CHAIRMANSHIP OF CROATIA
Council of Europe
May - November 2018

PRÉSIDENCE DE LA CROATIE
Conseil de l'Europe
Mai - Novembre 2018

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Minorities and Minority Languages in a Changing Europe

Conference on the occasion of the 20th anniversary of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages

Council of Europe, Strasbourg, France
Palais, room 1

18 – 19 June 2018

Intervention

by Monica Gheorghiță, Secretary of State, Ministry of Foreign Affairs of Romania, at the Conference "*Minorities and Minority Language in a Changing Europe*"

(Strasbourg, 18-19 June 2018)

Secretary General,

High Commissioner,

Ministers,

Ladies and gentlemen,

I have conceived my speech focused on *acceptance* as a fundament to peaceful social coexistence, starting from the theme that brought us here today – to acknowledge 20 years of protection of minority rights and of minority languages and prospect the future. I will allow myself to philosophize over the topic since Romania has a certain significant experience in the field of protection of the rights of persons belonging to minorities as a State hosting on its territory 20 national minorities – and I would only refer to national minority in its traditional meaning – and which protects, under one of the most ambitious set of standards, 20 minority languages.

I will, of course, not miss this opportunity to remind of the engagement my country proved during the negotiations of the important legal documents – unique in their way – dedicated to the protection of the rights of persons belonging to national minorities and to protection of regional or minority languages.

We celebrate this year 10 years since Romanian joined the Language Charter and 23 years since ratified the Framework Convention. As a matter of fact, Romania was the first State to ratify the *Framework Convention on the Protection of National Minorities.* This was not without significance.

You might think that 20 national minorities would constitute, numerically, an important segment of the population of my country. The statistics show, however, that persons declaring themselves as belonging to any of the 20 national minorities form around 10% of the whole population of Romania. That would make the rest 90% ethnic Romanians.

In between the 10% and the 90% rest good governance policies which:

-   ensure the protection and promotion of the identity rights of persons belonging to national minorities – as it concerns ethnic, cultural, linguistic and religious identity. The essence of *multiculturalism* is, in fact, the recognition, protection and promotion of diversity within a society on the basis of distinct identities (linguistic, religious and ethnic).
-   ensure the space for interaction, for dialogue in between the "distinct identities" of the minorities and of the majority, identities that need *to speak to one another*. Interaction leads to mutual understanding, to mutual respect, to accepting distinct identities, to *inter-cultural cohabitation,* thus preventing their isolation and the society's lapse into conflict.

- ensure integrative societies that accept *the otherness* as a naturally part of the society and create the needed premises for the feeling of the *otherness* as belonging to that society.

While *multiculturalism*, as a valuable instrument that shifts policies of assimilation and policies defining a homogenous culture of the majority into policies aiming at the conservation and promotion of "distinct identities", is absolutely necessary in building a democratic society, it cannot reach on its own the objective of integrative, tolerant and peaceful societies. The defining element of tolerant and integrating societies, of societies that are truly culturally diverse, is *interculturalism*, seen as interaction, as dialogue between the multiple cultures and distinct identities within a society, enabling their reciprocal influence. The *interculturalism* presents, interprets and reevaluates the social experience of diversity and of differences, being a widely accepted phenomenon in nowadays world shaped by global politics and technical revolution.

As it is mentioned in the HCNM's *Guidelines on Integration of Diverse Societies*, *"[i]ntegration involves interaction, not just tolerating a plurality of cultures"*.

But is *good governance* the only requirement for ensuring the *fair balance* that is invoked as basis for a harmonious society, for a society free of ethnically motivated conflict? I will build my exposé further deliberating on this concept and on the factors that influence its attainment, since this is certainly not the responsibility of the State alone. It requires various levels of responsibility.

First – individual responsibility

Fair balance is a fundamental principle that – while in need of permanent fine tuning to allow it to work as smoothly as possible – should represent an irreversible fixture of every democratic society, upheld by all the relevant actors.

At its foundation lies *ACCEPTANCE,* which translates "the will to understand for the purposes of coexistence and humanistic enlargement of horizons" to quote the famous Edward Said. Therefore, this is an internal experience, which is inherent first and foremost in any individual, not for the purposes of control and domination, but for the purposes of knowing, understanding and interrelating, being aware that such interrelation can only enrich the individual. Therefore, I accept the other for what he/she is, even if different than I am, because this helps my personal development and because it is, in the end, basic humanity: his/her difference does not bother me.

In a world faced with the phenomena of globalization (which includes the possibility of easily becoming a globetrotter, literally or virtually) and the constant technical revolution, the individual is exposed greater to various cultural experiences, coming from different parts of the world, taking various forms of expression and voiced in different languages. The individual *connects easier and faster to the world and the world becomes smaller.*

Therefore the premises that the acceptance of the *otherness* at individual level is higher are there. Moreover, the individual becomes prone to using the technology in its own interest and make it work for itself so that its life becomes better in terms of quality.

On the other hand, the easy access to all kind of information and the huge amount of information the individual is faced with make him/her vulnerable to manipulation, since discerning the reality becomes a challenge.

These are factors relevant for social policies (educational policies, cultural policies, employment policies, even public administration policies).

Second – collective social responsibility

Multiplied at social level and transposed to our topic acceptance would translate in acceptance by the majority of the minorities and by the minorities of the majority. Since I mentioned already that my reference is only to traditional national minorities, acceptance includes particular historical sensitivities. This specific historical background must be, in particular, accepted, both by the majority and by the minorities. If acceptance has false premises (and is based on the *misuse* of history), it becomes a vulnerability for the society and not an asset.

On substance, on the part of the majority, acceptance includes the fact that a set of additional human rights are given to persons belonging to the minority/ minorities with the aim to conserve their identity (which, in terms of ethnicity, culture, language, religion, is different from that of the majority) – positive discrimination. On the part of the minority acceptance includes the will to live in that society *together* with the majority and integrate in that society, which becomes its *state.*

Altogether this collective basic acceptance defines the *civic nation*.

However, what is the length of the additional human rights of persons belonging to minorities the majority can accept; how much is needed for persons belonging to minorities to feel that their identity rights are protected and how to attain, in all this, the objective of an integrative society and of peaceful coexistence?

Third – State responsibility

The answer to this questions cannot be only one. It certainly depends on the specific historical, political and social context in each State.

Generally, measures that States need to take to respond to the imperative of protection of the rights of persons belonging to national minorities must be: necessary; proportionate; adequate.

At the social level, the overall outcome must be *reasonable* in terms of attaining the objective of protection of minority rights, while inducing the sentiment of belonging to the society and not alienating the minority from the rest of the society, as well as not generating feelings of frustration within the majority.

The extra human rights given to persons belonging to national minorities are not *metarights* and are not, in essence, more important than the rest of the fundamental human rights and freedoms. Thus, the beneficiaries are not entitled to exercise these extra rights at the expense of the others' rights and freedoms, nor do they entitle the beneficiaries to obtain further rights (such as territorial autonomy or even external right to self-determination, as a means to preserve one's

cultural, linguistic, religious, ethnic identity) which can definitely not be obtained through the exercise of any of the other fundamental rights.

The extra rights are given with a specific purpose: to protect the specific individuality (cultural, ethnic, linguistic and religious) of a person that is in itself different from that of the majority of the citizens of that state. The exercise of these extra rights cannot be done at the expense of the objective of integrating those persons in the society of that State nor can it be done at the expense of the political system democratically decided or established within that State.

The State must act responsibly both towards the minorities, as well as towards the majority.

When the rights of persons belonging to national minorities are exercised in a manner not justified by the objective itself of these rights, the majority responds. Thus, the balance is disturbed.

In the same manner, when persons belonging to minorities feel oppressed on reasons of belonging to that minority (or even face assimilation), the balance is equally disturbed. In many cases, in such instances, kin-states intervene on the part of the minority.

Indeed protection of persons belonging to national minorities is object of international cooperation. But cooperation means dialogue and conventional inter-state mechanisms to identify durable solutions for the protection of persons belonging to national minorities. It does not mean unilateral actions on the part of the kin-State – by inducing sentiments at the level of its kin-minority of belonging to a different space, to a different nation, within *spiritualized* borders – that would disturb the balance within the society where that State's kin-minority live and that would question the applicability of principles of international law that lay at the foundation of peace and stability in the world. This is when there occurs a high risk of manipulation of the minority either by the kin-State or by the State of citizenship (depending on various factors which I definitely do not have time to elaborate on in this intervention) and when the will to understand for the purposes of coexistence changes into the will to dominate for the purposes of control.

Another question prompts at this point: is it responsible (let alone moral) to exploit cultural, linguistic, religious rights of individuals for political reasons? It is a question of responsibility since the major problem with this kind of exploitation is the diminishing of the individual and societal acceptance of the *otherness* which is perceived as a problem and not as a factor enriching the society or contributing to the development of the society. And as a matter of fact the problem of the raising of the *non-acceptance* is more visible within the minority, which would then try to *disintegrate* by advancing various solutions, non-accepted by the majority. The balance is completely disrupted at such point in time. Dialogue within the society (and not forced solutions) should be encouraged in order for the balance to be found and reinstated.

Fourth – international mechanisms' responsibility

However, in support of such efforts and – why not be fair and open – given that the history that prompted the concept of traditional national minorities is not that distant in the past and is still of high sensitivity in Central and Eastern Europe and Western Balkans at least, but there are also Western European States faced with the matter, international mechanisms have been put in place

both to prevent conflicts prompted by ethnic reasons and to guard over the rights of persons belonging to minorities and help States adjust their policies to respond to the imperatives of protection and promotion.

No one of such mechanisms has been empowered to mingle with the political organization of a State or with political internal debates of major interests for the society itself, nor to question the history of that State – but to take it into account together with the sensitivities it prompts in the society – or to manipulate the social realities of a State just because a certain conclusion must be reached. Quite to the contrary, no such mechanism has as a mandate the protection of the rights of minorities at the expense of the integration of these persons in the society where they live, at the expense of peaceful coexistence. Rhetorically, how could they possibly have such a mandate since their fundamental rationale is prevention of conflicts on reasons of ethnicity! Therefore contributing to identifying the *fair balance!*

Therefore, these conventional mechanisms bear an important responsibility both towards the minorities as well as towards the majorities. They must act objectively in the strong interest of helping States get the best protection for the rights of persons belonging to national minorities within the objective of ensuring peaceful coexistence within the society and non-affecting the integration of persons belonging to minorities in the society. Criticism is constructive as long as it is objective and based on a sincere assessment of the reality. Otherwise, the work of these mechanisms leads itself to the lowering of the level of acceptance of the *otherness* within the society, especially when the conclusions are at odds with the reality.

There is also a special responsibility these mechanisms have – to ensure that the rights of persons belonging to the majority are respected just as much in those areas where they are in minority, where there is a high risk of *reversed assimilation*. Such an approach would certainly add to the credibility of the mechanisms and help to the identifying of the *fair balance*.

Since I have mentioned that the protection of the rights of persons belonging to national minorities should be within the objective of integration of these persons within the society where they live, the conventional mechanisms should help States attain this objective. This is at least how Romania looks at these mechanisms and sincerely relies on their expertise when shaping policies in the field of protection of the rights of persons belonging to national minorities.

However, what Romania expects from these mechanisms is not to double the international mechanisms in place for general human rights evaluation, but to clarify various aspects in the field of protection of the rights of persons belonging to national minorities and especially on the length of these rights. For instance, whether, as a general policy in the field of minorities, a segregated education (in either form, including by creating educational units only for minorities, which reduces the interaction and interdialogue to a minimum, practically to non-existance) is necessary to attaining the objective of the linguistic rights for persons belonging to national minorities, is it proportionate to that aim, while taking into account the need to ensure integration of those persons in the society. Is it a necessity for attaining the objective of protection of the rights of national minorities to allow for the growth of parallel societies within a State (territorial arrangements on ethnic basis are good premises for this)? Would the outcome be proportionate

to the objective? What about symbols? How to tackle that in the spirit of finding an acceptable solution for integrative societies?

I would just recall, in this context, another point made in the HCNM's *Guidelines on Integration of Diverse Societies,* namely that *"[s]eparation between communities and groups is generally not a good basis on which to build a well-functioning society with good prospects for sustainable stability".*

There are many other questions to which we do need expert guidance since we set as policy objective a high standard of protection for persons belonging to 20 national minorities living in Romania.

Romania does not apply the principle of reciprocity in the field of protection of national minorities, but requires at least that the rights of its kin-minority be protected at the same level. It is with regret that Romania notes that in none of the States where persons belonging to the Romanian minority live, their rights are protected at the level at which the rights of persons belonging to kin-minority of those States living in Romania are.

Conclusion

Is it than *fair balance* a matter of *ownership*? It certainly is a matter of social ownership, otherwise it will be rejected altogether at the expense of the preservation of the identity rights of persons belonging to national minorities and of peaceful social coexistence.

Therefore, each State has a model of protection of the rights of persons belonging to national minorities and of regional and minority languages, which should be judged on its own merits.

Romania has its own model which was shaped together with the persons belonging to the 20 national minorities living in Romania. It is premised on the *individual right* of each person identifying as belonging to a national minority to have its (ethical, religious, cultural, linguistic) identity protected. And you must be aware that many of these minorities have few members who managed in keeping over the years their language, culture, religion, ethnicity unaltered, this proving that our policies are focused not on assimilation, but on preservation of identity rights.

Romania can also offer herself as an example of a State which has given the representative organizations of the 20 national minorities living on its territory such a political relevance as to be able to influence the political governance. Minorities and especially the Hungarian minority as one of the numerous minorities in Romania have received a huge responsibility for the well-being of the society as a whole, being part of almost all the governments ruling in Romania in the last 25 years. The majority accepted the minority and entrusted it with the responsibility of governing. They themselves have the responsibility of finding the *fair balance*, not only as part of the society, but as part of the Government itself.

Not to mention that Romania's present President comes from the German minority, speaking the German language spoken today only in some parts of Luxembourg.

What better proof of acceptance within the Romanian society?

Here we are! We have sufficient challenges with the integration of diverse societies as it is. Of course, the world is on the move and Europe nonetheless. Thus, new challenges add to the existing ones, with important consequences at social level which States must carefully tackle.

However, States must use technologies, the internet dependency of the individual, the *smartphonisation* of the society, the social media that makes everyone's life more transparent and accessible to the others and the interaction less official and more direct, in the advantage of making the society become even more acceptant of *otherness*, more aware of the *otherness,* and to encourage and promote the intercultural dialogue and multilinguism as a personal asset.

It is important to emphasize and to make anyone understand that persons belonging to national minorities are human rights beneficiaries because of their specific cultural, linguistic, ethnic, religious patrimony and not political tools that can be used as excuses for conflicts.