

## Impact Review Conference on the FCNM

Alan Phillips President of the Advisory Committee  
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Ladies and Gentlemen,

I am delighted to welcome you here today to join our impact review conference as the President of the Advisory Committee on the Framework Convention. I am proud to be associated with the multi-ethnic, multidisciplinary **team of many talents** which is the Advisory Committee. It is drawn from academia, non governmental organisations, inter governmental organisations, public administrators, advocates, former politicians and policy makers. Among its membership it includes 18 distinguished and independent lawyers, political scientists, philosophers, educationalists and historians. In our work we have seen the strength of our diversity, where we are a collegiate committee of many talents.

This conference is a symbol of our work in the Advisory Committee, where over the next two days we have planned **an event that is participatory**, requires team work, and has high quality preparation. It must be targeted on having a real impact on the lives of national minorities and integration in society. I should be a guide to how the Advisory Committee and its' Secretariat work in the future.

This is not an academic conference with theoretical papers on abstract subjects, but it is intended to be **practical and down to earth**, engaging and involving all of you who have worked with the Framework Convention in particular members of national minorities, whom the Framework Convention seeks to protect. It provides opportunities for us all to listen and learn, treating everyone with dignity, it is not intended to be a forum, even for the most experienced, to tell and teach others.

The Framework Convention has been described as **a weak instrument**, certainly by some scholars originally, who closely scrutinised its language and found it lacking the precision and the definitions they had hoped for. This Conference should review the reality to see if the Framework Convention was weak or strong, as I and many of us on the Advisory Committee believe that its weakness is its strength, like a growing oak tree that is flexible in the wind while holding its ground.

The Framework Convention was intended to protect national minorities in practice. It is a unique instrument of international law, with its negotiated norms that have been adopted after complex and often wide discussions in 39 States of Europe. The key indicators of success however are not the legal sophistication of Advisory Committee Opinions, the thoughtfulness of State Comments or the integrity of the Resolutions of the Committee of Ministers, but whether we have a real **impact on people's lives**. It is a challenge to measure this, but we must try together.

Does the Framework Convention combat

- The humiliation of elderly minorities, seen as aliens in their homeland?
- Communities denied their culture, their language and their dignity?
- Children who are born without citizenship and denied basic human rights?
- Institutional discrimination in education and in employment?
- Deep poverty and illiteracy among some Roma, especially Roma women?
- The victims of wars and conflicts in all communities?

These are some of the key issues that need to be addressed and which are a focus of the Minority NGO Declaration, which was prepared by members belonging to national minorities in the context of the conference.

At the outset Article 1 of the Framework Convention makes it clear that it is a **human rights instrument** designed to protect national minorities and to promote their rights. The key actors are the States as the duty bearer and members of minorities as the rights holders. The Council of Europe and the Advisory Committee plays a catalytic and facilitating role when it monitors the implementation of the FCNM. It interprets the FCNM, understands the local realities, gives life to the Framework Convention by bringing duty bearers and rights holders together to promote processes of engagement and mutual understanding. The FCNM needs to be owned and valued locally.

In its tenth year the Advisory Committee has published its **Commentary on Article 15 of the FCNM** on The Effective Participation of national minorities in cultural, social and economic life and in public affairs. It is intended to be a useful tool proposing a range of approaches towards the participation of minorities based on almost 60 Opinions formed by the Advisory Committee over 10 years. The Commentary that is published today is primarily a set of norms on economic and social life and also norms on minorities public affairs, the latter having dominated most of the Opinions. I commend it to you though I recognise that we need to pay more attention to work on social and economic issues in the future.

The Commentary was developed by two Committee, with many engaged, this was followed by an important consultative conference in Bolzano last year involving minorities and government. In this work we sought to practice what we preached working as a team, with no one “primus inter pares”, the Advisory Committee sought **real engagement and effective consultation**. The text changed fundamentally several times. The final Commentary is a rights document, promoting dignity and engagement during its development, but the process was also instrument in producing a quality document that should have a real impact with its wide ownership. It echoes our approach in many areas, e.g. visits, where we promote a broad ownership of the FCNM.

Returning to **this Conference**, I would encourage you to be self critical but always to be constructive. It should contrast sharply with the earlier celebratory even organised in the spring by the Council of Europe Presidency, where the time was very limited and there were many platform speakers. Today’s meeting and the Advisory Committee must consider many challenging issues and dilemmas, many

of which will be elaborated by my colleagues and the first Vice President Ilze Brands Kehris.

Let me touch on some of the questions that I hope may be answered in the various working groups:

**Impact directly in States' parties to the Convention:**

What changes have come about in countries in legislation, policies and practices?

What indicators of change can we simply and reliably use?

What lessons can the Advisory Committee, minorities and states learn from this ?

**Impact indirectly through International organisations:**

Where have we worked most effectively together in the past?

What impact has the FCNM had on ECHR judgements?

What impact has the FCNM had on the E.U. policies and programming?

What can we learn from each other?

**Impact through Thematic Commentaries.**

How do these help minorities and governments?

What is their strength and their weakness?

Where can we add most value in the future and with which topics?

**Future Development of the FCNM**

Over the next ten years we must continue to help the Convention grow from an immature weak organism into **the strength of a mature Oak tree**. This will demand strong roots in countries and flexibility in our approach to the environment, while holding our ground on issues of principle.

We must continue to **develop and strengthen our relationship** with States and with the Committee of Ministers, which have improved significantly in the last eighteen months. Initially the reporting structure that involves a resolution of the Committee of Ministers was heavily criticised, but today several monitoring bodies are endeavouring to follow our example, having seen the trust and goodwill that has developed with honest dialogue, and are seeking to be heard by the Committee of Ministers to give more weight to their recommendations.

We must also develop the strong relationships we have with many other actors due to our impartiality, find ways of reinforcing the quality of our work and build on the participative and transparent approach by **working more effectively** with many of you here today. This conference may act as a source of inspiration, as we listen carefully to the rights holders and learn about some of the real dilemmas of the duty bearers. We need to be modest and supportive, avoiding any arrogance in telling and teaching.

The **Minority NGO Declaration** marks the coming of age of this Convention with the establishment of the European Minority Rights Coalition. All those involved in drafting this document, especially MRGI who coordinated this and with whom I have had some connections in the past, deserve special thanks. The Declaration should inspire our discussions today and tomorrow. If the Conference is as

constructive and as rich as the Minority NGO Declaration, we can declare it a great success.

Thank you, Ladies and Gentlemen.