



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

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Introduction.

Geographical overview of activities since last meeting; Baltic countries, Balkans, Central and Eastern Europe, Georgia, Central Asia.

New Minorities

In the resolution adopted by the Parliamentary Assembly's winter session last year, there was a proposal that I should initiate a study on the treatment of new minorities in established democracies. The request was repeated in Edinburgh last summer. I have considered carefully the relationship between the work I do with established minorities under my mandate and the issue of new minorities in established democracies and I have found that many of the issues which arise are the same, and that some of the answers also are similar. I have therefore come to the conclusion that we would indeed benefit from a more intense debate and exchange of views and practices between people and institutions which deal with these issues. Much of the effectiveness, and successes, of the work of the HCNM is due to the clear focus of my mandate on conflict prevention. To initiate a study of the treatment of new minorities in established democracies would, in my opinion, go beyond the priorities of my mandate, which requires me to be "an instrument of conflict prevention" and to focus on those "tensions involving national minority issues" which have the greatest "potential to develop into a conflict" Let me share with you some of the thoughts I have on the reasoning behind these words.

My experience and that of my predecessor is that the risk of tensions which may lead to conflicts most often arises in situations involving established national minorities in a new or emerging democracy rather than new minorities in established democracies. There are good reasons for this. The greatest risk of tensions arises when a minority's wish to maintain their ethnic and cultural traditions comes into conflict with the wish of the majority to reinforce the identity of the State. If such tensions cannot be resolved through the existing mechanisms of the state, a minority sometimes looks for solutions through other, external means. The risk will be all the greater if the minority is large and powerful and there is an adjacent kin state which sympathises with its aspirations, especially if the two states have differing territorial claims to the region inhabited by the minority group.

The situation of a new minority is different in a number of ways. The level of expectations of members of a new minority of benefits from a state to which they have recently moved are likely to be lower than those of an established minority which has been settled for generations. Serious social tensions may arise in both cases, particularly if the state seeks to impose the value system of the majority on the minority or to restrict minority access to employment opportunities. But issues which threaten fundamental national concerns like territorially based claims and the activities of the kin-State are unlikely to arise.

Strengthening democracy, its institutions and the rule of law enhances societies possibilities to deal with tensions involving established and new minorities.

On the other hand there is a great deal in common between new and established minorities both in the problems they face and in the means of resolving them. Both are likely to be concerned about political, economic and social exclusion and about the maintenance of their own culture. In both cases the solution lies in integration into a multi-ethnic multicultural society. The key issues to be dealt with such as minority participation and education are the same for both categories. I am convinced that there is scope for greater interaction between those who deal with these issues in order to learn lessons from each other. The correlation between new and established minorities will be pursued in the framework of the Prague Economic Forum.

In terms of the International Legal Framework, what underlies this overlap between new and established minorities is the fundamental human right to equality before the law and protection against discrimination and the duty of states to uphold that right for everyone within their jurisdiction. Thus, this must be applicable to all minorities, including immigrants who are not yet citizens of the state.

The international framework of minority protection goes beyond basic protection by emphasising the right of persons belonging to minorities to maintain their cultural traditions and identity. The fundamental human rights do not allow any distinction between new and established minorities. But there is still no consensus about the extent of the protection which it provides.

This is another area which goes beyond my mandate but where work on developing the two frameworks, taking account of the similarities and differences, could have value for both.

EU Convention.

I would like to add my warm welcome for the fact that the EU draft Constitution includes clear provisions concerning the protection of the rights of persons belonging to minorities. This is good news for minorities, and from my point of view, good news for conflict prevention. While formulating the accession criteria in 1993, the European Council accorded minority rights a prominent position together with guarantees for democracy, the rule of law and human rights,.

It was against this background that I took formal steps to turn to the Irish EU Presidency and advocated the continuation of the validity of the accession criteria for the full membership of the EU by amending the draft Constitution. It came as a pleasant surprise to me that on 18 June 2004 Heads of State and Government reformulated Article 1-2 which now provides that:

*The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, **including the rights of persons belonging to national minorities**. These values are common to the Member States in a society in which pluralism, **non-discrimination**, tolerance, justice, solidarity **and equality between women and men prevail**. [introduced changes in bold].*

I believe this regulation creates a more conducive climate for closer co-operation between the High Commission and the European Union. For the EU it gives an incentive to further developing of standards and actions concerning minorities and such sectors as media, education, languages, public participation and other aspects of socio-economic life.