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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 18 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 18

- 1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- 2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.”

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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1. ALBANIA

The Advisory Committee takes note of the fact that Albania is party to a number of bilateral agreements of relevance to national minorities with its neighbours, notably Greece and “the former Yugoslav Republic of Macedonia”. The Advisory Committee encourages the authorities to continue in their efforts to promote the use of these instruments to further the protection of persons belonging to national minorities.

In respect of Article 18

114. The Advisory Committee *finds* that Albania is a party to a number of bilateral agreements with its neighbours and *considers* that the Albanian authorities should continue in their efforts to promote the use of these instruments to further the protection of persons belonging to national minorities.

2. ARMENIA

The Advisory Committee welcomes the fact that Armenia is a party to several bilateral treaties and cultural agreements on protection of national minorities (with Bulgaria, the Russian Federation, Georgia, Greece, Kazakhstan, Lebanon, Romania and Ukraine). The Advisory Committee encourages the Armenian authorities to ensure that the mechanisms for implementing these agreements help to improve the effective protection of the persons in question.

Given the great importance to States of transfrontier co-operation as a means of protecting national minorities, the Advisory Committee regrets that such co-operation cannot be developed by Armenia with all neighbouring countries. It expresses the hope that a fair and lasting political settlement will be secured to solve the existing problems, *inter alia* in the interests of persons belonging to national minorities.

In respect of Article 18

The Advisory Committee *finds* it regrettable that developing cross-border co-operation is not possible with all of Armenia’s neighbouring countries. The Advisory Committee *considers* that a fair and lasting political solution to current problems should be found, also in the interests of persons belonging to national minorities.

3. AUSTRIA

The Advisory Committee notes that Austria has concluded bilateral agreements aimed at protecting minorities with numerous neighbouring countries. It welcomes in particular the signature, on 30 April 2001, of a co-operation agreement with Slovenia on culture, education and science. The Advisory Committee also encourages regional cross-border co-operation as a means of increasing the protection of persons belonging to national minorities.

4. AZERBAIJAN

The Advisory Committee welcomes the fact that Azerbaijan is party to bilateral agreements touching upon the protection of persons belonging to national minorities and plans to conclude additional bilateral agreements with countries of the region.

It further notes the creation of the State Committee for Azerbaijanis Abroad. The Advisory Committee hopes that the State Committee will carry out its activities in bilateral consultation with the countries concerned and pursue them in a manner that is in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

5. BOSNIA AND HERZEGOVINA

To date, Bosnia and Herzegovina has not concluded any bilateral agreement specifically devoted to the protection of the languages and cultures of its national minorities. The Advisory Committee notes that representatives of several national minorities, in particular the Italians and the Hungarians, have expressed their strong interest in benefiting from such bilateral agreements. The conclusion of such agreements might prove instrumental to assist a number of national minorities in such fields as education and culture, in particular in view of their small size and the limited support they receive from the State of Bosnia and Herzegovina.

While recognising that the States concerned have not shown great interest so far to the conclusion of such bilateral agreements, the Advisory Committee considers that the authorities might take new initiatives in this field, as required by Article 6 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities. The Advisory Committee therefore welcomes the ongoing attempts to conclude a bilateral agreement of this nature with Slovenia and encourages the authorities to follow suit with other States.

6. BULGARIA

The Advisory Committee welcomes the signature of an agreement on co-operation with Turkey in the fields of culture, education and science, and encourages the authorities to make use of the possibilities foreseen in this agreement to further the protection of persons belonging to minorities. At the same time, the Advisory Committee notes with regret that there are currently no plans or ongoing negotiations aiming to conclude, with neighbouring countries, agreements of co-operation covering minority-related issues. The Advisory Committee strongly encourages the authorities to make increased use of bilateral co-operation, including cross-border co-operation, as a means of improving the protection of persons belonging to minorities.

7. CROATIA

The Advisory Committee welcomes the fact that Croatia is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities, including with Hungary and Italy, and recognises the importance of the 1996 agreement with the Federal Republic of Yugoslavia on the normalisation of relations. The Advisory Committee welcomes the attempts to conclude additional bilateral agreements with countries of the region.

In respect of Article 18

The Committee of Ministers *concludes* that Croatia is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and *recommends* that Croatia pursue its attempts to conclude additional bilateral agreements with countries of the region.

8. CYPRUS

The Advisory Committee welcomes the recent adoption of a bilateral agreement between Cyprus and Armenia on co-operation in the fields of culture, education and science, as well as the establishment of a Joint Committee to consider matters relating to its implementation. It expresses the hope that the Cyprus authorities will make use of the numerous possibilities of exchanges foreseen in this bilateral agreement.

9. CZECH REPUBLIC

The Advisory Committee welcomes the fact that the Czech Republic is party to several bilateral agreements aimed at ensuring neighbourly relations and co-operation, in particular with the Federal Republic of Germany, Poland and Slovakia. Welcoming the fact that these agreements cover, *inter alia*, protection of the rights of persons belonging to national minorities, the Advisory Committee encourages the Czech authorities to ensure that the relevant implementation procedures contribute to effective protection of the rights of persons belonging to national minorities and promote tolerance, stability and peace.

10. DENMARK

See Article 16

11. ESTONIA

The Advisory Committee welcomes the relevant co-operation fora that have been established, such as the regular meetings of the representatives of the local governments of the Estonian-Russian border region, and it supports attempts to conclude additional bilateral arrangements with relevance to the protection of national minorities.

12. FINLAND

The Advisory Committee welcomes the regional co-operation between Finland and its neighbouring countries aimed at strengthening of the protection of the Sami population of the area.

13. GEORGIA

International agreements on the protection of national minorities

The Advisory Committee notes with satisfaction that “kin states” may freely support the activities of persons belonging to national minorities who live in Georgia. They give significant support to the teaching of their respective languages, supplying school textbooks (see comments in Articles 12-14 above) and offering support to ‘Sunday classes’. The Advisory Committee also notes with interest the co-operation programme between Greece and the Georgian authorities which is intended to develop community policing, and which began in the Tsalka region in 2005.

The Advisory Committee notes that a number of bilateral co-operation agreements exist with Azerbaijan, Armenia and the Russian Federation, covering various fields which may have an impact on the situation of persons belonging to national minorities, such as education and culture. Nevertheless, the Advisory Committee finds it disconcerting that no agreements have been concluded since the end of the 1990s with Armenia or Azerbaijan.

The Advisory Committee expects the Georgian authorities in practice to continue to take a constructive attitude to international co-operation in respect of the protection of national minorities. It strongly encourages them to conclude co-operation agreements, particularly with neighbouring countries, including on issues of citizenship. It wishes to point out that the protection of national minorities is an integral part of the international protection of human rights, and that, having ratified the Framework Convention, the States Parties have undertaken to develop international co-operation in order to ensure the protection of national minorities.

Concerning Article 18

The Advisory Committee *finds* that “kin states” can freely support the activities of persons belonging to the national minorities in Georgia but that few international agreements on the protection of national minorities have been concluded since the end of the 1990s. The Advisory Committee *considers* that the authorities should maintain a constructive attitude towards international co-operation on protection of national minorities and conclude co-operation agreements, particularly with the neighbouring countries.

14. GERMANY

The Advisory Committee welcomes the fact that Germany has concluded bilateral agreements with many countries. The Advisory Committee also notes that Germany has encouraged regional cross-border co-operation as a means of increasing the protection of persons belonging to national minorities.

15. HUNGARY

The Advisory Committee welcomes that Hungary is party to numerous bilateral treaties and cultural agreements covering the protection of persons belonging to national minorities and in this context welcomes the attempts to improve the functioning of the joint commissions envisaged in the 1995 Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and Hungary.

16. IRELAND

The Advisory Committee takes note of the importance of the Belfast (Good Friday) Agreement (1998) as a contribution towards peace and stability and the protection of human rights in the region. It notes in particular the recent steps that have been taken by the Irish authorities (see also under Article 4 above) to meet its commitments under the Agreement, including for example the establishment of the Human Rights Commission, work underway on incorporation of the European Convention on Human Rights and also work to develop a Charter of Rights for the island of Ireland. The Advisory Committee while noting the delays in meeting some of these commitments welcomes the steps taken and encourages the Irish authorities to continue to meet their commitments.

17. ITALY

The Advisory Committee welcomes the fact that Italy has concluded bilateral agreements with its neighbours, particularly Austria and Croatia, for the protection of the minorities living in its territory. It encourages Italy, in co-operation with its neighbours, to ensure that the implementation of these agreements furthers the effective protection of the rights of persons belonging to national minorities and fosters a climate of tolerance.

18. KOSOVO¹

Article 18

The Advisory Committee notes that UNMIK has entered into a number of agreements of relevance for the protection of the minority communities. These include agreements with international organisations including the Agreement with the Council of Europe on the Framework Convention (see also General remarks) as well as agreements with countries of the region in fields of importance for minority communities, such as culture and education. The Advisory Committee encourages efforts to promote the use of these instruments to further the protection of persons belonging to minority communities.

19. LATVIA

Bilateral co-operation in the field of protection of national minorities

The Advisory Committee notes that with one exception (the bilateral agreement with Poland), protection of national minorities is not included as such in the bilateral agreements concluded by Latvia with its neighbours. Such matters as education, culture and science are nevertheless covered by a number of transfrontier co-operation agreements listed in the State Report.

The Advisory Committee considers that co-operation with neighbouring countries can be a useful and effective means of reinforcing the protection of persons belonging to national minorities, and encourages Latvia to pay greater attention to this issue. In this context, it welcomes the steps taken

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

towards the conclusion of an agreement with the Government of the Russian Federation on ways to facilitate circulation across the frontier by the inhabitants of the border region and encourages the authorities to pursue, as a matter of priority, their efforts in this regard (see also the observations in respect of Article 11 above).

In respect of Article 18

The Advisory Committee *finds* that Latvia should pay greater attention to bilateral co-operation in the field of protection of persons belonging to national minorities and it encourages the authorities to develop further the co-operation with the neighbouring countries in this field. Increased attention should be paid in this context to facilitating cross-border contacts by persons belonging to national minorities.

20. LIECHTENSTEIN

See Article 7

21. LITHUANIA

The Advisory Committee notes that Lithuania has concluded bilateral cooperation agreements with a number of countries, in particular with Belarus, the Russian Federation, Poland and Ukraine. The Advisory Committee considers that the Lithuanian authorities should ensure that the provisions of these agreements which relate to the protection of national minorities are fully implemented. In addition, the Advisory Committee takes note of the Resolution of the Baltic Assembly (15 December 2001) on the development of the national languages of the Baltic Countries within the framework of a Common Educational Area. In accordance with that resolution, these countries, including Lithuania, undertake *inter alia* to take specific measures to facilitate the teaching of these languages in border areas. The Advisory Committee expresses the hope that the co-operation established in this sphere will be put into practice by specific measures, which will be beneficial to persons belonging to national minorities.

The Advisory Committee notes the presence in Lithuania of Russian-language higher education institutions representing local branches of the Moscow State Technical University, which are attended by a large number of students from national minorities. The Advisory Committee encourages the authorities to examine, within the framework of bilateral cooperation, the question of the official recognition of the diplomas issued by these institutions.

22. MALTA

See Article 7

23. MOLDOVA

The Advisory Committee welcomes the fact that Moldova is party to several bilateral treaties and cultural agreements on the protection of national minorities (the State Report refers to ones with Russia, Ukraine and Belarus) and encourages the Moldovan authorities to make sure that the implementing mechanisms contribute to the effective protection of persons belonging to national minorities in the interests of tolerance, stability and peace.

24. MONTENEGRO

Bilateral co-operation in the field of protection of national minorities

The Advisory Committee welcomes the fact that Montenegro intends to conclude bilateral agreements with neighbouring countries with a view to complementing its instruments and mechanisms to protect national minorities. The Advisory Committee notes that the situation of those citizens who obtained another citizenship in addition to the Montenegrin one after 3 June 2006 raises serious concerns: Article 12 of the Constitutional Law for the implementation of the Constitution provides that these persons will not be allowed to keep their Montenegrin citizenship one year after the adoption of the Constitution i.e. after 19 October 2008, date by which a bilateral agreement will need to be concluded with the States from which the other citizenship was obtained. De facto, the persons concerned by this provision are the Serbs of Montenegro who have largely resorted to the possibility offered by the Serbian Law on Citizenship of October 2006 to acquire Serbian citizenship under facilitated conditions. As a result, their situation might become precarious. The Advisory Committee expects that the discussions on a bilateral agreement which are due to be launched shortly will enable a satisfactory solution to be found to their situation.

In respect of Article 18

The Advisory Committee *finds* that the situation of those who obtained another citizenship in addition to the Montenegrin one after the independence of Montenegro, in particular the Serbs of Montenegro, is of serious concern. The Advisory Committee *considers* that discussions on a bilateral agreement on this issue should ensure that the situation is dealt with in a satisfactory manner.

25. NETHERLANDS

Bilateral co-operation in the field of protection of national minorities

The Advisory Committee welcomes the fact that there is good co-operation between organisations representing the Frisians living in the Netherlands and those representing the Frisians living in Germany and Denmark, notably through the Inter-Frisian Council. It notes that the Government takes the view that there is no need to adopt a treaty or any specific measures regarding inter-Frisian co-operation whereas organisations representing the Frisians with whom it had dialogue, consider that a specific treaty would be instrumental in enhancing this co-operation.

Against this background, the Advisory Committee encourages the authorities to engage discussions with these organisations, keeping in mind the useful role that such agreements can play in implementing the principles of Article 18 of the Framework Convention.

In respect of Article 18

The Advisory Committee *finds* that there is good co-operation between organisations representing the Frisians living in the Netherlands and those representing the Frisians in Germany and Denmark and *finds* that interest was expressed by Frisian organisations to formalise such co-operation through the adoption of a treaty and it *considers* that the authorities should discuss further the issue with these organisations.

26. NORWAY

The Advisory Committee recognises the relevance for persons belonging to minorities of the 1971 Nordic Treaty on Cultural Co-operation and of the regional co-operation aimed at strengthening the protection of the Sami population in such fields as education and reindeer herding. The Advisory Committee encourages expansion of regional and bilateral co-operation with respect to all minorities concerned.

In respect of Article 18

The Advisory Committee *finds* that there is regional co-operation between Norway and its neighbouring countries that is of relevance to persons belonging to minorities and *considers* that regional and bilateral co-operation could be expanded with respect to all minorities concerned.

27. POLAND

The Advisory Committee welcomes Poland's conclusion, with its neighbours, of numerous bilateral agreements protecting national minorities. At the same time, it expresses the hope that the Polish authorities will bear in mind that making the implementation of protective measures for national minorities living in Poland systematically conditional to progress recorded on similar issues in neighbouring countries is not in line with the spirit of the Framework Convention and cannot compensate shortcomings in the protection scheme set up under domestic law (see General remarks, paragraph 9). In this context, the Advisory Committee welcomes the efforts of the Council for the Protection of Memory of Fighting and Martyrdom and its commitment not to require reciprocity with neighbouring states a condition for settling the issues falling under its competence (see paragraph 53 above).

The Advisory Committee recalls that some minorities do not enjoy the protection of a bilateral agreement and that mechanisms for consulting national minorities in the conclusion or amendment of bilateral agreements are often much more limited – and this also applies to guarantees of legal remedies – than they would be in a protection regime provided by domestic law. Representatives of the Slovak minority, for example, complain of having been insufficiently associated in designing the arrangements for bilateral co-operation between Poland and Slovakia in education matters.

In respect of Article 18

The Advisory Committee *finds* that Poland has concluded with its neighbours numerous bilateral agreements protecting national minorities. The Advisory Committee *considers* that the Polish authorities should bear in mind that making the implementation of protective measures for national minorities living in Poland systematically conditional to progress recorded on similar issues in neighbouring countries is not in line with the spirit of the Framework Convention and cannot compensate shortcomings in the protection scheme set up under domestic law.

28. PORTUGAL

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

29. ROMANIA

The Advisory Committee welcomes that Romania is party to numerous bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities. As concerns relations with Hungary, the Advisory Committee expresses the hope that the bilateral joint committee established under the 1996 treaty between Hungary and Romania on understanding, co-operation and good neighborliness will continue to perform its work on a constructive basis, in particular concerning the issue of border crossing points.

30. RUSSIAN FEDERATION

The Advisory Committee welcomes the fact that the Russian Federation is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and the attempts to conclude additional bilateral agreements with countries of the region. It further notes that the 1999 Federal Law on the State Policy of the Russian Federation in Respect of Compatriots Abroad envisages a number of measures aimed at protecting the Russian minorities residing in other countries. The Advisory Committee expects that the implementation of the law and related activities are carried out in consultation with the countries concerned and pursued in a manner that is in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

In respect of Article 18

The Advisory Committee *finds* that the Russian Federation is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and that its legislation envisages a number of measures aimed at protecting the Russian minorities residing in other countries. The Advisory Committee *considers* that the legislation and related activities should be carried out in consultation with the countries concerned and pursued in a manner that is in conformity with the principles of good neighbourliness.

31. SAN MARINO

See Article 7

32. SERBIA AND MONTENEGRO

The Advisory Committee welcomes the fact that Serbia and Montenegro is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities, and that new agreements have recently been signed with Romania and Hungary respectively. It also supports the on-going attempts to conclude additional bilateral agreements of this nature, including with Croatia.

33. SLOVAK REPUBLIC

The Advisory Committee welcomes the fact that Slovakia is party to numerous bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and in this context welcomes the attempts to improve the functioning of the joint commissions envisaged in the 1995 Treaty on Good Neighbourliness and Friendly Co-operation between Slovakia and Hungary.

34. SLOVENIA

The Advisory Committee notes that Slovenia has concluded bilateral agreements aimed at protecting minorities and their cultures with neighbouring countries, including with Hungary. It welcomes in particular the signature, on 30 April 2001, of a co-operation agreement with Austria on culture, education and science.

The Advisory Committee considers that the Slovene authorities should make sure that procedures for the recognition of qualifications laid down in bilateral agreements with Italy are working properly and, if necessary, should look into ways of improving them (see related comments under Article 12).

35. SPAIN

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

36. SWEDEN

The Advisory Committee welcomes the on-going regional and bilateral co-operation on issues pertaining to national minorities. It refers in particular to the cross-border co-operation in Northern Sweden, to the setting up by Sweden and Finland in 2001 of a working group for minority and minority language issues and to the appointment of a working group in 2002 to draw up a draft regional treaty on the protection of the Sami.

In respect of Article 18

The Advisory Committee *finds* that there is regional and bilateral co-operation on issues pertaining to national minorities and that new initiatives have recently been launched in this sphere.

37. SWITZERLAND

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee notes that “the former Yugoslav Republic of Macedonia” has concluded bilateral co-operation agreements in the cultural sphere with a number of countries and urges the authorities to consider signing similar agreements with any neighbouring countries for which no such arrangements have yet been put in place.

39. UKRAINE

The Advisory Committee welcomes the fact that Ukraine is party to a number of treaties and cultural agreements touching upon the protection of persons belonging to national minorities and that bilateral commissions examining their implementation have been set up with Germany, Hungary, Romania, Slovakia.

40. UNITED KINGDOM

The Advisory Committee takes note of the importance of the Belfast (Good Friday) Agreement (1998) as a contribution towards peace and stability and the protection of human rights in the region.