

Strasbourg, 1 March 2017

Working document

Compilation of Opinions of the Advisory Committee relating to Article 18 of the Framework
Convention for the Protection of National Minorities (4th 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.

Table of contents

1. Armenia	3
2. Croatia.....	3
3. Cyprus	4
4. Denmark	4
5. Finland	5
6. Germany	5
7. Moldova, Republic of	6
8. Slovak Republic	6
9. "The former Yugoslav Republic of Macedonia"	7
10. United Kingdom	7

As of 1 March 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 20 opinions, among which 11 on Article 18, of which 10 are public.

NOTE

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

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

Armenia

Adopted on 26 May 2016

Article 18 of the Framework Convention

Transfrontier co-operation

The Advisory Committee welcomes the fact that Armenia continues to co-operate with neighbouring and other countries, including on issues related to national minority protection. It recalls in this context the fact that Armenia is a party to several bilateral treaties and cultural agreements on protection of national minorities (with Bulgaria, Georgia, Greece, Kazakhstan, Lebanon, Romania, the Russian Federation and Ukraine). It notes with concern, however, that incidents on the border between Armenia and Azerbaijan and on the “line of contact” continue to mar the efforts to bring peace to the region, and refers to the recent call of the OSCE Minsk Group co-chairs all parties to cease military operations and return to the negotiating table.

Recommendation

The Advisory Committee invites the authorities to pursue their co-operation with neighbouring countries on all issues related to national minority protection, and to continue to strive for lasting peace in the region.

Croatia

Adopted on 18 November 2015

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee welcomes the existence of a number of bilateral agreements with other states that further co-operation in particular in the fields of culture and education. It notes with regret, however, that in the wake of the crossing of refugees through Croatia in the second half of 2015 (see comments on Article 6) disputes erupted with neighbouring states leading to the temporary closure of borders. The Advisory Committee is in particular concerned about the fact that the events were accompanied by nationalist rhetoric that could negatively affect inter-ethnic relations within Croatia.

Recommendation

The Advisory Committee calls on the authorities to maintain a spirit of good neighbourly relations and promote close co-operation within the region on a variety of issues pertaining to minority protection, not limited to education and culture.

Fourth cycle – Art 18

Cyprus

Adopted on 18 March 2015

Articles 17 and 18 of the Framework Convention

Bilateral cooperation

Present situation

The Advisory Committee welcomes the close contacts that the representatives of the various groups maintain with cultural and educational establishments in countries where kin-communities reside, in particular Lebanon, and notes the benefits of using some of the more advanced education material available there in respective schools in Cyprus, particularly in view of the remaining budget restrictions.

Recommendation

The Advisory Committee encourages the authorities to support the contacts of minority representatives with neighbouring countries and consider ways to increase cooperation in particular for the benefit of new cultural and language learning initiatives in Cyprus.

Denmark

Adopted on 20 May 2014

Articles 17 and 18 of the Framework Convention

Bilateral agreements and promotion of trans-frontier co-operation

The Advisory Committee recalls the crucial importance and success of the Copenhagen-Bonn Declarations of 1955 that have been a cornerstone for developing the rights of persons belonging to the German minority in Denmark and the Danish minority in Germany. These declarations, which can be rightfully perceived as models for amicable and peaceful solutions to minority problems and which have contributed to the development of fruitful relations in the border region, have been tested by the passage of time.

The system of protection of German minority rights in Denmark and Danish minority rights in Germany has evolved over the years to depend on “kin”-state funding. The Advisory Committee wishes nonetheless to recall that the protection of national minorities’ rights in any state is primarily a responsibility of that state and not of the “kin”-state.

The trans-frontier co-operation and free contacts across the Danish-German border contribute constantly to the Danish-German relations. The Advisory Committee wishes to underline the importance of consulting with representatives of the German minority when such trans-frontier co-operation projects are planned and implemented (see related comments above under Article 5).

Recommendation

The Advisory Committee invites the authorities to ensure the effective participation of the German minority when designing and implementing cross-border projects.

Finland

Adopted on 24 February 2016

Article 18 of the Framework Convention

Bilateral agreements

Present situation

The Advisory Committee notes with appreciation that negotiations on the Nordic Sámi Convention were ongoing during the period of reference. It also appreciates the further development of co-operation among Nordic countries which may have a positive impact on the protection of the rights of persons belonging to national minorities such as the provision of health services for the Sámi population purchased from Norwegian providers.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts with a view to concluding the negotiations on the Nordic Sámi Convention in order that the protection of the indigenous rights of the Sámi population is improved from a regional perspective

Germany

Adopted on 19 March 2015

Article 18 of the Framework Convention

Bilateral agreements and regional co-operation

Present situation

The Advisory Committee recalls the Bonn-Copenhagen Declarations of 1955 and the 1991 Treaty on Good Neighbourly Relations and Friendly Co-operation between Poland and Germany, which aim to promote the situation of the German minority in these countries and of the respective groups in Germany (see also Article 3 with respect to the Neighbourhood Treaty with Poland). It also notes with interest the cross-border co-operation of minorities themselves, such as the continued co-operation of Frisians with the InterFrisian Council. While underlining that the primary responsibility for protecting the rights of persons belonging to national minorities rests with the authorities of the state where they reside, it nonetheless recalls that bilateral agreements as well as informal cross-border co-operation can contribute to the promotion of the rights of persons belonging to national minorities and of tolerance, stability and peace in the region.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts with respect to regional co-operation and dialogue.

Moldova, Republic of
Adopted on 25 May 2016

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee is pleased to note the existence of co-operation agreements on a variety of issues and in a spirit of good neighbourly relations with a number of countries such as Bulgaria and Romania, as well as at the inter-regional level. There is substantial co-operation particularly in the educational field, involving the exchange of teachers and professors, as well as regarding opportunities for scholarships (see Article 14). The Advisory Committee reminds the authorities, however, that the responsibility to protect minority rights, as part of general human rights, lies primarily with the state in which the minority resides. The accessibility of viable options for tertiary education for persons belonging to national minorities, for instance, may therefore not be made dependent on the diplomatic relations with neighbouring countries but must be addressed domestically. In addition, the Advisory Committee considers that national minority representatives should be consulted on issues concerning them with respect to such co-operation activities, in an effort to identify practical solutions to some of the remaining challenges through the enhanced development of people-to-people contacts across borders and the active facilitation of linkages between neighbouring societies.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region and to enhance in particular the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements.

Slovak Republic
Adopted on 3 December 2014

Article 18 of the Framework Convention

Bilateral agreements

Present situation

A number of bilateral agreements with neighbouring states exist and bilateral inter-government commissions have been established in order to oversee and further promote cross-border cooperation. The Advisory Committee notes in particular the beginning of some technical co-operation with neighbouring states also on contested issues, such as citizenship, and expresses its anticipation that this will be instrumental in finding longer-term solutions in line with good neighbourly relations. It further welcomes a recent agreement with Hungary regarding the development of infrastructure and economic

conditions in southern Slovakia, a still underdeveloped area where persons belonging to national minorities reside in substantial numbers.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to maintain good neighbourly relations and co-operation and facilitate bilateral agreements that promote the access to rights, including of economic-social nature, of persons belonging to national minorities.

“The former Yugoslav Republic of Macedonia”

Adopted on 24 February 2016

Articles 17 and 18 of the Framework Convention

Bilateral and regional co-operation

Present situation

A number of bilateral agreements with neighbouring and other states exist, that further co-operation on issues pertaining to national minority protection, in particular in the fields of culture and education. The Advisory Committee notes with regret that the transit of high numbers of refugees through the country led to several instances of temporary closures of the border in late 2015 and early 2016, as well as to a practice of selectively allowing only refugees from some countries of origin to enter the country. In February 2016, a fence is being constructed to seal off the border with Greece, creating a blockage for thousands of individuals, including children. While aware of the considerable pressures involved, including from member States of the European Union, the Advisory Committee recalls the “former Yugoslav Republic of Macedonia’s” obligations towards human rights and refugees in line with international and regional instruments.

Recommendation

The Advisory Committee calls on the authorities to maintain a spirit of good neighbourly relations and promote close co-operation and co-ordination within the region on a variety of issues pertaining to minority protection, not limited to education and culture.

United Kingdom

Adopted on 25 May 2016

Article 18 of the Framework Convention

Bilateral agreements

Present situation

The Advisory Committee notes that the British-Irish Council (BIC) is a multi-party agreement organisation that addresses a number of issues (among others: special planning, digital and social inclusion, housing, energy, environment, transport and languages) of relevance for the co-operation between the Republic of Ireland and the UK. It has eight members: in addition to Ireland and the UK,

these are the governments of Wales, Scotland, Northern Ireland, Guernsey, Jersey and the Isle of Man. The Cornish language is listed as an official language in the UK member territory, and representatives of Cornwall are able to participate in meetings of the Council.

One of the BIC's working groups focuses specifically on indigenous, minority and lesser-used languages, and the Welsh Executive takes the lead in this area. During the reporting period, there have been two meetings on the topic (November 2011 and October 2014). The 2014 meeting addressed the issue of developing and supporting early years education and childcare in indigenous, minority and lesser-used language communities, including the important role that legislative, regulatory and/or policy approaches can play. In this regard, the value of bilateral contacts between smaller BIC administrations was raised.

Although the Cornish language is considered an official language in the UK jurisdiction, Cornwall is not a member of the BIC, nor is its participation in the work of the BIC visible. According to the Advisory Committee's interlocutors, there has not been any substantial discussion of the protection and promotion of the Cornish language in the working group. Combined with the fact that the working group meets rather infrequently, the Advisory Committee is concerned that the Cornish language is being neglected in the work of the British-Irish Council in spite of the fact that it has been a recognised minority language in the UK since 2003.

Recommendation

The Advisory Committee calls on the British-Irish Council to address actively the Cornish language in its work and to endeavour to involve the Cornwall authorities, in part by creating an institutional presence for Cornwall in the Council and by promoting bilateral relations between the Cornwall authorities and other language communities' administrations.