

Speech to 10th Anniversary.

Mr. Chairman,

Thank you for giving me this opportunity to represent the Advisory Committee, its 18 independent experts and its capable, but small, Secretariat on the occasion of the 10th Anniversary of the FCNM.

As the 10th speaker on this platform and with another 5 speakers to follow, you may have a wry smile on your face when I state that I want to concentrate on effective participation and impact. How much impact I have over the next 10 minutes will depend on how much I manage to engage you. Similarly the Impact of the FCNM and our Opinions on its implementation in States in the next ten years will depend on how much the FCNM is owned by you, by governments and by national minorities as a valuable set of legal norms that meets contemporary needs.

The Preamble of the FCNM indicates its objectives inter alia to:

- Promote stability, democratic security and peace in Europe.
- Advance pluralist and genuinely democratic societies.
- Create a climate of tolerance and dialogue to enrich each society.
- Assist cooperation between States and transfrontier cooperation.

Developments.

The most visible products of our work are the detailed 64 Opinions that the Advisory Committee has presented on the implementation of the FCNM in 39 individual states. They are generally well received by states, their neighbours and by national minorities, though there have been robust debates from time to time on specific Opinions.

The FCNM is an organic living instrument and so too is the monitoring mechanism. A number of important achievements have been consolidated from the first cycle:

- blanket authorisation given to the ACFC to meet with NGOs and independent institutions in the context of country-visits as from 2nd cycle and for subsequent cycles;
- authorisation to hold meeting with NGOs and independent institutions outside the context of country-visits during the second cycle;
- invitations extended by governments now extended in a quasi-systematic way;
- follow-up seminars have been widely recognised as useful opportunity to discuss monitoring findings and give further impetus to their implementation;

- translation of opinions and resolutions into local languages although this does not always happen with some States being more effective than others.

In December 2006, when we last presented our biannual report at the Committee of Ministers, many States –like Slovakia during its Chairmanship- commended the FCNM and the Advisory Committee and, at the end of the meeting, applauded my predecessor on his departure. I like to think that this was not because the President was leaving the meeting, but it was an overt sign of their appreciation of the quality of the work of the Advisory Committee.

Council of Europe Committees.

Additionally we are invited to the Rapporteur Group on Human Rights, where we present each and every one of our Opinions and listen to State Comments. It is an unusual procedure for a legally binding convention, but this participatory dialogue helps resolve misunderstandings and helps show the depth of evidence and the accuracy of the analysis of the Advisory Committee.

Ambassador Oldenburg, the Chairman of GR_H, knows that even at the last meeting, with his valued support, we were able to resolve a significant misunderstanding on Opinions and clarified the scope of application of the Convention for new members of the Committee. Similarly the Advisory Committee also responds, not by changing our independent Opinions, but by adapting our language to give greater clarity.

The DH-MIN has proved useful in encouraging further discussion on cross cutting issues identified in ACFC opinions that includes the collection of ethnic data, electoral legislation and legislation on political parties, access of national minorities to new media inter-alia. The Advisory Committee and its Secretariat benefits from these analyses, while, in return, it contributes its wide ranging practical experience to these deliberations. There is no duplication as the DH-MIN Committee, a body of governmental experts, does not engage in any way in our country-by-country monitoring.

Most of you here today will have participated in DH-Min, GR-H and some also at the Committee of Ministers meetings. You will know that our engagement goes well beyond these valuable meetings in Strasbourg with events taking place in the large majority of COE member States. These events include exhaustive and exhausting week long visits, (both for you and for us!) to your States, follow up Seminars to present the Opinions, Comments and Resolution of the Committee of Ministers, alongside workshops and training events with government officials and national minorities to promote a local ownership of the Framework Convention and to promote its progressive implementation through joint initiatives between governments and national minorities.

Participation.

A key principle behind the FCNM is to show that national minorities are valued in theory and in practice in a genuinely democratic society. Participatory processes are crucial to respond to the psychological situation in which minorities can find themselves, where, both individually and collectively, minorities can feel excluded and discriminated against. Participatory process are also crucial for effective management of inter community relation in a highly complex sphere.

The High Commissioner on National Minorities has shown that the FCNM can play a key role nationally and internationally in removing some of the rhetoric and drama on important minority issues. It places these issues within a legally binding set of Council of Europe negotiated standards and draws on wider, dispassionate, independent experience.

The Advisory Committee has used its wide experience accumulated inter alia in its 64 Opinions and State Comments to produce a Commentary on Participation. This will be launched shortly to coincide with this Anniversary and I am convinced that its' 6 page summary should be a genuinely practical tool for governments and national minorities alike. This year we would welcome invitations from States and minorities to help us promote constructive dialogue on this Commentary, which is a living document. I would certainly like to use this opportunity to ask the Chairperson of DH-Min for her help in discussing this further.

Impact

Many positive things have been said about the FCNM and the Advisory Committee both at this meeting and early. However we need to review the impact of our work over the last decade carefully to see where we might have a greater impact in meeting our objectives, promoting the rights of national minorities and by working with governments and other actors. We will be looking at ways in which international bodies, such as the European Court of Human Rights, the European Commission and the OSCE are using our Opinions and its impact.

Additionally it would be important to review the resolutions of the Council of Europe on Opinions with the findings in the subsequent round to see what progress was identified.

Furthermore I would like to encourage States and National Minorities to review together the impact of the FCNM locally, possibly through scientific studies, so that we can learn how best to use the Convention in the future.

Some questions come to mind:

Do our Opinions help experienced officials, specialising in minority issues, take forward important issues with their colleagues?

Are our own methods of working efficient?

Are we sufficiently dynamic in promoting good quality information and understanding on the FCNM?

Are we taking fully advantage of new ways of communicating and involving wider audiences in a participatory manner?

One new problem is emerging that we will need to present to the Committee of Ministers. How can we minimise the delay in releasing our initially confidential Opinions?

Delays are reducing the impact of our participatory work.

The impact of our human rights monitoring mechanisms has hitherto been considered in a somewhat ad hoc, anecdotal way. We need to change this.

Conclusion

There remain many challenges ahead to ensure that we remain dynamic and relevant for the next decade. We cannot rest on our laurels and we must even question the applause, though I hope that we can do so as friends and colleagues that support the Framework Convention !

There will be risks and we will need your advice and support as we move into the third cycle of reporting, where we will use our thematic commentaries and our impact analysis to continue to strengthen our work, and we look forward to working together to protect national minorities.

Thank you, Mr. Chairman.