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PAPER

Justice, relevance and participation:  
transnational activism in the field of minority protection in Europe  
*A perspective from Central and Southeast Europe (CEE)*

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*The views expressed are those of the author only*

In this paper I reflect on civil society's engagement in the implementation and monitoring process of the Framework Convention for the Protection of National Minorities (FCNM). I do this "on the margins" of the NGO Declaration elaborated for this impact-assessment conference and base it on research that includes a number of interviews conducted primarily with minority rights activists, some members of the Advisory Committee and the staff of the FCNM Secretariat. This paper is divided into three sections. The first section clarifies the principles and approach that underpins this analysis. I thought it would be useful to explicitly state my approach since it is evident, even from the expert papers submitted to this conference, that there is a variety of approaches to the issue of minority protection as human rights. The second part of this paper tries to establish the broader European context of civil society engagement in the FCNM process. This broader context is a brief overview, as I see it, of some major characteristics of the contemporary European transnational activism in the field of minority protection which offers a framework for the assessment of the robustness of transnational advocacy along the FCNM. Finally, based on the first two sections and with reference to the NGO Declaration, some issues related to the improvement of the current implementation and monitoring mechanism of the FCNM are raised.

## **1. Minorities and the human rights-based approach to minority protection**

**The establishment of minority protection as a sub-category of human rights, has been hugely significant for minorities<sup>1</sup>.** Importantly, minority rights as a sub-category of human rights mark a radical departure from the 'special concessions' concept of minority guarantees historically underpinned by power politics and ethnic or racial hierarchies. Additionally, it brings in a pan-European perspective based on justice within which the historic legacy of 'double standards' creating tensions between the East and West of Europe can be challenged. As part of human rights, minority rights are no longer privileges offered as favour or charity in return to good behaviour or loyalty, but are basic entitlements to substantive equality. Similarly to human rights, minority rights constitute both duty-bearers, who are, primarily but not exclusively, the states, and right-holders who are principally *persons* belonging to national or ethnic, linguistic and religious minorities who exercise their minority rights in community with other members of their group. Duty-bearers are obliged to respect, protect and fulfil minority rights and they have to be not only willing but also able to comply with their obligations. Minority right-holders, unlike claimants of general human rights, need to first qualify for the protections available in the body of minority rights primarily through self-identification. Those who have chosen to benefit from minority rights have to be able to access and claim their rights. **Similarly to human rights, duty-bearers and right-holders are mutually constitutive and it is at the interface of their relationship that change occurs. Given that the concepts of duty-bearer and right-holder are relational concepts, any strategy that aims to improve the lives of minorities through a rights-based approach needs to simultaneously consider both duty-bearers and right-holders which are bound together**

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<sup>1</sup> I would like to point out that there is not one human rights-based approach to minority protection. This, like any other rights-based approach to social change, probably varies NGO by NGO. A comprehensive analyses of the major characteristics and controversies of a human rights based approach to programming is available in Harris-Curtis, Emma, Marleyn, Oscar and Bakewell, Oliver (2005) *The Implications of Northern NGOs of Adopting Rights-based Approaches* (INTRAC, Occasional Papers No: 41, Oxford)

**by a relationship characterised by non-discrimination, participation and accountability<sup>2</sup>.** Overall, in the context of a rights-based approach to minority protection, participation of minorities in the implementation of minority rights, including evaluation, is both a matter of justice and legitimacy as well as of effectiveness and relevance. This approach does not accord with the view that the core actors in the interpretation and implementation of the FCNM are State Parties, the Advisory Committee, the Committee of Ministers and the professionals in the Secretariat with minorities coming only after them. On the contrary, it argues that it is duty-bearers and right-holders (i.e. states and minorities) who are the primary actors and that this has consequences for the whole implementation and monitoring process of the FCNM. One important consequence is the participation of persons belonging to national minorities in “all stages of the monitoring and implementation process of international instruments, and in particular the Framework Convention”, as stated by the AC Commentary on Participation. Hence, the involvement of minorities in Workshop 1 of this conference, cannot be an optional matter.

While minority groups – inspired and empowered by minority rights<sup>3</sup> - challenge their subordinate relationship to the dominant group, they have to filter a whole range of their relationships through human and minority rights. They have to make sure that the rapport between the individuals and the minority group itself does not contain illiberal practices. They need to face and challenge their own dominance - often based on national and racial hierarchies - over other minority groups. And under the principle of the indivisibility and interdependence of human rights, national minorities are obliged to review their relationship with vulnerable groups, including women, children, persons of different sexual orientation, the disabled, and so on. Thus, minorities have to make sure they incorporate into their self-understanding general norms of human rights, such as sexual and racial equality and tolerance. Finally, minority rights as human rights elevates the protection of minorities from a national to an international level, turning it into a matter of legitimate international interest subject to international cooperation. This has meant for minorities that, in case they have found it relevant, they have had to develop a rights-based rapport - underpinned by participation, non-discrimination and accountability - with international organisations and with a range of minority rights advocates, including INGOs. Most importantly, **the internationalisation of minority protection as human rights has established a linkage between minorities and international organisations which implies that they both have to carefully construct the *mutual relevance of the local and the international, so that a meaningful and effective dynamics between the two levels can develop.*** According to the NGO Declaration (par. 25) and from interviews conducted for this paper it became clear that some minorities do not see the relevance of the FCNM, in general, or of the AC Opinions and CM Resolution, in particular, as a given or self-evident to their situations. They believe that, just as minority advocates must adapt their shadow reports and their other contributions to the language of the FCNM and to the available procedures, the Advisory Committee and the Committee of Ministers should also

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<sup>2</sup> The mutually constitutive concepts of duty bearers and right-holders is discussed in detail in Hanne Lund Madsen “Exploring a human rights-based approach to the evaluation of democracy support” in Burnell, Peter (ed) (2007) “Evaluating democracy support : methods and experiences (Stockholm : International IDEA : SIDA)

<sup>3</sup> The ways in which the human rights movement has influenced the adoption of liberal multiculturalism in the West and inspired and constrained minority movements is presented in Will Kymlicka (2007) *Multicultural Odysseys. Navigating The New International Politics Of Diversity* (Oxford University Press, United Kingdom)

endeavour to frame their opinions and resolutions in a way which is relevant to their local situations. Thus, the issue of mutual relevance and how this can be created is a matter of great importance and is one which could be addressed in this conference. Local NGOs, together with INGOs have much experience in how international instruments can be made locally relevant so as to appeal to the broadest minority constituencies. **One major experience seems to have been that the relevance of minority rights cannot be maintained through reference only to long-term, abstract achievements or the vision of a better future. This has to be combined with the delivery of immediate tangible benefits and responses to urgent matters. An effective engagement of minority advocates who are familiar with local details, could help the AC and the CM to frame their opinions and resolutions with reference to essential short-term and long-term concerns and, thus, establish relevance.**

## **2. Transnational civil society<sup>4</sup> in the field of minority protection in Europe: Lack of data and its possible implications for broad-based participation**

To assess its robustness, it is useful to locate transnational activism around the FCNM in a broader, historical and pan-European context. Being brokers between local groups and international institutions, international non-governmental organisations (INGOs) are widely regarded as markers of transnational activism in a particular field. A look at the evolution and major characteristics of INGOs specialising in the field of minority protection in Europe can therefore give us a general picture of the state of transnational activism in the field of minority protection in Europe.

In Europe, there has been transnational activism along the issue of minority protection for at least a century<sup>5</sup>. Yet, the roles, dynamics and effectiveness of this transboundary advocacy - often organised around international institutions and carried out by a range of non-state actors - remains largely unexplored. Following the Second World War, minority rights have become part of general human rights. This has generated multi-level political opportunities for principled activism along this issue universally. However, as the issue of minority protection had been largely sidelined under the Cold War, it was only after 1989 that transnational minority protection activism intensified around the newly created global and European minority rights instruments and enforcement mechanisms.

In the period between the Second World War and the end of the Cold War, few advocacy INGOs working for the protection of minorities existed in Europe (specialised INGOs hereafter). These included well known brands, such as the Federal Union of European Nationalities (FUEN) set up in 1949 and Minority Rights Group (MRG) established in the late

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<sup>4</sup> In this paper I use a restrictive definition of 'transnational civil society' to include INGOs, local minority organisations and right-defender NGOs. A more expansive definition would include a range of other non-state actors, such as (a) the specialised programmes of private operating foundations (Open Society Institute, King Baudouin Foundation); (b) 'challenger' academic and research institutes (EURAC and many others); (c) electronic/online resources and news services with an advocacy dimension (MINELRES, CEDIME-SE, COMIR, TOL etc); (d) western consultancy companies taking up ethnocultural diversity and minority issues (Focus, European Consultants Organization, etc).

<sup>5</sup> Among others, there are brief references to the roles and impacts of the precursors of international non-governmental organisations in Jackson Preece, Jennifer (1998) *National minorities and the European nation-states system* (New York: Clarendon Press). But see also McCartney and Inis Claude (1955).

1960s<sup>6</sup>. Some of these specialised INGOs are established in Europe and work globally, including Europe. Others were established outside Europe and have European chapters or long-term programmes in Europe. Based on the types of minorities they work for, specialised INGOs in Europe appear to be of a great variety and their profiles seem to be changing over time. Overall, (and rather simplistically), it can be said that they include INGOs formed around one particular minority, such as the Roma or the Hungarian minorities of Central Europe; INGOs that work with historical or long-established national minorities and/or indigenous peoples only; and INGOs that work with immigrant or ‘new’ minorities. In addition, there are INGOs which aim to protect endangered languages rather than groups. **In general, it can be said that the overall specialised INGO scenery is rather fragmented in Europe, with activists working separately with, and for, three types of minorities, namely, indigenous peoples, traditional minorities and immigrant minorities. Overlaps, however, exist.** Some INGOs work both with classical minorities as well as indigenous peoples ( e.g. Minority Rights Group) or immigrant minorities and the Roma, Sinti and Travellers (e.g. Migration Policy Group). Furthermore, there have been short-term and sporadic cooperation between networks working with classical minorities and those of immigrant minorities, but this cooperation has been restricted mainly to events or projects rather than long-term campaigns or movements.

**Specialised INGOs have adopted different approaches to minority protection including minority rights, conflict resolution, development, anti-discrimination and, more recently, substantive equality, which re-conceptualises the minority status as an issue of diversity and difference and addresses situations of multiple, compound and intersectional discrimination.** It has to be noted that while some INGOs tend to combine these different approaches in their work, others stick to one particular approach. Finally, it has to be pointed out that post-1989 long-term, pan-European campaign coalitions have formed around two minority issues in Europe, namely anti-discrimination/anti-racism and the transboundary minority identity of the Romani people. With the exception of these, INGOs specialising in the protection of national or ethnic, linguistic and religious minorities have not yet orchestrated any long-term, pan-European (or global) campaign coalition based on a particular minority identity or some key issues related to minority protection (such as publicly financed higher education or the right to some form of self-governance or internal self-determination). Interestingly, the drafting process of the EU constitution, for instance, did not act as an incentive for the establishment of any long-term campaign coalition (either pan-European or CEE) of specialised INGOs pursuing classic minority issues. Interviews addressing the lack of pan-European campaign coalitions or movements of national minorities highlight several **disincentives, such as: the reduced mobilisational power of the term minority as inferiority; the lack of ownership of minority protection standards and the perception of minority rights as imposed inter-state norms forged without the meaningful participation of minorities; confusion regarding both the beneficiaries of standards and the substance of norms; the irrelevance of norms for national minorities pursuing publicly financed minority language education and/or some form of cultural or territorial autonomy; lack of trust in international organisations which have historically exhibited a pro-state bias and neglected the needs of minorities; and, as the NGO Declaration points out emphatically in several paragraphs (16;21;34), the lack of human and financial resources for this type of work. In the specific context of the FCNM, interviewees belonging to the**

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<sup>6</sup> See a preliminary list of these specialised INGOs in the Annex.

**Albanian minority from Macedonia and the Hungarian minority from Romania added another powerful disincentive. In their countries, the FCNM was used to de-legitimise aspirations for aims which are more ambitious than the standards contained in the FCNM. Hence, the FCNM was presented by states as an achievable maximum, a ceiling, rather than a floor. Overall, it can be concluded that the lack of significant transnational issue or identity based national minority coalitions might signal that the effectiveness of transnational activism in the field of minority protection remains limited and fragmented<sup>7</sup>.**

However, more empirical evidence is needed to support such a general statement which remains hypothetical. As noted before, there is no systematic research on the specific roles and influence of INGOs specialising in minority protection in Europe. If we know little about the roles and influence of European specialised INGOs, we have even less data about (non-political party) minority civil societies. As is noted in a 2005 meeting report produced by the FCNM Secretariat<sup>8</sup>, there is no comprehensive database of local minority organisations and of NGOs engaged in minority protection in Europe, or indeed in CEE<sup>9</sup>. I do not know of any systematic research that addresses basic questions about minority civil societies in Central and South-eastern Europe<sup>10</sup>: how many minority organisations are there in a country at both local and national levels?; what are their major aims and how do they mobilise?; who finances them?; do they have the ability to claim and access their rights?; in what ways are they specific and different from the civil society of the majority, if at all? **There is abundant anecdotal evidence about the nature of minority civil societies that has, however, remained undocumented so far. For sure, if funds are made available, local minority NGOs could undertake such research and create their own data bases based on inclusive processes. Based on this, and with the support and consent of local NGOs, international organisations could elaborate their own data bases.**

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<sup>7</sup> It has to be pointed out that the lack of effectiveness of transnational advocacy networks cannot be equated with the lack of impact of international minority norms. There is evidence that state socialisation with norms can happen in other ways than transnational advocacy networks, although this remains one of the most important modes. Also, it has to be pointed out that this statement does not include the effectiveness of anti-racism, or Roma coalitions. Some analysis exist on the effectiveness of Roma and anti-racism coalitions that point out some significant achievements. See, for instance, “The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe” (Oxford and New York: Berghahn Books); Klimova-Alexander, Ilona (2005) “The Romani Voice in World Politics. The United Nations and Non- State Actors” (Aldershot: Ashgate); Carlo Ruzza (2006), *Human rights, anti-racism and EU advocacy coalitions*, in Lydia Morris (ed), *Rights, Sociological perspectives*, (Routledge, London). There is little evaluation of the work of specialised INGOs that deal with classical minority issues. However, there are INGOs that have started evaluating their work. See MRGI and ECMI evaluations posted on their websites. Overall, however, the lack of powerful federations and long-term campaign coalitions in an issue area tends to signal that the interaction of the local and the international remains fragile and its effectiveness limited. An analytical framework for the assessment of the various forms of transnational activism was developed in Tarrow, Sidney (2005) *The New Transnational Activism*. (New York: Cambridge University Press).

<sup>8</sup> “Consultation meeting of non-governmental organisations and human rights institutions on their input to the monitoring of the Framework Convention for the Protection of National Minorities”, Report of the Meeting, Strasbourg, 8 December 2005

<sup>9</sup> MINELRES has started putting together a database but it remains fragmentary.

<sup>10</sup> Recent research on civil societies in post-communist Europe is not disaggregated along minorities, cite examples/titles

Overall, the general lack of data on minority civil societies in CEE ( and elsewhere) raises questions about the quality of minority participation in the existing European minority protection regime: its inclusiveness, legitimacy and relevance. **If we have so little public data and publicly shared understanding about the size and nature of minority civil societies then how can we secure their meaningful participation in transnational activism around international organisations?** Firstly, a radical improvement is needed in the transparency and publicity about the ways European institutions and the existing implementation mechanisms are presently being accessed by minorities and minority rights advocates. Otherwise it is difficult to refute the all too common claim voiced by minorities that international institutions are largely irrelevant, hence, self-serving, and they work with a narrow, intellectual elite who have little hands-on experience. Secondly, meaningful, formal and transparent access rules need to be developed based on minority consultation. The NGO Declaration makes a series of useful recommendations on this to the FCNM Secretariat.

### **3. Participation of minorities in the interpretation and enforcement mechanism of the FCNM**

After considering the importance of, and some problems related to minority participation, this section looks at some specific aspects of minority participation in the monitoring and implementation process of the FCNM. Attention is focused on two major aspects of implementation and monitoring: the interpretation of norms and enforcement mechanism.

#### **Interpretation of norms**

Technically, the interpretation of the FCNM evolves through State reports, Advisory Committee's opinions, Comments made by States on the Opinions, and the Resolutions of the Committee of Ministers. This is a complex process which is difficult to follow and can be confusing. Therefore, as it is noted by the NGO Declaration, commentaries on important themes based on the articles of the FCNM can be very important in creating clarity and specificity and thus enhance the relevance of the instrument. All the themes listed for commentaries in Professor Eide's paper are important. However, one theme, which underlies the implementation of the FCNM could be added usefully to the list. **This theme is the exact role and scope of the FCNM under international law and its implications for the lives of minorities.** There are signs that minorities do not understand how exactly this instrument has evolved in terms of its beneficiaries. Interviews show that minorities are deeply divided about the importance of a definition underpinning the FCNM, for fear of excluding minorities in need of protection. However, in the light of the disincentives to a more robust pan-European transnational minority rights activism, minorities would benefit from greater clarity about the basic principles and purpose guiding the AC's monitoring work. The Advisory Committee has adopted a flexible, article-by-article by approach bringing a broad range of minorities under the cover of the FCNM. It would be helpful to see which minorities these are and how they benefit from the protections offered by FCNM. Furthermore, clarity is needed on the practice and meaning of the "article-by-article" approach. Similarly to Eide's Commentary on the UN Minorities' Declaration, does this approach imply that *within* the AC's generic approach, distinctions are made among different types of minorities which benefit from different levels of protection? If distinctions are made among various minorities in terms of the levels of their protection, what are the criteria informing these distinctions? Another very important question

emphasised in some interviews I made<sup>11</sup> was about the protections offered by the FCNM for minorities who have legitimate aspirations which go above the standards of the FCNM, namely, publicly funded, higher education in minority languages and cultural and/or territorial autonomy? How do the AC Opinions respond to these minority concerns? Furthermore, in what ways do the AC Opinions reflect the concerns of formally un-recognised minorities who self-identify as such and wish to avail of the protection offered in the FCNM? Put differently, what kinds of protections are offered by the FCNM for formally un-recognised minorities who nevertheless self-identify as such and to what extent minorities who aim for more than what the FCNM offers are protected by this instrument? These are questions which were raised, partly, by the NGO Declaration and, partly, by interviews made for this paper. A list of essential questions informing the thematic report could be formulated through deliberations with minorities.

As of 05 September 2008, 39 state reports were submitted under the first cycle and 34 state reports under the second cycle. Sixty (60) shadow reports<sup>12</sup> from 27 state parties were submitted under a total of 73 state reports under both cycles. Out of the sixty shadow reports 18 address the situation of a single ethnic group, nearly half of which focus on the Roma. Minorities in the West seem to prefer to draw up their own reports in their own names and submit the information directly. Exceptions are the immigrant minorities (Black or ethnic minorities). No such minority has submitted a report individually. Their issues are raised by specialised NGOs in the case of Ireland and Switzerland and by Equality authorities in the case of Britain. Most shadow reports submitted by single minority groups come from the West and many of them address the issue of Travellers and Roma, Sinti or Gypsies. Many reports prepared in the post-communist CEE are drawn up by specialised NGOs based on a broad consultation with minority NGOs or they are prepared by a coalition of specialised NGOs and minority organisations. Most shadow reports submitted by NGO coalitions and by individual NGOs from CEE are supported and financed by INGOs (International Helsinki Federation for Human Rights, Minority Rights Group, European Centre for Minority issues) or Western institutions such as the Danish Institute for Human Rights. Based on this information, it is difficult to draw conclusions about the relevance of the FCNM for minority groups as we cannot be clear about the exact reasons of submissions. However, the fact is that a wide range of groups including territorial national minorities, indigenous peoples and immigrant minorities submitted shadow reports and asked for the consideration of their issues under the FCNM.

There are however complaints in some reports submitted under the second cycle about the Opinions of the AC. These complaints have been underwritten by some interviews I made with members of minorities who had submitted alternative reports. It seems that there is an impression that the FCNM “is functional for the most vulnerable minorities which have citizenship” while it is irrelevant for well-organised, territorially concentrated national minorities in CEE which struggle for some form of cultural and/or territorial autonomy<sup>13</sup>. Additionally, the alternative reports show, that some indigenous peoples fear that submitting reports under the FCNM might mean that they identify as national minorities which can reduce

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<sup>11</sup> Notably, with the representatives of the Albanian minority in Macedonia and the Hungarian minority in Romania.

<sup>12</sup> See the list of shadow reports at the website of Minelres.

<sup>13</sup> Interview with a member of the Albanian minority from Macedonia.



their protections available under the UN Indigenous Declaration, which are higher than the protections national minorities are entitled to<sup>14</sup>. All these examples show that there is uncertainty about the scope of the application of the FCNM and about the protections it offers. Minorities would benefit greatly from clarifications offered in a Commentary describing and analysing the practice of the Advisory Committee with regards to the scope of the FCNM<sup>15</sup>.

With regards to the process on the elaboration of the Commentaries, the participative approach used for the Commentary on Participation it is to be commended. However, interviewees recommended that the participative process can be further improved through the establishment of consultative in-country minority NGO networks whose focal points could organise transnational consultative networks across all states party to the FCNM. These minority NGO networks bridging the local, national and European will have to reflect the principles of non-discrimination, participation and accountability. They will also have to be balanced in terms of gender, age and a range of other relevant criteria. **However, any long-term campaign coalition formed around the FCNM would mark a significant ( if not historical) achievement in the scenery of transnational activism in the field of national minority protection in Europe.**

### **Enforcement mechanism**

The NGO Declaration makes a number of important recommendations on the improvement of enforcement mechanism. This paper raises additional issues or deconstructs some of the tabled issues through details.

The enforcement mechanism of the FCNM is quite complex and it involves the Committee of Ministers, the Advisory Committee, the Bureau (made up of the President and the two vice-presidents of the Advisory Committee) and the Secretariat, which according to the Secretariat's website consists of five administrators, 2 secretaries, 1 documentarist and a head of the Secretariat.

While we can gain some **clarity on the structure of the enforcement mechanism** it is not clear what are the competencies of the specific bodies and how they are accountable to each other. Job descriptions of individuals and the terms of reference of the committees are needed for more clarity. Together with an organigram these could be all posted on the Secretariat's website.

Based on the Explanatory Report (paragraphs 11 and 13), the Committee of Ministers could develop a clear and transparent criteria for the nomination of experts as well as for the **composition of the AC as a collegiate body**. This criteria should refer to both individual experts as well as the overall composition of the AC to be able to meet its collegiate task more effectively. The proven expertise and independence of experts are well known and broadly shared criteria for the nomination of experts on treaty bodies. However, these should be

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<sup>14</sup> The example is that of the Crimean tartars.

<sup>15</sup> An essential question that has been raised in this context was the extent to which the AC is bound by accepting the State interpretation of who is protected as a national minority under Article 3 referring to the "personal scope of application" and/or by restrictive Declarations or by their State reports.

balanced by gender and age diversity, membership in minority and majority communities; interdisciplinarity in that the experts display a broad range of relevant expertise in law, public policy and public administration, local government, linguistics, education, economics and others. Finally, more transparency is needed on both who are the experts and how they work. As is the case with the judges of the European Court of Human Rights, experts should have their short bios added to their names on the website.

Interviewees have raised a number of other issues which may serve as details for the NGO Declaration, but cannot be discussed in this paper. Comments were made on the Secretariat's website and the near complete lack of right-holders' visibility on it. Suggestions were made for improvement through the posting of an agreed minority NGO data base and all the submitted shadow reports on the website. It was also suggested that the FCNM could organise internships for minorities. The issue of the transparency of non-staff Secretariat budget was also raised as was the lack of transparency on the ways the Secretariat promotes projects with NGOs and academia.

### **Conclusion**

A rights-based approach to minority protection was hugely important for minorities in CEE for the re-conceptualisation of their self-understandings, of their relationship with other minorities and vulnerable groups, the state they live in as well as international organisations. It has also induced a re-evaluation of East/West relationships and of double standards which have historically underpinned minority protection. A human rights based approach to minority protection has constituted minorities, together with states as primary actors of minority protection. They are bound together - and to other actors - by a relationship based on non-discrimination, participation and accountability. In this approach, duty-bearers and right-holders are mutually constitutive and it is at the interface of their relationship that change occurs. Hence, any strategy that aims to improve the lives of minorities through a rights-based approach needs to simultaneously consider both duty-bearers and right-holders across all the relevant implementation and monitoring processes. The framing of the mutual relevance of the local and the international was identified as a crucial condition for a robust relationship between right-holders and international organisations.

Transnational activism in the field of minority protection is at least a century old in Europe. But the post-1989 European minority rights instruments have created new, pan-European, multi-level opportunities for transnational activism. However, there is some evidence that the European scenery of transnational minority protection activism remains fragmented and limited in its achievements. Specialised INGOs tend to work with and for three main types of minorities (national minorities, indigenous peoples and in immigrant minorities) in parallel and the overlaps are sporadic and short-term based on events or projects. With the exception of anti-discrimination and Roma coalitions, there are no other pan-European, long-term campaign coalitions in the field of minority protection formed around specific minority identities or critical issues. No long-term, pan-European or CEE NGO coalitions have been formed along the FCNM or any other international institution or instrument, such as the EU constitution. The reasons for this can be many, but some of the specific disincentives identified in CEE, include the reduced mobilisational power of the term minority as inferiority; the lack of ownership of minority protection standards and the perception of minority rights as imposed, inter-state

norms forged without the meaningful participation of minorities; confusion regarding both the beneficiaries of standards and the substance of norms; the irrelevance of norms for national minorities pursuing publicly financed minority language education and/or some form of cultural or territorial autonomy; lack of trust in international organisations which have historically exhibited a pro-state bias and neglected the needs of minorities; and, as the NGO Declaration points out emphatically in several paragraphs (16;21;34), the lack of human and financial resources for this type of work. Possibly, the establishment of a pan-European long-term campaign coalition will have to address and eliminate some of these issues. In the specific context of the FCNM, the relevance of this instrument to the lives of minorities in CEE was found lacking and the need for radical improvement was identified primarily through the participation of minorities in the whole of the implementation and monitoring mechanism. On the margins of the NGO Declaration, this paper addressed, among others, the issue of the elaboration of an AC Commentary on the scope of the FCNM and the AC's practice in this respect; the improvement of minority participation in the elaboration of Commentaries; the improvement of the composition of the AC and the increase of the visibility of minority participation in the enforcement mechanism, on the Secretariat's website.

## ANNEX

### List of specialised advocacy INGOs

This is a tentative and open-ended list of advocacy INGOs that have carried out systematic work in Europe. The sources of this list are:

- Yearbook of International Organisations (2004/2005)
- A survey of electronic on-line resources specialising in minorities. The survey started with MINELRES and researched all listed organisations as well as the links of the listed INGO
- A survey of the participants of all sessions of the UN WGM
- A survey of NGOs having a participatory status with the Council of Europe
- 12 interviews with key experts and practitioners involved in minority protection in Europe

#### List by date of establishment

1. International League against Racism and Anti-Semitism (LICRA, France, **1927**)
2. Federal Union of European Nationalities (FUEN, Germany, **1949**)\*\*\*
3. Minority Rights Group International (MRG, UK, **1968?**)\*
4. Society for Threatened Peoples\*\*\* (GfbV/STP, Germany, **1970**)
5. Hungarian Human Rights Foundation (HHRF, US, **1976**)
6. The European Bureau for Lesser used Languages (EBLUL, Ireland, **1982**)
7. Youth of European Nationalities (YEN, Netherlands, **1984**)
8. International Movement against All Forms of Discrimination and Racism (IMADR, Japan/Europe **1988**)
9. Unrepresented Nations and Peoples Organisation (UNPO, Netherlands, **1991**)
- 10. Project on Ethnic Relations (PER, US – with regional offices in SEE, 1992)**
11. Foundation on Interethnic Relations (FIER, Netherlands, **1993**, dissolved in ?)
12. Association for Democratic Initiatives (ADI, Macedonia, **1994**)\*
13. Migration Policy Group (MPG, Belgium, **1995**)
14. European Centre of Minority Issues (ECMI, Germany, **1996**)
15. European Roma Rights Centre (EERC, Hungary, **1996**)\*\*\*
16. European Network Against Racism (ENAR, Belgium, **1998**)
17. European Roma Information Office (ERIO, Belgium, **2003**)
18. Equal Rights Trust (ERT, UK, **2007**)
19. European Roma Policy Coalition (Belgium, 2007)
- 20.

\* = consultative status with ECOSOC, UN

\*\* = participatory status with the Council of Europe

\*\*\* = both UN ECOSOC consultative status and the CoE participatory status

## **ADD:**

### **UNITED for Intercultural Action**

European network against nationalism, racism, fascism  
and in support of migrants and refugees [When was it formed?](#)

### **European Council on Refugees and Exiles (ECRE, 1974) ???**

**NOTE:** these INGOs do not necessarily have their headquarters in Europe but part of their activities had been carried out with and for minorities in Europe. These are advocacy INGOs, i.e. they are concerned with social change in the field of minority protection. Their work overlaps with INGOs engaged in related issue-areas such as human rights, development, democracy assistance, conflict resolution, environment, indigenous peoples, and INGOs set up by minorities' movements and various ethnic diasporas. They also work in an organisational context in which their activities overlap with the work carried out by other organisations specialising in minority protection, which may not be primarily advocacy organisations but their work has a definite advocacy component, such as:

1. **Specialised programmes of private operating foundations** (Open Society Institute, King Baudouin Foundation;
2. **Transnational social movement organisations (TSMOs) of specific minorities and of diasporas**
  - a. European Roma and Travellers Forum (ERTF, France, 2004)
  - b. Roma National Congress (RNC, Czech republic, 1982)
  - c. International Romani Union (IRU,
  - d. World Federation of Hungarians (WFH, Hungary, 1938)
  - e. European Jewish Congress (EJC, France, 1968)
  - f. Consultative Council of Jewish Organisations (CCJO, UK, 1946)
  - g. European Council of Jewish Communities (ECJC, Netherlands, 1968)
  - h. Macedonian Human Rights Movement International (MHRMI, Canada, 1986)
  - i.
3. **INGOs working with indigenous peoples in Europe** (mainly with the Saami and IPS in Russia)
  - a. Centre de Documentation, de Recherche et d'Information des Peuples Autochtones (DoCip, Switzerland, 1978)
  - b. International Work Group for Indigenous Affairs (Denmark, 1968)
  - c. Arctic Council Indigenous Peoples' Secretariat (Denmark, 1996)
  - d. Russian Association of Indigenous Peoples in the North, (RAIPON, Russia, 1990)
  - e. Saami Council (Finland, 1956)

4. **Academic and research institutes** (EURAC and many others see the list of academic institutions dealing with diversity and minority issues in Europe developed by MMCP/LGI – OSI 2008);
5. **Electronic/online resources and news services with an advocacy dimension** (MINELRES, MIRIS, CEDIME-SE, COMIR, TOL etc)
6. **Western consultancy companies taking up diversity, multiethnic and minority issues** (Focus, European Consultants Organization, WYG, Icon Institut, Athos, Gallup, Ramboll etc).