

Filling the Frame

5th anniversary of the entry into force of the
Framework Convention for the Protection of National Minorities

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Workshop 1

Creating the Conditions necessary for the Effective Participation of Persons belonging to National Minorities

Commentary focusing on the Economic Participation of National Minorities
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Introduction.

The collapse of the Soviet Union, the changes to democracy and the free market in the 1990's led to many profound economic changes. In some countries people were impoverished overnight by the collapse of banks, public institutions were often transformed into private enterprises and there were both winners and losers. In the controlled economies of a little over a decade ago, many Roma were employed in menial functions by state bodies. After the changes, many were made redundant and changed from being impoverished to being destitute. Some other communities prospered with the new freedoms and mobility across borders. Globalisation and growing inner city poverty had an impact on Northern Europe too. Minorities experience this changing environment some minorities face greater economic hardship than those in society as a whole, however this is not always the case. Moreover minority communities lack homogeneity and may have significant social, economic and cultural cleavages within them.

This short paper has been written to stimulate discussion at the Council of Europe, Conference on the Occasion of the 5th Anniversary of the Entry into Force of the Framework Convention for the Protection of National Minorities (FCNM). It explores some of the important issues emerging from the monitoring of the effective participation of persons belonging to national minorities. It includes some general observations on the FCNM and the issue of participation in the formation of the FC and its monitoring. However the paper is principally focused on Article 15 of the Framework Convention (FCNM), concentrating on aspects of economic participation.

This paper has taken evidence from a range of sources including State Reports on the implementation of the FC, the Opinions and Recommendations of the Advisory Committee and the resolutions of the Committee of Ministers Deputies. It draws on the author's experience on the Advisory Committee between 1998 and 2002 and concentrates on policy and programming issues. It is inspired by the valuable report of Dr. Marc Weller¹ for this conference and may complement some of his reflections. However the views expressed here are those of the author alone. The paper principally focuses on Article 15 of the FCNM. Weller's paper reviews the Opinions of the Advisory Committee and covers aspects of Effective Participation as a foundation right : in State construction, within Executive representation and in cultural, social and economic life. Appropriately it mirrors the Advisory Committee and concentrates on political participation. Almost three quarters of the paragraphs in the first 24 Opinions formed and published by September 2003, on Article 15 of the FCNM, are devoted to the public affairs aspect of "*creating the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them*".²

¹ Creating the conditions necessary for the effective participation of persons belonging to national minorities Marc Weller published on the Council of Europe Website www.coe.int/T/E/human_rights/minorities

² The full texts of the Framework Convention is found on the Council of Europe Web site cited above

In his conclusions Weller emphasises the need for reliable and comprehensive statistical reporting and the need for governments to put in place their own monitoring mechanisms and to report openly and regularly on the results. This paper explores some of these aspects in more depth, emphasising how the monitoring mechanism of FCNM may contribute towards this. Additionally this paper seeks to place the Advisory Committee Opinions, formed under Article 15, in a broader context rather than duplicate the valuable analysis that has been completed.

Participation in good faith

Article 2 of the Framework Convention stipulates that the Convention must be applied in good faith and in a spirit of understanding and tolerance. Hence the challenge is to make the Framework Convention a living instrument that promotes understanding and tolerance. Promoting the effective implementation of the Framework Convention is a good indicator of whether good faith exists.

The preamble shows clearly that the protection of national minorities is essential to stability, democratic security and peace, that a pluralist and genuinely democratic society is inextricably linked to the respect of the identity of persons belonging to national minorities, and that the creation of a climate of tolerance and dialogue enables cultural diversity to be a source of enrichment of each society.

Each article of the Framework Convention must be viewed in this context and many states know that the European Union will also be viewing the implementation of the Framework Convention as an indicator of how far the Copenhagen 1993 EU accession criteria are met.

It was unfortunate that the drafting of the Convention, unlike this conference, was conducted behind closed doors by Governments. Although one or two governments have the good sense to include an expert from a minority community on their delegation, to rephrase Article 15, the Council of Europe States did not create the conditions necessary for the effective participation of persons belonging to national minorities in the creation of the Framework Convention, an instrument that particularly affects them. Their behaviour was not compatible with the Framework Convention that eventually emerged. It should come as no surprise that the Framework Convention was heavily criticised by many academics and by some minority organisations. At the first inaugural conference in November 1998 one distinguished scholar³ presented heavy criticism of the Framework Convention and the monitoring mechanism. The Advisory Committee was confronted with some antagonism and substantial scepticism when it began its work.

³ Gudmundur Alfredsson, Raul Wallenberg University of Lund Sweden in A FRAME WITH AN INCOMPLETE PAINTING: COMPARISON OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES WITH INTERNATIONAL STANDARDS AND MONITORING PROCEDURES;

Implementing the Convention

The language of the Framework Convention gives State parties a major responsibility in its implementation. The Convention and the Explanatory Report⁴ make it very clear that State Parties must initiate not only legislation but also policies to implement their commitments. Legislation and policies need to be transformed into measures to ensure that the rule of law is upheld and that programmes of action are initiated. The rule of law may demand Constitutional changes, Constitutional law, new legislation, and central and local administrative decrees. This will demand in turn interpretations, dissemination, training, new operations with resources and budgets. It will involve Judges, Prosecutors, Lawyers, Court Officials and the Police but if the law is to be effectively implemented it must be owned and valued by society at large. I will return to that topic later.

The Programmes of action to ensure effective participation in cultural, social and economic life are even more complex. They necessitate State policy, government priority, as well as Policies and Programme in many ministries. This demands planning, good communication and coordination, pilot schemes, implementation mechanisms with budget allocations and resources centrally and locally. It will involve senior government officials, local government officers, capable managers, good agencies and experienced and committed staff.

Civil society can and does act with governments not only to ensure that such measures are agreed but also to help in the challenge of implementation.

If international laws are to be effectively implemented, they must be owned and valued by society at large and not treated as State Secrets, confined to the vaults of the MFA and dusted down for display to international monitors. Civil Society has a key participative role in owning and sharing these values represented and interpreted from the Standards. Civil Society can help promote these values within society at large, whether people are living in rural or urban areas, young, old, men women, across employment areas, to majorities as well as to minorities. All sorts of intermediaries may need to be engaged including the media, professionals including teachers, employers, organizations, to find a whole variety of ways of engaging individuals, families and communities.

Instruments like the Framework Convention should evolve as custom and practice is explored and as the environment changes. They should develop organically, growing in an enlightened and nutritious environment. Consequently it is interesting to see how the Advisory Committees Opinions mature over time as the importance of certain issues, e.g. the provision of good statistical data, is recognized and reflected in one report and then in subsequent reports.

⁴ The Explanatory report is a negotiated text by the Council of Europe and can also be found with the FCNM text translated into many languages on www.coe.int/T/E/human_rights/minorities

Comprehensive Approach

There are a number of ways in which States and the Advisory Committee have considered the economic conditions of minorities. This paper looks specifically at the State Reports⁵ and Opinions⁶ under Article 15, although many of the Opinions interlink issues of discrimination in Article 4 with issues of effective equality in Article 15. It is also important to take into account the scope of application of the FCNM in each country, issues of identity and the General Observations in Section 2 on the need for good statistics. Furthermore, the Summary and the main findings can be particularly revealing in identifying the key issues.

The Opinions have been carefully crafted to encourage the State to strengthen the implementation of the Framework Convention year by year. Where good practice is observed it is commended, while criticism is tempered to suit the situation with a hierarchy of criticism. The Committee may be “concerned”, it may be “deeply concerned” or its harshest criticism is to record that something is “not compatible with the Framework Convention”. The strongest criticism is sparingly used and rarely used more than two or three occasions in the 70 or 80 paragraphs of a critical Opinion.

Economic participation

Geographically concentrated National Minorities

Weller notes that in other instances (he cites Bulgaria), governmental agencies have engaged in economic surveys and found that in some areas of compact minority population, economic and quality of life indicators are inferior. A recent “alternative report”⁷, sometimes called NGO parallel report or shadow report, submitted by the Bulgarian NGO Inter Ethnic Initiative reinforces this with evidence of the situation of Pomacs, Turks and Roma.

In contrast he notes that the Danish Government is clear that no economic differences can be detected in relation to persons belonging to the German national minority. This information may appear to be neutral but is, nevertheless, helpful.

The United Kingdom State report provided substantial information on the employment of minorities. Indeed, almost one third of the extensive State report of 320 paragraphs is devoted to reporting on Article 15, of which some 37 paragraphs are on participation in

⁵ This is the name given to the information that States Parties are obliged to submit under Article 25 of FCNM. They are also made public on www.coe.int/T/E/human_rights/minorities

⁶ Under Article 26, The Advisory Committee evaluates the adequacy of measures taken by the Parties, these have been given the appellation “Opinions” and are easily found ordered by State and by Article on the CoE Web site. These are posted once the Committee of Ministers agrees a resolution, sometimes this can be publicised earlier by States. See www.coe.int/T/E/human_rights/minorities

⁷ These can often be found through www.coe.int/T/E/human_rights/minorities links, under the Non governmental link to the Centre for Documentation and information in Europe. However NGOs are not so systematic in submitting these for broader publication on the net.

Social life, some of which refer to employment. A further 24 paragraphs are devoted entirely to employment issues that impact on minorities and governmental measures to address them.

It includes information on different fora, business advisory services, special programmes targeted at poor neighbourhoods and indirectly at young black unemployed, training and enterprise councils as well as plans for further work.

The highlighting of “additional measures” was also taken up in the Serbian and Montenegro government’s report which described some economic measures that have been taken for the promotion of equality in the regions inhabited by national minorities. These areas are underdeveloped in comparison with other regions in the State. The Report specifically refers to a series of economic measures taken in three municipalities in the south of Serbia inhabited by the Albanian national minority. The report also refers to the holding of a mini-donor conference for the Municipality of Dimitrovgrad, inhabited by persons belonging to the *Bulgarian* national minority to help promote economic equality in this region.

Minorities are often concentrated in border regions that face significant economic difficulties, often being far from the capital and the center of economic growth. In these circumstances it is often difficult to determine if members of minorities are doubly disadvantaged. Similarly in the Ukraine, the Advisory Committee recognized that while employment is a problem affecting society at large, it appears to affect disproportionately persons belonging to national minorities. This is partially due to the fact that a large number of persons belonging to national minorities are concentrated in areas with particularly severe economic difficulties such as Transcarpathia.

Roma are often concentrated in settlements or in flats in run down areas of cities. Here it the problems of Roma seeking work in south east Europe are often compounded by the lack of identity documents. Consequently it was interesting to see this phenomena repeating itself in Russia. Unemployment was a problem affecting society at large, but it appears to affect disproportionately a number of the small indigenous peoples of the north and also a number of other groups. In some regions, the situation was aggravated by the problems of registration leading restrictions on the access of minorities to the labour market.

Economic relations to “Kin States”

There is little evidence in the Report of state Parties, Opinions of the Advisory Committee, Comments of States⁸ parties or Resolutions of the Committee⁹ of Ministers on how transfrontier cooperation between local and regional authorities or trans state cooperation between minorities and regional authorities can lead to prosperity.

⁸ Once an Opinion is formed by the Advisory Committee States Parties are given 4 months to submit comments on the Opinion. These are commonly called Comments and are published on www.coe.int/T/E/human_rights/minorities

⁹ It has become custom and practice for the Committee of Ministers of the CoE to agree a resolution by consensus based on the key elements of the Advisory Committee Opinion. See www.coe.int/T/E/human_rights/minorities

Opinions on a number of states including Albania, Armenia, Croatia, Cyprus, Estonia, Finland, Germany, Hungary, Russia, Romania, Slovakia and Ukraine identify some of the difficulties that minorities experience in establishing and maintaining free and peaceful contacts across frontiers. The opinions highlight the difficulties of obtaining visas but do not explore the economic consequences individually and collectively for minorities and the state.

Disappointingly other States such Romania with its Hungarian and German national minorities, Slovakia with its Hungarian and Ruthene minorities, Serbia and Montenegro with its Hungarian, Romanian, Croatia and Albanian minorities or Albania with its Greek national minority all fail to explore this theme in their State reports. Similarly it would also have been valuable to see the way the Diasporas of a community, such as ethnic Albanians in Macedonia (FYROM), have sent remittances to FYROM and contributed to the countries' economic development.

The Advisory Committee did note under Article 17 of FCNM its concern over the introduction of a visa regime between Slovakia and Ukraine thereby potentially limiting border trade between communities that are on the border or straddle the two states.

The encouragement of trans-frontier cooperation and the prosperity it can bring (see FCNM Preamble and article 18) will require closer examination as new visa regimes take hold between the new European Community members in the Baltic states, Czech republic, Slovakia, Hungary and Slovenia and their neighbours outside the European Union.

Language and cultural links can often be an advantage. However in Estonia unemployment appeared to affect disproportionately national minorities. National minorities are concentrated in areas with particularly severe economic difficulties. The Opinion highlighted the problems caused by the language proficiency required for certain areas of employment that adversely affected the employment of minorities .

Public Service Officials

The employment of minorities within the Public Service and in particular as civil servants is important and an area over which the state has direct control in managing and monitoring. The employment of minorities within public services can help ensure that service delivery is sensitive to the linguistic and cultural needs of a community, while showing a shared ownership of education, health care, social services inter alia. It is particularly important for confidence between communities to see how far minorities participate effectively in the rule of law and are employed at all levels of the army, police and judiciary. The participation of minorities in the civil service can also show a practical engagement in the formulation and implementation of policies and programmes that are determined by politicians. The Report of States under this heading was generally weak, with some exceptions.

In the United Kingdom Report it was stated that the overall, ethnic minority representation in the Civil Service was 5.7% on 1 April 1998. This is slightly higher than

the figure of 5.4% in the economically active population. However, we recognise that there is a need to focus attention on improving representation across management grades, particularly in the more senior parts of the Service where ethnic minority representation is less than 2%: in 1998, 1.6% of Senior Civil Service level staff (SCS) were from an ethnic minority background.

In contrast the Report of Norway, Sweden and Germany had no reference to the employment of national minorities in public service.

The Croatia State report included valuable data on the employment of national minorities in state administration in July 2000. However the Advisory Committee expressed concern about the unsatisfactory levels of employment of Serbs and other national minorities. Only 2.8 percent of the employees working in the bodies of state administration (excluding the Ministry of Interior and the Ministry of Defence) were persons belonging to the Serb minority and there were only two Roma employed in these bodies.

Additionally it noted that the low levels of employment of national minorities within the executive and the judiciary were partially a result of past discriminatory measures (often related to the conflict of 1991-1995) against the Serb minority. The Advisory Committee used its strongest language stating that these circumstances were not compatible with Article 15 of the Framework Convention.

In contrast, the Report of Serbia has no other reference to the employment of minorities in public services, despite providing valuable data on the special programme for the recruitment of ethnic Albanians into the police force in Southern Serbia Montenegro.

Land Usage

Land has a particular importance to indigenous communities.

In the Opinion on Denmark it was recognised that home rule for Greenland and the Far Oer Islands are important arrangements contributing to the effective participation of individuals concerned in cultural, social and economic life and in public affairs.

The Advisory Committee also commended the fact that decisions on the use of the budget allocation for the promotion of Sami culture and the activities of Sami organisations are now taken by the Sami Parliament. It identified the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights in the Sami Homeland being of central relevance to the protection of Sami culture and their identity. It called for the existing dispute over land rights in this area to be resolved as expeditiously as possible in a manner that will contribute to the protection of the culture of the Sami without interfering with the rights of the non-Sami population. It called for the central role of the Sami Parliament to be maintained in this process and that adequate resources should be secured for the Sami Parliament for these tasks.

Similarly for Norway, it was observed that the Sami Parliament is an important body contributing significantly to the effective participation of the individuals concerned in cultural, social and economic life and in public affairs. The advisory Committee observed

that there were a range of positive measures designed to promote the effective equality of Sami and contrasted this with the inadequacy of measures for Roma.

In Sweden, the Advisory Committee recognised the Sami Parliament as an important body contributing to their effective participation. It took the view that the status and the role of the Sami Parliament needed to be further developed, in particular highlighting that one area where Sami participation is of essential importance is the use of land.

The Opinion on Switzerland expressed its deep concern about the indirect discrimination which Travellers continue to suffer, in particular in the fields of land-use planning, the regulation of constructions and the regulation of commerce. This discrimination stems from the application of legal provisions which, although they do not lay down discriminatory distinctions, simply fail to take account of the specific characteristics of the Travellers' culture and way of life. This is the first time the Advisory Committee has identified land as an issue for Roma, although in a number of States, particularly those that comprised former Yugoslavia, the lack of identity documents for Roma leads to the denial of many rights including the use of land.

In Horno, in Germany, one third of the population were Sorbs, the community was faced with being removed from its well established village community. The Advisory Committee, under Article 5, was highly critical expressing its deep concern about the destruction of their houses, school and a long standing church to allow for lignite quarrying thereby destroying the village. However due to the lack of information the Advisory Committee failed to comment on the impact these developments would have on employment within the Sorbian community.

In the Ukraine, the Committee noted that the employment rate amongst Crimean Tartars was extraordinarily high. It went on to state that one of the key factors in ensuring effective participation of persons belonging to formerly deported people in cultural, social, and economic life is the issue of access to land.

Roma

The majority of Opinions express concern, or sometimes, deep concern, over the difficult social and economic situation of the Roma. These include the new democracies in central and Southern Europe of Croatia, Czech republic, Hungary, Romania and Slovakia. However well established democracies are not excluded from criticism including Germany and the Nordic Countries. The Committee is particularly strong in its criticism of the situation in Italy noting that for years Roma have been isolated from the rest of the population by being assembled in camps, where living conditions and standards of hygiene are very harsh.

In response to the criticism¹⁰, States point to the Strategies for Roma that have been produced, though these are often criticised as ineffective by civil society organisations¹¹.

¹⁰ These are often indirect responses through the attachment of documentation on Strategies for the Integration of Roma as appendices to their comments. www.coe.int/T/E/human_rights/minorities

Often the Advisory Committee turns to Article 4 (relating to discrimination and additional measures to promote full and effective equality in all areas of economic, social, political and cultural life) to provide an Opinion on Roma economic issues.

The Advisory Committee was particularly concerned about the discrimination of Roma in Sweden in such fields as housing and employment. This concern is typically of many Opinions on Roma, but the Committee continued by supporting the initiatives of the Ombudsman against Ethnic Discrimination to combat such practices.

It noted that Roma women wearing traditional dresses continue to encounter discriminatory practices in shops and other private businesses, despite the fact that some sanctions have already been imposed for such practices in the past. Once again it commended a local mechanism with the initiative of the authorities to establish a network of Roma women to address problems faced by Roma women.

In a recently published Opinion on Switzerland, the Advisory Committee also noted that particular attention should be given to Traveller women when such additional measures are implemented. But more generally, it proposed that when designing further measures to promote the full and effective equality for the Travellers, the Swiss authorities should take due account of the Committee of Ministers' Recommendation No. (2001) 17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe. Here the expertise of other parts of the Council of Europe is being referred to.

Differentiation by Location, Age and Gender

There is very little evidence provided in State reports on how gender has an impact on the employment of minorities, while there is little evidence given on the issues of employment for minorities in different age groups. The State reports, the evidence submitted by civil society organisations and the subsequent opinions formed are largely age and gender blind.

There are exceptions to the rule. In many Opinions, the Advisory Committee records its deep concern caused by the obstacles that continue to hamper the effective participation of Roma in economic and social life, and the negative impact effects on the socio-economic circumstances of this minority as a whole and women in particular.

In the Albanian Opinion, there is a reference to the Roma Strategy which is due to be developed with the Advisory Committee, expressing the hope that the participation of Roma women in this exercise will be ensured and that appropriate funding will be allocated to this strategy. The use of the word "hope" is somewhat weak.

The UK Opinion is an exception noting very high levels of unemployment recorded for Bangladeshi and Pakistani women and drawing a distinction between employment rates for those over and under 45 years of age.

¹¹ The Council of Europe Social Cohesion Directorate has a specialist group on Roma and in May 2003 convened a meeting in Granada Spain to review these Strategies. There was much criticism of them by Roma and the report of the meeting is due to be published before the end of 2003.

Data Collection

The provision of good statistical information has been rare with the United Kingdom and more recently Switzerland providing the most detailed and sophisticated information in the State report. Croatia has been commended by the Advisory Committee for its use of statistics. Serbia and Montenegro recognises the importance of this, stating in its Report the near completion of its research with a goal of making a database or a social map, to establish the number of Roma.

The report notes that it will also identify the number of the Roma settlements, Roma children attending elementary school, the Roma who have a social and health insurance, and the number of Roma who are employed¹².

In contrast no such concern was expressed by Germany and the Advisory Committee expressed its concern that substantial efforts need to be made to ensure the effective participation of the Roma/Sinti minority, particularly in economic, social and cultural life and that these measures are carefully monitored with the collection of relevant data for their impact in bringing full and effective equality.

There are many reasons for the lack of good statistical information on Roma. One of these is the low number of people who are believed to speak Roma as their first language or who live in Roma settlements, who register in the census as Roma. In Serbia and Montenegro the research referred to above showed that almost three times as many people live in Roma settlements as are registered as Roma. In many countries including Bulgaria, Croatia, Romania and Slovakia, the government readily accepts that the census statistics are misleadingly low and that the numbers may be two to three times those recorded. Article 3 of the Framework Convention makes it clear that "every person belonging to a national minority shall have the right freely to be treated or not to be treated as such." The reluctance to be identified as Roma creates significant problems for those in government who have been convinced that additional measures are needed and additional resources should be provided. There are a variety of reasons why people do not wish to be identified as Roma. These reasons include continuing discrimination and historic victimization, including acts of genocide.

Consequently, data collection on Roma and Travellers has been problematic even for States that have furnished the Advisory Committee with otherwise good statistical data. However since March 2002 the Advisory Committee has been paying much more attention to this issue. Although the need for better statistical information has been recognized in different places in the Opinion, more recently it has been consistently included in Section 2 General Comments.

The Opinion on Sweden is quite typical of contemporary thinking in the Advisory Committee and clearly explains the dilemma.

"In general, the monitoring of the implementation of the Framework Convention is complicated by the fact that Sweden does not collect official statistical data on the ethnic

¹² Romany Settlements, living conditions and possibilities of integration of the Roma in Serbia Bozidar Jaksic, and Goran Basic ,Ethnic Research Centre Serbia – basicg@eunet.yu

breakdown of the population. While some data is available, inter alia, on the number of pupils receiving minority language education, the authorities recognise that their estimates concerning the number of persons belonging to each national minority are imprecise and no detailed data is available on their status in such key fields as employment. In these circumstances, it can be difficult for the Swedish authorities to monitor and take effective measures and for international monitoring bodies to ensure that Sweden is honouring its commitments under the Framework Convention.”

It is likely that the Advisory Committee was told by reliable sources during its visit that in reality, like other countries, there were serious unquantified problems.

“The Advisory Committee continued by acknowledging that the sensitive nature of this information as well as historic reasons need to be taken into account in this context and that these may prevent the collection of exhaustive statistical data pertaining to national minorities. The Advisory Committee notes that whereas amongst some national minorities there is a clear reluctance to accept the collection of such data, amongst others, including representatives of the Swedish Finns, there have been calls for collection of more accurate data in this field.” In Germany the Advisory Committee was informed that the Sinti and Roma did not wish to be identified as such and the German authorities respected this right.

Nevertheless in its Opinion on Sweden, Germany and almost all States whose Opinion has been formed since March 2002, the Advisory Committee has been of the opinion that the Government should consider, in co-operation with national minorities, whether additional initiatives, such as estimates based on ad hoc studies, special surveys, polls or any other scientifically sound methods, could be introduced or extended to improve the scope and accuracy of the data in this field in a manner that respects the various viewpoints of persons belonging to national minorities on this issue. In this connection, the Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes should be borne in mind. “ However, no reference is made in the most recent Opinions to the need for disaggregated data by age, gender and location.

The Committee of Ministers Deputies of the Council of Europe has agreed that, in the second round of reporting that starts in February 2004, it is essential that the report provides relevant statistical data.

Monitoring and Evaluation.

Operationally, support is needed for the internal monitoring and external evaluation of programmes. The Advisory Committee was informed that many states have developed strategies for the integration of Roma. Substantial documentation was provided to the Advisory Committee and the Committee of Ministers’ and yet the output has been limited and the impact difficult to discern, apart from the voluminous documentation. Some new initiatives are underway in the Council of Europe and elsewhere to promote the effective participation of Roma in monitoring and evaluating programmes that have

been established for their benefit¹³. This could be particularly valuable to Roma and have the added benefit that Governments and the Council of Europe can see more clearly how the Framework Convention is being implemented.

Conclusions

Minority Rights, as part of human rights, are universal and indivisible. Economic, social and cultural rights are as relevant and important as civil and political rights. The Framework Convention places as much emphasis on governmental policies as on national legislation, while the implementation of policies and legislation are crucial in turning paper into practice.

This paper reinforces Weller's call for reliable and comprehensive reporting, disaggregated data and for improvements in State and NGO reporting on this issue. The Advisory Committee has offered a number of practical suggestions on how this can be accomplished and each government should consider how it can show that its public service staff and civil servants are drawn equitably from all communities, and they participate from all different age groups and from both genders.

One of the emphases of this paper has been the promotion of wide participation in the monitoring of the implementation of FCNM locally. The Advisory Committee has already established good links with local Ombudsmen and a future challenge will involve working with them to help enhance both the capacity of the Advisory Committee and Ombudsmen.

There is also a need to explore further how the particular culture of minorities can foster economic development and in particular how they may strengthen trade with their kin states. Good practices through special programmes should be explored further in the future, while it will be important to be alert to the way in which the economic disadvantage of peripheral regions may grow as the "global economy" attracts more people and resources to capital cities at the expense of the regions. Similarly the economies of the 10 new member states of the EU, those of the existing 15 are changing significantly. The impact on border trade between states inside and outside the larger EU may also have a serious impact on minorities.

The use of land has been an important issue in a significant number of opinions. This may have been anticipated for indigenous communities such as the Sami and the Small peoples of the Russian far North, but this was also an issue for Roma travellers in Switzerland and the Crimean Tartars in the Ukraine. In the second round of reporting, this issue, and in particular the registration of people and land, would benefit from closer examination. NGO development projects involving minorities may be able to offer some insights here.

The Advisory Committee too may need to consider how it can strengthen its own understanding of issues of the economic exclusion of minorities. Ideally, more members of the Advisory Committee should be economists or have experience of employment

¹³ A presentation on this issue was made by INTRAC (www.intrac.org) at the OSCE Implementation meeting in Warsaw 6-17 October and it attracted considerable attention.

programming. However a substantial change in the professional expertise of the Advisory Committee is unlikely. Nevertheless the Advisory Committee could promote further research on these issues, encouraging further training on the monitoring and evaluation of employment programmes, it could work in cooperation with others inside and outside the Council of Europe, including UNDP and OSCE, plan a workshop to review these issues more carefully and take measures to explore effective economic participation more fully in the second round of reporting.

Many challenges remain in tackling these economic issues that are crucial to the individual dignity and collective prosperity of national minorities.