

## **Conference on Ten Years of Protecting National Minorities and Regional or Minority Languages**

### **Opening Address by Deputy Secretary General Maud de Boer-Buquicchio**

*Strasbourg, 11 March 2008*

I wish to welcome you all to this Conference which has been organised to mark the 10th anniversaries of the entry into force of two key conventions of the Council of Europe: the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

In the past, but not only in the past, minorities have often been regarded with suspicion, as a disturbing element undermining the unity and cohesion of the State. At the Council of Europe, we have been arguing for a different approach – cohesion based on diversity not conformity.

The Language Charter and the Framework Convention are unique in the world. No other international organisation has succeeded, despite several attempts, in developing comparable instruments.

Let us look back for a moment to make this point clear. The protection of national minorities dates back to the 19th century and remained a rather incidental phenomenon in European politics until the First World War.

This changed in the interwar period when the conclusion of treaties on minority protection became a condition for accession to the League of Nations. However, too few States in Europe were involved for this system to be effective, and the States were not placed on equal footing in terms of obligations. Europe continued to witness exploitation of minorities for political advantage in bilateral relations and with reciprocal accusations against minorities of being “a fifth column”.

This may explain why there was a taboo in Europe prior to the 1990s on discussing questions relating to national minorities, let alone on recognising their rights. It was felt that individuals should be protected by guaranteeing human rights rather than groups as such through minority treaties.

In the Council of Europe, however, the wind of change began to blow already in its early years of existence. In 1961, the Consultative Assembly or what is known as the Parliamentary Assembly today, encouraged the Committee of Ministers to include a specific article relating explicitly to the protection of persons belonging to national minorities in the Second Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms. It proposed that:

“Persons belonging to a national minority shall not be denied the right, in community with the other members of their group, and as far as compatible with public order, to

enjoy their own culture, to use their own language, to establish their own schools and receive teaching in the language of their choice or to profess and practise their own religion.”

As you will no doubt have noted, the wording anticipated several elements nowadays contained in the Language Charter and the Framework Convention. In 1973, however, the time for adopting such a provision was not yet ripe, and an expert committee set up by the Committee of Ministers concluded that there was no need for the proposed article.

When it became evident that the time was not yet ripe for a human rights approach to minority issues, the work on the European Charter for Regional or Minority Languages began. The new strategy departed from the traditional approach of protecting minority groups towards protecting their languages. With the support of the Parliamentary Assembly, the Standing Conference of Local and Regional Authorities of Europe – the present Congress – took the lead in the drafting of the Language Charter in the 1980s.

While the Language Charter was conceived by local and regional authorities at a time when the issue of minorities was not yet on the agenda of governments, the Framework Convention for the Protection of National Minorities is the result of a decision of the member states at the Council of Europe’s Vienna Summit.

It is in Vienna, in 1993, that the Heads of State and Governments of the Council of Europe sent a powerful message: “In this Europe which we wish to build, we must respond to this challenge: assuring the protection of the rights of persons belonging to national minorities.” This message followed from the political commitments articulated first in the 1990 Copenhagen Document of the Conference for Security and Co-operation, which explicitly recognised rights of persons belonging to national minorities as part of universally recognised human rights.

The Framework Convention was the legal expression of the political commitments articulated in the Vienna decisions of 1993. It took a further four and a half years for the Framework Convention to enter into force in February 1998.

The Warsaw Declaration of the Third Summit of the Heads of State and Governments of the Council of Europe reiterated in 2005 the commitment of the Council of Europe to “continue our work on national minorities, thus contributing to the development of democratic stability”.

I am sure that you will agree that over the last ten years, the Framework Convention has achieved the goal which was set for it. Thirty-nine States are now bound by this treaty, which has become a de facto yardstick and safety net for minority law, policy and practice in Europe.

Ladies and Gentlemen,

It is not without a sense of – fortunate – irony that the Language Charter, which had gone out of its way to avoid the notion of minorities, entered into force one month after the Framework Convention, which is based on precisely that concept. I suggested earlier that most member states no longer consider national minorities as a taboo. This, I think, would make the circuitous route taken by the Language Charter unnecessary today. What better evidence could we have that, for the time being, more member states have ratified the Framework Convention for the Protection of National Minorities than the Language Charter?

I do not believe that member states are more reluctant to promote minority languages than to recognise the groups that speak them. To my mind, the Framework Convention, which covers, besides languages, most other relevant fields of minority protection, paves the way for a ratification of the Language Charter. The Charter lays down more specific and, if accepted to the full extent, more demanding obligations than the Framework Convention. It is therefore not surprising that, in the large majority of the twenty-two countries that are Parties to both conventions, the Language Charter entered into force after the Framework Convention.

In spite of their different historical backgrounds, there are no incompatibilities and many similarities between the Language Charter and the Framework Convention, obviously in particular in the provisions pertaining to linguistic minorities. The extent to which these instruments complement each other in States which have ratified both is indeed remarkable.

For example, where the Language Charter creates a state obligation to provide for minority language teaching, the Framework Convention complements this by also providing the individual right for members of national minorities to learn their language.

If, however, the speakers of a minority language are not considered by a State to be members of a national minority, and therefore cannot benefit from the Framework Convention, they may still enjoy the protection of the Language Charter, which applies automatically to all minority languages in a country irrespective of the number of speakers.

These examples illustrate that the approach of the Council of Europe to minority protection is a coherent, complementary and mutually reinforcing one. For the first time in history, Europe has a comprehensive framework for the protection of national minorities and minority languages.

The 10th anniversary represents a good opportunity to take stock of the achievements of the two conventions, but also to underline challenges that the monitoring bodies face in practice.

Europe is facing a growing number of “new minorities” whose rights require protection. The Advisory Committee is consistently interpreting Article 6 of the Framework Convention as applying to all groups, including the so-called “new minorities”. This

provision is important because it encourages tolerance and intercultural dialogue, and requires the Parties to take measures to promote mutual respect, understanding and co-operation amongst all persons, irrespective of their ethnic, cultural, linguistic or religious identity.

Ladies and Gentlemen,

Remarkable progress has been made in respect of minority rights, including their languages, thanks to the monitoring work done by the two committees. This is indeed cause for celebration, which I trust will continue for - at least – the next decade.

Thank you very much for your attention.