In this system of interdependence of the modern world is ethnicity one of the indispensable factors that constitute the concentric circles of the global, state, regional, sub-regional, and local social fabrics (see diagram II). Every intervention in any "circle" would have direct and immediate consequences on the "balanced" system as a whole. Within these global communication webs, territorial boundaries, which once represent natural barriers to the communication, now become increasingly artificial. Organisation, communication, cultural and economic interchange and political strategizing extend over new communication territories which pay little attention to what may seem to be the increasingly ephemeral boundaries of nation and state.

There are tides among nations. Their powers rise and fall; their states grow stronger or break down; small states or peoples may merge into larger ones, or small nations may secede from larger empires or federations. There may be riptides among nations - vast torrents of change in politics, economics, and culture, sweeping away old structures and creating new ones. And there may be cumulative effects in the changing fortunes of nations, adding up in time to change the fate of humanity and in the quality of human life.³

How will the "tides" among the European nations flow in the next decades depends to the great extent on the skills of the politicians, of the actors of future civil society, and of the ethnic leaders to manage in proper way one of the most destructive social engines of this and the next century - nationalism, and on their ability to transform ethnicity in one of the constructive catalysts of European international relations. ⁴Four elements constitute the framework for this long term process:

A. The democratic restructuring of the notion of the Nation-state in order to assure free opportunities for the flourishing of its ethnic, cultural and other diversities;

B. The role of ethnic minorities and their legitimate organisations in the European international relations;

C. The activities of the European international organisations concerning ethnic minorities;

D. The creation of international legal standards on the rights and duties of minorities.

In considering these issues an answer also to the following questions should be elaborated:

- Under which conditions and how could minorities become a factor in relations between states, in relations between states and international organisations (for instance, the Council of Europe or the European Parliament)?
- How could minorities realise their impact on international relations, by accepting a direct role or through influencing the foreign policy of the state where they live?
- Under which conditions and through which ways could minorities become factors or even partners in international relations in global theatre of international co-operation?
- What would be the impact of international community or policy on the relations between minority and majority, and how could be executed?
- What would be the impact of the relations between minority and majority on the international politics?
- In which way, and to which extent, and under which conditions could minorities establish cross-border bonds and flows of values, and could these connections represent a danger for the state where minority lives?
- In which ways, to which extent, and under which conditions minorities request the solution of their "domestic" problems with transferring the domestic policy onto international theatre? 5

A. THE DEMOCRATIC RESTRUCTURING OF THE NATION-STATE

The democratic character of the state where minority live is a precondition for its role in the foreign relations of the state and in international relations in general. The main source of ethnic conflicts and crisis situations in Europe is to my mind in many cases the perverted perception of a Nation state (usually anchored in the "nation religion") as an oppressive organisation insuring the overwhelming hegemony of the constituent, titular ethnic nation. In such a state could be ethnic minorities accepted at most as a folklorist peculiarity, as a show window for displaying the "democratic character" of the despotic nationalistic regimes concerned, which are in addition usually claiming that "are fulfilling all the international and European standards on minorities". Says the OSCE HCNM: "Past ideologies have failed them and new ideologies with tailor-made answers are not at hand. This is a condition of general insecurity...in a situation of discontent and insecurity easy answers are sought and scapegoats are ready found. Nationalism then becomes the universal remedy for all problems". 6

Nationalism is one of the gravest but least understood issues facing the international community today. W.Connor is of the opinion that "the vertical category

of nationalism has proven far more powerful than the horizontal category of class consciousness". Bureaucratic nationalism serves as much a domestic as an international function. It claims 'that the rulers of the state and nation must be the same, that state elite are interchangeable with national ones, that state and national institutions are identical and that the context of the state's culture is the same as that of the nation.

Twice in this century, nationalism provided the impetus fore world war, and at the end of the century is demonstrated its demonic power again. Of particular concern is the rising tide of nationalism in much of Eastern Europe and the Balkans, coupled with a severe economic crisis and fragile political institutions. These European areas in particular are rid-dled with ancient quarrels, ethnic tensions and nationalist irredentia. The fear here is that nationalist conflicts could become a challenge to the territorial or political status quo in the region as a whole, which in turn could draw in other major powers, spill into contiguous geographical areas or degenerate into a 'Lebanon-type' situation of incessant conflict. 7

The outburst of nationalism represents thus a direct challenge to the principle of territorial integrity and sovereignty - two of the pillars of the post-war international order. The stands of European governments toward such questions as are self-determination, plebiscite (as one way of its realisation), irredentism, secession, separatism, and ethnic cleansing will be of paramount importance in making their choices between peace and war.

Of the seriousness and extent of the crisis inspired by ethnic issues speaks also the fact that was the OSCE HCNM since it establishment in mission in more than a fifth of the OSCE participating states in Europe. That is probably why is he of the opinion that the "comprehensive security of the OSCE states is impossible if it is not based upon the protection and promotion of human rights and fundamental freedoms and upon the strengthening of democratic institutions".8

The renewal of the faith in the values of multicultural and multi-ethnic, and multireligious society is the essential issue at stake in the building process of democracy and justice in one society . In order to reaffirm this notion in the societies concerned fresh ethnic policies are needed. As to education the Hague Recommendations Regarding the Education Rights of National Minorities⁹ sponsored by the OSCE HCNM are a solid basis for achieving this goal. In addition, segregated schools in multicultural societies, founded according to ethnic and religious cleavages, should be avoided, and contents spreading misunderstanding and hate between ethnic and religious groups should be removed from school curricula as well. 10

We associate ourselves with the opinion of the OSCE HCNM that "the most essential contribution to the elimination of minorities problems, as a source of instability in Europe, is the promotion of a better and more harmonious relationship between the majority and the minority in the State itself." 11 The most fruitful partnership between majorities and minorities will be

created if minorities have the possibilities to be included in the decision making process on all levels of one society structure, and especially when decision are passed on matters which define their status and rights. Says the OSCE HCNM: "It is an evident requirement of good and democratic governance that persons affected should be involved in the process of decisions making, at least in the form of consultative participation".¹² Commendable suggestions in this regard were adopted on the 42nd Congress of FUEN held in Pörschach (Austria) on May 10, 1997¹³. Moreover, the time is ripe for considering different models of ethnic autonomies as one of the means for regulating minority issues and for promoting stability and security.¹⁴ Of the paramount importance for obtaining stability in one - multi ethnic society would be also the minority veto on the changing of constitutional norms ensuring their rights and liberties or on restricting the international law standards by domestic enactment aimed at their implementation.

B. THE ROLE OF MINORITIES IN INTERNATIONAL RELATIONS

The role of ethnic minorities in international relations could be fulfilled through their participation primarily in those activities: 1) development of "direct" contacts and co-operation with international organisations and other international entities. 2) foreign policy of the state where they live and especially bilateral relations with the "mother nation", 3) cross-border regional co-operation.

1) Contacts with international organisations and other entities. By the introduction of the multi-party system in Eastern European states, conditions have been met for free political and ethnic linkage of minority members. In the new democratic conditions, there have come about extended or renewed contacts with abroad, which are conducted without formal consent or the control of the domicile state. The rights of minority members as to contacts with abroad are contained in the constitutions of some European states. A particularity is the constitutional legal system of Slovenia, which provides the there living recognised minorities to "develop contacts with the mother nation, with members of ethnic groups in other states and with international organisations."¹⁵

As to content, these contacts pertain to all areas which are of significance for the life of the minorities, from language and culture to the economy. Co-operation with the state of the mother nation was particularly many-sided developed. This right is contained in all the above mentioned bilateral agreements, as well as the European Framework Convention for the Protection of National Minorities (Art. 17/1-2), the instrument of states of the CEI (Art. 23), the European Charter on Regional and Minority Languages (Art. 14/a) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992, Art. 2/5).

Documents on the rights of minorities *de lege ferenda* also contain this right. Among those, which were established on an inter-state level, let us mention:

Proposal Protocol to the European Convention on Human Rights (1993), which was prepared by the Parliamentary Assembly of the Council of Europe (Art. 10) and the Proposal of the Convention which was in 1991 prepared by the commission "Democracy through law" (Art. 10). This right is contained in the proposal of the Convention on the Protection of Ethnic Groups in Europe, which was on 12 May, 1994 published by FUEN (Art. 9).

The thus far concluded treaties on human rights and on the prohibition and elimination of discrimination also give minorities, as a collective party, under certain conditions, the possibility for undertaking procedures in front of international bodies, if they consider, that the domicile state does not fulfil these treaties in good faith¹⁶. Protocol 11 to the European Convention on Fundamental Human Freedoms and Rights provides minorities, for the first time in the history, with the possibility that, after exhausting domestic legal procedures, to appear in front of the European Court for Human Rights, e.g., with a complaint against the state, where they live, that it violates their rights stipulated in the European Convention on Human Rights (which does not contain, thus far, positive minority rights).¹⁷

An innovation, as for the Eastern part of Europe, is to be found also in the links of minorities with international organisations, which deal with their problems.¹⁸ As for the CSCE, until the Copenhagen conference (1990), international non-governmental organisations could not participate at such meetings, but they could follow the deliberations from the "outside", by way of especially organised services. After Copenhagen, minorities also acquired the possibility to - by way of NGOs - influence the deliberations of meetings of the CSCE, i.e. OSCE, with respect to issues, which are in their interest. By way of these organisations, minorities attained new possibilities for "exerting pressure" upon states, where they live and for co-operation at the formation of new international standards on their rights.¹⁹

2) Foreign policy and bilateral relations with the "mother nation". Minorities issues has become in recent years a constituent, "normal" part of bilateral relations of a great number of European states. The formal achievements of the improved political atmosphere in European relations have been more than twenty bilateral agreements on friendship and co-operation concluded between the European countries and "covered" by the the Pact of Stability of 1995, many of them containing also pertinent commitments on minorities living in those countries.²⁰ This co-operation principally depends on three inter-connected factors. The most sensitive part of bilateral relations are the relations between a "kin state" or "mère-patrie" (the so called protector country) and the state where minority lives, and the co-operation between the minority and their "kin state" in particular.

This co-operation principally depends on three inter-connected factors. Firstly, on the degree of democracy of the political system of the state and society in which the minority lives; secondly, on the political atmosphere of the relations between the

"minority state" and the "mother land" and the extent of reciprocal co-operation, especially in those fields which are most important for the progress of the minority, and thirdly, on the attitude of the "mother land" which could develop this co-operation on equal footing or in hegemonic manner, transmitting to the minority its political, cultural and other standards and thus restraining the initiative of the minority (see diagram I). In general, co-operation with the "mother land" may be developed in two ways: through direct co-operation and inter-linkage, and by including the creativity of the minority into various forms of inter-state co-operation, in its foreign policy. In both conceptions, the minority in this co-operation appears as a factor of international relations, which relatively independently determines its conduct in accordance with its own interests and development needs.

Whereas ten years ago would be relations of this kind in many of the European countries labelled as "interference with internal affairs" or as an attempt for "destabilising one country", they have become today a wide spread practice in the relations between the European states. The results in this field were verified also by the statement of the HCNM that "while such a dialogue is not always free of tension, it can bring positive results".²¹

The crux of this co-operation is the following: National or ethnic minorities live their own lives, in accordance with the existing socio-political and cultural conditions. However, they are also a part of the ethnic body, and become absorbed in the cultural and national development of their "mother land" as a whole. Conversely, the creativity of the minority represents, in addition to the specifics which determine its contents and dimensions is, a contributory element of the intellectual and material creativity of the nation of their ethnic origin. In this context, the co-operation between the minority and the "mother land" is an element which is of general importance for the unhampered, especially linguistic and cultural, development of any minority (given, of course, that it has a "mother land").²²

In international practice, as well as in the majority of theoretical works, the right to co-operate with the "mother land" is usually limited to language and culture in the wider sense. However, it would appear to be very risky to limit co-operation only to these two elements, since the identity of a nation (or a national or ethnic minority) is also defined by other social, economic, historical and similar characteristics. Conflict situations will arise, however, if the minority does not respect in its conduct the political order and legal system of the country in which it lives, the appropriate norms of international law and the generally accepted principles which regulated international relations, especially the relations between two countries.

On the other side, the "mother land" must, in developing relations with the minority, respect the political independence, territorial integrity and the constitutional and political order of the "state of the minority". Any interference in these matters, or supporting of the political movements, both separatist

and others, would be a disregard of international law and the principles of the Declaration of the UN, of 1970, on friendly relations between states,²³ and will provoke international tensions and conflicts. The minorities concerned would be in these cases the first and most effected victims of such policy.

The distorted perception of the ethnic Nation state could be found also in other aspects of foreign policy. For instance, in some states is this notion implied in a way that all members of the ethnic nation leaving in neighbouring countries or in Diaspora are accepted (if there are not political reasons to the contrary) as citizens and thus constituting the electoral body for the parliament and other state structure of the "mother" Nation state, which is in fact treating them as a part of its sovereignty.²⁴ There is a real danger that such a notion of sovereignty will soon or later contribute to the formation of territorial claims against other countries and to the interference in their domestic affairs, exercised under the veil of "taking care" of ethnic minorities (in fact citizen of foreign state) living in those countries.

This pessimist feasibility confirms the cynical assertion of one known thinker who define a nation as a group of people being united on the basis of common errors about the past and by a common aversion towards their neighbours. For this reason such notion of Nation state has been and will be in the future as well, a permanent source of conflicts in the societies concerned and of crisis situations between neighbours, especially in the part of Europe which will at the beginning of the next century be not integrated with the European Union.

3) Cross-border regional co-operation. The vital interest of ethnic minorities is the development of such forms of inter-state co-operation, especially between neighbouring states, in which states borders will not present an obstacle to the free development of the cultural links and communication between people of the same (or different) ethnic or national origin. In such circumstances, borders would represent a unifying and not divisive factor between people as individuals or as ethnic groups. It is hoped that the deepening of such forms of inter-people co-operation would transform the question of borders (and especially their shifting) into an academic question without any real political foundation.

Regional commitments on the rights of minorities could have a positive impact on the stability of particular areas of Europe.²⁵ Within the framework of the cross-border regional co-operation and of the so called European cross-border regions in particular immense opportunities could be created for the promotion of inter-ethnic relations and for the protection of minorities. That is why should the states concerned support the international co-operation of this kind which is, in addition, one of the most effective modes for European cohesion and integration. Regional and sub-regional co-operation may substantially contribute to the achievement of these goals. This co-operation is likely to be one of the key feature of the new, post-cold war Europe - not only in central Europe, but in the Baltic region and Scandinavia, in the Bal-

kans, the Medi-terranean area, and around the Black Sea. 26

Arrangements concerning minorities, achieved in the framework of the trans-border regional co-operation, could be the most commendable way of solving minorities' problems on multilateral basis, thus making easier the flows through the "veins" of the delicate triangle: minority - "mother land" - state where minority live (see diagram I). As illustration I would like to mention that the rather small area of Central-East Europe which is a meeting point of eight European cultures, and the home of at least twenty-nine ethnic minorities or ethnic groups. That area is influenced by many international political, economic, cultural and military considerations. The minorities represent a significant fibre of bilateral relations between states in the area (see diagram III). The first multilateral study of this issue was made in the eightieth.²⁷ The improvement of the rights of minorities living in this area could be, for instance, achieved by the coordinated and combined implementation of the Central European Initiative Document, accepted on the CEI meeting in Turin on 18-19 November 1994, of the European international instruments on minorities which have been accepted by all the states concerned but some exceptions²⁸, and of the relevant bilateral agreements. ²⁹

On the contrary, a special risk for the stability of this part of Europe could become the attempts of distinctive political circles in the states members of the EU to enforce as the condition for membership that some of the states candidates recognise by constitution the existence of the distinctive ethnic group and ensure the restitution of the confiscated property of its members, i.e. they request the disarrangement of issues that had been, as the outcome of the World war II, the subject matter of peace and other international treaties.

4) All the fore mentioned is the first step in the direction of the formation of international civil society, in which human rights and legal protection of groups supplement the rights of states. ³⁰ This does not bring to question the territorial integrity of states, but is only an expression of the recognition, that in contemporary complex international community there comes about an intermingling of rights of peoples, states and legitimate authorities. ³¹

By way of different modes of taking part in international relations, particularly as to the implementation of procedures, according to provisions of international treaties, minorities obligate themselves as to certain duties. In that way, they attain certain rights and duties, which define the status of an entity of international law in nascendi. Beside this, international law is, to an ever greater extent, a direct source of rights of minorities. We are convinced that this trend, on the break of centuries will even more expand.

C. THE EUROPEAN INTERNATIONAL ORGANISATIONS AND MINORITIES

European international organisations can act, with regard to the problems of minorities, in at least 3

ways: 1) as place for the process of reaching agreements and the resolution of conflicts, both between states as well as between minorities and domicile states, 2) by founding mechanisms for intervention in the members states and 3) by the establishment of particular European standards on the rights and the status of minorities (see part D).

The intervention of the international community in individual states, where there are violations of the rights of minorities, is still one of the most sensitive issues, as to the protection of minorities. Nevertheless, matters have changed thus far, that today it is not possible any more that a state invoke the prohibition of intervention in the sense of Art. 2, pt. 7 of the Founding Charter of the UNO and thereby making impossible the "intervention" on the part of the international community, with regard to its unresolved minority issues. The Programme of the UNO for Peace, which was issued 17 June by the Secretary General of the UNO B. B. Ghali, extends 4 answers as to ethnic, religious, social, cultural or linguistic conflicts and in particular: preventive diplomacy, concluding of peace, the preservation of peace and the construction of peace after the conflict.

A special aspect of intervention were the arrangements with respect to minorities, which were proposed by the so called Badinter commission within the framework of the conference on Yugoslavia.³² The respect of human and minority rights, in the substantial framework of the OSCE documents has become the so called conditional clause for contractual relations of the European Union with states of Central and Eastern Europe. The respect of minority rights and the inviolability of borders have become fundamental conditions for the recognition of new states in Eastern Europe and the Soviet Union, on the basis of directives, which member states of the European Community adopted on 16 December, 1991. ³³ The mentioned "conditional clause" has become today a component part of the so called European agreements on associated membership, which the European Union concludes with states in this part of Europe. The rights of minorities and the respect of the inviolability of borders, as well as good relations with neighbours, are among the fundamental conditions also for possible association of Central and Eastern ON THE FUTURE ROLE OF ETHNIC MINORITIES IN EUROPEAN INTERNATIONAL RELATIONS

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the region.¹ There are pessimistic prospects to stop the persistent and systematic efforts of the neighbouring countries concerned for the division of Bosnia and Herzegovina on ethnic basis. New traditional conflicts could reassert themselves, new friendships could also develop in the face of common enemies (not necessarily the present ones).

Any future European security system must be able to manage - and, if possible, resolve - a much more diffuse and multifaceted series of security 'challenges', in the context of an increasingly polycentric and heterogeneous continent. This is likely to prove a much more difficult task than managing what was essentially a bipolar system of European security. This in turn will place much higher demands on the diplomatic skills and statesmanlike qualities of political elite in both East and the West.² Many of the future security concerns of declining saliency of military force as a currency of power in an continent increasingly marked by complex interdependence and common security.

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There are tides among nations. Their powers rise and fall; their states grow stronger or break down; small states or peoples may merge into larger ones, or small nations may secede from larger empires or federations. There may be riptides among nations - vast torrents of change in politics, economics, and culture, sweeping away old structures and creating new ones. And there may be cumulative effects in the changing fortunes of nations, adding up in time to change the fate of humanity and in the quality of human life.³

How will the "tides" among the European nations flow in the next decades depends to the great extent on the skills of the politicians, of the actors of future civil society, and of the ethnic leaders to manage in proper way one of the most destructive social engines of this and the next century - nationalism, and on their ability to transform ethnicity in one of the constructive catalysts of European international relations.⁴ Four elements constitute the framework for this long term process:

A. The democratic restructuring of the notion of the Nation-state in order to assure free opportunities for the flourishing of its ethnic, cultural and other diversities;

B. The role of ethnic minorities and their legitimate organisations in the European international relations;

C. The activities of the European international organisations concerning ethnic minorities;

D. The creation of international legal standards on the rights and duties of minorities.

In considering these issues an answer also to the following questions should be elaborated:

- Under which conditions and how could minorities become a factor in relations between states, in relations between states and international organisations (for instance, the Council of Europe or the European Parliament)?
- How could minorities realise their impact on international relations, by accepting a direct role or through influencing the foreign policy of the state where they live?
- Under which conditions and through which ways could minorities become factors or even partners in international relations in global theatre of international co-operation?
- What would be the impact of international community

or policy on the relations between minority and majority, and how could be executed?

- What would be the impact of the relations between minority and majority on the international politics?
- In which way, and to which extent, and under which conditions could minorities establish cross-border bonds and flows of values, and could these connections represent a danger for the state where minority lives?
- In which ways, to which extent, and under which conditions minorities request the solution of their "domestic" problems with transferring the domestic policy onto international theatre? 5

A. THE DEMOCRATIC RESTRUCTURING OF THE NATION-STATE

The democratic character of the state where minority live is a precondition for its role in the foreign relations of the state and in international relations in general. The main source of ethnic conflicts and crisis situations in Europe is to my mind in many cases the perverted perception of a Nation state (usually anchored in the "nation religion") as an oppressive organisation insuring the overwhelming hegemony of the constituent, titular ethnic nation. In such a state could be ethnic minorities accepted at most as a folklorist peculiarity, as a show window for displaying the "democratic character" of the despotic nationalistic regimes concerned, which are in addition usually claiming that "are fulfilling all the international and European standards on minorities". Says the OSCE HCNM: "Past ideologies have failed them and new ideologies with tailor-made answers are not at hand. This is a condition of general insecurity...in a situation of discontent and insecurity easy answers are sought and scapegoats are ready found. Nationalism then becomes the universal remedy for all problems". 6

Nationalism is one of the gravest but least understood issues facing the international community today. W.Connor is of the opinion that "the vertical category of nationalism has proven far more powerful than the horizontal category of class consciousness". Bureaucratic nationalism serves as much a domestic as an international function. It claims 'that the rulers of the state and nation must be the same, that state elite are interchangeable with national ones, that state and national institutions are identical and that the context of the state's culture is the same as that of the nation.

Twice in this century, nationalism provided the impetus fore world war, and at the end of the century is demonstrated its demonic power again. Of particular concern is the rising tide of nationalism in much of Eastern Europe and the Balkans, coupled with a severe economic crisis and fragile political institutions. These European areas in particular are rid-dled with ancient quarrels, ethnic tensions and nationalist irredentia. The fear here is that nationalist conflicts could become a challenge to the territorial or political status quo in the region as a whole, which in turn could draw in other major powers, spill into contiguous geographical areas or degenerate into a 'Lebanon-type' situation of incessant conflict. 7

The outburst of nationalism represents thus a direct challenge to the principle of territorial integrity and sovereignty - two of the pillars of the post-war interna-tional order. The stands of European governments toward such questions as are self-determination, plebiscite (as one way of its realisation), irredentism, secession, separatism, and ethnic cleansing will be of paramount importance in making their choices between peace and war.

Of the seriousness and extent of the crisis inspired by ethnic issues speaks also the fact that was the OSCE HCNM since it establishment in mission in more than a fifth of the OSCE participating states in Europe. That is probably why is he of the opinion that the "comprehensive security of the OSCE states is impossible if it is not based upon the protection and promotion of human rights and fundamental freedoms and upon the strengthening of democratic institutions".8

The renewal of the faith in the values of multicultural and multi-ethnic, and multireligious society is the essential issue at stake in the building process of democracy and justice in one society . In order to reaffirm this notion in the societies concerned fresh ethnic policies are needed. As to education the Hague Recommendations Regarding the Education Rights of National Minorities9 sponsored by the OSCE HCNM are a solid basis for achieving this goal. In addition, segregated schools in multicultural societies, founded according to ethnic and religious cleavages, should be avoided, and contents spreading misunderstanding and hate between ethnic and religious groups should be removed from school curricula as well. 10

We associate ourselves with the opinion of the OSCE HCNM that "the most essential contribution to the elimination of minorities problems, as a source of instability in Europe, is the promotion of a better and more harmonious relationship between the majority and the minority in the State itself." 11 The most fruitful partnership between majorities and minorities will be created if minorities have the possibilities to be included in the decision making process on all levels of one society structure, and especially when decision are passed on matters which define their status and rights. Says the OSCE HCNM: "It is an evident requirement of good and democratic governance that persons affected should be involved in the process of decisions making, at least in the form of consultative participation".12 Commendable suggestions in this regard were adopted on the 42nd Congress of FUEN held in P'rtschach (Austria) on May 10, 199713 . Moreover, the time is ripe for considering different models of ethnic autonomies as one of the means for regulating minority issues and for promoting stability and security.14 Of the paramount importance for obtaining stability in one - multi ethnic society would be also the minority veto on the changing of constitutional norms ensuring their rights an liberties or on restricting the international law standards by domestic enactment aimed at their implementation.

B. THE ROLE OF MINORITIES IN INTERNATIONAL RELATIONS

The role of ethnic minorities in international relations could be fulfilled through their participation primarily in those activities: 1) development of "direct" contacts and co-operation with international organisations and other international entities. 2) foreign policy of the state where they live and especially bilateral relations with the "mother nation", 3) cross-border regional co-operation.

1) Contacts with international organisations and other entities. By the introduction of the multi-party system in Eastern European states, conditions have been met for free political and ethnic linkage of minority members. In the new democratic conditions, there have come about extended or renewed contacts with abroad, which are conducted without formal consent or the control of the domicile state. The rights of minority members as to contacts with abroad are contained in the constitutions of some European states. A particularity is the constitutional legal system of Slovenia, which provides the there living recognised minorities to "develop contacts with the mother nation, with members of ethnic groups in other states and with international organisations." 15

As to content, these contacts pertain to all areas which are of significance for the life of the minorities, from language and culture to the economy. Co-operation with the state of the mother nation was particularly many-sided developed. This right is contained in all the above mentioned bilateral agreements, as well as the European Framework Convention for the Protection of National Minorities (Art. 17/1-2), the instrument of states of the CEI (Art. 23), the European Charter on Regional and Minority Languages (Art. 14/a) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992, Art. 2/5).

Documents on the rights of minorities *de lege ferenda* also contain this right. Among those, which were established on an inter-state level, let us mention: Proposal Protocol to the European Convention on Human Rights (1993), which was prepared by the Parliamentary Assembly of the Council of Europe (Art. 10) and the Proposal of the Convention which was in 1991 prepared by the commission "Democracy through law" (Art. 10). This right is contained in the proposal of the Convention on the Protection of Ethnic Groups in Europe, which was on 12 May, 1994 published by FUEN (Art. 9).

The thus far concluded treaties on human rights and on the prohibition and elimination of discrimination also give minorities, as a collective party, under certain conditions, the possibility for undertaking procedures in front of international bodies, if they consider, that the domicile state does not fulfil these treaties in good faith¹⁶. Protocol 11 to the European Convention on Fundamental Human Freedoms and Rights provides minorities, for the first time in the history, with the possibility that, after

exhausting domestic legal procedures, to appear in front of the European Court for Human Rights, e.g., with a complaint against the state, where they live, that it violates their rights stipulated in the European Convention on Human Rights (which does not contain, thus far, positive minority rights). 17

An innovation, as for the Eastern part of Europe, is to be found also in the links of minorities with international organisations, which deal with their problems.¹⁸ As for the CSCE, until the Copenhagen conference (1990), international non-governmental organisations could not participate at such meetings, but they could follow the deliberations from the "outside", by way of especially organised services. After Copenhagen, minorities also acquired the possibility to - by way of NGOs - influence the deliberations of meetings of the CSCE, i.e. OSCE, with respect to issues, which are in their interest. By way of these organisations, minorities attained new possibilities for "exerting pressure" upon states, where they live and for co-operation at the formation of new international standards on their rights. 19

2) Foreign policy and bilateral relations with the "mother nation". Minorities issues has become in recent years a constituent, "normal" part of bilateral relations of a great number of European states. The formal achievements of the improved political atmosphere in European relations have been more than twenty bilateral agreements on friendship and co-operation concluded between the European countries and "covered" by the the Pact of Stability of 1995, many of them containing also pertinent commitments on minorities living in those countries. 20 This co-operation principally depends on three inter-connected factors. The most sensitive part of bilateral relations are the relations between a "kin state" or "mère-patrie" (the so called protector country) and the state where minority lives, and the co-operation between the minority and their "kin state" in particular.

This co-operation principally depends on three inter-connected factors. Firstly, on the degree of democracy of the political system of the state and society in which the minority lives; secondly, on the political atmosphere of the relations between the "minority state" and the "mother land" and the extent of reciprocal co-operation, especially in those fields which are most important for the progress of the minority, and thirdly, on the attitude of the "m

Bojan Brezigar:

President of the European Bureau for Lesser Used Languages EBLUL

Prague, 22 May 1998

Mr Chairman, Ladies and Gentlemen,

it is a great pleasure for me to address you for the first time as the President of the European Bureau for the Lesser used Languages, one of the international organisations dealing with minority languages on European level. Since last year our organisation has improved its representativity and its role and we are ready to extend our activities at least to those countries which will soon enter European union. In one year time we have got three very important recognition with the NGO consultative status at the UN ECOSOC, at the Council of Europe and at the UNESCO.

We are just now discussing our future role in the context of the changes in Europe.

This is, very briefly, the context we are working in and the projects we are developing are all oriented towards the future. Let me give you some information about these projects, before I pass to speak about the possibilities of the co-operation we could develop together.

Since long time we have been aware of the fact that the European public opinion got a wrong information about our languages and our communities. Most of the information appear only in relation with tensions or even conflicts in the States or among the States. So the general impression people get about minority languages is mostly negative, as it is linked to information which sounds negative.

We know that this impression does not reflect the reality. Minority languages are not always a negative item. On contrary, in most of the cases they are not. But, whenever positive information exist, when it happens that our languages play a peaceful role, this does not appear.

We are determinate to change the unwritten rule, that only negative information about minorities should appear. So we are just proposing to the European Commission the establishment of a news agency which will deal only with minority languages and will produce correct information, both positive and negative, with the purpose to show European public and to give media, newspapers as well as broadcasters, the general view about what our communities are doing and about their real role in the European society.

I would like to stress that this agency will be mostly a service for all our communities and for all the organisations dealing with these items, including, it is clear, FUEN, whose president, my good friend Romedi Arquint co-operated in fixing the aims and the objectives of this project in a meeting we had last January in the European

Parliament. We are far from the aim to organise this service only for ourselves. And we are far from thinking that with the modest finances we can afford will fulfil the need of information. This is also the reason I am addressing you with this item first. If we are convinced that there is need of positive information about our languages and our communities, we have to think first how could everybody of us co-operate in making this project successful: it will not be a success only for us, it will be a success for all the communities which will have a European-wide information service.



Bojan Brezigar,
President of the European Bureau for Lesser Used
Languages EBLUL

Mr Chairman, Ladies and Gentlemen,

I wanted to begin my today's address with a very concrete project. It should be clear that it does not mean that the policy of the European Bureau for Lesser Used Languages has changed since last year. But, it also has to be said that we all realise some changes on European level: two conventions of the Council of Europe regarding languages and minorities entered into force this year;

there is also a new document produced by the OSCE, the Oslo declaration. and then there is the fact that European union decided about its expansion eastwards and did it with a document called Agenda 2000, which really does not give the picture of the future EU policy towards minority languages. Or, on contrary, if the future European policy towards minority languages is the one appearing in the Agenda 2000 document we have really the reason to be troubled. The weak and approximate approach to the items from both political and cultural point of view only confirms that all of us have a hard job to do. Even keeping in mind the difference among the organisations involved in minority languages and communities we envisage that now all of us have a common task, a common objective for next 4 or 5 years.

It is very important indeed which Europe do we approach. We have to answer two questions: first, if there is the interest that in Europe we will achieve a common policy in the domain of minority and regional languages and, second, if

such a policy is realistically possible. I'll only try to answer both the questions. I firmly believe that all of us are interested in a clear common European policy on the protection and the promotion of Lesser used languages. To those who would object, that such a policy would only resolve the problems in the EU Member States I realise that it is true; but, as in many domains happened until now, the common EU policy, wherever existing, is always the basis for the global European understanding of those domains. Now, in the EU Member States, there are about 45 communities and most of them enjoy a fair level of protection. If we convince those states to fix at this level the minimum European standard, it will be a great success. Afterwards, when six new states with approximately 40 minority communities and with some very delicate situations will enter the EU there will be very difficult to reach the same result. So the answer

to the first question is, that it is in our interest to achieve the common European policy in the domain of protection of linguistic minorities. The answer to the second question is more complicated. We are aware that the Maastricht Treaty does not allow the Commission to adopt any mandatory measures in this domain and for any specific provision the unanimity of the EU Member States is requested. But the European parliament and also part of the Commission are making pressure and asking to change these rules. Will they be successful? Should we put together our efforts in this direction? Let me say, that this is our challenge. Think about it, as we are thinking.

This was my contribution to your discussion. Let me conclude, Mr. President, in expressing my congratulation for the activities of FUEN and wishing you a successful congress.

Catherine Barnes:

Minority Rights Group International MRG

*»Role of Minorities in Crossborder Cooperation
and the Status of NGOs & Minorities in Intergovernmental Organisations«
Prague, 22 May 1998*

It is an honour for me to be with you at the 43rd Congress of the FUEN. Mr. Alan Phillips, the Director of Minority Rights Group International, was originally asked to address the Congress and to speak on the role of national minorities in crossborder cooperation and the status of NGOs and minorities in intergovernmental institutions. Unfortunately, Mr. Phillips had a schedule conflict with an event he is chairing for MRG connection with the UN Working Group on Minorities in Geneva.

It is ironic that his schedule is torn between two major, minority-related events. It marks the ever growing self-organisation of coalitions of minority groups and recognition of this organisation by decision-makers in the international community. The mandate of the Working Group on Minorities has recently been renewed and, in and of itself, indicates some shift in recognition of minorities as such by the international community and a willingness to provide opportunities for them to have a voice in intergovernmental institutions--even if this voice is still rather faint. I will return to some issues related to the Working Group later, as I believe that it may be relevant to some of the workshop discussions that will take place today.

My intention here is to first set forth some key themes and questions that I hope will stimulate debate in the workshops and second to raise some action points that FUEN members may wish to take forward in their own work. Before doing this, however, it might be useful to briefly describe Minority Rights Group Internatio-

nal -- or 'MRG' as it is popularly known -- and its main areas of work. MRG is fundamentally a rights-based, international advocacy organisation that promotes the rights of minorities and co-operation between communities. It does so through:

- research and publications to raise awareness about the situation of specific minority groups and about thematic issues in minority rights;
- international advocacy and representation on standards, mechanisms and performance --particularly at the UN, OSCE, and Council of Europe, as well as through quiet advocacy with representatives of governments throughout the world;
- education and training projects, usually organised with partners;
- workshops and roundtables convening representatives of governmental and non-governmental organisations from both majority and minority communities to discuss key issues in inter-group relations.

MRG works together with a world-wide network of like-minded organisations to carry out its mission. Currently, it is focusing its programmatic work in three regions of the world: East Central Europe; South Asia; and the Horn of Africa. It often serves as a 'bridge' linking local organisations with developments in the international community and providing information to international actors about local situations or concerns. I will be happy to supply more information about our activities on request and there are some materials about MRG available here at the Congress.

The issue of the role of minorities in crossborder cooperation is one in which MRG has taken a direct interest. In fact, earlier this month we held a workshop on this topic in Warsaw co-organised with the Helsinki Foundation for Human Rights that was attended by governmental and non-governmental representatives from both majority and minority communities in East Central Europe (including some FUEN members). Some of the issues I will raise were identified by the workshop participants as being particularly crucial in Europe right now--though I must take the responsibility for the interpretation of these ideas.

I. The Role of Minorities in Crossborder Cooperation

I believe that it is important to put the issue of minorities and crossborder cooperation in a broader context and to emphasise that the existence of minorities is not, per se, a problem. This is important to emphasise because often minorities are portrayed as 'a problem that must be solved'--particularly by those who maintain old ideas about ethnically 'pure' nation-states. Instead, I would argue that minorities are a great asset to Europe in that they contribute to a diversity that leads to dynamism and growth through the cross-fertilisation of different cultures and values. They also can have an important positive role to play in the integration of Europe and, in fact, the world as a whole. I mention just a few examples of this role here:

- By maintaining contacts with ethnic 'kin' across borders, they can facilitate trade and other exchange.
- Because it is common to speak more than one language, minorities can facilitate communication between linguistic groups;
- In a political context, the aspirations of some minority groups have--in some cases--actually led to inter-governmental cooperation to develop strategies to accommodate their goals. This has contributed to the development of bi- and limited multilateral treaties that can increase stability and interaction across borders (although we realise that these treaties can, in some cases, be problematic for the minorities concerned);
- Less tangibly, it could be argued that many minority group members--through their position in relation to majoritarian cultures--have developed a kind of understanding about their group and other groups. This reflexivity can help to break down the barriers to isolationism and facilitate an openness to other peoples and cultures. Although it should be added that this positive openness is more likely to develop if the community's identity is not under threat and members are secure in the protection of their rights and position in society.

I am sure that there are many other examples, but my point here is to illustrate that the role of minorities in cross-border cooperation is acted out on many levels--from the practical to the level of deep cultural change. This is vital to an integrating world that wishes to maintain its diversity.

Nevertheless, there are many obstacles to realising this positive view. Some problems are created by the nervousness that is common among governments about the aspirations of minority groups. Other obstacles--it must be admitted--are caused by outdated prejudices about other groups that are sometimes still regrettably common. Therefore it is important to identify some of the challenges:

1. Implementation of international standards. One of the greatest risks to minorities--and in some cases to international security and crossborder tensions--is the failure of governments to fulfil their obligations. This is something with which we are all familiar. It sometimes seems as though there is no baseline criteria for judging when a state has fully implemented the standards to which it is committed. Sometimes a government can claim to have fulfilled its obligations while it is quite clear to observers that many violations continue to occur. This situation is both negative for the groups concerned and it can also lead to tensions in crossborder relations as claims and counterclaims are made about the state's activities and intentions. Many have expressed the need for minimal, objective criteria to judge implementation of standards and monitoring mechanisms to ensure compliance. These mechanisms should not consist of complaints procedures only (which are often very lengthy) but should also be mechanisms to ensure positive, institutionalised implementation. One opportunity to see this need realised is the monitoring mechanism for the Framework Convention on the Protection of National Minorities. I will return to this opportunity later in discussing possible action points for NGOs. It is also important to add that while there may be a need for such criteria, it is important that the criteria developed is not overly prescriptive in its remedies. It is important to uphold standards and learn from good practices while allowing different implementation strategies to suit different needs and aspirations.

2. Impact of the European Union accession process. One of the major issues in influencing crossborder cooperation in the short- to medium-term is accession into European institutions and, in particular, to the European Union. On the positive side, in Central and Eastern Europe, the EU accession process opens a 'strategic window of opportunity' for the implementation of minority rights. The EU has made it clear in Agenda 2000 that enhancing respect for minority rights, and particularly for those of the Roma communities, is a key political criteria for entry. This should help to create an incentive for aspiring members and give a context in which minority groups can negotiate implementation strategies.

On the negative side, the 'new European frontiers' risk creating a 'fortress Europe' in which freedom of movement across the EU boundaries may become increasingly difficult as visa regimes are harmonised with the Schengen Agreement and other restrictive

standards. This has special implications for minority communities that may be separated across these new frontiers and may decrease the opportunities for cooperation, communication, and exchange. As this process has already begun, urgent attention is needed to address these problems and to ensure protection of the right to “establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular with whom they share an ethnic, cultural, linguistic or religious identity or a common cultural heritage.” (Framework Convention, Art. 17.1)

Another potential risk is that the ‘affluence gap’ will grow between states on either side of these frontiers. In addition to the well-understood problems caused by poverty, there are a number of specific impacts for minority communities. An example is if the ethnic kin-state does not have the budgetary resources to provide some of the cultural resources on which minority communities living in other states depend for the maintenance and development of their cultural identity (such as television and radio transmissions, textbooks, etc.). This is an issue that may need international attention and cooperation to address.

3. Recognition and the status of minorities. There is enormous variation within Europe in both the number and types of groups that could be considered ‘minorities’ and in the treatment they receive. The treatment ranges, on the one hand, from fully developed protection regimes, some of which include autonomy arrangements. On the other hand, some groups experience a complete denial of recognition by the state. It appears that groups who are not recognised can either be ‘historic minorities’ that have long experienced discrimination or so-called ‘new minorities’ who may be migrants or refugees or their descendants who are third or fourth generation residents in a state but whose status is not recognised. Either way, discrimination and lack of recognition clearly impacts on the degree to which minorities are able to play a constructive role in crossborder cooperation. If a state refuses to recognise a minority group, it is likely that attempts by the groups to communicate or cooperate with ethnic kin in other states will be met with great suspicion. This can result in tensions and--at times--human rights violations. In turn, these minorities’ grievances may lead them to pursue tactics that deepen the conflict and risk escalation of violence.

It is clear that, as a general principle, the best way to prevent these conflicts is to extend full and consistent rights protection to all, especially in the areas of equality and non-discrimination and the prohibition of “policies or practices aimed at assimilation of persons belonging to national minorities against their will” (Framework Convention Art. 5.2) There may also be a role for other minority communities to play in extending solidarity to groups experiencing discrimination. I personally am curious about FUE’s position on this problem and, in particular, to the question of so-called ‘new minorities’ and for trans-

European minorities such as Roma and Sinti communities.

Clearly there are a number of other issues that impact on the role of minorities in crossborder relations and each of those already mentioned can be further developed. I hope that today’s workshops will be an opportunity to further explore them. However, as NGOs and minority group associations, it is also always important to be practical and to consider strategies to address problematic issues. Therefore I will try to set forth several points that may help to stimulate action.

II. The Status of Minorities and NGOs in Intergovernmental Organisations: Ideas for Action

MRG was also asked to address the issue of the status of NGOs and of minorities in intergovernmental organisations in Europe. The simple answer to this question is to look at it formally and say that minority groups, as such, do not have consultative status in intergovernmental organisations. NGOs (including those that are minority-based) may be able to either obtain consultative status with such bodies as the UN or the Council of Europe. NGOs also have opportunities to make formal representations in such mechanisms as the OSCE Human Dimension Implementation Review process, if they have registered and been approved in advance.

However I believe that it is important to look beyond the limits the formally designated channels currently available in international organisations. One of the developments over recent decades is the increasing openness of these institutions to responsible, well-informed participation of NGOs in a range of ways. While I am sure that many of you are familiar with them, it may be worth giving some examples:

- There are an increasing number of meetings where NGOs with minority-related concerns can directly participate, including the UN Working Group on Minorities and a range of international conferences on thematic issues organised by IGOs.
- Representatives of minority groups and NGOs can also play informal roles by lobbying state parties that are members of IGOs.
- There are a number of monitoring mechanisms to which minority groups and NGOs can submit their own reports. These should be based on well-researched and detailed information about positive and negative steps taken by governments on implementation and recording the ways in which a state has acted. Their authority will depend on the quality of their research and any comparative analysis done. This can be carried out in conjunction with an international NGO that can provide advice on methodology for monitoring and presenting effective reports.

In general, it is important to see the status of minorities and NGOs in the international arena as a dynamic one with the roles continuously evolving. NGOs have won increasing status with intergovernmental organisations.

They have achieved this through their careful and constructive involvement, in combination with their success in achieving a popular base amongst citizens that cannot be lightly ignored by democratic governments that are the members of the intergovernmental bodies. Now many governments and international civil servants alike are supportive of the vital functions that NGOs can play in providing valuable information and ideas and in supporting the positive implementation of standards.

I will conclude by drawing attention to two mechanisms with which FUEN members may want to be involved: the UN Working Group on Minorities and the monitoring mechanism of the Council of Europe Framework Convention for the Protection of National Minorities.

In 1995 the UN Commission on Human Rights established the Working Group on Minorities with a mandate to review the promotion and practical realisation of the implementation of the 1992 UN Declaration on the Rights of Persons Belonging to ... Minorities. The goal of the group is to examine possible solutions to problems involving minorities and to recommend further measures for the protection of minority rights. It was decided that the sessions of this Working Group would be open to NGOs, including those without consultative status, since it was considered to be of the utmost importance that first hand information on the situation of minority groups was presented to the Working Group. It has thus become a forum for dialogue between governments, experts on minority issues, and minorities themselves.

There are also a number of opportunities for minorities and NGOs to play an important role in the effective implementation of the Framework Convention. MRG believes that the effective implementation of the Convention may well depend the monitoring mechanism. MRG has prepared a paper with detailed recommendations on the monitoring mechanism which is available here at the Congress and may include ideas that FUEN members will wish to promote with their governments. The Council of Europe's Committee of Ministers is formally responsible for monitoring implementation. Therefore your government's Minister of Foreign Affairs will ultimately have a role to play in overseeing the implementation of the Convention by issuing conclusions and recommendations on the adequacy of measures taken by the State Party concerned. The Committee of Minister's decisions will be informed by an Advisory Committee of independent experts. This is a crucial time because the Advisory Committee is currently being formed and they will draw up their rules of procedure at their first meeting. Much of their work will centre around reviewing country reports prepared by State Parties outlining the way in which they have implemented the Convention.

There are a number of ways that NGOs and minority groups can get involved in the process. Some ideas

are:

- If your country has not yet ratified the Convention, lobbying efforts can be mounted to get your government to ratify it without reservation.
- If your country has ratified it, find out who your government has nominated for the Advisory Committee and try to ensure that the information is made public.
- State parties must submit initial reports within 12 months of the Convention coming into force on the legislative and other measures taken to implement the principles set out in the Convention. NGOs can help to ensure that the reporting process is public and transparent and may be able to participate in their preparation. If not, then NGOs may wish to consider preparing their own, alternative reports to submit to the Advisory Committee.
- NGOs can also become directly involved in working with their governments to develop legislation and other judicial and administrative remedies to comply with the Convention, based on the situation in their country.

These are just a few ideas and time does not permit developing them in further detail, although it may be one of the issues that will be discussed in today's workshops. As just one final remark on the theme of crossborder cooperation... It is clear that there is much to be gained by cooperation across borders, both with others from one's own ethnic group but also very importantly through cooperation in inter-ethnic initiatives. Meetings like this FUEN Congress provide many important opportunities for sharing ideas and experiences for advocacy strategies and good practices. MRG is honoured to have been invited to attend and to have an opportunity to learn from you in the workshops today.

Thank you.

Dr. Kinga Gál

European Centre for Minority Issues ECMI

*»The role of the bilateral treaties in the protection of national minorities«
Prague, 22 May 1998*

I. Historical Background

After the very fast and astonishing developments in the standard setting on the protection of national minorities on international level of the recent years, a new framework for the minority protection appeared in Central and Eastern Europe which incorporated the above mentioned international standards in the form



Dr. Kinga Gál,
European Centre for Minority Issues ECMI

of treaties on good neighbourly relations and friendly co-operation. These bilateral treaties, signed between almost all neighbouring countries in this region have the same, or very similar structure: they are framework treaties which envisage a large field of inter-state cooperation (economic, commercial,

cultural, environmental). On the one hand they refer to the reinforcement of the existing state borders in an articulated way, in some cases accompanied by the explicit renunciation of the contracting parties to any future claims regarding each others territory. On the other hand they establish commitments regarding the protection of their national minorities on the basis of international documents of the UN, OSCE and Council of Europe.

The protection of religious or national minorities through inter-state treaties has been already practised in the previous centuries. They referred to situations predominantly in Central and Eastern Europe, and according to Thornberry "the terms were in the main not generous to minorities, and in some cases were extremely vague... The texts occasionally recognised existing privileges of groups, but did not create them... The principal failing was implementation; this negative 'tradition' has maintained itself in the twentieth century".¹

After World War I the protection system in the period of League of Nations a whole system of bilateral or multilateral treaties have been adopted, most of them

incorporated in different peace treaties. These treaties referred to establishment of new borders, as well as provided guarantees for the communities becoming minorities. The League of Nations took guarantee over these treaties in most of the cases, being involved in their implementation mechanism. However, only the treaty between Finland and Sweden on the Status of the Aland Islands prevailed the League of Nations period.

The idea of minority protection through bilateral treaties has reappeared after World War II in the less successful provisions of the peace treaties with Romania, Hungary and Bulgaria, as well as with much more success in the agreement on the status of South Tyrol.

The status of South Tyrol (following the Gruber – de Gasperi Agreement 5 September 1946 – annexed to the Peace Treaty of 10 February 1947); as well as the arrangement on the situation of the minorities on both sides of the German – Danish border (following the unilateral declarations from 1955 by Germany and Denmark on the rights of the Danish, respectively German minorities) have their roots in bilateral agreements. Nevertheless, the satisfying solution of the situation of minorities concerned did not take place automatically. The situation previous to the agreements was tense with the possibility of escalating into ethnic conflicts and endangering stability in the respective region. The often quoted and praised models of ethnic accommodation in the Aland Islands, South Tyrol, or South and North Schleswig, were the outcome of long lasting, tense debates, and often criticised compromises.

The practice of bilateral agreements of good neighbourliness was reinvented by Germany after 1991. The reasons are rooted in the German reunification and the related need to reinforce the frontiers resulting from World War II, as well as in the presence of minorities of German origin in Eastern Europe whose protection needed to be ensured. Germany has concluded treaties on neighbourly relations with all its Central European neighbours and treaties on friendly co-operation and partnership with Bulgaria (1991), Hungary (1992) and Romania (1992). A similar policy was followed by Hungary, which concluded individual bilateral agreements with all of its neighbours to deal with the problems of the Hungarian minorities.

Parallel to this trend, the European Union has also promoted a policy aimed at guaranteeing stability in Central and Eastern Europe by the conclusion of bila-

¹ Patrick Thornberry, *International Law and the Rights of Minorities*, Clarendon Press, Oxford, 1994, p.32

teral agreements of good neighbourliness. The initiative, called Pact on Stability in Europe, aimed to improve neighbourly relations by avoiding resurfacing border problems and establishing rights, in order to protect national minorities on the basis of existing international standards, having in mind the fulfilment of the conditions of accession to the European Union by the countries involved.

The final conference held in Paris on 20 and 21 March 1995 involved six Central and Eastern European countries (Bulgaria, Hungary, Poland, the Czech Republic, Romania and Slovakia) and the three Baltic states (Estonia, Latvia, Lithuania).

The Pact is a special political document without any concrete legal force. Its importance lies in the provisions that establish a system of guarantees above bilateral norms, by including the OSCE in the implementation of the treaties incorporated in the document (arts. 13, 15, 16 – Pact on Stability in Europe). As most of the bilateral treaties signed between neighbouring countries since 1991 have also been attached to the list of treaties incorporated in the Pact, its guarantees, as well as the OSCE implementation system involved, refers to these treaties to the same extent.

The impact of the whole initiative is still not clear. Provoked a negotiation process between Hungary and its two neighbours, resulted in a bilateral treaty with Slovakia on 19 March 1995 and later in a treaty with Romania on 15 September 1996, though the outcome of these treaties is controversial concerning the bilateral relations, as well as the situation of the national minorities concerned. As for the Baltic States, they consider that the negotiations with Russia have not resulted in a major change in the delicate relations with their powerful neighbour. One of the big weaknesses of the Pact and of its former negotiation processes lie in the fact that in most cases, the most interested group, the minority communities themselves have not been invited neither to the talks and adoption of the Pact by the international community, nor to the bilateral talks by the governments involved. This time another important document has been adopted in the interest, but over the head of national minorities.

Nevertheless, the Pact can be considered as an important instrument of preventive diplomacy, in which the international community has given an important sign of being aware of the role that the protection of national minorities play in the reconciliation of the neighbouring states in Central and Eastern Europe, this way in the stability of the region. The political aim can be greeted, but the outcome of the agreements, the legal realisation of the political idea, hardly fulfils the expectations.

Most of the bilateral treaties adopted after the changes in Central and Eastern Europe precede the Pact, as above mentioned, just seven treaties were signed during the negotiation process. The question has been on the table before the idea was formulated as a diplomatic initiative of the European Union. The idea itself and its treatment as a European Union initiative certainly made a strong pressure on the forthcoming bilateral

negotiations in the whole region.

II. Structure, content and implementation

Further on, my presentation will not give a comprehensive analysis of the distinct treaties and neither will reflect on the actual situation of minorities in Central and Eastern Europe. This presentation will be rather limited to a brief and quite general comparison of the provisions concerning minorities.

The basis of this overview is constituted by the following treaties, though not all of them will be mentioned or quoted: treaties on good neighbourliness and friendly co-operation signed by Germany with Poland, Cseck and Slovak Republic, the Former Soviet Union, as well as with Romania and Hungary. It was taken account of the treaties between Poland and its neighbours, the treaties between Russia and Kazakhstan, as well as Kirghisztan; the treaties signed by Ukraine with Moldova and Lithuania, as well as the bilateral treaties adopted by Hungary and its neighbours. Almost all of these treaties have been adopted between 1991-1992. They follow each other not only very closely in time, but in structure and content as well.

In order to get a clear picture what kind of role bilateral treaties can play in the protection of national minorities and what can be the impact of these treaties on the situation of the minority communities concerned, I will try to give some idea about the structure of these treaties in general and their provisions concerning minorities in particular.

The bilateral treaties signed in the recent years have a very similar structure, although refer to very different situations. They follow in structure and content more or less the treaties signed by Germany, in particular the German- Polish Treaty on Good Neighbourliness and Friendly Co-operation, which can be regarded as being the model treaty for the others. These treaties are often mentioned as basic treaties, the name borrowed from the German ("Grundlagenvertrag").

The bilateral treaties refer to the mutual recognition of borders and declaration of the common interests towards integration to the Nato and European Union, as well as to the reinforcement of the mutual adhesion to the international standards, followed by measures regarding the co-operation, mutual understanding. The provisions regarding the protection of national minorities constitutes the second part of these treaties, followed by provisions concerning the implementation. However, it has to be mentioned that the implementation system of these treaties is rather vague, or even does not exist such a system at all.

All these treaties contain symbolic provisions on the territorial integrity of states and reinforcement of the inviolability of borders. Their real importance is that they focus on important social, economic problems, and the protection of national minorities.

The common features of the articles concerning

minority provisions consist of establishing rights of minorities per se, as well as incorporating commitments in this regard on the side of the governments. In general, the provisions regarding minorities consist of one or two articles in which a whole 'law on minorities' is incorporated. Just a few of these treaties refer the whole issue to a mutual agreement already closed between the parties. This is the case of the Slovenian - Hungarian Treaty, which refers to the Convention on Providing Special Rights for the Slovenian Minority Living in Hungary and for the Hungarian Minority living in Slovenia (6 November 1992).

To the same extent a joint Hungarian - Ukrainian Declaration on the principles of co-operation on the question of national minorities (31 May 1991) has been the base of the provisions of the bilateral treaty later. On the other hand we have also examples of treaties, where the provisions on minorities are later enlarged in a common, legally binding Convention between the parties: like the provisions in the case of the Treaty between Hungary and Croatia, later complemented by a common Convention (5 April 1995).

The definition of the minorities do not appear explicitly in most of the treaties, although in almost each cases there is a hidden definition: the minority provisions of these treaties refer in general to national minorities who consist the majority in the neighbouring country. Therefore, the subjects of the minority provisions of the bilateral treaties are rather restricted ones, they do not refer to all the minorities in the respective country. The only advantage of this restrictive perspective could be the possibility of taking into account to a larger extent the specific features of the given community, the historical and traditional needs of the minorities concerned, which is not the case in general minority regulations.

The bilateral treaties in Central and Eastern Europe – especially their minority provisions- incorporate soft law provisions. This feature can not be avoided in this type of international law, as the political factor is always dominant during the adoption of a bilateral agreement.

Therefore in most of the treaties the actual political orientation and aims of the states are reflected: the idea of co-operation towards integration is emphasised, such as the Hungarian - Slovakian, or Hungarian – Romanian Treaty, both confirming that co-operation in the field of protection of national minorities constitutes an important contribution to their integration into the Euro – Atlantic structures.

Several provisions dealing with minority rights in the bilateral treaties strongly bear the imprint of international and regional instruments on minority issues. This way, the provision enshrined in almost all of the treaties on the right to identity, is almost the same as Art. 27 of the UN International Covenant on Political and Civic

Rights (1966).

The minority provisions enlisted in the bilateral treaties can be grouped around some main rights, like linguistic rights, right to education, right to profess and practice their own religion, right to establish their own organisations, right to effective participation in the decision taking procedures.

The importance of linguistic rights in the protection of national minorities can be emphasised by the fact that all the minority provisions of the bilateral treaties refer to some extent to the right to use the mother tongue in private and in public. This basic right is often complemented with a whole variety of linguistic rights dependent on the situation, number, tradition and claims of minorities who are addressed by these treaties.

This way some of the treaties include within this right

- the free use of names and surnames, toponomy, public signs,
- the use of language before administrative, judicial and public institutions and/or in the local administration.
- the right to disseminate and receive information in minority language, have access to public media (in regular and suitable time for radio and TV programs), as well as access to their own media. The right to education provided in these treaties vary on a large scale, referring to the education in the minority language at all levels (from pre-school to higher education)
- to the education of the minority language
- to the right for education of the minority culture
- to the right of own / special minority schools
- the importance of the mutual recognition of education certificates, the use of each others educational material, as well as exchange of teachers and students.

The right to profess and practice their own religion might include the right to acquire, possess, produce and use devotional materials, as well as engage in religious activities in minority language.

The right to establish and run their own organisations, associations, as well as educational, cultural and regional institutions is also granted in most of the treaties. However, just a few of them include the right to establish political parties.

Most of the above enlisted rights, as well as the basic right to effective participation in the decision making at national and regional level, are closely related to the number of minority population of a given country.

In addition, I have to mention the items which often do not appear under the specific minority provisions, but may have significant impact on the situation of

minority communities. They refer, among others to the encouragement of transfrontier co-operation, readiness to open new border posts in order to increase openness of the frontier, this way influencing the right for members of a minority to contact with the main body of their nation. To the same extent the protection of monuments has to be mentioned, as the right of national minorities to preserve their material and architectural heritage. Separate items deal, in general, with the recognition of the school certificates and academic degrees (Slovakian – Hungarian Treaty, art. 12.5).

Some of the treaties emphasise the importance of the duties the persons belonging to a minority have to fulfil. The wording of this principle is not an affirmative one in most cases, but is connected to one of the rights guaranteed. This way the right to education in minority language is often followed by the sentence: "the exercise of ... the right shall not detract from the obligation to learn the official language".

We will find in these treaties provisions quoted almost word by word from several important documents on the rights of national minorities, adopted by international organisations. However, the UN Declaration on the Rights of National and Ethnic Minorities (1992), the CSCE Copenhagen Document (1990), as well as the Council of Europe's Parliamentary Assembly Recommendation 1201(1993) are not legally binding documents, which probably explains the relatively generous rights granted by them to minorities. The treaties give legal force to these documents through their incorporation into a bilateral agreement.

The incorporation of Recommendation 1201, especially its article 11 into a bilateral treaty has not been accepted easily by the states with large minority communities (such as Slovakia and Romania). Both of the governments enclosed their own interpretation to the treaties. According to these interpretations it is obvious that the states concerned were afraid to incorporate any reference to collective rights, or special status of national minorities in a bilateral agreement.

The bilateral treaties in the region do not mention at all collective rights in general, and fail to provide the national minorities concerned with any form of self-government or autonomy (let it be cultural, personal, administrative or territorial autonomy) in particular. They speak of 'persons belonging to national minorities', and not of minorities, as such.

The wording and terminology used in the 'minority provisions' of the treaties are very often limited by vague and hardly interpretable formulations, such as: "in accordance with the domestic legislation", or "within the framework of their domestic legislation". These vague expressions could hinder to a large extent the effective implementation of the provisions enshrined in these treaties.

The implementation of the bilateral treaties can be interpreted on two different levels, on political, as well

as on legal one. In general, the lack of effective legal protection mechanisms seems to be characteristic of the bilateral treaties enlisted. As these treaties are politically highly motivated – the political aspects of the implementation mechanism have got primacy over legal possibilities.

Looking at the political level of the implementation: there is a possibility in almost all of the treaties for the state parties to request consultations if they deem it necessary. Or, to 'accord special significance to contacts and co-operation between the legislative and administrative bodies'. Annual meetings between the Prime Ministers are also often foreseen, as well as the Foreign Ministers are charged with an annual review of the operation of the treaties.

As most of the treaties referred to in this study have been incorporated in the Stability Pact – the provisions on the implementation of bilateral agreements of the Stability Pact (art.13, 15, 16) can be also relevant. Article 13 of the final document of the Pact on Stability in Europe refers to the Budapest Summit Decision on strengthening the OSCE and in accordance with article 27 of that document transmits the Pact to the OSCE and instructs it with following its implementation. At the same time (article 16) declares that "We acknowledge that the States party to the Convention establishing the International Conciliation and Arbitration Court may refer to the Court possible disputes concerning the interpretation or implementation of their good- neighbourliness agreements, according to the procedures defined in the said Convention".

Another possibility could be the use of domestic remedies in the form of court proceedings. In this case the status of bilateral treaties in national legislation has to be settled. In order to initiate court proceedings claiming the rights enshrined in a bilateral treaty, two different requirements have to be fulfilled: on the one hand, the countries concerned must have a constitutional system which allows treaty rules to operate directly in domestic law. On the other hand, the provisions have to contain "self-executing rights", i.e. concrete rights which can be claimed before national courts and not just soft law provisions without any legal force. In addition, the formulation of the rights have to be clear enough in order to be claimed before courts.

The new constitutions of the states parties to bilateral agreements accept, in general, the primacy of international law over national legislation. The bilateral treaties, hence indirectly the provisions of international documents enshrined in these treaties, have the same status as national laws. On the basis of constitutional provisions, most of the treaties could be claimed before national courts. However, it is hardly to find self-executing rights, and not only soft law provisions among the articles concerning minority protection.

Despite of the possibility to use domestic remedies, the probability that the enshrined provisions will be

invoked by minorities before courts, and even invoking them, the probability that the procedure will be effective, is almost minimal at the time being.

An effective mechanism could be the proper work of the joint committees, established by some of the treaties in order to monitor the implementation of the provisions enshrined in these documents. Originally these committees have been entrusted with the tasks to inform the relevant partners of the implementation of the treaty, to address concrete situations involving minorities, as well as, to prepare recommendations for the relevant governments on the further implementation, realisation and/or modification of the provisions of the treaty. An often debated question regarding the work of these committees refers to the involvement of the minorities in the implementation mechanism, as well as in the work of the committees. States with a larger minority community are reluctant to involve the minorities in this work, while the kin-states expressively enforce their involvement. Therefore, we have very few examples of well organised and active joint committees at the time being.

III. Outcome and Importance

Factors influencing the outcome of any bilateral treaty can be summarised in four questions: why a bilateral treaty is needed (historical, political arguments); what kind of provisions are established by these treaties; when is it appropriate and with whom to sign a treaty. Having in mind the previous questions, states (government and opposition to the same extent), as well as the minorities themselves cannot agree find a consensus on whether these treaties have been good or bad deals.

Certainly, all the governments had to make more or less decisive compromises in order to reach an agreement and to include satisfactory minority protection clauses in the treaties. These concessions have been heavily criticised by all sides in the countries where long-lasting historical and political grievances existed.

Problems, tensions between the parties are not automatically desolved by signing a treaty on good neighbourly relations. Historical grievances are very hard to overcome without decisive devotion towards reconciliation.

In addition, the outcome and importance of these treaties will always be influenced by the fact that in most cases the negotiations were conducted and concluded by the governments without the formal participation of the minorities concerned. Therefore, the aims of the minority communities have been reflected in these treaties in a rather ad hoc way.

Nevertheless, these agreements can have a number of advantages for the states and for the minority communities themselves:

- A new approach appeared in some of these

treaties which already reflect the trends of the end of the century: the fact that minority issues cannot be regarded as exclusively falling in the scope of internal affairs of the state.

- The included general non binding provisions of international and regional instruments could be tailored to the specific needs of those communities - and could be transferred into binding internal documents.
- It is possible to set out clearly the obligations of each of the parties.
- Provisions extended to minorities could be generally broader and better adapted to the particular historical, cultural and political context, this way could strengthen the rights of persons belonging to minorities. At the same time could focus on problems involving minorities at local level.
- The minority communities have seen a possibility in these treaties that an effective protection system following international standards can be 'imposed from outside' - in countries with tense situation between minority - majority.

At the same time the disadvantages of these treaties has to be pointed out as well:

- There is no possibility of effective sanctions if one side refuses to implement the content of the treaties. Hence, the role and faith of the minority communities depend directly on the goodwill and position of the actual governments.
- Bilateral treaties cannot solve the problems caused by the lack of effective national legislation in this regard - states may consider that they are not urged any more to adopt real protective laws.
- These treaties could lower existing universal human rights standards.
- They are very often negotiated in the absence of the minority community they were designed to protect.
- Could be drafted too hastily, thus leading to deficiencies in their technical content.

III. Conclusion

The most obvious conclusion reflected by all the bilateral treaties mentioned in this paper refers to the fact that respect for the rights of national minorities in a given state is primarily a matter of political will. Where real political will of the parties concerned existed to deal effectively with the question, appropriate legal arrangements could be worked out both at bilateral, inter-governmental and national level.

The brief historical overview of the minority provisions of bilateral treaties aimed to prove that even well functioning models of ethnic accommodation have their roots in hardly settled bilateral agreements. The

treaty on the status of the Åland Islands has often been quoted as model-treaty. The positive image of this treaty roots to the same extent in the national legislation concerning the special status of the Åland Islands and the legislation concerning the Swedish speaking minority in Finland as in the bilateral treaty itself. The political will, the geopolitical situation of both countries contributed to a large extent to this treaty in over-lasting World War II and being in force even today.

The South-Tyrol arrangement with its long-lasting efforts for realisation from 1946 to 1992 proves that the protection of minorities in the framework of a bilateral treaty without clear implementation mechanism can be satisfying just until the implementation of the treaty is not questioned by one of the parties.

The German – Danish declarations are a good example that political will can help even without having a legally binding treaty in the background, in order to settle long-lasting delicate debates and situations.

The big differences between the former treaties on minorities and the recent bilateral treaties lie in conceptual matters. The former ones refer to minorities as such, while the later ones provide explicitly individuals belonging to national minorities with certain rights. Until in those treaties (as well as in most of the treaties after World War I) appear different concepts and provisions of autonomy, the recent

treaties in Central and Eastern Europe do not envisage autonomies as solutions in the protection system of minorities.

However, the good examples enlisted prove that bilateral agreements may be suitable for establishing autonomies and special statuses for regions inhabited by national minorities, or for establishing personal autonomy, where the minorities live dispersed. setting for others.

Taking account of the realisation and implementation of the treaties, the balance is not too favourable for them. At the time being they have not changed radically the existing system and practice of minority protection: there have not been established suddenly schools or universities, or the linguistic rights enshrined in the treaties do not take effect unhindered in practice.

Hence, the importance of these treaties cannot be diminished: they contribute to a new framework of minority protection, as well as to a more flexible approach of national and international law and to the mobility between the two levels. However, it is still a lot of work to do in order to speak of an effective system of bilateral minority protection.

As the protection of minorities on the level of international organisations most probably will not develop radically in the close future, it is much more possible that standard setting and implementation on national and bilateral level will improve further on.

Internal News:

43rd Congress on Nationalities of the FUEN The National Minorities and the European Unity

'Prague has always been a meeting-place and melting pot for intellectuals from Western and Eastern Europe', said FUEN President Romedi Arquint at the opening of the 43rd Congress of the European minority union in Prague on 21 May 1998.

The FUEN Congress and the Assembly of Delegates took place from 21–23 May 1998 in the former Czech parliament on the famous Wenceslas Square that has silently witnessed many dramatic events.

The aim of the congress was to discuss the influence of FUEN and other NGOs on future European national minority policy. In addition to electing a new Presiding Committee, the Assembly of Delegates was to comment on various resolutions submitted by the FUEN Presiding Committee and the individual member organisations.



The 43rd FUEN Congress of Nationalities and the annual Assembly of FUEN-delegates took place from 21st-23rd May 1998 in the Radio Free Europe's building (the former parliament of Czechoslovakia) at the famous Wenzel square in Prague.

1. CONGRESS

Europe—'the frame and the picture'

There are a lot of common visions for Europe, said Dr Erhard Busek, former Austrian Vice-Chancellor and Minister of the Sciences in his speech to open the congress on Thursday, 21 May 1998. Nevertheless, Busek had repeatedly seen that Europe is chiefly marked by diversity. He commented: 'Today particularly, it is a matter of attending to the frame, otherwise the picture will disintegrate'.

In his speech, Busek emphasised two different tendencies: on the one hand, Europe has been falling apart into ever smaller units: 21 new states have developed since the turnaround in 1989.

On the other hand, globalisation has produced increasing uniformity in cultural patterns. 'This conformity has to led to a greater tendency to attach value to difference in Europe. Regionalism, various secession movements as well as a fatigue with Europe are rooted here.' Busek continued to say that the European Union still does not have any members from the Slavic lingual and cultural region; 'We have no knowledge of how Islam thinks. Unity and diversity are the key issues for the future of Europe—for defining Europe. Cultural interchange stimulates inspiration.'

Foreign policy and cross-border regional cooperation

Professor Dr Silvo Devetak from the University of Maribor in Slovenia pursued a quite different approach in his speech concerning the future role of the ethnic minorities in an international European context.

Professor Devetak's central concern is the role of the minorities in foreign-policy issues. The relationship between minorities and the host country was considered to be 'interference in internal affairs' and an attempt to 'destabilise the country' as little as ten years ago. Professor Devetak concluded that states with a democratic structure had no other choice than to accept minorities, and the minorities themselves were obliged to recognise the political order and the legal system prevailing in

the country they live in. The professor stressed cross-border regional cooperation as having positive significance for stability in Europe and continued: 'This cooperation is likely to become a key factor for a new Europe after the Cold War.'

Accompanying programme

The first day of the congress was rounded off by an entertaining, multicultural get-together in a Prague theatre. Young Roma, Poles, Sudeten Germans, Greeks and Slovaks from the Czech Republic presented songs and dances, radiating a great joie de vivre and faith in the future.

After the multicultural performance, congress participants were invited to a reception at the former Czech parliament, which today is the home of Radio Free Europe.

Press agency for minority issues

On the second day of the congress there were two workshops on NGOs and their role in future minority policy. The bases for discussion was provided by four NGO speakers, the first being Bojan Brezigar, newly elected President of the European Bureau for Lesser Used Languages—EBLUL.

Brezigar regretted to see media interest in minorities as mostly being restricted to conflict situations. He was pleased to hear about the FUEN's idea for a minority press agency which was to be taken up and fostered by EBLUL. Brezigar presumed problems would become no smaller if the EU were 'extended eastwards'—on the contrary!

MRG—dynamism

The Minority Rights Group (MRG) is an NGO with its headquarters in London which 'promotes the rights of minorities and cooperation between communities on an international level'. Catherine Barnes spoke at the Congress on the 'role of minorities in cross-border cooperation'.

According to Catherine Barnes, NGOs today have great scope. Now the Wall has fallen, NGOs are being increasingly involved

in international relations. Instead of seeing minorities as a problem, Barnes said it was now a matter of seeing them 'as a great plus for Europe', as they contribute to a diversity, which, in turn, leads to growth and dynamism'.

As an example of this, Catherine Barnes pointed out that the UN Commission for Human Rights had established a working group for minorities in 1995. The decision was made to allow the NGO to attend meetings of the working group at all times, even ones without any consultative status.

Similarly, Catherine Barnes spoke in favour of implementing of the Council of Europe's Framework Agreement for the Protection of National Minorities. According to Barnes, MRG had compiled a paper detailing recommendations on individual steps. This comes at an important time as an advisory committee consisting of independent experts was in its founding phase and Barnes called upon all NGOs including FUEN to actively participate in this process.

Bilateral state agreements and minorities

In the estimation of Dr Kinga Gals, a member of the scientific staff at the European Centre for Minority Issues (EMCI) in Flensburg, the regions today serving as models for solving the minority problems, e.g. the Åland Islands, Southern Tyrol and Schleswig, are 'the result of long-enduring, high-tension and frequently criticised compromises'.

Although international organisations had already developed instruments for better handling of minority problems, the agreements were mostly bilateral. For this reason, Dr Gals considered the greatest weaknesses to be the fact that the minorities were neither involved in the talks nor in implementation.

'There is no reason to assume that the protection of minorities will increase substantially in the near future as far as international organisations are concerned. It is far more likely that this will come to rest on a national and bilateral level' Dr Gals concluded in his speech.

Conclusion

Subsequently, discussions took place in both workshops chaired by Hans Heinrich Hansen of Northern Schleswig and Davide Zaffi of Southern Tyrol. The discussions culminated in a joint 'declaration on the role of ethnic minorities in international relations' which emphasise how the international community should involve the NGO more in international cooperation in future.

2. ASSEMBLY of DELEGATES

The Assembly of delegates on Friday, 22 May 1998, commenced with reports by the FUEN Presiding Committee. All reports were approved. The YEN (Youth of European Nationalities) commented critically by reproaching FUEN for concerning itself too much with principal issues rather than taking up the everyday problems of minorities.

Election of the President

The first part of the Assembly of Delegates concluded by appointing the Presiding Committee. President Romedi Arquin (Rhaetian from Switzerland) was re-elected.

Election of the Vice-Presidents

Similarly re-elected were the Vice-Presidents who remain: Dr Ludwig Elle (Sorb in Germany), Dr Bruno Hosp (Southern Tyrolean in Italy), Pierre le Moine (Breton in France), Joseph von Komlóssy (representative of Hungarians located in Switzerland), Hans Heinrich Hansen (from German North Schleswig in Denmark) and Bela Tonkovic (Croatian from Vojvodina, Serbia).

Richard Donitza (Association of Social and Cultural Societies in Poland) withdrew as Vice-President and Karel Smolle (Narodni Svet Korôskih Slovencev/Council of Carinthian Slovenes) did not obtain the mandatory number of votes.

High ranking

Three member organisations were unanimously reclassified as full members:

- The German Work Group for Reconciliation and Future in Katowice/Poland
- The Democratic Union of the Karachay people Dzhamagat, and
- The Council of Germans in Kazakhstan

Admission of new members

Four organisations are now associated FUEN members:

- The Finnish-Speaking Minority in Northern Sweden
- The Society of Germans in Estonia
- The People's Council of Germans in Kyrgyzstan, and
- Sarkarpatske zi-ganske kulturno-prosvitne tovaristvo (Trans-Carpathian Cultural and Educational Association of Roma) from the Ukraine

Three organisations are now corresponding FUEN members:

- The Article VII Cultural Society (Slovenes in Styria) in Austria
- The Association of Russian White Army Veterans and their relatives in Bulgaria
- " Marij Uschem from the Russian Federation

Resolutions

The FUEN Assembly of Delegates also passed a main resolution plus four additional ones.

- The main resolution calls upon the Council of Europe to involve FUEN in expert committees to monitor the Framework Agreement on the Protection of National Minorities and the European Charter for Regional or Minority Languages;
- one resolution also calls for the European Parliament to classify the protection of national minorities as a norm;
- one is directed at the parliaments and governments of Russia and Georgia, calling for discrimination against the Mtskheta Turks to cease;
- one refers to the Federal Republic of Yugoslavia and the Republic of Serbia concerning the situation of the Kossovo Albanians;
- and one is directed at the Federal Republic of Germany and the Federal States of Brandenburg and Saxony regarding the situation of the Sorbs.

50 years of FUEN—celebratory congress in Denmark in 1999

At the end of the Assembly of Delegates, the Chairman of the Germans from Northern Schleswig, Hans Heinrich Hansen, invited the participants to the 50th anniversary congress in Northern Schleswig, Denmark, in 1999. As usual, the Assembly of Delegates will be convening there.

The FUEN President bade farewell to the delegates with a story (see box) about a Jewish rabbi who had travelled far in his quest for wisdom. Life taught him that a wise person is he, who puts what he has learned to good use when he returns home!

Participants and guests • Participants et invités Teilnehmer und Gäste • УЧАСТНИКИ И ГОСТИ

A	Busek, Erhard Dr. a.D.	D	Sass, Babette Baronin von
A	Csenar, Georg	D	Scheuermann, Martin
A	Gieler, Frau	D	Schimpf, Volker
A	Gieler, Herr	D	Schneider, Horst
A	Gieler, Zlatka Mag.	D	Schowitzka, Peter
A	Karpf, Peter Mag.	D	Schultz, Heinrich
A	Kulmetsch, Janko Mag.	D	Schulz, Helga
A	Olip, Nanti	D	Schulz, Kurt
A	Sarközi, Rudolf	D	Siering, Kay Lennart
A	Wakounig, Andreas	D	Siering, Ulrike
AL	Veriga, Dhimitraq	D	Stensel, Marion
BG	Alexandrov, Ivan	D	Vognsen, Lis
CH	Arquint, Romedi	D	Vognsen, Preben
CH	Falett, Jost	D	Wagner, Renate
CH	Huonder, Ivo	D	Wawgner, Janmisch
CH	Komlóssy, Joseph von	D	Weisser, Marie-Luise
CZ	Blaude, Walter	D	Wiencke, Gert
CZ	Brunclíková, Dana	D	Wiencke, Hannelore
CZ	Caldová, Hana	D	Wuchanski, Georg
CZ	Chmeltrová, Helena RNDr.	D	Ziesch, Bernhard
CZ	Chocholáčová, Frantiska Mgr.	D	Zülch, Tilman
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