

# CSCE

Office for Democratic Institutions and Human Rights

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Spring 93

WARSAW

Vol.1, No. 2

## A Note from the Director

The past few months have seen significant CSCE activity in the area of the "Human Dimension" - our work aimed at developing democratic institutions and fostering human rights and the rule of law.

Here in Warsaw, the ODIHR has been busy arranging its ongoing series of Human Dimension Seminars. The latest, on "Migration, Including Refugees and Displaced Persons," was attended by representatives of 46 nations, a score of non-governmental organisations, and five international organisations. It also provided a venue for co-operation between the two international organisations most involved in this area, the UNHCR and the International Organisation for Migration. This Bulletin includes summaries of the seminar's discussions as well as an abbreviated version of the keynote speech delivered by IOM Director General James Purcell. We are now looking forward to our next seminar, on national minorities, which will be reviewed in our Summer Bulletin.

Of course, much of the office's activity has taken place outside Warsaw. Our Human Dimension Mission to the Republic of Moldova broke new ground by combining the work of the Mission with a seminar on legal issues supported by the CSCE's Programme of Co-ordinated Support for Newly- Admitted States. A summary of the Mission's report, as well as a description of the Programme, may be found in this Bulletin. The office has been more involved than ever before in Central Asia. At the direction of the CSCE's Chairman in Office, Swedish Foreign Minister Margaretha af Ugglas, our Deputy Director joined a fact-finding mission to Tajikistan; these contacts are now developing into CSCE assistance to the Tajiks as they draft a new constitution. This trip preceded Madame af Ugglas' five-country Central Asian tour, which concentrated on security and human dimension issues in the region.

Elsewhere in the NIS, the CSCE's missions of long-duration in Georgia, Estonia, and Moldova have played an important role in promoting understanding and mediating disputes. In the months ahead, this type of "preventive diplomacy" will continue to encompass a significant area of the CSCE's work. The ODIHR will host a seminar in Warsaw later this year, or early in 1994, on preventive diplomacy and early warning.

This is the second edition of the ODIHR's quarterly Bulletin, and we hope it meets with the same high level of interest as the first, which had to go into a second printing to meet the demand for more copies. As always, we welcome comments on its contents and suggestions for topics which may be addressed in future editions. Our readers interested in contributing articles should contact us without delay.

Ambassador Luchino Cortese Director  
Office for Democratic Institutions and Human Rights

# Political Representation of Minorities: Integration or Segregation?

Bernard Owen

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*Editor's Note: CSCE standards regarding national minorities require participating States to allow such groups to form political and social organisations, including political parties. In the past, the ODIHR has been actively involved in emphasizing this principle in countries where electoral laws have restricted the formation of parties based on ethnic origin or national affiliation. By acceding to this CSCE principle, countries can guarantee that national minorities become a valuable and effective part of a just and stable political process. This is a principle, but in practice what is the best form of representation for a minority to have its interests protected? In this article, Professor Bernard Owen -- an election law expert with extensive experience in Central and Eastern Europe -- argues that, depending on the electoral system in place, a minority may be best represented if it works within an established, broadly-based party, rather than establishing its own party.*

This paper considers the political representation of minorities in Central and Eastern Europe. Reference will also be made to the long-standing Western democracies.

One point has to be understood clearly: In the expanding Europe of 1993, all citizens belonging to a minority must have the right to vote. Whatever the background, whatever historical events may have occurred in a country, human rights have to be taken into account. Every member of the state has to vote whatever the difference: origin, language, creed. Once this has been well established, questions will be asked. How will they be represented? Who will represent them? An all too obvious answer is, "Let them have their own party." This, of course, is a simplistic way of looking at political facts.

Another point has to be stated: legislation must not keep minorities from organizing their own political parties but we must never forget that the newly found freedom in Central and Eastern Europe has brought to light old quarrels that had long been buried but were still lingering. Arbitrary frontiers and free movement of populations in the defunct empires have given demographic maps irrational shapes so that new states must follow narrow paths to protect minority rights while safeguarding some level of national identity.

Minorities have cultural, linguistic and religious rights that are dealt with at international levels. Political rights are easy to define when minorities are considered as individual citizens: they are normal citizens. Difficulties occur when minorities are taken as being a community whose habits differ from those of the "rest."

Two questions have to be considered. What is the best way to get the members of a minority community to participate in national political life? How will their minority rights be best respected?

## POLITICAL REPRESENTATION IN THE WESTERN WORLD

It is always useful to take note of what has been achieved elsewhere. Undoubtedly, political parties can be the first step to political integration of minorities. The United States, without its two-party system, would never have been able to integrate politically so many successive waves of ethnic and religious immigrations. One of the two parties will unite most new arrivals but not all. Nearly all the Black population will vote for the Democrats. Most of the Jewish population will vote Democrat. More than half of the Catholics will vote for the Democrats. The two parties politically unite a wider range of citizens than can be found in any European country. It is also useful to remember that Great Britain and France have also politically integrated long standing minorities in a quasi two party system.

Emphasizing minority issues and bringing them to the forefront of political life can have unexpected results. Western Europe has unsolved problems. In Belgium, the Flemish language has minority status,

even though it is mother tongue of close to half the population. Entry into parliament of a Flemish party has hindered Belgian political life since the 1960s. Proportional representation and the difficulty of forming coalition governments have helped to push the language debate to the forefront of political life, pushing aside essential political debates. In Spain, the Basque ETA independence movement, that had been encouraged by France during the Franco regime, has become even more deadly since democracy and PR have given it political representation in the national and regional parliaments. Murder has come to the forefront of Irish newspapers, whatever the attempts to represent the Catholics of Northern Ireland. The neutrality of fire in the debate must not put aside the importance of a friendly non-official international neighborhood as an incentive to terrorist action.

### **MINORITY PARTIES VS MINORITY INVOLVEMENT IN NATIONWIDE PARTIES**

Is it preferable to have one specific party representing the minority or should most of the voters from that minority vote for one of the major nation-wide parties?

Is it better to have one of the nation-wide parties of a two-party system looking after the interests of a minority? In this particular instance, that party counts and depends on the votes of the minority so that it has an electoral as well as a moral obligation to look after the minority's interests. In cases where minorities are involved in nation-wide parties, these parties do not get all the votes from that minority. Such minorities behave not as a segregated minority on the defensive but as a social body with its recognised authorities as well as an internal opposition. The minority is then well integrated nationally not figuring in the one sided pattern that should only be found in cases of open or latent conflict with its environment.... or is it preferable to have one specific party representing the minority and only that minority?

Political parties known to represent minorities, even if they are not recorded as such, will have political programs and electoral platforms taking into account the needs and requirements of the minority. As time goes on, programs and platforms have to change. This is a rule all political parties have to take into account. Minority parties have little scope to change. They can bring out new requirements, practical points or stress the difference between them and the majority. This can lead to positions of segregation where the whole political national outlook is perceived by the minority as irrelevant to their own problems.

### **THE MINORITY, THE IDEOLOGICAL SCALE AND THE VOTE**

The fall of communist regimes has complicated the ideological spectrum. Who in Central and Eastern Europe is on the left, who is on the right? This difficulty becomes clear when trying to classify voters in an ideological spectrum. It is by far preferable to have them on a: left - right psychological scale as this is a way of recognizing voters the world over. For example:

LEFT Progressive Movement	RIGHT Conservative Status quo
Permissiveness	Authoritarian
International outlook	National outlook
Redistribution of wealth	Liberalism (economics)

Minorities are often taken as consisting of a politically neutral population whose only characteristics are their minority status in relationship to that of the majority. Minorities can spread out over the country or be concentrated in well defined districts. Whatever their distribution, minorities are made up of women and men with different individual characteristics. Some are progressive, some conservative, the strength of the unifying link between them is in direct relationship to the feelings between the minority and the main component of the population. The stronger their impression of outside hostility, the stronger their defensive united political stance. When minorities feel integrated into the state, they then have a tendency to behave politically in a "normal" way and join either progressive or conservative parties. Minorities generally have a tendency to join progressive parties (this can be the case even when religion is involved). This does not apply to all members of the community. As in all social groupings there is always a body ready to contest the recognised authority of that community.

The way of getting minorities to vote in a "normal" political manner that is not restrictive in the way an

isolated, segregated group would socially behave, has three requirements:

- Internal freedom (in the minority community) so that there will not be sufficient inside social pressure to prevent candidates that oppose the main tendency of that minority.
- That there be no fear (or little fear) coming from outside the minority community that could create an inside panic and common front against an outside enemy.
- That the different regions involving minorities be divided into one-member constituencies where different types of situations could occur:

I) The minority is numerically strong with a significant part of the population belonging to the main national stem.

This could lead to 2 candidates each representing one of the two main communities.

- 60% of the voters (minority)- resulting in 1 minority MP
- 40% of the voters (main national stem)

II) The minority is by far the most numerous.

- 90% of the voters (minority)- resulting in 1 minority MP
- 10% of the voters (main national stem)

But this could lead to 3 candidates:

- 70% of voters from the minority for the party representing that minority... 1 minority MP
- 20% of the voters from the minority voting for a nation-wide party
- 10% of voters from the national mainstream voting for a nation-wide party.

III) All the voters belong to the minority.

This could lead to 2 candidates:

One candidate will represent the main tendency of that group, another candidate will represent the opposition without obligation to prefer the minority status of the group. Both candidates could well belong to two different national parties or one might belong to a strictly local minority party:

- 70% - main tendency of that minority -- local party label national party label
- 30% - Contesting the authority of -- usually a national party label the local minority group

IV) The minority is numerically weak in the constituency.

- 70% of the main-stream population
- 30% of the minority

The break-up of voters could be:

Main stem population

- 60% for nation-wide party A
- 10% for nation wide party B

Minority

- 30% for nation-wide party B or for minority party.

On the other hand, list proportional representation gives an overall impression to minorities of: "They - The Others," as constituencies are usually large enough to be made up of a minority representing 30% of voters and the main national ethnic group making up 70%.

In this case, the electoral contest appears as a minority versus majority contest and the results could be: 6 minority MPs and 14 majority MPs.

If one-member constituency plurality voting is adopted, the area of this constituency will be divided into 20 one-member constituencies and according to the population distribution might give similar or differing results. Whatever the similarities, as far as the number of MPs is concerned, the type of contests will differ. Minority concentration in certain areas might give similar results as far as the number of MPs, but with the minority community not acting as a segregated portion of the population but having it's own: "Authority - Opposition To That Authority" pattern. For example, whenever a one-member constituency is made up solely of members of the minority community, then (admitting that

there is not sufficient social pressure inside that community hindering free presentation of spontaneous candidates) that minority community should act (in that constituency) as a normal group with the: "Authority - Opposition To That Authority" behavior.

Proportional representation will certainly restrict any kind of integration of minorities into the national overall party system. The larger the constituencies, the less chance a minority will have of voting away from its own party.

For example, Bulgaria has three regions where the Muslim Turkish or Bulgarian Muslims (Pomacs) have important communities and are more numerous than Orthodox Bulgarians. The most recent electoral law under which the last elections were held, breaks up the country into large constituencies. However, the transfer of votes into seats takes place at the national level. This means that Muslims presented party lists everywhere, even when they were in constituencies where very few Muslims had settled, because they knew all votes would be pooled together in Sofia and all additional votes (although useless at constituency level) could make the difference of one or more seats in the constituencies with a high level of Muslim voters.

Previously, Bulgaria had experienced a less drastic and segregated electoral system (mixed two round majority and proportional list) that had given the MDL (Muslim party) a number of seats. Whenever it could not present candidates for the second round, the MDL advised the Muslims to vote for the Democratic Party (the electoral law had limited the second round to the first two candidates of the first round). The Hungarian mixed system seems preferable because the first three candidates of the first round of voting (in the majority part of the election) can be candidates for the second round. This means that agreements can be made at party level between two similar parties for mutual withdrawals in favor of the party that is in a better position to gain the seat. This is a first concrete step to good party relationships leading to future government coalitions or united opposition.

Is the Romanian way of giving minorities (ie Armenian, Bulgarian, Gypsy, Polish, Serbian, Slovenian, Ukrainian, except Hungarians who get only 7%) the right solution? Should minority problems be isolated from the main stream of political representation?

## **THE MINORITY QUESTION IN A GENERAL POLITICAL REPRESENTATION OUTLOOK**

A number of factors have to be taken into account when considering problems of political representation in Central and Eastern Europe. We are not in Western Europe. Problems that appear in countries that have been democracies for a century will also come to light in the new democratic Europe. Only here, they can easily reach dramatic levels.

Central and Eastern Europe are and will be for quite a while in an economic and social crisis. We can see in Western Europe that weak party systems lead to coalition governments which assume management in normal conditions but break up whenever a crisis occurs at a time when strong government is needed. A sound and efficient democratic party system should be a priority to all who work on political institutions and electoral systems in the new democratic Europe. Government instability is a curse on West European countries using pure proportional list systems: resulting caretaker governments (Belgium and Holland), governments made up of technicians (Finland). But it could have dramatic consequences in Central and Eastern Europe. Minority governments, the appearance of a right wing party that becomes unexpectedly the second national party (Denmark 1973), a vote against the government that does not bring about alternative government (Finland) would not be understood in the new democracies and could have far reaching effects.

In a pure proportional list system, a minority party will be in parliament with other parties each representing well defined communities whose relationships may, historically, be of a conflicting nature. Plurality, majority systems or mixed systems will not condemn minority parties but will give altogether fewer parties (especially in Central and Eastern Europe), parties that integrate citizens from different backgrounds on a basis of similar psychological attitudes.

Electoral systems not only act on the number of seats each party will obtain from a given number of

votes. They are also determining factors on how the voters and heads of parties behave. The "lost vote" effects of majority systems determines the way the voter sees the electoral contest. The heads of parties will either break away or get together according to the possibilities or dangers involved in the electoral system.

These psychological effects lead to parties that are different in nature. Plurality systems and two-round majority systems have parties with a tendency to integrate diversity but will not stop minority parties from getting seats. (We saw this in the Bulgarian June 1990 election and in the Albanian March 1991 and 1992 elections). Pure proportional list systems lead to parties that have little integrating effect on any level: groups, ideology, minorities.

Central and Eastern European states have common characteristics that are quite understandable after so many years of one-party states and obligatory associations. Not bothering to vote is a normal attitude after having experienced over 40 years of political-social compulsory voting. If political parties are a sign that true democracy exists, why not have as many as possible? Let us keep in mind that weak unstable governments would be a curse on Central and Eastern Europe, would weaken democracies and that a bound democracy is the best guarantee for the respect of minority rights.

States which are on the way to the widely growing Europe:

- must have no legal limits to the vote of minorities whatsoever.
- must have no legal restrictions of parties representing minorities.

The question of how best to represent a minority politically is open to debate: Is it more efficient to have one small (in certain cases, very small) party representing a minority or to have the minority implicated in the policies and voting for a powerful nation-wide party?

## **BIBLIOGRAPHY**

Dimitras, Panayote and Kalogeropoulou Thalia, "Electoral systems and ethnic minority.

Paper prepared for the Conference on Minorities for Europe and Tomorrow, held at the University of Maribor, Slovenia, February 1992.

Johnston, R., "The neighborhood effect revisited," Society and Space, No. 4, p. 41-56.

Erwin, D., "Regionalism and the West European party Mosaic," in West European Party System: Continuity and Chance, ed. Daalder and Mair, Sage, 1985.

"Minorités: Quelles Chances pour l'Europe?" in l'Environnement Europeen, Initiative et Debat, no 16, Seuil 1991.

# Minorités Nationales et Droits Culturels

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Après bien des travaux théoriques et abstraits, souvent remarquables mais propices aux généralisations hâtives, il semble qu'une démarche plus pragmatique, partant des situations historiques concrètes, commence à prévaloir dans les débats sur la question essentielle des minorités nationales. Nous n'en voulons pour preuve que le récent atelier organisé à Londres, en avril dernier, à l'occasion de la deuxième Assemblée générale de la Banque Européenne pour la Reconstruction et le Développement (BERD) sous le titre au pluriel éloquent d'Approches de la protection des minorités; tout comme le séminaire de la CSCE sur la dimension humaine intitulé Etudes de cas concernant des minorités nationales: résultats positifs, organisé en mai par le Bureau des Institutions Démocratiques et des Droits de l'Homme de la CSCE conformément au mandat donné à Helsinki.

En fait, derrière les positions théoriques antagonistes transparaissent des expériences historiques diamétralement opposées. D'un côté, une tradition juridique fondée sur une vieille conception de l'Etat, mais renforcée par la théorie rousseauiste de la démocratie faisant de la loi - votée par tous et égale pour tous - la parfaite expression de la "volonté générale" et la pleine garantie de la liberté. Cette conception de la démocratie majoritaire récuse tout privilège - ou loi particulière - et toute discrimination, mais elle implique des citoyens abstraits, là où nous voyons aussi des "hommes situés", capables de droits collectifs, à commencer par celui d'association, fondateur de "sociétés" partielles qui constituent autant de contrepoids face à l'omnipotence de l'Etat, comme l'avait bien vu Alexis de Tocqueville en observant La Démocratie en Amérique.

Si ce modèle de l'Etat-Nation, enrichi par les contre-pouvoirs de l'Etat de droit réussit de manière exemplaire, force est de reconnaître qu'il a souvent été caricaturé, au nom d'un Etat "un et indivisible" au service d'un pouvoir totalitaire. Lorsque ces pouvoirs, qui avaient prétendu créer un "homme nouveau" en nivellant les particularismes religieux, sociaux ou culturels s'écroulent, le puzzle d'une Europe morcelée apparaît de nouveau. Le réflexe identitaire l'emporte même sur le vieux cosmopolitisme culturel des anciens Empires centraux, dans une série d'exclusions, de discriminations et de haines. Robert Musil a peut-être décrit le fond tragique de ces contradictions dans L'homme sans qualités en évoquant une Cacananie qui ne subsistait que par la force de l'habitude: "Ce n'était pas seulement en effet que l'aversion pour le concitoyen se fût élevée là-bas au niveau d'un sentiment de communauté, mais encore que la méfiance envers soi-même, envers son propre destin y avait pris le caractère d'une profonde assurance".

Face à ces deux traditions historiques, une nouvelle réflexion sans a priori s'impose. La responsabilité de la CSCE est évidente dans cette démarche, non seulement en raison de son cadre géographique, mais aussi parce que le lien établi dans la troisième corbeille entre la dimension humaine et le patrimoine culturel - comme cela a été le cas notamment lors du colloque de Cracovie en 1991 - ne saurait être négligé. La dynamique culturelle pourrait en effet offrir une solution pour dépasser les antagonismes statiques qui paralysent un débat engagé sur les minorités nationales.

En l'état actuel de la question, on tentera seulement de cerner quelques interrogations inéluctables: Quelles minorités? Quels statuts juridiques? Quels droits culturels?

## I. Quelles Minorités?

Le poids de l'histoire incite à un certain empirisme: les guerres, notamment au XXème siècle, ont bouleversé les frontières en divisant les populations contre leur gré. Mais ce critère trouve vite ses limites, s'agissant notamment des minorités non territorialisés. Par ailleurs, certaines formes de migrations volontaires - comme les Allemands de la Volga - ne peuvent être exclues de la définition des minorités nationales. L'histoire ne fait, en fin de compte, que multiplier les illustrations de la difficulté de la situation.

Le droit lui-même est de peu de secours. Il a peu à peu imposé un vocabulaire rituel. Ainsi parle-t-on tout d'abord des minorités nationales, soulignant l'importance du lien de rattachement à l'Etat. Mais même cette condition simple se trouve remise en cause par un double problème. D'abord on peut se demander si les nouvelles minorités, issues d'une immigration récente, constituent ou ont vocation à



constituer des minorités nationales. Les options politiques des Etats européens sont très partagés, comme on le sait. Certains Etats affirment que dès qu'un immigré débarque sur leur propre sol il constitue à lui seul une minorité nationale...D'autres prennent au contraire la précaution de faire des interventions expresses - ainsi l'Allemagne lors de l'adoption du projet de Déclaration des droits et des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques par la Commission des droits de l'homme des Nations Unies en mars 1992 - pour exclure les immigrés du champs de la déclaration. Pourtant, si à un moment donné, les immigrés qui conservent leur nationalité d'origine ne peuvent pas être considérés comme constituant une minorité nationale stricto sensu, dans une vision plus dynamique, la naturalisation sans doute souhaitable de ces immigrés peut très bien créer à l'avenir de nouvelles minorités nationales. Encore faut-il savoir si la meilleure solution ne serait pas de s'en tenir à la politique traditionnelle des Etats d'accueil, comme la France ou les Etats-Unis, qui consiste à favoriser l'assimilation volontaire ou l'intégration<sup>1</sup>.

Ces difficultés classiques se sont doublées récemment des problèmes découlant du phénomène de la "succession d'Etats", lorsque au nom du principe des nationalités, de nouvelles minorités ont été soudainement créées, que l'on songe aux populations russes dans les nouveaux Etats de la périphérie. Peut-on encore parler de citoyenneté? Ainsi le problème des minorités tend-il à se poser en chaîne, chaque fractionnement d'un ensemble initial créant une nouvelle minorité, une minorité dans la minorité.

A ce premier critère des minorités nationales s'ajoute traditionnellement une énumération qui vise les minorités ethniques, religieuses ou linguistiques, selon la formule classique de l'article 27 du Pacte sur les droits civils et politiques. Là aussi les ambiguïtés sont nombreuses. Si l'on comprend facilement la notion de minorités linguistiques, la référence à des minorités religieuses est déjà incertaine. Cela implique une religion d'Etat ou une religion dominante, mais ceci n'a pas de sens dans un régime libéral et pluraliste de séparation des Eglises et de l'Etat. Cette notion française de la "laïcité", qui est sans doute intraduisible, consiste en fait à "rendre à Dieu ce qui appartient à Dieu, et à César ce qui appartient à César". Elle ne correspond pas à une simple tolérance d'une sphère privée, mais au respect scrupuleux de toutes les croyances dans tous les aspects de la vie sociale<sup>2</sup>.

Reste la question la plus délicate, celle concernant les "minorités ethniques". Certaines définitions, invoquant les "caractéristiques ethniques" semblent dangereuses par leur connotations raciales. A tout le moins, elles traduisent un déterminisme objectif du jus sanguinis fondé sur une conception collective du groupe, ne laissant pas de choix à l'individu.

Face à cette conception, l'approche individualiste a prévalu dans les textes internationaux, qu'il s'agisse des Nations Unies ou de la CSCE, avec la référence constante aux "personnes appartenant à des minorités..." Cette référence est elle-même assortie de l'idée de volontarisme, chacun étant libre d'appartenir ou de ne pas appartenir à une minorité. Ainsi l'individu retrouve-t-il ses droits face au groupe, le volontarisme individuel face au déterminisme collectif. En ce sens, on peut tenter de réconcilier la conception exaltée par Renan de la nation comme un "plébiscite quotidien" et cette libre adhésion de l'individu à un groupe ou une communauté.

Dès lors aussi, peut-on classer, de manière quelque peu sommaire, les Etats européens en trois grands groupes: d'un côté certains Etats tendent à promouvoir les droits des minorités, dans la mesure où ils ont eux-mêmes des populations soeurs, non sans des poussées irrédentistes parfois; par ailleurs, d'autres Etats ont pu nier l'existence de minorités sur leur sol, au prix de politiques d'assimilation forcée ou d'exclusion ethnique; reste enfin le cas des grands pays d'immigration qui ont toujours fait des diversités une richesse, même si le cadre juridique ne consacre pas forcément les minorités en tant que telles.

Devant cette diversité des situations, il semble évident qu'un régime général des minorités nationales uniforme pour tous, un "modèle suisse" généralisé à l'échelle d'une Europe en décomposition, n'a pas plus de sens que l'illusion inverse qui consistait à voir s'épanouir partout des Etats-nations.

## **II - Quels Statuts Juridiques ?**

Plusieurs niveaux peuvent être envisagés pour la protection des minorités nationales, si l'on tient compte des modèles historiques déjà nombreux qui peuvent servir de référence.<sup>3</sup>

Le degré zéro de la protection des minorités nationales est le niveau interne, avec des statuts constitutionnels ou des garanties législatives. Pour des Etats soucieux des apparences de la souveraineté, c'est le cadre le plus adapté. Une décentralisation très poussée pouvant aller, comme dans des cas de plus en plus nombreux, jusqu'au fédéralisme, paraît de prime abord le meilleur moyen pour rapprocher le pouvoir des citoyens. Ainsi, dans de petites unités territoriales, les diverses communautés qui existent à l'échelle locale, peuvent pleinement s'exprimer, qu'il s'agisse de communes, de circonscriptions législatives, ou même de listes régionales. Certes de tels systèmes modulant la taille des circonscriptions et la variété des modes de scrutin - notamment la représentation proportionnelle - sont marqués par le caractère territorial des droits, qui traduit une conception de la nationalité faisant une large part au "droit du sol", le *jus soli*, par opposition aux systèmes qui enferment l'individu dans un "statut personnel", souvent lié au "droit du sang".

Une conception territoriale des droits des minorités peut sembler excessivement statique, en cristallisant un statu quo interne que la mobilité moderne et la "liberté de circulation des personnes" tendent à remettre en cause. Mais la conception du statut personnel, héritée des capitulations et des protectorats - accordant des droits particuliers aux commerçants étrangers et aux sujets "protégés" - semble encore plus exclusive, en interdisant toute liberté d'option pour l'individu, toute possibilité d'intégration, en le reléguant trop souvent à un statut de "citoyen de seconde zone", fiché comme tel, protégé mais exclu.

La situation est encore plus compliquée, lorsque plusieurs Etats se dressent autour des minorités. Parfois la situation bilatérale est assez équilibrée pour permettre des arrangements de voisinage fondés sur la réciprocité, qu'il s'agisse d'un échange de simples engagements parallèles ou un traité bilatéral en bonne et due forme.

D'une certaine manière, c'est sans doute pour renforcer leur main dans de telles négociations bilatérales, que certains Etats réclament un "régime général" des minorités nationales en Europe. En dehors même de la diversité des définitions et des solutions qui a été relevée, il semble difficile d'établir aujourd'hui un carcan juridique uniforme pour tous les Etats européens. Tout au plus peut-on imaginer des régimes de garanties internationales pour résoudre telle ou telle crise. Déjà les traités de paix de 1947, dans la ligne des efforts de la SDN, avaient imposé des garanties précises aux divers alliés de l'Axe, comme la Bulgarie, la Hongrie et la Roumanie. Si la constitution du bloc communiste a empêché ces garanties de pleinement jouer, en paralysant les procédures d'arbitrage qui étaient prévues dans les traités, la nouvelle donne européenne aurait pu leur rendre toute leur portée<sup>4</sup>.

De même le traité d'Etat de 1955 avec l'Autriche reconnaît expressément aux "ressortissants autrichiens appartenant aux minorités slovène et croate en Carinthie, Burgenland et Styrie" des droits spéciaux en matière linguistique et scolaire.

Dans un tout autre contexte se sont multipliées les initiatives au sein du Conseil de l'Europe, de la CSCE ou des Nations Unies pour promouvoir "en général" les droits des minorités. C'est dans ces trois enceintes que les grands principes d'un régime des minorités nationales ont été esquissés. Ces travaux ont pris la forme, dans un premier temps, de déclarations, qu'il s'agisse du rapport de la réunion d'experts de la CSCE sur les minorités nationales de juillet 1991 à Genève ou du projet de déclaration des Nations Unies adopté par la Commission des droits de l'homme en mars 1992, puis par l'Assemblée Générale à l'automne dernier<sup>5</sup>.

D'autres initiatives, dans le cadre du Conseil de l'Europe, ont pris un caractère plus formaliste, visant à aboutir, comme on le sait, à la conclusion d'accords multilatéraux. La première démarche a été à l'origine celle de la Conférence sur les pouvoirs locaux et régionaux - notamment de la part de certains de ses membres espagnols - qui a mis en avant l'idée d'une Charte européenne des langues régionales ou minoritaires, ouverte à la signature le 5 novembre 1992. Sous une forme assez complexe, la convention est un instrument souple, puisque d'une part l'Etat intéressé désigne lui-même la liste des langues qui sont concernées - le vocabulaire retenu permet de viser des langues locales sans pour autant reconnaître l'existence constitutive de "minorités linguistiques" - et choisit "à la carte" les engagements qu'il est prêt à assumer. Douze Etats du Conseil de l'Europe ont signé aussitôt la Charte, dont le Danemark, l'Espagne, le Luxembourg et les Pays-Bas<sup>6</sup>. En mettant l'accent sur les droits culturels conçus comme droits individuels, la Charte offre une solution prudente qui pourrait être "ouverte" à des Etats tiers qui ne sont pas - ou pas encore - membres du Conseil de l'Europe.

Une autre initiative, beaucoup plus systématique dans son inspiration, est celle née au sein de la Commission de Venise pour la démocratie par le droit<sup>7</sup>. Ce projet de convention pour la protection des minorités, dû au professeur Malinverni, a lui-même été transmis au Comité directeur des droits de l'homme (CDDH) du Conseil de l'Europe qui a créé un groupe ad hoc sur les minorités (DH-MIN) pour examiner les diverses propositions sur la table. Un autre projet, présenté directement par l'Autriche, consiste en un protocole pour compléter la convention européenne des droits de l'homme. Ces deux projets sont d'inspiration très différente, le projet autrichien cherchant à "juridictionnaliser" la protection des droits des minorités nationales, à partir d'une définition délicate, alors que le projet de G. Malinverni tend sagement à établir un mécanisme de contrôle plus souple, à travers des rapports soumis à une commission indépendante.

Il n'est pas sûr que les travaux en cours puissent déboucher sur une solution satisfaisante avant le premier sommet des chefs d'Etat et de gouvernement du Conseil de l'Europe prévu en novembre 1993.

Enfin, il faudrait mentionner ici la nouvelle institution du Haut Commissaire pour les minorités nationales dans le cadre de la CSCE. Le Haut Commissaire, conçu comme un instrument de prévention d'un certain type de conflit à un stade précoce, a pour principale responsabilité de déclencher une alerte rapide dans le cas où un risque *prima facie* de conflit potentiel existe. En outre, il engagera une action rapide lorsque des tensions, impliquant des minorités nationales et n'ayant pas encore dépassé le stade de l'alerte rapide, sont susceptibles de dégénérer en conflit menaçant la paix, la stabilité ou les relations entre Etats participants de la CSCE. Ce mandat du Haut Commissaire pour les minorités nationales de la CSCE constitue une approche pragmatique -encore trop neuve pour être évaluée - dans une optique de sécurité et de prévention des conflits dont la CSCE se veut le fer de lance.

La difficulté des schémas trop généraux et abstraits qui se focalisent sur des antagonismes étatiques est évidente. Faut-il pour autant se résigner à cette impasse et constater que les problèmes et les drames hérités de l'histoire ne sont pas les mêmes d'un bout à l'autre du continent. Le renouveau des droits culturels offre peut-être une piste, parmi d'autres, pour rechercher des leçons non dans le passé mais dans l'avenir.

### **III - Quels Droits Culturels?**

De part et d'autre l'Etat est contesté, comme on l'a vu. On peut constater, sans trop de simplification, qu'à l'ouest de l'Europe, l'intégration communautaire, la liberté de circulation des personnes et des biens, le développement et la coopération transfrontière, mais aussi le déracinement urbain et l'uniformisation culturelle, tout concourt à diminuer les antagonismes nationaux et les particularismes identitaires, bien qu'au même moment d'alarmants replis communautaires à visée régionale ou linguistique se dessinent à l'horizon européen. Les garanties constitutionnelles des libertés fondamentales laissent à chacun une sphère individuelle propre, sans remettre en cause l'égalité des chances. Par ailleurs, des traités déjà anciens ou des institutions fédérales jalonnent les "marges" périphériques de cette Europe. Le contraste est évident avec le processus de décomposition des Etats d'Europe centrale, constitués au début du siècle, sur la ruine des Empires centraux. Sans remettre en cause ces aspirations démocratiques, un modèle de "convivialité" devrait être inventé, avec l'aide des institutions européennes, comme le Conseil de l'Europe. Encore ne faut-il pas détruire l'Europe des Etats, née de tant de siècles et de tant de guerres enfin dépassés à l'ouest, pour fixer un cadre uniforme à ces tentatives.

De même que le cadre de l'Etat-Nation a pu se révéler inadapté à certaines situations particulièrement complexes, le schéma de l'Etat-minoritaire ne peut devenir un nouveau moule réducteur de "l'esprit des lois" propre à chaque peuple. Seule une convergence vers le haut est possible, à travers la notion d'Etat de droit que la CSCE a puissamment contribué à préciser, à travers des notions comme la justice et la démocratie qui ne peuvent être remises en cause au nom du relativisme culturel ou de l'adaptation sociale. Mais ces postulats posés, un grand champ reste ouvert pour des droits culturels, ces droits "oubliés".<sup>8</sup>

Il ne s'agit pas tant de proclamer des droits culturels spécifiques à des minorités nationales, marqués d'exclusivité et d'exclusion, mais bien d'envisager la dimension collective des droits culturels. Le point de départ serait une prise en compte de l'identité culturelle de chaque individu, définie tout à la fois par

l'appartenance à des communautés diverses et par la référence aux valeurs universelles. Face aux déterminismes et aux discriminations, chaque personne pourrait ainsi marquer son droit à la différence mais aussi sa volonté d'appartenance collective, à travers une série de solidarités, allant de la communauté culturelle de base à l'ensemble des cultures conçu comme un "patrimoine commun de l'humanité", en passant par l'héritage national. Serait ainsi dissipée la question préalable de la définition des minorités nationales, dans une diversité assumée par chaque Etat comme une richesse. Le droit à l'identité culturelle, conçu comme un nouveau droit de l'homme pleinement intégré au respect de tous les droits de l'homme, sans relativisme facile, impliquerait la reconnaissance de "communautés culturelles", fondées notamment sur la langue, mais aussi d'autres solidarités de proximité, à travers la vie associative ou les échanges transfrontières. En favorisant le foisonnement de communautés culturelles multiples dans le cadre d'un même Etat de droit garantissant des droits de l'homme indivisibles, les Etats éviteraient la cristallisation de minorités nationales repliées sur elles-mêmes et fondant leur principe identitaire sur l'exclusion de l'autre.

Il ne s'agit que d'une piste, à peine esquissée, qui mériterait sans doute d'autres réflexions. Encore faut-il tenir les deux bouts de la chaîne, préserver le rôle de l'Etat national comme cadre de solidarité collective, garant d'une véritable égalité des droits allant de pair avec l'égalité des chances, mais aussi encourager la richesse culturelle née de diversités librement choisies et vécues dans la tolérance et le pluralisme. Il s'agit d'inventer l'unité sans uniformité et la diversité sans exclusion. La réponse ne doit pas seulement être politique, elle doit aussi être culturelle. La troisième corbeille porte en germe cette double réponse.

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<sup>1</sup>Cette conception est exprimée avec force par le Haut Conseil à l'intégration, Pour un modèle français de l'intégration, premier rapport annuel, La documentation française, Paris, 1991. Cf. aussi les rapports de la Commission nationale consultative des droits de l'homme sur La lutte contre le racisme et la xénophobie, notamment le dernier rapport intitulé "exclusion et droits de l'homme", La Documentation française, 1993.

<sup>2</sup>On sait que la France a fait une déclaration relative à l'article 27 lorsqu'elle a ratifié le Pacte sur les droits civils et politiques en 1980 en soulignant que la notion de droits spécifiques conférés à une minorité n'est pas compatible avec sa tradition juridique, mais sans nier pour autant la diversité des appartenances et des cultures.

<sup>3</sup>Pour de plus amples développements, cf. notre article sur "Le droit international et la protection des minorités" dans L'Evènement européen 1991/16, Le Seuil, Paris, et notre ouvrage sur La CSCE, Presses universitaires de France, collection Que sais-je No 2661, Paris, 1992.

<sup>4</sup>L'interprétation de ces traités avaient fait l'objet de deux avis de la Cour internationale de Justice en 1950. Les mécanismes prévus pourraient utilement être remis en oeuvre.

<sup>5</sup>Pour un recueil des textes de la CSCE, Sécurité et coopération en Europe, La Documentation française, 1993.

<sup>6</sup>Pour le texte de la Charte, Revue générale de droit international public 1992, No 4, p.1094.

<sup>7</sup>Sur le rôle de la Commission de Venise, créé par un "accord partiel" du Conseil de l'Europe, cf. la présentation internationale de Nanterre, in La dimension humaine de la CSCE, cahiers du CEDIN No 8, Montchrestien, Paris, à paraître en 1993. Pour le texte du projet, Revue universelle des droits de l'homme 1991, No 5, p.157 et p.189.

<sup>8</sup>Les travaux du colloque organisé en novembre 1991 par l'Université de Fribourg sur Les droits culturels sont à paraître. Nos remarques doivent beaucoup à la réflexion collective engagée à la suite de ce colloque et au projet présenté par P. Meyer-Bisch dans le No 2 d' Horizon (mai 1993), le journal de la Maison des droits de l'homme de Nanterre.

# Increasing the Openness of CSCE Activities: The Case for Better Public Relations

John Mastrini<sup>1</sup>  
Press Liaison to CSCE Meetings

To paraphrase Goethe: "*Exchanging* ideas is like having chessmen moving forward; they may be beaten, but they may start a winning game."<sup>1</sup>

## INTRODUCTION

The second coming of the CSCE, which was heralded in 1990's *Charter of Paris for a New Europe*, began with presidents and prime ministers re-affirming their country's commitment to democracy and the rule of law. At the foundation of these ideals like the concepts of openness, free flow of information, and governments being responsive to the people's right and need to know what is being done in their name.

Throughout its history, participating States within the CSCE process have consistently strengthened their call for less impedance to the free flow of information. Beginning with the *Helsinki Final Act, 1975*, where an entire section was devoted to this issue:

"**The participating States...**make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State..."<sup>2</sup>

The *Charter of Paris* stressed again in 1990:

"In accordance with our CSCE commitments, we stress that free movement and contacts among our citizens as well as the free flow of information and ideas are crucial for the maintenance and development of free societies and flourishing cultures."<sup>3</sup>

And the 1992 Helsinki II Summit concluded with the document, *The Challenges of Change*, which moved to create practical means of increasing openness of the CSCE in particular and to ensure a wide dissemination of information on the CSCE:

"The participating States will use all appropriate means to disseminate as widely as possible within their societies knowledge of the CSCE, its principles, commitments, and activities."<sup>4</sup>

Our governments have agreed to these shared ideals because we know in the democratic experience that openness is a pre-requisite for legitimacy. Regardless of the potential for scrutiny and criticism, government organizations which operate in the full light of day create a free-trade zone in the marketplace of ideas, and the whole society receives the dividends; organization which relies solely on commitment to principle as its only means of enforcement.

Unfortunately, the CSCE has been slow to adapt its principles into its own practice. There is lack of a formal structure in disseminating information, and there has been little progress made by participating States to rectify this. A warning was sounded at the Helsinki Follow-up Meeting in 1992, when the head of the United States Delegation, Ambassador John Kornblum, said: "CSCE cannot become a club of diplomats. It must increasingly involve the public. If it does not, it will soon loose credibility."<sup>5</sup>

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<sup>1</sup> **John Mastrini** is a former Gannett Foundation National Journalism Scholar from the University of Denver in Colorado, USA. Follow-ing the revolution in Czechoslovakia in 1989, John lectured at Charles University, and has since returned to Prague as a media consultant. He served as the media coordinator for the CSCE Council of Ministers in Prague and Stockholm in 1992, and continues to consult on CSCE media activities during CSO meetings.

For those who have observed the CSCE's relationship with the media and NGOs first-hand, it is clear this "credibility gap" already exists and it is widening.

### ***OVERVIEW***

With public opinion being the engine driving the policy decisions of democratic member states, the media can play an ultimately vital role in the CSCE process. As the CSCE becomes more operational and complex in its daily activities, clear, timely, and accurate information to the world's media organizations (and NGOs) can be the difference between CSCE actions being understood and accepted, or being confused, disregarded, or spurned by the public. Eventually, public funding for the CSCE could be at stake in some countries.

Observations of reaction to CSCE activities in 1992 make it increasingly clear that the world's media organizations have become uninterested in the substantive activities of this organization. This comes at a time when the CSCE's mandate, scope and budget have tremendously broadened and deepened. It doesn't add up.

Even representatives of some of the most resourceful and dedicated non-governmental organizations have pointed to the lack of timely access to CSCE information. The Finnish Committee for European Security, STETE, recently wrote:

"Access to information on the CSCE on a routine basis is difficult, not only for the great public, but also to specialists interested in the process. There is little or no media coverage on the CSCE, and official documents are usually available with a time lag...

"The institutional development of the CSCE has not yet reached a point where information would be available the same way as in other international organizations."<sup>6</sup>

Since most of the basis for CSCE activity occurs at the more frequent Committee of Senior Officials meetings, one only need to look at any major international newspaper on days following CSO meetings to see how the situation has deteriorated. From the large number of international journalists who covered the first CSO meetings in Prague, the number has dwindled to only a few local stringers. These journalists say the lack of briefings and the lack of a consistent flow of information coming out of CSO meetings have caused them to give up trying to report on CSCE activities.

Some of the reason for this can be laid at the feet of an increasingly lazy press corps who have become accustomed to being spoon-fed their stories instead of taking the time to cover their subject and understand complicated material. However, it is also the CSCE's fault for not having an organization in place which responds to the contemporary imperatives of the world media.

The problem facing the CSCE's relationship with the media can be concluded from a handful of key points:

#### **The CSCE Has No Public Affairs Policy**

Currently, journalists and NGOs have no source for concise, updated information about CSCE activities. Even worse, the CSCE has no policy about who is responsible for gathering, preparing, and approving information.

**Handing out documents is not enough**, because the CSCE is no longer simply an inanimate, standard-setting vision in the sky. It is a living, breathing, changing operation whose activities create new questions every day. While most other functioning organizations (government, commercial, or humanitarian) have public relations staff who inform, define, and clarify on a daily basis, the CSCE approach has been to merely throw out handfuls of thick, indigestible documents into the world's information forest, not caring if even a few scavenging journalists will stop to take a nibble.

There needs to be a central public affairs office from which journalists, NGOs, and the public can

receive objective, concise, information about all CSCE decisions, missions, and reports.

More importantly, this public affairs office should be able to inform the media of CSCE activity before these questions have to be asked. It is the difference between being *reactive* to uninformed questions or *proactive* about clarifying the CSCE.

### The CSCE's Complexity is Confusing

Few people outside of CSCE delegations actually know the structure and functions of each part of the CSCE. Most journalists must be briefed simply on the difference between the CSO and the Council of Ministers. Most of the public would be hard-pressed to tell you what the acronym C-S-C-E means.

With each additional Committee, Ad Hoc Group, Rapporteur Mission, Mission of Long Duration, Good Offices, Steering Committee, etc., the CSCE river of activity gets thicker and muddier in the eyes of journalists. It is incumbent on a central institution within this process to help journalists (and NGOs) navigate these troublesome waters, lest they beach themselves in yawning disorientation.

### Television Ambivalence

CSCE meetings are not very "viewer friendly". Pictures drive much of the decision making process throughout all the media today. Many times, if the major television networks are not covering a story extensively, then the editors throughout the rest of the media are less apt to spend much time, space, or money covering that story.

Better access to photo opportunities, not only during meetings, but in conjunction with CSCE missions and operations, would make the "CSCE Story" more attractive.

### ***SUGGESTIONS***

The current move to establish a CSCE Secretary General makes this an appropriate time to establish a public relations structure under the SG's auspices. The mandate for the SG in the concluding document of the Stockholm Council of Foreign Ministers' meeting, December 1992, specifically calls on the SG to assist in "publicizing CSCE policies and practices internationally..."<sup>7</sup>

Beyond this nominal commitment, participating States must now realize that in today's globally saturated information environment, this objective can only be achieved with a qualified and functional *Public Affairs Office* within well-defined parameters which would:

#### ***1. MANAGE A PUBLIC INFORMATION SYSTEM***

- Prepare concise, digestible news releases on daily CSCE activities and co-ordinate the distribution of CSCE information to the media and NGOs based on specific guidelines set by the Secretary General or the CSO.
- Create a computer data base which will facilitate all approved information being sent to the media points of contact and NGOs. It is imperative that the information be sent to the main editorial offices (i.e., Paris, London) instead of just the local bureaus.
- Encourage journalists' interest and understanding of CSCE meetings and activities through continuous contact with those journalists who routinely cover international relations.

#### ***2. COORDINATE REQUESTS FOR DIRECT CONTACT BETWEEN THE SECRETARY GENERAL, DELEGATES, THE MEDIA AND NGOs***

- Maintain a working contact with a designate from each participating State who would receive media/NGO requests.
- Arrange a more specific system of briefings with delegates before, during, and after CSO meetings.

### 3. MAKE CSCE ACTIVITIES "MEDIA FRIENDLY"

- Assume responsibility for the technical arrangements for media coverage of the meetings in order to maximize the chances for photo opportunities for television and still cameras.
- Coordinate the availability of video of meetings and missions with the European Broadcast Union (EBU), CNN, and other international television news agencies.
- Arrange for more convenient private interviews for the Secretary General and appropriate CSCE officials with major media organizations.

### 4. MAINTAIN A CONTINUOUS DIGEST OF NEWS STORIES AND NGO INFORMATION ABOUT CSCE ACTIVITIES AND ISSUES (for use by delegations and the SG)

### CONCLUSIONS

It would be hard to deny that the CSCE has been lacking in creating public support and understanding of most of its ongoing activities. When the CSO has wanted to use the media for diplomatic effect to publish mission reports and condemnations, there have been very few journalists around to listen. The relationship with the media is a two-way street that must be continuously tended. The consolidation of operations, including public affairs, under a Secretary General would go far to rectify this.

An Office of Public Affairs would provide something cost effective and vital to the long-term success of the CSCE. Public understanding and support of CSCE principles and actions would give decisive weight to the only weapon the CSCE has--moral authority. Without it, declarations are hollow, condemnations are ignored, money is wasted. Some governments and parliaments will be less apt to continue to appropriate funds to an organization without public accountability and support.

As other organizations have recently found, *openness* is not merely inconvenient altruism, but imperative public policy.

### NOTES:

<sup>1</sup>*Webster's Book of Aphorisms*, 1989, p. 222.

<sup>2</sup>*CSCE Final Act*, Helsinki, August 1, 1975, Basket 3, no. 2., p. 117 (Multi-language edition).

<sup>3</sup>*Charter of Paris for a New Europe*, November 21, 1990, p. 17 (Multi-language edition).

<sup>4</sup>*CSCE Helsinki Document 1992: The Challenges of Change*, July 10, 1992, Section 4, para. 15, p. 35 (multi-language edition).

<sup>5</sup>Ambassador John Kornblum, Head of US Delegation to the CSCE, Address to CSCE Follow-up Meeting, Helsinki, March 31, 1992, as reported in *WEU Report*, May 13, 1992, p. 19.

<sup>6</sup>*CSCE Bulletin*, The Finnish Committee for European Security, STETE, March 12, 1993, p. 2.

<sup>7</sup>*Summary of Conclusions*, Third Meeting of the CSCE Council of Foreign Ministers, Stockholm, December 14-15, 1992, annex 1, p.2.



# Building Democracies at the Grassroots Level

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*Editor's Note: The ODIHR welcomes programs aimed at building democratic institutions and fostering civic education in the emerging democracies of the CSCE. We would like to call attention to one such initiative developed jointly by the League of Women Voters Education Fund (United States) and the Foundation in Support of Local Democracy (Poland). Such cooperation between two non-governmental organizations in different countries, which was recognized by an international organization, the United Nations Development Programme, represents a unique and flexible approach to building democratic institutions at the "grassroots" level. This article, reviews civic education program conducted in Poland by these organizations and reprints selected excerpts from a booklet devoted to teaching grassroots activism.*

## INTRODUCTION

For 75 years, the League of Women Voters has promoted political participation and citizens understanding of public policy issues at the national, state and local levels throughout the United States. League of Women Voters Education Fund (LWVEF) projects include researching techniques for increasing citizen participation in elections, sponsoring candidate debates, training citizen leaders, analyzing public policy issues, and conducting civic education projects in communities across the country. As summarized by one League member, the fundamental idea of the League is that it is important not just that we have a right to vote, but that we learn how to vote by taking an active and educated role in the democratic process.

The League has a long history of international programs aimed at supporting grassroots democracy around the world. During the post-war period, the Overseas Education Fund (OEF) created by the League, conducted civic education training programs in Germany, France, Japan and Latin America as part of a larger League project designed to assist in "spreading practical knowledge and the underlying theory of how a democracy in a free country works and why." While the OEF became an independent organization, the League continued its international programs in the following decades by organizing exchanges with women from the former Soviet Union and Eastern and Central Europe. League members have also participated in training programs and election monitoring activities in Latin America and Africa.

## EMERGING DEMOCRACIES PROGRAM

The League's commitment to nonpartisan grassroots activism and its years of experience in the field, led the LWVEF to become involved in the democratic transformation of Central and Eastern Europe. In 1992, the LWVEF launched its first project, *Building Political Participation in Poland*, designed to assist emerging grassroots institutions in local communities throughout Poland. This program has been coordinated with a Polish partner, the Foundation in Support of Local Democracy (FSLD), and is funded by The Pew Charitable Trusts, the United States Information Agency's Office of Citizen Exchanges, the National Endowment for Democracy, and the United States Institute of Peace. The FSLD, besides being integral in forming a bridge between the citizens of the United States and Poland, assisted the League in administering and implementing the program. It also provides contacts in Poland and disseminates information about the project to various communities.

### Grassroots Fellowship

In the first phase of the project, the LWVEF organized, in May 1992, a Grassroots Fellowship Program in the United States. The participants were twenty women from a wide spectrum of Polish society who demonstrated active involvement in community or governmental affairs and strong

leadership potential, with particular interest in building grassroots institutions in Poland. The group included: teachers, farmers, women's rights activists, environmentalists, a doctor, a member of the Polish Parliament, a sociologist, a social worker, a businesswoman, local politicians and scholars. The four week Fellowship was "an immersion in nonpartisan, grassroots political activism and citizen participation."

The fellowship commenced with a three-day orientation workshop in Washington, D.C. which focused on topics of American history and government, and the electoral process and the media (including campaign strategies, fundraising and conflict management). It was followed with a fellowship program conducted in local communities across the United States. The LWVEF matched the participants with ten Local and State Leagues which were their hosts for the next three and a half weeks. Over this period the fellows studied the work of civic organizations in building citizen participation techniques. They were introduced to a variety of issues and concerns specific to their communities, but which were also related to their professional interests. They took part in activities such as coalition building, networking between citizen groups, citizen education, poll-watching, voter registration campaigns, and lobbying. During the visit the fellows observed hearings at school boards, city councils, labor unions, local governments, courts, state legislatures and universities.

### In-Country Implementation Phase

In order to ensure a continuation of the project's mission and to further build on the fellows' U.S. experience, the Fellowship Program was reinforced with additional training in Poland. The in-country implementation phases of the project included a Polish Initiative Conference and follow-up assistance and grants in support of local grassroots initiatives. The goal was to expand and strengthen the network of citizens training, resources and activities.

**The Polish Initiatives Conference**, held in Krakow, in November 1992 was attended by 150 local delegates and focused on expanding "the base of Polish citizens interested in and knowledgeable about the techniques for citizen education and participation in a democracy." The fellows who took an active role in the development of the conference agenda and for whom it was important to share and transplant the lessons learned in the U.S., were among the primary speakers and facilitators in training. The conference itself broke the traditional organizational structures by placing the emphasis on holding informal sessions, group training workshops, round-table discussions and role playing.

In the final phase of the project, **Grassroots Assistance Grants** initiated concrete nonpartisan activities by providing funds to selected grassroots organizations. In March 1993, the League awarded "seed grants" to nascent groups having the potential to build sustainable grassroots networks and citizen education activities. Nine grants of \$1,000 to \$2,500 were awarded to local nonpartisan organizations with projects focusing on the following areas: environment, economics, civic education, and the role of women in public life. The project grants will be monitored and evaluated through interim reports and through site visits by the LWVEF and the FSLD. The two organizations will also provide on-site technical assistance and will participate in or assist with activities conducted through this project. Whereas the first evaluation reports will be prepared at the end of May, some initial results are clearly visible already. In Poznan, an Information Center for Women is being developed, while Wroclaw, efforts to set up a shelter for women have been undertaken by a local foundation. In the Silesian region, plans are underway to develop a regional network of local citizens who are organizing an Initiative Conference for Lower Silesia that will focus on issues and problems that directly apply to their communities.

### Ongoing Involvement: In Poland and Beyond

Recently, **The United Nations Development Programme** recognised the League's role in support of grassroots initiatives and its overall contribution towards the development of civic society in the emerging democracies of Eastern Europe. Within the Human Resource Development Programme under the Social Safety Nets project on civic education, the UNDP Office in Warsaw initiated co-operation with the LWVEF. The UNDP invited the League to take part in an exchange program which brings volunteer experts to Poland to assist in drafting proposals for action. A League representative, Ms. Margaret Jacobsen, Director of the Ohio State League, came to Poland in March 1993. She visited

various representatives from national and local governments to non-governmental organisations and civic groups. Upon the completion of her visit, she submitted to the UNDP a proposal with recommendations on how to develop a strategy for successful civic education programs in Poland.

The League continues to play a role in promoting citizen participation in emerging democracies by networking with civic leaders throughout East-Central Europe. Preliminary steps have already been taken to develop a similar project for women leaders in Hungary. LWVEF is working closely with the **Democracy After Communism Foundation**, a non-partisan Hungarian education organisation, co-ordinating the *Program Demokracia: Building Citizen Participation in Hungary*. The LWVEF also encourages and assists the network of more than 1,100 state and local Leagues across the country in conducting their own exchange programs with citizens from other countries.

## **MAKING IT WORK: A CITIZEN'S GUIDE TO GRASSROOTS ACTIVISM**

The participants of the Polish Initiatives Conference, held in November 1992, received many materials on citizen education and political participation. Among them was a handbook published in Polish entitled Making Democracy Work: A Citizen's Guide to Grassroots Activism. This handbook gives step by step guidance on establishing and maintaining effective grassroots actions. Although the handbook is not a substitute for more specialised publications, it represents an initial effort to compensate for the lack of professional literature in the Polish language on developing local institutions. The FSLD has sent the handbook to its 16 local centres throughout Poland, as well as various grassroots organisations and interested individuals. For copies please contact: (in the United States) Emerging Democracies Program, League of Women Voters Education Fund, 1730 M Street, NW, Washington D.C. 20036; (in Poland) Foundation in Support of Local Democracy, ul. Krzywickiego 9, 02-078 Warsaw.

The excerpts below summarise the key sections of the booklet, which the LWVEF is now considering translating into other East European languages:

### **Establishing the Groundwork for Action**

#### Identify the Problem

Organising starts in your own backyard, with issues you feel strongly about. When you become concerned about an issue, check to see if an organisation addressing that problem already exists. If it does, and it meets your expectations, join it and help it meet its goals. If not, look around to see who may feel the same way you do and find out if they are interested in working with you to solve the problem.

#### Organise a Meeting

Your first goal is to get people together who have similar concerns but haven't had the chance to meet. Set a date and place for the first gathering

Talk to your friends and ask them to help spread the word about the meeting. You can also produce a flyer to advertise the meeting. Your goal is to attract as many people as possible to join your case. The group may include people of different religious, ethnic backgrounds, professions and lifestyles. Sometimes it is best to remain non-partisan--that is to not support or oppose any political party or candidate--so your group can attract wide support. Remember: there is power in numbers.

#### Define Your Organisation's Niche

Start by putting a range of ideas and possibilities on the table. Encourage people to accept all comments equally for discussion. Setting reasonable goals and discussing the future in positive terms are crucial because people need to feel they have the power and courage to change a part of their lives.

#### Establish Organisational Structure

You might begin by establishing a steering committee comprised of a core group of members willing to do much of the initial work. The group also needs to agree on a process for making decisions. To formalise procedures, your group could draft by-laws or rules for internal governance. Spell out in writing the group's purpose, how it is organised, how leaders are chosen, who makes decisions and

other details.

## **Gathering Information**

Gathering background information on the issue you are concerned about is crucial because facts, figures and testimonies validate your position.

### Document the Problem

Information is power--the more you know, the more confident you can be in advancing your agenda. Gathering information also gives members a chance to learn about the issue, to understand how the system works and to make contacts with people who might be useful when the group begins to work its goals.

### Conduct the Research

Information generated by your research is the fuel that will fire your action plan. The data might come for a broad range of sources--government officials, interest groups, private citizens, public records, business leaders, newspapers and libraries.

You may want to start your research by finding answers to these and other questions:

\*Who is and isn't benefiting from the current situation?

\*Who are your opponents/supporters?

\*Where can you get help to address the problem?

## **Developing and Implementing an Action Plan**

Planning a realistic campaign strategy is essential. Circumstances may change over time and when they do you need to revise your goals to meet the new reality.

### Target Decision Makers

The first step in launching an action plan is to find out who are the key decision makers for your issue. Find out more details about the officials: when were they elected, and who supported their election campaign? Who do they listen to? What is their voting record?

Your time is best spent lobbying those officials who have yet to take a position on your issue, because those solidly against you won't readily change their minds.

### Citizen Education

To get more people behind your cause, you need to educate citizens and join hands with other organisations that share your concerns. Below is a menu of citizen education programs you might consider when developing your action plan:

*Written materials*; A single page flyer or a newsletter can be an effective means of informing a community about the issue at hand.

*Action table*; Setting up "action tables" in public places such as town centres, local fairs, markets or universities is an effective way to introduce citizens to your issues and to gain visibility for your campaign. Have on hand: short, snappy literature about the issue, an action item they can participate in--for example, a sample letter they can send to their representatives; a petition they can sign; and membership materials.

*Town meeting*; A town meeting can bring visibility to your organisation and influence officials. Invite your elected officials to come and speak about an issue.

### Coalition Building

Elected officials are more likely to pay attention to coalitions--several groups that join on a particular issue--because they represent a broader constituency.

*Forming a coalition*; Invite all of the organisations you can think of that have similar interests--even those that don't share all of your goals- to a meeting.

Acknowledging common interests is the first step to getting diverse groups to co-operate in your grassroots campaign. All coalition partners should agree on the goals of your project. Again, compromise here is key to reaching an agreement on the position the coalition should take.

*Avoid confusion by setting rules*; Clarify at the outset that individual organisations cannot speak on behalf of the coalition unless they get authorisation from other members. Make sure that tasks are

clearly defined.

### Lobbying Tactics

*Office visits*; Try to develop relationship with official staff members who often are key advisers. Be polite and clearly detail how your position benefits the community. A well planned visit proves to the official that your organisation considers this issue a priority and that you are local experts with whom they should consult

*Letters*; Be brief. Time is better spent recruiting more letter writers than composing long letters. Elected representatives monitor mail on important issues, so the volume of letters you generate can be crucial.

*Phone calls*; An efficient way to generate many calls is by setting up a "telephone tree." To start one, each activist may call four people, asking them to call the lawmakers with your group's message. In turn, each of those four can contact another four people and pass on the same message. Give everyone a brief verbal "script" for the lobbying call. Tell them to give their name, refer to a specific piece of legislation, if possible, and state their position in brief, polite and direct matter.

*Testifying before government bodies*; Find out where such "hearings" are held and prepare a statement that describes the purpose of your group and your position.

## **Working with the Media**

### Creating Visibility

Through press releases, press conferences, newspaper editorials and other communication tools, your organisation can inform the public about an issue, promote solution, urge action and raise the visibility of your organisation and its goals.

### Public Relations Tools

*News Releases*; Try to limit the press release to one page, with all of the important information in the first three paragraphs. The lead sentence should contain "what, where, when, and why" and be less than 30 words. Add background information in succeeding paragraphs in decreasing order of importance. In the heading is included the contact person's name and phone number and the date of release.

*Press conferences*; The press conference agenda should include an opening statement by the organisation's spokesperson and a question-and-answer period. No more than two people should respond to question, and the press conference should be no longer than 30 minutes

*Press Kits*; A press kit is a folder of specific information about an event and an organisation. It should be issued to all media contacts at all public events.

## **Fund-raising: How to Get a Share of Support in Competitive Times**

### Fund-raising Events

Consider holding fund-raising events--dinners, bake sale, craft fairs, film showing and other activities--to generate revenue for your cause.

### Researching Donors

Possible funding sources within the community include local businesses, government agencies, universities, churches or individuals.

To determine whom to approach for financial backing, you need to research which agencies, organisations and individuals share or support your group's goals. Once identified, get as much information about them as possible. Once a list of potential funding sources is compiled, determine which donors are most likely to support your project. You are now ready to make contact with the funding sources... first send a letter explaining the nature of the organisation, project and why the institution should support the project... send a funding proposal and/or set up an interview.

### Proposal Writing

Proposals should be clear and concise. They typically include the following sections: *Proposal summary, Introduction, Objectives, Methods, Evaluation, Budget.*

## **Conclusion**

It is often said that people who don't participate in the political process have no rights to criticise the government. Democracy provides citizens with an opportunity to choose how their government will serve them. But it also imposes obligation on citizens to educate themselves and to participate in the political process. By voting and taking an active role in grassroots activism, citizens can go beyond voicing their complaints to bringing about solutions. Public interest groups play an important role in a democracy because through them citizens can help set their elected official's agenda. No matter what their individual cause, all interest groups share one goal: ensuring that government responds to community needs.

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**Key-Note Address of Mr. James N. Purcell, Jr.**  
**Director General**  
**International Organisation for Migration**  
to the  
Seminar on Migration Including Refugees and Displaced Persons

In Europe, as we meet, the continent's largest flow of people since World War II is ongoing. The potential for even vaster numbers to follow cannot be ignored. But migration today is a global phenomenon, not a continental one. Ease of travel combines with the global reach of media images and knowledge of conditions in the farthest flung corners of the planet to a degree undreamed of in the past. Before we can focus on the situation in Europe, there is a need for a brief global overview.

**Global Demographics: Population and Labour Force**

Pressures are growing globally. The world population of 5.5 billion will increase by 500 million - a nearly 10% increase - before the year 2000. In the next decade, an average of 97 million will be added to the world's population each year, the highest rate in history. The portion of that population growth taking place in the developing world is increasing; in contrast, populations in the industrialised world are both ageing and growing at less than replacement rates.

Let us look at the world-wide labour force. Over the next 20 years, the labour force in less developed countries is projected to increase by 730 million. Contrast this with the industrialised world's total labour force today of 586 million. Just to maintain present employment, or rather underemployment, in the South, an additional number of jobs substantially greater than the total number available today in the entire developed world will have to be created. Let us look at political factors. The end of the Cold War was greeted with joy, and rightly so, as the dawn of a new day. Hopes were high that the conflicts linked directly or indirectly to the Cold War would cease. The large-scale population flows they had created over the past forty years should, logically, cease or substantially diminish as well. The reality has been cruelly different. Whole new sets of political and ethnic conflicts - and some not so new ones like the unspeakable tragedy in the former Yugoslavia - have replaced the old. Man's inhumanity to man, unfortunately, has not gone the way of the Berlin Wall. War, persecution and environmental degradation continue to cause human suffering, economic dislocation and, inevitably, displacement of populations. Many of these are the refugees and asylum-seekers who, objectively, do indeed need the international community's understanding, compassion and assistance. The global political context has changed, but not necessarily the causes and effects of conflict, human rights violations and persecution.

**The Asylum-Seeker Debate**

Reflect for a moment on recent media reports concerning asylum-seekers. Note the focus on numbers of people. Note the focus on the end result - that is, on the arrival end - and on the difficulties being encountered in migrant-receiving countries. Is it not time to focus instead on the reasons behind such large movements of persons claiming asylum, many of whom know they cannot sustain such a claim but submit it anyway? Is it not time to recognise that this large number of unfounded asylum requests largely reflects the absence of other mechanisms to address migration pressures? Is it not time to focus on policy measures that address the causes in a pro-active way, rather than to focus on the effects and how to address them in a reactive way?

The asylum seeker debate is but one part -albeit an important part - of a crisis of confidence in the effectiveness and the very relevance of today's migration and refugee policies. One clear issue is that the migration systems created essentially in the aftermath of the Second World War, and little adapted in substance since then, need to be re-thought. Another key issue is that, more than ever before, there needs to be serious consideration of the relationship between national migration policies and overall domestic and international aid, trade and growth policies. A third issue is the need to distinguish migration issues from migration problems.

### **Current Migration Policies**

Look around us. One sees a region responding to the migration pressures resulting from chaos, war, economic dislocation, population pressures and uneven distribution of income and opportunity. One sees expensive systems to support compelled migrants in Europe while often ad hoc solutions are sought. One sees lack of effectiveness in dealing with the problems of the developing world, where most of the compelled migrants come from. And, more than anything else, one feels that the situation is out of control. In a context such as this, focused as it is on the migration problems in receiving countries, it is admittedly difficult to focus on migration as an issue which requires new and effective measures.

Measures at source - before certain forms of migration ever take place; measures in receiving countries - after some migration inevitably does take place; and measures in countries of origin - when return migration proves desirable or necessary. Without such an integrated approach to migration pressures, migration will continue to be perceived solely as a problem. Put another way, if the debate continues to focus on this one "step" along the migration road, the impression of chaos will be reinforced; public support for positive measures to deal effectively with migration in the broader sense will be eroded; the backlash against foreigners will build; and the risk of rampant racism and xenophobia will grow.

### **Orderly Migration**

Central to the solution we should be pursuing as a matter of urgent priority, is the promotion of orderly migration, using every possible means available. The critical word is "orderly". My organisation does not promote migration as such, nor does it act as an advocate for increased migration. The only situations in which we would promote migration per se would be first, when increased migration would contribute to bringing order to an otherwise chaotic situation, and second, when migration can contribute to economics and social progress.

An orderly migration system should aim to help bring a sense of planning to that migration which States or circumstances decide. Orderly migration would see the interactions between economic, developmental, demographic and human rights policies on the one hand and possible immigration consequences on the other.

An orderly migration system would also presuppose that, because of increased predictability, States would have a greater interest and capacity to offer emergency and/or humanitarian migration opportunities when such solutions were required.

### **IOM's "Model Package"**

IOM's objective to promote an orderly process of migration throughout the world has led us to devote our energies and efforts increasingly to defining, at least preliminarily, what I would call a "model package" to address today's migration challenges. It will be useful to sketch out how we and many others see this globally, before citing Europe-specific examples.

The basic elements of a "model package" would have to number at least five:

1. International trade, investment and development aid have to target migration-producing countries or areas within such countries. Increased job and wealth creation which can both stem out migration and foster development should be possible. To achieve this goal will require true commitment, and more and better data; clearer recognition of the links between internal and international migratory trends; better early warning systems; and conscious and more effective incorporation of the migration variable in development aid and demographic planning.

2. Migration information programmes must be designed to disseminate clear and credible information to potential migrants about actual migration opportunities, including legal requirements and procedures. Such programmes would also need to dispel myths about conditions in potential receiving countries. The objective of these programmes would not be to deter or dissuade, but rather to provide the basis for more informed decisions regarding migration. To be effective, better data about public perceptions and attitudes concerning emigration would have to be collected in source countries. This information would furthermore be useful to national officials responsible for establishing both migration policies and



international aid and trade policies.

3. Governmental migration structures need to be strengthened in both sending and receiving countries. This would imply creating structures in some countries, and adapting them to current realities in others. International information sharing and co-operation, including early warning of potential migratory flows, should be built into this element.

4. Migration policies have to be revised to ensure that they better match both external pressures and domestic needs, in a more transparent way than is the case today. Humanitarian settlement categories must be maintained within such an overall system. But labour-based migration also needs to be addressed, explicitly and realistically. Temporary migration linked to exchanges promoting human contacts, to training and to return migration - ideally, all as part of overall development strategies - needs to be seriously considered in this context.

5. Programmes to support migrants' return to their home countries need to be expanded. These should also focus more on ways to ensure more effectively reintegration, for example through financing of small scale enterprises or linkages to existing development projects.

Are the five elements of the model package outlined above relevant to Europe's situation today? Could they serve as a framework for integrated action aimed at addressing the illness, not the symptoms?

### **Europe: Immediate Needs and Possibilities**

a. Targeted development aid and liberalised trade. Does anyone doubt that if too little is done to create those hundreds of millions of jobs I mentioned earlier, or if it is done in the wrong places, emigration will be seen not as a choice but as a means of survival? Europe would most likely continue to be a favoured destination.

b. Migration information programmes.

Here, Albania and Romania provide relevant examples directly affecting other countries of Europe. Lack of realistic information about life in another country, about the implication of illegal immigration or about the legal requirements of receiving countries lead many potential émigrés to leap at immigration without knowing the risks and drawbacks. IOM is carrying out in both countries - in the Albanian case, in co-operation with UNHCR - information programmes to begin filling that gap so that people will have more elements at their disposal before deciding whether or not to seek their future elsewhere. Such activities can only be successful, obviously, if the general economic and social situation at home is not completely without hope. But our experience indicates that information can play an important role, as one element of a comprehensive policy context, in promoting orderly migration in Europe.

Equally important, of course, is for policy makers to have timely access to crucial information. Late last year, IOM undertook a survey in Albania, Bulgaria, Russia and Ukraine to develop profiles of potential migrants, their motives and their perceptions. The provision of such survey-based information, alongside other elements such as an alert system on potential migratory flows, were identified as crucial in a feasibility study IOM recently prepared at the request of the Council of Europe. This study resulted in a proposal to the Vienna Group that a Migration Information Programme on Central and Eastern Europe and the CIS be established - a proposal IOM hopes to turn into a reality. We are convinced that policy makers, like potential migrants, stand to gain from more and better information.

c. The need for strengthened governmental migration structures and policies. Governments in the emerging democracies have clearly recognised both the potential for migration-related disruption and the need for institution building. Several of the international organisations represented here, including my own, are providing technical co-operation in this crucial sector. Multilateral mechanisms are also being sought to work at solving, or at least easing, some of the differences that might exacerbate tensions and cause migratory flows.

In fact, many of the conditions already present call for preventive action before unnecessary and potentially unmanageable migratory movements occur. As for inevitable flows, the ability to predict

their origin and destination needs to be refined and contingency planning developed.

d. Revision of migration policies. This goes to the very heart of the current debate in Western Europe in particular although, I repeat, it should not become the sole focus of that debate.

Nations need migration policies they can live with. These policies do not have to be indelibly inscribed in stone. They can change or be amended to reflect the needs and absorptive capacities of the time. But each country needs to know where it is headed, how it will justify its difficult guidelines and choices, how it will co-ordinate its policies and actions with those of its international partners, and how it will implement its decisions.

The absence of an articulated immigration policy leaves migration to chance, not to plans that respond to countries' needs, wishes and capacities. Moreover, not to have such an articulated immigration policy can send out false messages of hope to some and create unnecessary fears for others.

e. Return Programmes.

Clearly, the formulation of clear migration policies would also serve another important objective: to clarify who does not qualify for immigration. In this context, the last point in my model package would come into play, namely the need for return programmes which foster effective reintegration.

In the short term, it is clear, greater efforts will be required of the industrialised States in general to assist the return in dignity of foreigners who do not qualify for permanent immigration, in particular unsuccessful asylum seekers. Over time, and provided that the other four elements of the "package" are also successfully implemented, the number of people in need of such help should decline.

### **A Comprehensive Approach**

The model package might hold real promise for achieving progress in moving toward comprehensive migration solutions. In such a context, there is a clear need for closer inter-agency and inter-State co-operation, not least to uphold CSCE standards on human contacts and freedom of movement.

In a joint IOM/UNHCR paper, we have suggested a number of objectives for such a comprehensive approach in the CSCE region. These are largely linked to and flow from the sort of model package I have described. They include: effective protection for democratic and economic development; concerted action against clandestine migration; full implementation of international standards; constructive responses to humanitarian emergencies; prevention, in the sense of action that removes or forestalls the necessity for flight; and a commitment to gathering and disseminating reliable information.

As the IOM/UNHCR paper concludes, today's movements of migrants, refugees and others in search of safety or a better life are a challenge to the CSCE and participating States. In the interests of promoting coherent and consistent cross-regional policies and practices, links within the CSCE and with relevant international organisations could be maintained and strengthened, building on experience to date and the complementarity of mandates. The international organisations concerned, both global and regional, need the political support that the CSCE process can offer through its political structures, while the CSCE in turn may wish to co-operate with them as partners or implementing agencies.

# ELECTIONS

## **International Observation of the Referendum held in the Russian Federation on April 25, 1993**

On 9 April 1993 CSCE participating States were informed by the CSCE Office for Democratic Institutions and Human Rights of the holding of a nation-wide referendum in the Russian Federation on April 25, 1993. On April 22, 1993, official invitations were sent by the Ministry of Foreign Affairs of the Russian Federation to CSCE participating States and multilateral organisations -- including the CSCE ODIHR -- to send observers to monitor the above-mentioned referendum. Approximately 60 international observers drawn from CSCE countries -- namely Italy, Greece, Germany, Hungary, Moldova and United States -- and diplomatic officers based in the Russian Federation were able to monitor this popular consultation in Moscow and several other cities and areas of the Russian Federation. The Department of International Humanitarian Co-operation and Human Rights at the Russian Foreign Ministry provided the observers with information and points of contact. In the run-up to the Referendum, the Supreme Soviet Referendum Commission which was in charge of the administration of the electoral process made it clear that it would not officially accredit international observers, but maintained however that foreign observers would be able to monitor the Referendum at local polling stations as well as electoral districts across the country.

A representative of the CSCE ODIHR was present in Moscow from 23 April 1993 to 27 April 1993 and established a support office to assist observers and co-ordinate their deployment plan. The CSCE was the only multilateral organisation to be involved *in loco* in the monitoring process. The representative of the ODIHR remained in close contact with Embassies of CSCE countries in Moscow and organised, with the help of the Swedish Embassy, a briefing and de-briefing for international observers and diplomatic officers of some CSCE Embassies prior to and after the Referendum. The ODIHR representative was also in touch with foreign-based NGOs taking part in the observation as well as Russian media.

Although the CSCE observers were fully aware of the limitations of their work as highlighted by their small number in comparison with the size of the territory to be covered and by the lack of transparency in the regulations supposedly applied, they agreed that no significant breaches of CSCE standards on voting procedures could be reported. They were comforted in this view by the presence of domestic observers from various parties in most polling stations. In the current circumstances, the participation of domestic observers was a further guarantee of the accuracy of the voting process.

On the issue of access to the media and fair campaigning, observers noted that political forces involved in the process had had, broadly speaking, equal possibilities to convey their views and advise on how to answer the four questions contained in the Referendum. Whilst the printed media shows an astoundingly wide spectrum of political opinions, the electronic press, essentially television, is mainly in the hands of pro-Yeltsin forces. However, this did not substantially restrict voters from getting accurate reports on the opposition's views as debates of the Congress were given broad TV slots during most of the run-up to the referendum. Observers could ascertain that voters understood well - with some exceptions for elderly people - the stakes and issues involved in the drafting of the four questions put to the Referendum.

As far as the electoral process *per se* is concerned, no major violations of internationally accepted rules were reported, although in some cases the secrecy and individuality of the vote should be more strictly enforced. The right of voters to register on the spot without appropriate procedure to check and delete

their previous registration in another polling station as observed in some instances raised concern. However, if some irregularities may have occurred with or without the knowledge of observers, the scope and nature of these irregularities could not alter significantly the outcome of the referendum as the existing margin between the yes vote and the no vote in all four questions.

In conclusion, the observers' impression was that the referendum has been conducted in accordance with generally accepted standards regarding electoral procedure, free access to media and fair campaigning. The observers wished to emphasise their willingness not to lecture but to help and assist in strengthening the democratic process taking place in Russia. In doing so, some possible improvements could be soon achieved:

-- First of all, there is a clear need for an electoral law that will spell out procedures to be followed by electoral officials and voters and which will be applied to all voting processes. The ODIHR representative received assurances from the Russian Foreign Ministry that an electoral law will be soon drafted and discussed in Parliament. In this regard, the ODIHR stands ready to offer any assistance and experts' advice to the Russian Authorities in preparing this draft law.

-- A law on access by political parties/organisations to State-run televisions during the campaign should be drafted independently or as part of the electoral law.

-- Greater voters' education should be envisaged especially for those with limited abilities to understand all or part of the questions put to a referendum.

-- Strict secrecy of the vote should be made compulsory.

The ODIHR looks forward to extending its assistance to and co-ordination of international observers at any electoral processes to be held in the Russian Federation at a later stage.

# HUMAN DIMENSION MISSIONS

## REPORT OF THE HUMAN DIMENSION MISSION TO THE REPUBLIC OF MOLDOVA 31 January -3 February 1993

### SUMMARY AND CONCLUSIONS

In comparison with conclusions reached by some members of the Mission at previous visits to Moldova, the situation of minorities in Moldova, particularly in relation to the Romanian-speaking majority, has improved markedly. In all countries, however, there is a risk that ethnic, linguistic and religious minorities may be subjects to discrimination. In Moldova, where secessionist republics have been established and where some of the minorities seek support from neighbouring states, there are special reasons for doing the utmost in order to avoid discrimination, including job-discrimination, of minorities. The Mission, therefore, recommends the introduction of the ombudsman institution for the prevention of discrimination of minorities.

The Mission regards the re-assertion of Romanian as the state language after 50 years of Russification as a legitimate move. The preservation of the Russian language as an inter-ethnic lingua franca and its use in administration constitutes, together with the protection of the languages of the minorities, a fair and realistic policy. In order to avoid individual hardships, the Mission recommends that the time limit for learning the Romanian language imposed on persons in positions requiring contact with the public be extended or applied in a flexible way.

Moldova's citizenship law is among the most liberal citizenship laws of all the newly independent republics of the former Soviet Union in the sense that citizenship is given to practically everybody who had permanent residence on the territory at the time of the sovereignty. Certain persons have wanted to opt for Moldovan citizenship but have been prevented or discouraged from this option for administrative, technical or political reasons. The Mission recommends that measures be taken to allow these persons to obtain Moldovan citizenship.

Religious freedom has been guaranteed by the law of March 24, 1992. The Mission recommends that the State should not interfere either directly or indirectly in religious affairs.

The Mission recommends that the work on a democratic constitution for Moldova be speeded up in spite of difficulties caused by the secessionist republics. The constitution should contain provisions enabling Moldova to grant a degree of autonomy to areas whose population has a background different from that of the rest of the Moldovan population. It is recommended that the constitution be based upon international instruments concerning democratic principles, human rights and fundamental freedoms to which Moldova has acceded including all CSCE Documents.

Violations of human rights in the secessionist self-proclaimed republic east of Dniester have been reported to the Mission; clamp down on Moldovan written and electronic media by the Dniester authorities, the re-introduction of the Cyrillic alphabet, the Russification of everyday life, limited access to Moldovan schools, reports on torture and physical abuse, alleged fraud in the 1990 and 1991 elections and referenda.

The self-proclaimed "Dniester Moldovan Republic" is supported by the 14th Russian army and receives economic assistance from Russia. The withdrawal of the 14th army is a precondition for the resolution of the problems created by this secessionist republic. The Mission recommends diplomatic action for the commencement of negotiations for a lasting solution of the problem. It is recommended that such

negotiations - in which Russia should participate - be based upon a recent Moldovan proposal for extensive autonomy for the area east of Dniester. The Mission supports the CSCE Mission to Moldova as proposed in the Final Report on the Conflict in the Left Bank Dniester Areas of the Republic of Moldova by Dr. Adam Rotfeld, Personal Representative of the Chairman-in-Office, and as approved by the 19th Committee of Senior Officials.

The Mission recommends that the forthcoming Committee of Senior Officials of the CSCE, during its discussion of the present report and as part of a possible follow-up action to the Mission's observations, ask the CSCE Office for Democratic Institutions and Human Rights to serve as a venue for expert advice on a draft constitution for Moldova and the plans for a federation or confederation presented by the Moldovan and the "Dniester" side respectively as well as the plan for autonomy for the Gagauz area. In this respect the Mission will welcome the involvement of the Council of Europe (in particular the European Commission for Democracy through Law) and of the United Nations (especially the members of the various past UN Missions to Moldova).

The Mission also recommends that personal contacts be established between this Mission and the CSCE Long-Duration Mission to Moldova in order to facilitate the exchange of information and ideas, and to ensure adequate co-ordination as well as a fruitful follow-up. Comments and advice on the documents handed to the Mission will be forwarded to the CSCE Long-Duration Mission.

In carrying out its mandate as defined by the Republic of Moldova, the Mission was fully aware of the multiplicity of factors at stake in the issue of minorities in Moldova. Because humanitarian issues are very much a part of the sources of conflict in the region east of Dniester, the Mission had found it difficult to avoid addressing directly some of the issues connected with the armed conflict on the region east of Dniester. In doing so, needless to say, the Mission had no intention to infringe on the mandate of Dr. Rotfeld's Missions. The Mission would like to emphasise that the human rights issue is an integral part of the broader concept of security in Moldova, as indeed in the whole of Europe.

## HUMAN DIMENSION SEMINARS

### MIGRATION, INCLUDING REFUGEES AND DISPLACED PERSONS 20-23 April 1993 Warsaw

The second CSCE Human Dimension Seminar took place in Warsaw from April 20 through 23, 1993. Its topic was Migration, Including Refugees and Displaced Persons. Delegations from 44 participating States attended. Japan attended in its capacity as a non-participating State. The number of representatives from non-governmental organisations nearly doubled since the last Human Dimension Seminar on Tolerance, which indicates a positive step towards further incorporation of NGOs in substantive discussion forums of the CSCE.

Mr. Purcell, Director General of the International Organisation for Migration, presented the key-note address. The text of this address follows at the end of this section.

Below are the summaries of each Discussion Group from the Seminar:

**DG1: Prevention of Involuntary Migration**, moderated by Mr. Jonas Widgren and chaired by Ms. Elizabeth Winship concentrated on the issue of preventing involuntary migration, and more specifically how to avoid massive and disorderly movements of people from occurring in the region. The group addressed economic and then political factors which generate movements, reaffirming commitments to liberal trade and economic co-operation with Central and Eastern Europe, including effective development aid. The discussion thoroughly examined the issue of prevention of coerced movements, "resulting from, the denial of human rights, from the absence of rule of law, from the non-functioning of democracy, from individual political persecution, from ethnic discrimination, from violation of international law, from armed conflict and from aggression on neighbouring states and massacres on helpless civilians." It was recognised that an even more vigorous, energetic and systematic implementation of international norms and standards was deemed indispensable. The group focused on improving the existing implementation mechanism of monitoring and preventing human rights violations. In this context, issues of early warning, preventive diplomacy, peace keeping were examined with focus on emergency planning and further sub-regional co-operation.

**DG2: Protection of Involuntary Migrants**, moderated by Mr. Adam Bernatowicz and chaired by Mr. Jacques Roussellier concentrated on problems of protection of involuntary migrants. The participants discussed the possible role of CSCE in formulating migration policies stressing the necessity to create political mechanism within the CSCE to deal with migration issues. An attempt was also made to identify several categories of involuntary migrants starting with refugees as defined in the 1951 Geneva Convention, and moving to victims of wars and armed conflicts. Other categories discussed included: the internally displaced, the so-called "ecological refugees," victims of catastrophes and disasters. Further discussions concentrated on humanitarian assistance, asylum systems, burden sharing, mechanism of repatriation, and temporary protection. Specific cases studies from Central and Eastern Europe were examined in the course of the discussion.

**DG3: Co-operation among International Institutions and Domestic Institution Building**, moderated by Mr. Willibald Pahr and chaired by Mr. Jacek Paliszewski concentrated on co-operation among international institutions and domestic institution building. The discussion was divided into three main topic areas. First, basic guidelines of international foreign policies with regards to migration were examined. The participants emphasised the need for comprehensive migration policy as an important requirement for all governments. At the same time it was recognised that migration is a global problem involving growing number of countries - the traditional division for migration and emigration countries have disappeared. Next the discussion focused on national institutions and procedures, followed by discussion on co-operation of international organisations and intergovernmental bodies. The great role which the international organisations and institutions have to play in practical implementation of migration policies was noted. The important role of the CSCE in managing migration policies has also

been underlined. Several concrete recommendations were made to this end, i.e. monitoring and early warning, exchange of information, and legal assistance to the new participating States. Finally, important aspects of contributions by the non-governmental organisations were examined in the context of further elaboration of institution building.

During the closing Plenary Meeting, the three Moderators presented summary statements of the results achieved in each discussion group. Closing contributions were made by the representatives of 12 participating States and 2 International Organisations, as well as by the Director of the ODIHR. In addition, the NGOs presented a joint closing statement on their behalf.

## **CASE STUDIES ON NATIONAL MINORITIES ISSUES: POSITIVE RESULTS**

24 - 28 May 1993 Warsaw

The third in a series of Human Dimension Seminars, "Case Studies on National Minorities Issues: Positive Results", will take place 24-28 May in Warsaw. The CSCE High Commissioner for National Minorities, Mr. Max van der Stoep, will deliver the key-note address.

Discussion Group 1 will be moderated by Ms. Karen Knop, Professor of Law, University of Toronto, Canada. Issues to be discussed are:

- *national minorities at different stages of the decision-making process, including advisory and other bodies, elected bodies and assemblies of national minority affairs;*
- *role of local government and self-administration including different methods of promoting positive results of national minority issues;*
- *participation of national minorities in public affairs;*
- *transfrontier co-operation at different levels and in different fields including twinning arrangements and forms of regional co-operation;*
- *bilateral and multilateral co-operation, including references to and incorporation of CSCE standards in international instruments;*

The Moderator for Discussion Group 2 will be Mr. Jean-Pierre Worms, Former Rapporteur on Minorities to the Council of Europe Assembly. Under discussion will be:

- *implementation, including through "special measures," of existing international instruments, including the relevant CSCE commitments, as a means of resolving national minority problems;*
- *education in and of the mother tongue, use of the mother tongue in communications with and by authorities;*
- *confidence-building measures to foster trust and better understanding among different communities;*
- *possibilities of good offices, conciliation and mediation at community grass-root levels;*
- *preservation of national minorities' cultural heritage*
- *role of individuals, non-governmental organisations, and religious and other groups as well as of the media in fostering cross-cultural understanding and improving relation in society and across frontiers.*

## **FREE MEDIA**

The fourth Human Dimension Seminar in 1993 will focus on issues concerning Free Media. The dates of this seminar will be announced in the Summer issue of this Bulletin.



## **NEWS FROM ODIHR**

### **IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES**

27 September - 15 October 1993 Warsaw

The ODIHR will conduct a three-week expert-level implementation meeting in Warsaw this Autumn. A full description of its tasks are described in the Helsinki II document of July 1992, section VI, paragraphs 9-16.

### **SEMINAR ON EARLY WARNING AND PREVENTIVE DIPLOMACY**

**Date to be Announced**

In a follow-up to Chapter VI of the document of the Stockholm Council Meeting held last December, the Meeting of the Committee of Senior Officials in Prague (April 26-28) gave further definition to the Seminar on Early Warning and Preventive Diplomacy: "This seminar should be an occasion to review and to publicise the full range of CSCE activities in early warning, and to consider ways of enhancing CSCE's use of mechanisms and programmes for building democratic institutions and fostering human rights on behalf of preventive diplomacy."

The Seminar will be held in Warsaw. A date will be announced in the Summer Bulletin.

### **TAJIKISTAN**

**31 March - 10 April 1993**

The Republic of Tajikistan invited a CSCE Mission on December 30th, 1992 to, in Foreign Minister Alimov's words, "analyse the situation objectively." Ambassador Ali Hikmet Alp of Turkey was appointed as personal representative of the Chairperson in Office, Swedish Foreign Minister Margaretha af Ugglas, and was accompanied by ODIHR Deputy Director Jack Zetkulic. The Mission met with Tajik officials, parliamentarians and available non-governmental individuals. The

Mission Report will be available after it is discussed at the CSCE's June Committee of Senior Officials.

### **CENTRAL ASIA**

**18 - 23 April 1993**

As part of the program of visits to the newly admitted participating States of the CSCE, Chairman-in-Office Margaretha af Ugglas led a team of experts to Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan. ODIHR Deputy Director Zetkulic accompanied the mission to Turkmenistan and Uzbekistan where he stayed behind with French Ambassador to the CSCE in Vienna, Mr. Marc de Brichambaut, for further consultations with Uzbek officials.

For more information on this mission, contact the ODIHR.

### **"HUMAN DIMENSION HANDBOOK"**

The CSCE ODIHR publication, "Human Dimension Handbook for Human Dimension Mechanism Experts/Rapporteurs and Election Observers" has been updated. It was distributed at the April CSO meeting in Prague. The Handbook is available upon request.

# HIGH COMMISSIONER FOR NATIONAL MINORITIES

## 1. Missions to Slovakia and Hungary

Upon the recommendation of the CSCE High Commissioner on National Minorities, Mr. Max van der Stoel, and with the full agreement of the States concerned, the CSO decided to establish for an initial period of two years a team of minority rights specialists who will twice a year visit both the Slovak Republic and Hungary to analyse the situation of the Hungarians in Slovakia and the Slovaks in Hungary.

This CSCE mission will have the task of exploring how the implementation of relevant CSCE standards and principles in the policies of both states towards the minority in question and monitor relevant developments. Thus, it will be possible to address concerns, to take away any misunderstandings and to adapt relevant policies.

The team will consist of three impartial and independent persons who are experts on national minorities issues. They will be nominated by the High Commissioner with the consent of the two states concerned. The basis for their work will be the CSCE principles and commitments. After each visit, the experts will submit their advice and recommendations to the High Commissioner who will decide how best to make use of such advice and recommendations.

## 2. Baltic States

On Tuesday 27 April, High Commissioner Van der Stoel also informed the Committee of Senior Officials of his findings from visits to Estonia, Latvia and Lithuania in January and March of this year. In Estonia and Latvia, in particular, there are large numbers of Russian--speaking persons. Repeated allegations have been made regarding discrimination against them.

The High Commissioner declared that he found no evidence of persecution of the national minorities in the Baltic states. He has, however, presented a number of recommendations to the Governments of Estonia and Latvia, aiming at a visible policy of dialogue and integration towards persons belonging to national minorities. These recommendations focus mainly on legislation on citizenship and language issues, the implementation of such legislation and the need to inform persons belonging to national minorities about their situation in this respect. A recommendation which has been made to all three Governments concerns the creation of Ombudsman offices or National Commissioners on Ethnic and Language Questions.

Taking into account the positive reactions on his work from all Governments concerned, Mr van der Stoel will continue his activities, aiming at promoting dialogue and co-operation in the area.

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### *General background information*

The High Commissioner on National Minorities was established by the inter-governmental Conference on Security and Co-operation in Europe (CSCE) in order to respond, at the earliest possible stage, to ethnic tensions that have the potential to develop into a conflict within the CSCE region. Dutch Minister of State Max van der Stoel was appointed as the first High Commissioner in December 1992. The office began operations in January 1993.

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