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Addendum II

**COMMITTEE OF EXPERTS ON ISSUES RELATING  
TO THE PROTECTION OF NATIONAL MINORITIES**

**(DH-MIN)**

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**Presentations made by NGOs having  
expertise in the field of protection of minorities**

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## **I PRESENTATIONS ON THE WORK OF NGOS HAVING EXPERTISE IN THE FIELD OF PROTECTION OF NATIONAL MINORITIES**

### **I.1. Mr Romedi ARQUINT - the work of the Federal Union of European Nationalities (FUEN)**

1. The Federal Union of European Nationalities is an independent union of organisations of national minorities and ethnic groups in Europe, which was established in 1949 - at the time when the Council of Europe was set up - in Versailles/France in the presence of important European politicians and state representatives, in particular from Denmark, The Netherlands and France, also including the French Under-Secretary of State at that time, Mr François Mitterand. German minorities, incidentally, were not admitted initially and were not allowed to enter until a later date.

2. Today, 41 regular, 29 associated and 27 corresponding member organisations belong to FUEN as well as a number of corresponding individuals from 29 countries. Among the corresponding members are scientific institutes and interested private persons as well as state bodies. FUEN has a democratically elected committee consisting of representatives of minorities in seven different states.

3. The General Secretariat in Flensburg was established at the seat of the Danish minority in Germany. So far, General Secretaries have been minority representatives of the Bretons in France, the Danes in Germany and the Germans in Denmark.

4. According to its statutes, the Federal Union of European Nationalities serves the ethnic groups in Europe and pursues the goal of preserving the national characteristics, the language, culture and history of national minorities and ethnic groups, i.e. the preservation of their identity. This objective is pursued only by peaceful means. It decisively takes a stand against separatism and works towards a neighbourly, peaceful coexistence of majority and minority in a region. FUEN has been convinced for 49 years now that a minority can only find a relationship of mutual trust within a state in peaceful and constructive dialogue and through the negotiation of political solutions.

5. This is why it supports all activities towards the peaceful balance of interests and the democratic structure of states.

6. With its work, it attempts to convince parliaments and governments in Europe and European institutions that consideration of the justified interests of national minorities and ethnic groups in maintaining their original identity and aid in preserving their traditional culture are indispensable for a peaceful development in Europe. This is why FUEN first presented the main principles for European minorities' rights in 1967, which was revised and supplemented in 1985. From 1991, FUEN further developed these principles into a draft for a convention on the basic rights of Europe's ethnic groups and submitted its proposals to the international fora of the Conference on Security and Cooperation in Europe (CSCE), the Council of Europe and the European Parliament. It welcomes the Framework Convention for the Protection of National Minorities, which recently entered into force, as a step towards

implementing, as international legal protection, the political state obligations of the CSCE document of Copenhagen in 1990.

7. Due to its efforts towards attaining protection for minorities, the FUEN has held consultative status with the Council of Europe since 1989 and consultative status to the United Nations since 1995. It has been represented at all OSCE conferences in the past three years which have been concerned with national minorities and ethnic groups. The finance authorities have recognised FUEN as a non-profit-making roof organization.

8. FUEN is financed to a great extent by the fees from member organisations. It receives grants from governments of several European states for individual work projects, e.g. international minority conferences, seminars and consultations in settlement areas of minorities resulting from official invitations and publications.

9. Among the state bodies supporting FUEN as an institution, are:

- The government of the state of Carinthia, Office for Ethnic Groups (Austria);
- The state chancellery of Schleswig-Holstein (Federal Republic of Germany);
- The autonomous province of Bolzano-South Tyrol (Italy);
- The autonomous region of Trentino-South Tyrol (Italy).

FUEN has received support for projects from the following bodies:

- The Federal Ministry for Interior Affairs (Federal Republic of Germany)
- The Council of Europe

10. Apart from this, FUEN has been supported for some years now by aid from the non-profit-making Hermann Niermann foundation in Düsseldorf. The foundation's new Presiding Committee and curatorium have been promoting the linguistic-cultural work of national minorities and ethnic groups of various nationalities and in various states with the knowledge and approval of local authorities and have thus provided assistance in creating the basic conditions for a peaceful coexistence of majority and minority.

11. During the course of its existence, FUEN has become a respected partner in discussion for governments and parliaments in many states of Europe and in the European institutions through its consistent adherence to democracy and law, its unwavering work for better protection for ethnic groups and its stance for peaceful dialogue. It will continue with this task and not hesitate to defend itself against accusations that it represents extremist attitudes.

## **1.2 Ms Anne BOUVIER - the work of the Minority Rights Group (MRG).**

12. Minority Rights Group is an international non-governmental organisation working to secure rights for ethnic, religious and linguistic minorities worldwide and to promote cooperation and understanding between communities. Founded in the 1960s, MRG has over 25 years experience of promoting the rights of marginalised, non-dominant groups within society. It does so by researching and publishing on minority rights issues and by seeking to raise awareness through its advocacy and

outreach, among governments, international institutions, NGOs, activists, the media, the general public and minority groups.

13. MRG aims to promote the importance of minority rights and to promote and raise awareness of international conventions and procedures which exist to protect them.

14. Due to its contacts with minority groups, NGOs, governments and international bodies, MRG is in a unique position to ensure that this awareness raising on minority rights results in the development of practical policies and programmes which have a direct and positive impact, thereby promoting minority rights and conflict prevention.

15. MRG is based in London (UK) and extends its work through a network of affiliated bodies and like-minded organisations, especially in the regions of Europe, the Horn of Africa, and South Asia. In Europe, it has long-standing partnerships in the following countries: Bulgaria, Denmark, Finland, France, Greece, Italy, Poland, Romania, Slovakia and Sweden. It intends to develop further partnerships in South East Europe.

16. Examples of its current and most recent activities include:

- Publication of well researched reports on minorities, the most recent include: Cyprus, Refugees in Europe, the Kurds. In 1997, it re-edited its World Directory of Minorities, that includes information on over 700 minority groups living in the world.
- Holding of seminars and roundtables on multi and intercultural education and on local governance in Eastern and Central Europe;
- Training and mentoring programme for Roma in Eastern and Central Europe;
- Training of members of minorities on United Nations human rights mechanisms every year in Geneva;
- Regular communication with UN bodies and agencies concerning their activities with minorities.

17. Regarding the Framework Convention, MRG followed with interest its development into becoming the first legally binding multilateral agreement in the field of minority protection. MRG was invited by the Parliamentary Assembly of the Council of Europe to forward some propositions on the monitoring mechanism of the Framework Convention and welcomed the fact that some of its suggestions were taken on board by the Committee of Ministers.

18. In March this year it proposed some analysis and observations on the monitoring mechanism of the Framework Convention. This 'Orange booklet' was distributed to all member States of the Council of Europe, as well to members of the Advisory Committee and NGOs. MRG is looking forward to receive feedback and suggestions on its contents and to enter into a constructive debate with the member States of the Council of Europe, if it is deemed useful.

19. Further to this work, it developed a training programme for NGOs and minorities with the double aim of informing them about the Framework Convention

and of discussing the possible involvement of NGOs and civil society in general in the activities related to the Framework Convention.

20. This training session will take place next week. MRG is expecting 30 participants, members of minorities and human rights activists, whose organisations have pledged to share this experience with others when back in their home country. We received the support of the Council of Europe and a number of governments, to organise this training programme. MRG took this opportunity to thank them as this activity would not have been possible without this support.

### **I.3 Mr Bojan BREZIGAR - the work of the European Bureau for Lesser Used Languages (EBLUL)**

21. The EBLUL is the representative organisation of minority linguistic communities in the European Union member States. It is a federation of 13 Member State Committees, State based NGOs representing the minority organisations, from relevant EU Member States. EBLUL is not present in Greece and in Portugal, but it is seeking to extend its presence to those states too. At European level it functions through two offices in Dublin and Brussels. The representatives of the Member State Committees (2 per State) elect the President, two vice-presidents and three Directors for a three-year mandate.

22. EBLUL dedicates itself to affirming cultural and linguistic diversity in Europe and developing policies, which help communities to strengthen the use of their languages in all domains. It was established in 1984 under the aegis of the European Parliament. Since its establishment EBLUL has been financed by the European Commission (DG XXII) and politically supported by the European Parliament Intergroup for minority languages, consisting of some 50 MEPs of almost all the political groups and all EU Member States.

23. EBLUL's activities can be divided as follows:

#### **1. Connecting people**

EBLUL gives representatives of communities the opportunity to meet and to exchange experience. Even if there does not exist any universal model for all communities, there is something everywhere people can learn from other people with similar problems. In this specific domain EBLUL has been organising meetings and conferences and promoting connection and communication between different communities. As from this year EBLUL is also developing a new programme consisting of connecting regions and other local authorities interested in minority languages. In 1999 a specific conference for regional governments' representatives will be organised.

#### **2. Servicing Communities**

Most of the communities are very small and most of them are very far from the European institutions. EBLUL gives them concrete information about the possibilities the European Commission and other institutions offer to minority languages. The more important Europe becomes, the more need there will be among the communities to be linked to the decision-making places in Europe. EBLUL is now listing different

EU programs and there are a great number of them which could be used for projects related to minority languages. Keeping in mind these projects, there is need for a central office in Brussels, which will be able to give advice and help the communities, mostly the smaller ones, which can not afford to maintain permanent contact with the offices of the European institutions.

### 3. Informing the majorities

With the purpose of avoiding that the majorities get only negative information about lesser-used languages, EBLUL has established the Brussels Information Centre, with wide documentation on minority languages. Press releases, cultural presentations and publications integrate these activities. EBLUL is aware that most information regarding minority languages tends to be "negative" information: it regards conflicts, tensions or problems. Newspapers and broadcasters rarely give any "positive" information about minority languages. One of the projects EBLUL is now developing regards the establishment of a news agency which will give correct information on the problems, difficulties and troubles as well as on EBLUL's role in maintaining the European cultural heritage and its contribution to the peace process in Europe. EBLUL is aware that only if correct information is given on what it is and what it is doing, communities will get rid of the impression given to the public, that they are only a source of trouble for States and for Europe.

### 4. Contacts with the Institutions

EBLUL is an NGO with observer status at the UN ECOSOC, the UNESCO and the Council of Europe. It is lobbying at European level (European Commission, European Parliament, the Assembly of the Regions, the Council of Europe, the OSCE etc.) with the purpose to achieve better international protection for minority languages. The basic international documents (among them the Framework Convention) do not give linguistic rights, if they are not properly implemented. Monitoring the implementation of these documents will be one of the most important tasks. EBLUL is not developing this task against the States, as it is convinced that the States, while adopting and ratifying the documents, agreed upon the importance of the protection of languages. Sometimes it appears difficult to implement this political will and EBLUL is willing to co-operate with the purpose to achieve the highest level of protection of all communities.

### 5. Co-operation with the Council of Europe

Among the co-operation with the Council of Europe it should be mentioned that EBLUL has been involved from the beginning in the drafting the European Charter for Regional or Minority Languages and is now involved in the implementation of the Charter. Regarding the Framework Convention for the Protection of National Minorities there are at least 10 articles containing specific reference to linguistic matters that are in the domain of EBLUL. The Italian Member State committee, with the support of 4 regional governments, is now developing a project consisting of monitoring the implementation for all the 12 minority languages existing in Italy and a conference on this topic will probably be held next February in Aosta. EBLUL is also co-operating with the European Centre for Modern Languages in Graz, a Council of Europe institution. Last April they jointly organised the seminar "East meets West" consisting in sharing experience in the field of education.

#### **I.4 Mr Paul LEFIN - the work of The International Association for the Defence of Threatened Languages and Cultures (AIDLCM)**

24. The International Association for the Defence of Threatened Languages and Cultures (AIDLCM) was founded by the combined efforts of some fifty teachers from Scandinavian countries (Iceland, Sweden, Norway, Denmark and Finland) backed by the tenacity of a humanist: Professor Naërt.

25. These teachers, who were very concerned at the fate of minority cultures and encouraged by the unwavering determination of Professor Naërt, began to hold meetings in the early 1950s. The outcome of these meetings was a long document addressed to UNESCO in the form of a memorandum on 17 September 1962.

26. This declaration of principles led to the foundation of the AIDLCM, whose first congress was initially planned for Andorra but finally took place in Toulouse (Languedoc) on 28-29 July 1964.

27. The Association focuses on positive promotion of languages and cultures threatened with extinction, but this does not rule out condemning their detractors.

28. For the purpose of further developing its work and making it more effective, AIDLCM has set itself three tasks:

1. On-going assessment of the situation of languages and cultures in danger of extinction or not granted full enjoyment of their rights.
2. Efforts to secure recognition of the usefulness of the Association's work and its enlarged programme from international and European bodies. By this means, it hopes to be given assignments and study contracts on matters which cause concern to the World and Europe, but are not dealt with by any official body.
3. Offers of cooperation to linguistic communities who wish to benefit from AIDLCM's experience and documentation to prepare a cultural project which would help support their case.



## **II. PRESENTATIONS IN RESPECT OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

29. The NGO experts informed the Committee that they had prepared their interventions in close co-operation with each other and had divided their presentations so as to avoid repetition. The views expressed were thus generally shared by all NGO experts.

### **II.1 Ms A. Bouvier (MRG):**

30. MRG pointed out that the implementation of the Framework Convention is a difficult subject because minority issues are politically sensitive and because the situation of minorities differ from country to country and, in consequence, require different approaches.

31. MRG expressed concern about the fact that the Framework Convention is worded in very general terms and also that the flexibility left to Parties to translate the objectives into national legislation and policies which best suit their specific situations, may be used by them to escape their obligations. In addition, it fears there is a danger of restrictive and different interpretations and therefore believes that a well functioning mechanism can substantially contribute to overcome these difficulties. In consequence MRG focused its presentation on the monitoring of the implementation of the Convention, and briefly presented a few points made in its publication entitled *'The Council of Europe's Framework Convention for the Protection of National Minorities, Analysis and Observations on the Monitoring Mechanism'*.

32. MRG would like to encourage the Committee of Ministers to take on board the recommendations of the Advisory Committee, however, when it will not be in a position to do so, it considers that it should explain why, in order to avoid potential accusations of making decisions based on political considerations.

33. It suggested the Committee of Ministers should then concentrate on the follow-up to the recommendations and that it should set deadlines for the submission of information on their implementation. The Advisory Committee should also be involved in the follow-up on a regular basis. As for the Council of Europe, it suggests that it should offer technical assistance and advisory services to States which may require its assistance, with respect to the implementation of the Framework Convention.

34. Regarding the information that States parties should submit on how they are implementing the Convention, they have to submit information both on the *de facto* and the *de jure* measures they are taking. They should also provide information on domestic remedies available. When there are such vague terms such as 'when there is sufficient demand'; 'where appropriate'; 'as far as possible'; Parties should explain how they established the criteria on which they base their decisions. Finally, they should provide information on the effectiveness of the measures taken, including information on their successes and failures and eventually requests for advisory services from the Council of Europe.

35. Another important question to consider will be to whom the Convention should apply. This question will need to be very carefully considered by the two Committees. There will be a particular problem when states deny the existence of minorities as the existence of minorities is defined both by subjective and objective criteria. This is particularly relevant as a number of States have already made declarations when they ratified the Framework Convention. The questions of citizenship and that of a long-standing link with the territory of the state should in particular be looked at in the light of General Comment 23 (50) of the Human Rights Committee on Article 27 of the International Covenant on Civil and Political Rights. It might therefore be necessary for the Committees to consider whether these declarations are not contrary to the object and purpose of the Convention or the principle of non-discrimination. Requirement of citizenship and long-standing link with the territory of the country concerned may result in a violation of international law in some specific cases and MRG recommends that the Committees engage in an open and constructive dialogue with States Parties on this difficult question.

## **II.2 Mr R. Arquint (FUEN)**

36. Mr Arquint drew attention to the role of NGOs as partners in a constructive dialogue with States on the implementation of the Framework Convention. In order for such a dialogue to be possible a number of basic conditions need to be satisfied:

- support by the State for the establishment and functioning of representative structures for national minorities;
- well-structured relations through exchanges of information and informal consultations;
- basic financial support.

37. The participation of national minorities in the dialogue with State institutions on implementation of the Framework Convention can develop through the following stages:

1. stage of transparency of information: regular and systematic informing of the majority through the media in order to create a positive climate, as well as regular and systematic informing of national minorities;
2. stage of consultations: consultation before, during and when finalising the state report;
3. stage of co-operation: reports are elaborated in a joint effort. Where there are differences of views, these are to be reflected in the report. In order to have such co-operation, there need to be appropriate structures such as round-tables or consultative committees. Meetings should take place during the process in order to allow for an open discussion of all issues. Such meetings would involve representatives of national minorities, government officials and parliamentarians. Members of the Advisory Committee could play an important role in such bodies.

38. The overall aim of such an approach would be to resolve problems and issues within the appropriate structures of the State and not to transfer them to the Council of Europe with European publicity. This may help to ensure that a solution is found

which fits with local circumstances. The FUEN is ready to assist in any way that may facilitate the establishment of dialogue between states and national minorities.

### **II.3 Mr B. Brezigar (EBLUL)**

39. Mr. Brezigar (EBLUL) touched upon three aspects of the implementation: the list of minorities to be considered, the discretion left to the Parties in some articles referring to the use of minority languages and the role of NGOs in the process of implementation.

40. List of minorities In the process of ratification some States had adopted a list of minorities to be considered. One may agree or disagree, but for those States the list exists. For all the States that have not formalised any decision about the minorities to be considered, at least the minorities represented in NGOs (FUEN or EBLUL) should be included. For the EU Member States there also exists the Euromosaic study – a socio-linguistic research which includes the minimum list.

41. Discretion The text of the Framework Convention leaves to the Parties freedom of interpretation of application of some specific linguistic rights, particularly those contained in the Art. 10, par. 2 (Use of the language with administrative authorities), Art. 11, par. 3 (street names and topographical indication also in the minority language) and Art. 14, par. 2 (education in/of the language). An evaluation should be made of particular items, such as the “areas traditionally inhabited”, “substantial number”, “sufficient demand”, “real need”, “specific conditions”. Keeping in mind that the ratification of the Framework Convention involves the implementation of substantial rights as well as of the general political will, it would be wise to make such an evaluation in agreement between governments and relevant communities in order to avoid different interpretations and disagreements about the implementation. It should be also clarified that the “agreements with the neighbour States” only refer to the State with a higher level of protection. Finally, the reference to the existing legal system should be understood as the will to change the legal system in order to allow bilingual street names and education through the minority language.

42. Role of the NGOs The NGOs present at this hearing expressed the willingness to co-operate in the process of the implementation of the Framework Convention at the State level as well as at the level of the Council of Europe. Minorities are aware that this is a delicate matter. If clashes, tensions and conflicts occur, minorities are in danger of losing, as they are normally the weaker element in the contest. The NGOs can offer any support the States will consider useful in the process of the implementation of the Framework Convention.

### **II.4 Mr P. Lefin (AIDLCM):**

43. Mr Lefin expressed his agreement with the observations made by previous speakers and consequently thought it not necessary to re-iterate the valuable points already raised. Concerning the notion of “national minority” his organisation fully agrees with the views expressed by the FUEN. He further emphasised the need for the Council of Europe to do more about the dissemination of relevant information on the

protection of national minorities and stressed the importance of establishing appropriate structures for consultations with civil society at the international level.