

Minority Rights in Europe

Policies and Practices in CSCE Participating States



NOVOSTI/B.LESIN

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Minority Rights Group
Leningrad Association of Scientists

Minority Rights

Policies and Practices in Europe

Leningrad, USSR, 2-4 June 1991

Conference Objectives

It is the primary objective of the Conference to contribute to the continuing 'Helsinki' process. It will provide the forthcoming CSCE ('Helsinki') conferences on the Human Dimension with policy recommendations on minority rights issues based on research, analysis and discussions that will take place at the Conference. The results of the Conference will be presented to the Meeting of Experts on Minority Rights in Geneva, July 1-19 1991, and to the CSCE Conference on the Human Dimension in Moscow, September 10 - October 4, 1991.

The Conference focused on minority issues that have not yet, in our opinion, been solved satisfactorily. There are several open ends in the theoretical and pragmatic approaches that are currently discussed internationally: the content of collective minority rights that need elaboration after decades of focusing on individual human rights only; ways in which one can include rights for non-territorial minorities (eg. migrants); and the role non-governmental organizations and independent researchers can play in a process that is still dominated by governmental (ie. majority) bodies.

Participants

The Conference was planned to be a non-governmental conference of experts on minorities including some individual European members of the UN Human Rights Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, academic experts, intellectual leaders in the Minority Communities, non-government organisations and other authorities. In the event, Ambassadors and Diplomatic staff from eight different countries asked to attend and were invited in a personal capacity alongside the other participants.

155 people from the following 18 CSCE states attended the Conference:

Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Greece, Hungary, Norway, Poland, Romania, Sweden, Switzerland, United Kingdom (UK), United States of America (USA), Union of Soviet Socialist Republics (USSR) and Yugoslavia. It included participants from the majority of the Soviet Republics and from Australia (see page 4 for full list of participants).

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The Conference on Security and Co-operation in Europe

I. Paris Summit

(November 1990)

Statement of Head of States

Human Dimension

We declare our respect for human rights and fundamental freedoms to be irrevocable. We will fully implement and build upon the provisions relating to the human dimension of the CSCE.

Proceeding from the Document of the Copenhagen Meeting of the Conference on the Human Dimension, we will co-operate to strengthen democratic institutions and to promote the application of the rule of law. To that end, we convene a seminar of experts in Oslo from 4 to 15 November 1991.

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights. Being aware of the urgent need for increased co-operation on, as well as better protection of, national minorities, we convene a meeting of experts on national minorities to be held in Geneva from 1 to 19 July 1991.

We express our determination to combat all forms of racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

II. Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights

organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) — to use freely their mother tongue in private as well as in public;

(32.2) — to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) — to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) — to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) — to disseminate, have access to and exchange information in their mother tongue;

(32.6) — to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that

effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating State will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating states note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not

yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will co-operate closely in the competent international organisations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) — take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) — commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property.

(40.3) — take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) — endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) — recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) — consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) — consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

(Copenhagen, June 1990)

AGENDA

SUNDAY, 2ND JUNE

- Opening of the Conference – by Professor Lev BORKIN, Co-Chairman of the Leningrad Association of Scientists.
- Welcome Speech – by Anatoly SOBCHAK, Mayor of Leningrad, Professor of Law.
- Introduction to the Conference – by Professor Helen KRAG, Chairman of the Minority Rights Group DK.

MONDAY MORNING, 3RD JUNE

Plenary Session I

Chairs: Alan PHILLIPS, Director, Minority Rights Group, London
Nikolai GIRENKO, Leningrad Association of Scientists

'Types of Inter-Ethnic Conflicts in the USSR and Trends of their Development'

by Dr Emil PAIN, Centre of Independent Expertise, Cultural Initiative Foundation, Moscow.

'Leningrad: Ethnic Minorities and Inter-Ethnic Relations'

by Professor Natalia YUKHNEVA, Institute of Ethnology and Anthropology, USSR Academy of Sciences, Leningrad.

'Multi-Ethnic Copenhagen? – The New Minorities'

by Ole Stig ANDERSEN, Vice-Chairman, Minority Rights Group, Denmark.

'Are Collective Minority Rights Legitimate and Feasible?'

by Dr Tore LINDHOLM, Norwegian Institute for Human Rights, Oslo.

'Minority Rights: Equality and Non-Discrimination'

by Dr Gudmundur ALFREDSSON, UN Center for Human Rights, Geneva.

- Open Discussion – panel and floor.

MONDAY AFTERNOON, 3RD JUNE

Four Parallel Workshops

- Causes of and Ways of Solving Ethnic Conflicts

What prompts peaceful ethnic relations to erupt into ethnic conflict. How can conflict be avoided or solved?

Chairs: Dr Lars DENCNIK, Roskilde
Dr Emil PAIN, Moscow.

- Individual Human Rights versus Minority Group Rights

Do international human rights conventions suffice to protect minorities, or do they need special group rights? If so, what should they entail?

Chairs: Professor Jennie HATFIELD-LYON, Canada
Dr Ernest AMESTISTOV, Moscow.

- The Crisis of Empires and Changes in the Status of Ethnic Groups

How are ethnic groups affected by changing from minority to majority status and vice versa? Historical and current examples could include, eg., India, the Baltic Republics, etc.

Chairs: Dr Jassan JUSSEINOV, Moscow
Dr Carsten PAPE, Copenhagen.

- Non-territorial Minorities and their Rights

Do dispersed minorities need any special rights or legal protection, and how should they be provided for? Which are the main problems caused by modern mass migration? Which rights should migrants have to minimize predictable inequalities, disqualifications and conflicts?

Chairs: Professor Natalia YUKHNEVA, Leningrad
Professor Muhammad ANWAR, Warwick
Dr Nicolae GHEORGHE, Bucharest.

TUESDAY MORNING, 4TH JUNE

Workshops

Plenary Session 2

Ways of Providing Minority Rights

Moderators: Catherine COSMAN, USA
Dr Michael ULMAN, Australia

Intervention About the Situation in Lithuania

by Yurate Lauchute

The Danish-German Minorities Question

by Dr Klaus Carsten PEDERSEN, Director of the Danish Foreign Policy Institute.

Report from the Rovaniemi Conference on Linguistic Rights

by Anne Christine ERIKSON, Turku;
Dr Kaisa KORPIJAAKKO, Rovaniemi.

Tuesday Afternoon, 4th June

Concluding Plenary Session 3

Moderators: Gerald NAGLER, Vienna;
Professor Lev BORKIN, Leningrad

- Reports from the Workshops by the rapporteurs
- Conclusions by Alan PHILLIPS, Director, Minority Rights Group International
- Closing of the Conference by the Soviet hosts and Organizational Committee

THURSDAY, 6TH JUNE

Meeting of members of organisational committee to agree on final report and to collate and develop recommendations from the conference.

List of Participants

- Afanasyev, V.S., USSR Academy of Sciences, Leningrad
 Aleinikov, P.A., USSR Academy of Sciences, Moscow
 Alfredsson, Gudmundur, United Nations Secretariat, Geneva
 Amatuni, V.N., Armenian Community, Leningrad
 Andersen, Ole Stig, Minority Rights Group, Denmark
 Anwar, Muhammad, University of Warwick, United Kingdom
 Arutiunov, S.A. USSR Academy of Sciences, Moscow
 Arypbekov, Meis Sh., Kirgiz Society, Ak-Keme, Leningrad
 Bahnev, Youly, Narodno Sobranie (MP), Bulgaria
 Barulin, A.N., Historic Archive Institute, Moscow
 Berdysheva, T.M., USSR Centre for the Friendship of Peoples, Leningrad
 Bereznyaya, I.J., Leningrad University
 Bezbozhniy, V.T., USSR Ministry of Culture
 Bloch, Anne-Christine, Minority Rights Group, London
 Bogoraz, Larissa I., Moscow Helsinki Group
 Bogoslavskaya, L.S., RSFSR Supreme Soviet
 Borkin, Lev J., Leningrad Society for Jewish Culture
 Brusina, O.I., USSR Academy of Sciences, Moscow
 Christensen, Arly, Samspel, Denmark
 Cosman, Catherine, Helsinki Watch, Washington, DC, USA
 Dadymov, R.V., Leningrad Kumyk Society
 Daes, Erica-Irene, UN Working Group on Indigenous People, Geneva
 Dencik, Lars, Roskilde University, Denmark
 Dermainer, A.G., Business Cooperation, Donetsk
 Derviz, O.V., Leningrad Regional Lawyers
 Drobizheva, L.M., USSR Academy of Sciences, Moscow
 Duckworth, Nicola, Amnesty International, London
 Elias-Brantley, Ewa, International Human Rights Law Association, USA
 Eriksson, Anne-Christine, Abo Akademi, Turku, Finland
 Flindt Pedersen, Charlotte, University of Copenhagen, Denmark
 Frenkel, A.S., Leningrad Jewish Association
 Friyev, V.Kh., Leningrad Society of the Friends of Ossetia
 Garipov, N.M., Association for Tatar Culture, Leningrad
 Gayer, E.A., Sub-Commission for the Survival and Revival of Small Peoples, Leningrad
 Gheorghe, Nicolae, Ethnic Federation of Roma (Gypsies), Bucharest
 Gilinskiy, Ja. I., USSR Academy of Sciences, Leningrad
 Girenko, N.M., USSR Academy of Sciences, Leningrad
 Grigoryev, P.P., Estonian Supreme Soviet
 Gronbjerg, Lars, Ministry of Foreign Affairs, Denmark
 Grundin, Brita, Amnesty International, Swedish Section
 Grushevskiy, A.Ju., USSR Academy of Sciences, Moscow
 Gryunberg-Cvetinovich, A.L., Academy of Sciences, Leningrad
 Guliyev, T.Go., Azerbaijdzan Cultural Society, Leningrad
 Haley, James Gregory, Emory University, Atlanta, USA
 Hansen, Kirsten Barker, University of Copenhagen, Denmark
 Hatfield-Lyon, Jennie, Queens University, Toronto, Canada
 Hint, Matti, Estonian Popular Front
 Horwitz, Martin, New York University, USA
 Hvenegaard-Lassen, University of Copenhagen, Denmark
 Iaskhakov, D.M., USSR Academy of Sciences, Kazan
 Jusseinov, Jasan, Ch., Academy of Sciences, Moscow
 Jankowski, Henryk, Lorand Eotvos University, Hungary
 Jonsson, Kjell, Swedish Refugee Council, Sweden
 Kaiser, Robert John, University of Missouri, USA
 Karaev, N.A., Society Daian, Baku
 Kardos, Gabor, Elte University, Budapest
 Katerli, N.S., Writer's Union, Leningrad
 Kayumov, M.K., Tatar Society, Leningrad
 Keller, E.E., Higher Union School, Leningrad
 Khelinskiy, E.A., Academy of Sciences, Moscow
 Khoroshaeva, I.F., Moscow University
 Khusainov, Kobej, Kazakh Academy of Sciences
 King, G. Peter, University of Sydney, Australia
 Kiryanen, A.I., Leningrad City Council
 Klopcic, Vera, Institute for Ethnic Studies, Ljubljana, Slovenia
 Knyazev, Ju. E., USSR Supreme Soviet, Dept. for Inter-Ethnic Relations
 Kobeckaite, Halina, Government of the Lithuanian Republic, Dept. for Nationalities
 Kogan, Marina, USSR Academy of Sciences, Leningrad
 Kokko, V.A., Society of Ingrian Finns, Inkeri Liitto
 Kolton, L.G., Leningrad's Jewish Association
 Konanbaeva, Almabek, Kazakh Cultural Society, Leningrad
 Korpjajaakko, Kaisa, University of Lapland, Finland
 Koufa, Kalliopi K., University of Thessaloniki, Greece
 Krag, Helen, Minority Rights Group, Denmark
 Kuchepatova, S.V., Museum for Soviet Peoples
 Kurbanova, G.N., Azerbaijdzan Cultural Centre
 Kuznetsov, A.I., Government of the Estonian Republic
 Labdinsh, A.V., Leningrad Latvian Society
 Lauchute, Y., USSR Academy of Sciences, Leningrad
 Lebedinskaya, T.N., USSR Union of Writers
 Leinonen, R.A., German Cultural Society, Leningrad
 Li, V.E., Korean Cultural Society
 Lemaitre, Pierre, Centre for Peace and Conflict Research, Denmark
 Lindhom, Tore, Norwegian Institute of Human Rights, Oslo
 Majewicz, Alfred, F., A. Mickiewicz University, Poland
 Mamedov, Emin B., Leningrad Pedagogical Centre
 Maryniak, Irena, Index on Censorship, London
 Mikhailov, L.A., State Chancellery, Republic of Estonia
 Mikheeva, N.N., CC Estonian Communist Party
 Monakhov, V.N., Member of Leningrad City Council
 Murtazin, M.Kh., Association of Bulgars in Leningrad
 Musevi-Abasov, I., Leningrad Jewish Religious Society
 Nagler, Gerald, International Helsinki Federation, Austria
 Nechaeva, N.S., RSFSR State Committee for Nationalities
 Okynczic, C., Centre for Mutual Understanding, Lithuania
 Osipov, A.G., Academy of Sciences, Moscow
 Pachovski, Slavi, Sofia International Institute for Human Rights, Bulgaria
 Pain, Emil A., Centre for Independent Expertise, Cultural Initiative, Moscow
 Pak, M.S., Leningrad Cultural Centre
 Palley, Claire, St. Anne's College, Oxford, United Kingdom
 Pape, Carsten, Denmark's International Study Program, Copenhagen
 Pashaev, A., Pedagogic University, Leningrad
 Pedersen, Klaus Carsten, Danish Foreign Policy Society, Denmark
 Peeters, Yvo, Centre for Study of Ethnic Group Rights, Brussels
 Perepelkin, L.S., Academy of Sciences, Moscow
 Phillips, Alan David John, Minority Rights Group, London
 Piotrovskiy, R.G., Society Polonia, Leningrad
 Plasseraud, Yves, Groupement pour les Droits des Minorites, France
 Pourchier, Suzanne, Groupement pour les Droits des Minorites, France
 Pozdniakov, K.I., Academy of Sciences, Leningrad
 Polyakova, Ella, Memorial, Leningrad
 Pustyntsev, Boris, Memorial, Leningrad
 Rabinovich, A.M., USSR Ministry of Culture
 Ramishvili, T.O., USSR Ministry of Foreign Affairs, Dept. for Human Rights
 Ranut, Mart, State Department for Language Problems, Estonia
 Ratcliff, Cathy, Desktop Publishing for Central and Eastern Europe, Scotland
 Rosenfeldt, Niels Erik, University of Copenhagen, Denmark
 Rossinskaya, M.G., Leningrad Society for Jewish Culture
 Rusama, Jaakko, Conference of European Countries, Finland
 Saifulin, R.Z., RSFSR State Committee for Economy
 Sampovaara, Veijo, Ministry of Foreign Affairs, Finland
 Schlaeppli, Erika, Department of Foreign Affairs, Bern, Switzerland
 Semyonov, A.A., Tallin Pedagogical Institute
 Shaloni, N.N., Leningrad Regional Council
 Shinkunas, V.I., Lithuanian Cultural Society, Leningrad
 Shostakovskiy, S.V., Newspaper Editor, Vilnius Courier
 Shurko, S.M., Executive Committee, Leningrad City Council
 Sjoquist, Boerje, The Swedish NGO Fund for Human Rights, Stockholm, Sweden
 Sokolovskiy, S.V., Academy of Sciences, Moscow
 Sorokina, I.P., Academy of Sciences, Leningrad
 Sovetnikov, S., Supreme Soviet, Estonian Republic
 Stepanian, A.S., Yerevan Union for National Self-Determination, Armenia
 Suleimanov, S., USSR Supreme Soviet, Committee for the Small Peoples of the North
 Suleimanova, G.F., Academy of Sciences, Kazan
 Sungurov, A.Ju., Leningrad City Council
 Tashandinov, I.I., Preservation of Cultural Monuments, Khakassiya
 Tereshkovich, P.V., Byelorussian Academy of Sciences
 Tikhomirov, S.A., Leningrad Association of Scientists
 Tikhonov, Ju.N., German Cultural Association, Leningrad
 Tokhtobiyev, S.A., Int'l. Foundation for Preservation and Development of Small Peoples
 Tomova, Ilona, The Office of the President of the Republic, Bulgaria
 Tucker, Andrew, Foreign and Commonwealth Office, CSCE Unit, United Kingdom
 Tuzmukhamedov, R.A., Academy of Sciences, Leningrad
 Ulman, Michael, University of New South Wales, Australia
 Vakhtin, N.B., USSR Academy of Sciences, Leningrad
 Vasilyev, S.P., Consultation Comp., Maynor Nava
 Viner, V.E., Institute for Judaism, Leningrad
 Vinogradov, Ju.A., USSR Academy of Sciences, Leningrad
 Voyevodskiy, K.E., Public Support Committee for Arzakh in Leningrad
 Vovk, M.V., Latvian Society, Leningrad
 Vozgrin, V.E., USSR Academy of Sciences, Leningrad
 Wicherkiewicz, Tomasz, Adam Mickiewicz University, Poland
 Yaroshenko, T.M., USSR Ministry of Culture
 Yukhneva, N.V., USSR Academy of Sciences, Leningrad
 Zaripova, M.Kh., Leningrad Tatar Centre

Others attended the Conference or parts of it but did not formally register for the Conference.

Introduction to the Conference

The conference was the result of an extraordinary experiment. One could even go further and talk of a breakthrough in East-West communication. The experiment has been made possible by the changes that have taken place in the Soviet Union over the last years, by good luck, and last but not least, by the enthusiasm of the people involved in the project. For the first time an international conference of this kind was organized inside the Soviet Union without any support from governmental organizations but with eight CSCE States being invited to attend including the Soviet Union. This gave new opportunities and, simultaneously, some interesting new experiences with the conditions of establishing a dialogue across the old East-West divide.

Cultural Encounters

The conference was approved by the international meeting of the Minority Rights Group and the Danish Committee was invited to lead this initiative on its behalf, liaising closely with the International Secretariat in London. Professor Helen Krag and the Danish MRG Committee which she chairs, played a crucial and dynamic role in ensuring that the conference happened alongside the Leningrad Association of Scientists. Communications with the Leningrad Association of Scientists between Copenhagen and Leningrad was difficult – the postal service could hardly be used, telephones and telefaxes sometimes worked and more often didn't, xerox machines and printing facilities in the Soviet Union were rather rare – a joint conference and publications presented a challenge to succeed despite impossible conditions and to compromise quickly whenever needed. Students on both sides of the border, as well as researchers normally concerned with theoretical problems, experienced the excitement of cultural encounter in practice. Despite the despair, the uncertainty and the strain, none of the people who have been seriously involved in the project would today want to do without that widening of their horizon.

Divergent Experience

Even though minority rights are topical at present, the historical, ideological, political, legal, moral and economic backgrounds of the discussants from inside and outside the Soviet Union were rather different; the evidence that spur the current interest, the research traditions that are built upon and the objectives that are sought are far apart. It was obvious – the national conflicts in the Soviet Union and the refugee and migrant problems in the West taken into consideration – that there were divergences as to what kind of minority issues need further investigation and deeper insight. But there was also very different traditions as to what terminology to use. It was suggested that conference participants acknowledge and respect the exis-

tence of various definitions of such terms as, for instance, 'ethnic' or 'national' minorities and concentrate on the subject matter in which there may be a common interest in. It could have been one of the aims at the conference, though, to secure that no term, no definition used excludes minorities from obtaining the rights laid down by national or international bodies.

Location in Leningrad

Leningrad was chosen as the location of the conference for a number of reasons: with its multitude of ethnic minorities it is a microcosm reflecting the multi-ethnicity and potential ethnic conflicts of Soviet society; it has an academically strong base of ethnic research; Leningrad, is a Baltic city with a certain sensitivity and openness to Western Europe and the democratic and human dimensions we wish to endorse. The city is blooming with democratic Non-Governmental Organizations and has a very liberal City Council, tendencies that ought to be supported. The Minority Rights Group and the Leningrad Association of Scientists, being Non-Governmental Organizations, believe that the conference would also strengthen minority research and NGO networks across the borders.

It was with this background that the conference opened.

Conference Dynamic

This first international conference organised inside the Soviet Union without any support from state organisations consisted of participants drawn from a wide variety of backgrounds and from many countries.

The primary object of the conference was to contribute to the ongoing Helsinki process by providing policy recommendations on minority rights issues based on research, analysis and discussion in an academic milieu. All participants came to the conference on the basis that its results would be presented to the Meeting of Experts on Minority Rights in Geneva in July 1991 and the CSCE Conference on the Human Dimension in Moscow in September 1991.

Authors of conference papers were chosen with several objectives in mind: to give the widest opportunity of providing new and constructive thought; to facilitate communication across boundaries; to provide papers covering practical applicability as well as theory; to obtain fresh insights from the perspectives of thinkers in the Humanities, including researchers from the fields of ethnology, history, psychology and linguistics, as well as from traditional sources such as international and human rights lawyers and political scientists; and to supplement and further develop proposals already made to Participating States by the Minority Rights Group and the Danish Helsinki Committee's conference in Copenhagen in March - April 1990. The Leningrad conference papers, published and circulated in advance, prepared the ground for discussions and the resultant specific suggestions.

Robust Discussions

The conference was opened by the Mayor of Leningrad, President of the Leningrad City Council, Professor Anatoly Sobchak, and was followed by opening speeches and a reception. Two full working days were devoted to plenary sessions and meetings of four Working Groups, which took up more than half the time of substantive conference discussion. In the first plenary session authors briefly presented their papers, outlining the implications and initiating a wide-ranging and critical dialogue in the Working Group meetings which followed. Membership of the four Working Groups was freely chosen by individual participants, some of whom visited other groups. The discussions were robust and also constructive in outlining concerns of minorities, responses of majorities and possible practical recommendations.

The conference invitation had made it clear that the meeting was not being held to pass judgement on any specific conflict, whether in the Soviet Union or elsewhere. Nor was it an aim to discuss definition of 'ethnic' or 'national' minorities. Although the helpfulness of definitions in analytical discussion was raised, participants did not embark on a definitional exercise, being aware both that the United Nations has developed extensive procedures in relation to

the rights of members of minorities in community with other members of their groups and that indigenous and tribal peoples were the subject of special rights. As different national traditions used terms with differing connotations and implications, it was necessary to ensure that the CSCE process did not develop inconsistently with UN practices and minimum standards.

Outside the formal meetings there was much informal parallel discussion. On the second day, Professor Galina Starovojtova, representing the Moscow section of the Helsinki Federation of Human Rights, made an intervention and addressed most participants during the luncheon break on pressures, processes and recent events in the Soviet Union, and on the final day Ms. Yürate Laüchüte provided news about the latest situation in Lithuania.

Surveys of ideas

Each Working Group was chaired by two Chairpersons, one from the Leningrad Association of Scientists and one from the Minority Rights Group. Apart from ensuring maximum participation with short interventions, the task of the Co-Chairpersons was to summarise the contributions and to draw together the views expressed in each Group in order to present an overall picture to the final plenary session. These summaries were not designed as specific resolutions to be voted upon, or as minutes, or as comprehensive statements of helpful ideas. Nor were they intended to be formally approved by the final plenary session. They were rather designed as surveys emphasising views generally acceptable to the relevant Working Group. They would, it was hoped, contribute ideas likely to enhance minority rights within the CSCE framework.

The Co-Chairpersons presented these summaries to the final plenary session as representing their assessment of the discussion within their own Working Groups. All participants were invited both at the Groups and at the final plenary session to submit any special views they wished to be recorded. Group and Community comments were received from: the Leningrad Kirgiz Community 'Ak-Keme' and the Kirgiz Democratic Movement; the Leningrad Society of Azerbajdzan Culture; a Group appointed by the Sakharov Congress to investigate the situation in the Armenian-Azerbajdzan border; the International Helsinki Federation for Human Rights; and the Leningrad Cultural Centre of Soviet Koreans. Individual comments or additional recommendations were received from: Gudmunder Alfredsson; Catherine Cosman; Nur Garipov; Nikolai Girenko; Helen Krag; Pierre Lemaitre; Slavi Pachovski; Mart Rannut; Alexander Kiryanen; and Alexander Hudelainen.

Report of the Working Group on Causes and Ways of Solving Ethnic Conflicts

CHAIRS: *Dr Lars Dencik, Roskilde*
Dr Emil Pain, Moscow

The workshop on Causes and Ways of Solving Ethnic Conflicts was introduced by papers from the two co-chairmen, Dr. Emil Pain from the USSR and Prof. Lars Dencik from Denmark. Both papers, printed in the book of papers from the conference, stress the need for a scholarly, theoretical approach to ethnic conflicts. The need for more research and for the establishment of research groups to investigate the processes of ethnic conflicts was stressed by many contributors to the workshop. Ethnic conflicts should be seen as emerging out of fundamental socio-economic and political conflicts existing in society. Ethnic ideas and organisations carrying ethnic aspirations develop as means of collective and cultural defence because of the fact that ethnic minorities are oppressed, and in the course of conflict often become the subject of violence; the ethnic aspirations of minority groups tend to become linked also to struggle for democratic processes.

Ethnic conflicts were seen as integral in the social structure of most societies, and in that sense inevitable. The solutions, therefore, should not attempt to remove ethnic conflicts as such, but should attempt to manage them within the framework of democratic processes in an acknowledged plural society. This presupposes that ethnic minorities are guaranteed rights (eg. to use their native language, develop their own culture, profess their own religion, etc.), equality (of information, representation, etc.) and that there are mechanisms of negotiation and mutual information built into the social system of society. It was a clear understanding in the workshop that the main problem of the minorities are the majorities.

The workshop repeatedly stressed the fact that totalitarian social structures not only imply minority oppression, but also, in the long run, breed violent ethnic conflicts. Therefore, the strengthening of democratic processes and of democratic attitudes through teaching and mutual cultural exchange between different ethnic groups was suggested as a means of increasing tolerance and preventing peaceful ethnic relations from erupting into violent ethnic conflicts. To ensure ethnic minorities' legal rights, guarantees of cultural and, in many cases, territorial autonomy, was seen as a necessary step.

In cases in which totalitarian or majority rulers do not pay respect to minority rights, it was suggested that the international community be called upon to stop any economic and other links with such governments. In this context it was proposed that the international community play a considerably more active role in safeguarding ethnic minorities than has hitherto been the case. As it has become acceptable to intervene in other countries internal affairs on

behalf of human rights, it should be accepted to intervene on behalf of minority rights also. In this context a new position of the UN system was proposed, a High Commissioner for Human and Minority Rights. The UN system should also be equipped with power to intervene to safeguard minorities by erecting 'safety zones' similar to the arrangements made for the Kurds in northern Iraq.

Among the recommendations especially shared by many members of the workshop were:

Where serious ethnic conflicts are developing

- make better use of the UN system to supervise remedial efforts, where necessary involving the rapid involvement of an international body of experts, and in extreme cases establish UN peacekeeping forces to intervene and diffuse violent ethnic conflicts.
- create a system of international inspection of the treatment of minorities in a similar way to the disarmament inspection system already in existence.
- agree upon a minority rights charter, including such things as no forced relocation, no use of military force, guarantees that journalists, experts and other visitors can be present.
- encourage governments to ratify existing charters and conventions such as the ILO Convention No. 169 on the Rights of Indigenous and Tribal Peoples.
- create dwelling areas for deported and relocated peoples in their original homelands so that they can return.
- regulate the number of newcomers in areas where indigenous people live.

Emil Pain has written a report in Russian which supplements what has been stated here.

Report of the Working Group on Individual Human Rights Versus Minority Group Rights

CHAIRPERSONS: *Professor Jennie Hatfield-Lyon*
Dr. Ernest Ametistov

The Working Group was given the task of considering whether international human rights conventions provide sufficient protection for minorities or whether special group protection is necessary and what form any such protection should take.

Due to the extremely different backgrounds which the Working Group participants represented, there was some discussion at cross-purposes, especially with respect to what was meant by a minority. Leaving those differences aside, it soon became apparent that the participants were almost unanimously of the view that special protection for minority groups was, in fact, necessary to guarantee the full enjoyment of human rights and fundamental freedoms. Recalling that the Final Act on the Conference on Security and Co-Operation in Europe in Paragraph VII called upon Participating States to recognize and respect the rights of the individual, alone or in community with others, to profess and practice religion or belief and to respect the rights of persons belonging to minorities to equality of the law, it was the view of the Working Group that it is now desirable for the CSCE to elaborate on these guarantees.

It was a general view expressed that, while individual rights and group rights may be complementary means of protection, there may need to be a balancing of these rights. This balancing would be no different than the current balancing approach to the resolution of conflicting individual rights, for example, the right of freedom of expression versus the right to privacy.

While the Charter of Paris for a New Europe, of November 16, 1990, states that 'Democracy is the best safeguard of freedom of expression, tolerance of all groups of society and equality of opportunity for each person', the view was expressed that democracy is a necessary but not sufficient means to ensure the guarantee of group rights. In the absence of special guarantees or special measures, it is not possible to protect minority rights through the traditional modes of protection of individual rights. Another participant was of the view that it is sometimes the manner in which these guarantees are applied in practice that creates certain violations of minority rights.

Among the proposals put forward to address these concerns were the following:

- to call upon all Participating States which have not done so already to ratify as soon as practicable the relevant international human rights instruments, in particular the Genocide Convention, the International Covenants and the Optional Protocol, the International Convention on the Elimination of All Forms of

Racial Discrimination, the Torture Convention and the Convention on the Rights of the Child. It was also stressed that such ratifications should, in light of maximum human rights protection, not be subject to reservations;

- to call upon all Participating States to bring their domestic legislation in the area of human rights and minority rights into compliance with existing international and regional standards;

- to call upon all Participating States to refrain from relying upon constitutional arrangements in respect of difficulties in protecting individual human rights or minority rights as per Article 27 of the Vienna Convention on the Law of Treaties;

- to call upon the international community, including the Participating States, to recognize and adopt a new international instrument, the Covenant on Minority Rights;

It was considered necessary to include in such a document the collective and group rights which to date remain unprotected under international law and such elements thereof as follows below:

- to stress that certain of these rights are not merely the single sum of individual rights and that the provision of such rights is to be enjoyed only by minority groups as a whole;

- to stipulate that, in the conflict of group rights, collective rights and individual rights, all relevant circumstances shall be examined and weighed, in an attempt to arrive at justice for all parties. In such a weighing, it is to be understood that the individual rights of members of the minority group should not routinely be denied in favour of the minority's group rights, and vice versa;

- to require the participating states to elaborate special machinery for the peaceful resolution of conflicts between the rights of minorities as guaranteed under the laws of different jurisdictions. Such machinery could take the form of third party mediation, conciliation or arbitration, and could provide a role for the UN (and the Secretary-General, in particular), the CSCE or other regional organizations;

- to require States to incorporate in their domestic systems, in accordance with each State's constitutional processes, protections and guarantees for the right of minorities, including the rights freely to use their language and culture, to establish their own systems of education, and to develop or preserve any natural resources which are located on the territory in which they normally reside or which are associated with their traditional way of life. In addition, such constitutional measures should also make provision for remedies for minority groups before domestic courts, including the award of compensation in cases of violation;

- to stipulate that States should provide financing for the promotion of the cultural and political development of minorities, in particular, from profits derived from any exploitation of natural resources within regions in which such minorities ordinarily reside. The State should actively involve the minority group in the planning and formulation of such development

plans;

● to provide such substantive minority guarantees as equal ability to participate in the social and political life of the nation; equal protection of the law for all, equality of law, particularly as guaranteed before courts. This shall not preclude, however, any law, program or activity that has as its object the improvement of conditions for disadvantaged individuals of minority groups;

● to provide that any official, exercising duties in regions in which minorities ordinarily reside and having direct contacts with the population of this territory, is obliged to understand and to speak the language spoken as the mother tongue and that states make available all government services in such language where numbers warrant;

● to provide for the creation of an international body to monitor the implementation of the substantive rights guaranteed in the Minority Rights Covenant. In the execution of its mandate, the Minority Rights Committee should take into account the developments in other international and regional human rights bodies;

● to mandate human rights non-governmental organizations to provide specialized technical assistance and information, commissioned research, analysis and/or fact-finding expertise to all Participating States and the Minority Rights Committee;

● to call upon the Participating State to add to the Valetta Principles for Dispute Settlement a minority rights dispute resolution mechanism to handle any such dispute which might pose a threat to regional peace and security;

● to call upon Participating States to refrain from recognizing any new state which might emerge through the exercise of a minority group's right to self-determination (even when otherwise properly exercised) where the 'state' does not evince the intention of fulfilling all international legal obligations and, in particular, the protection of individual rights and the rights of minorities which, in turn, have been created by such exercise of the right of self-determination; and

● to call upon those Participating States which are also members of the European system to strengthen the implementation procedures under the European Convention on Human Rights and Fundamental Freedoms to provide for minority rights protection;

In addition, the Working Group expressed concern about Indigenous Peoples, their humane treatment, the preservation of their religious, cultural and linguistic identity as well as their fundamental freedoms and basic human rights; and urged the Participating States:

■ to recognize, promote and effectively protect the fundamental freedoms and basic rights of Indigenous Peoples, bearing in mind the value and diversity of the cultures and forms of social organization of the world's Indigenous Peoples.

Report of the Working Group on The Crisis of Empires and Changes in the Status of Ethnic Groups

CHAIRS: *Dr Jasan Jusseinov, Moscow*
Dr Carsten Pape, Copenhagen

■ The process of disintegration of empires is seen as an inevitable, objective process which is not necessarily bad. Even though disintegration has negative connotations in the West and in the East, it may be a very useful process of the post-imperial development.

The problem is to ensure that the process is carried out in a civilized manner, minimizing negative consequences for the parties involved.

■ Several forces or actors in the process were identified and commented upon. They are:

1) although the metropole or centre, which, although it initiated the process is not seen as being interested in reaching a consensus, but which is playing off different national groups against each other with the aim of preserving its power. This is true of the centre and certain republic authorities;

2) 'new majorities' in the republics;

3) 'new minorities', including Russians in the republics;

4) the international community which is currently seen as being insufficiently aware of or involved in the evolving processes in the USSR. Four reasons were given for this:

a) Gorbamania, ie. the feeling that Gorbachev is crucial for maintaining stability in the USSR;

b) a wish to intervene in the internal affairs of the USSR;

c) fear of what the disintegration of the USSR may lead to, in particular because of the great number of nuclear weapons;

d) a historical precedent that newly liberated countries seldom develop into democracies. It was stressed that the international community should become more attentive to and assist in the ongoing processes of post-imperial developments;

e) an independent actor in the army, which is apparently not subordinated to the highest political authorities. It was noted that the army is falsely giving national tensions as the reason for the actions in Lithuania and Latvia.

■ The following problem areas have been identified:

1) the imperial, paternalistic mentality of the former metropolitan majority, both in Russia proper and in the republics where they are becoming new minorities but still retain certain privileges of the majority. At the same time, certain, but not all, new majorities tend to reproduce the totalitarian model of the empire on the national level. A special problem is the fact that the Russian population has not been able to create a self-awareness as purely Russian ethnic community, which complicates communication with the new majority;

2) how to secure the social status and conditions and the return of rights to deported minorities

returning home;

3) how to secure the rights and status of the 'new minorities' and, as special sub-points: a) how to handle the emergence of completely new minorities, eg. the Polesians in White Russia; b) how to secure the rights of non-ethnic groups such as Central Asian intelligentsia not working to return to the traditional community – tribal structures re-emerging in the region;

4) problems of terminology and concepts: how to secure that western political concepts are not misused to legitimize the totalitarian system, and how to introduce these concepts in such a manner that they retain their original meaning.

■ Solutions

Obviously there are long-term and short-term solutions:

1) the primary long-term solution is seen to be education, which has the aim of healing the majority complex and the minority complex, as well as being an antidote to the potential complex of the new majority. Education concerns both the former majority and the minorities and should begin in primary school;

2) political mechanisms, in particular, the delegation of authority to lower levels in the traditional state hierarchy. As a main principle problems should be solved by those who they concern. Several models were mentioned:

a) total independence, eg. Iceland (1944, from Denmark);

b) home rule to minority groups, eg. on the Greenland model;

c) non-territorial autonomy (trans-regional), eg. Saami people in Norway;

d) cultural autonomy.

Another model, used in Switzerland and Spain, is wide regional autonomy, where some regions, eg. the Basques or Catalonians, are distinctly national, others are not, but they all share the same degree of regional autonomy. Applied to Georgia this would mean that not only Abkazia and Ossetia, and Adzavia, but also Minguelia, Kakhetia, Svanetia and other clearly defined regions would have the same degree of autonomy inside a Georgian federation.

The negative effect of not delegating autonomy to national groups was demonstrated by the example of France;

3) a differentiated approach to different types of minorities should be combined with the obligatory preservation of fundamental norms and universal values (eg. non-violence, self-determination, non-discrimination, etc.);

4) rational/civilized means of conflict resolution. Paternalism and central decision-making and diktat are both ideologically problematic, politically difficult, and even economically inefficient. It is important to avoid a 'zero-sum psychology' which bans resolution; to define areas of mutual interests; to understand the benefits of having a friendly neighbour and not an unfriendly subject;

5) to secure a permanent flow of information both ways. This point was seen as crucial by several speakers for the resolution of the current crisis;

6) the creation of new social myths as a cohesive factor in society. Two myths were mentioned:

a) the myth of national autonomy and a national state, which would facilitate a liberation of the minority complex;

b) the myth of a liberal-democratic state, which would facilitate a liberation from the totalitarian complex. While the first of these is in the process of spontaneous creation right now, the second can only be developed through the above-mentioned means of education, practical autonomy, and information.

The addition to the recommendations mentioned so far, other participants stressed the need to:

1) support the publishing of books and manuals on vanishing languages without their own alphabet;

2) clarify the formulations in chapter 4 of the Copenhagen CSCE document, eg. in Art. 32.1 specify what the term 'public life' in relation to the right to use one's own language; and

3) send external expertise to Lithuania to evaluate the minority situation there.

Report of the Working Group on Non-Territorial Minorities and Their Rights

CHAIRS: *Professor Natalia Yukhneva, Leningrad*
Professor Muhammad Anwar, Warwick
Dr Nicolae Gheorghe, Bucharest

The following topics were discussed:

1. The forms of ethnic co-existence in multi-ethnic societies
2. Typology of dispersed minorities, their definitions
3. The instruments for implementation of the rights of dispersed minorities
4. Specifically – the situation and problems of particular minority groups (eg. Gypsies, Finns, Ingrians, Jews and Tatars)
5. Various approaches to and practices of solving minority problems in different societies (eg. the USA, Australia, Europe and the USSR).

The problem of defining dispersed minorities was discussed. The general conclusion was drawn that, although this definition is not in the UN documents, its application may be quite useful for more adequate description of specific minority situations. Further work will be needed to develop the definition and apply it to usage in international law.

The question of the optimal balance between individual human rights and group rights was raised. Different points of view were expressed:

- a. the priority of individual human rights over group rights;
- b. the equality of both types of rights;
- c. the priority of individual human rights or of group rights depending on the different rights concerned.

A consensus on this issue could not be reached.

It was agreed that the best instrument for securing the rights of dispersed minorities would be an 'personal' ethnic (ethnic-cultural) autonomy together with a free democratic model implying that the ethnic (national) interests are a private concern of the citizens.

A lively discussion took place on the question of people who do not identify themselves with any ethnic group. These people need protection in view of the growing feeling of ethnic identity and nationalism. In any case, no one can be forced to proclaim his or her ethnic identity.

It was stressed during the discussion that:

- a. Historical arguments should not be used in order to secure ethnic rights, and only the contemporary situation should be taken into consideration;
- b. Specific rights allocated to minorities must not in any way restrict the rights of other individuals. Minorities can have privileges only in specific cases and only until equal opportunities between majority and minority groups are achieved.

In an introductory remark by one of the chairmen, a question of the Gypsies was raised. It was noted that the Gypsies, being one of the

very few totally dispersed minorities, need special attention as regards their cultural originality and their rights.

As regards the migrants, it was stressed that they do not constitute an ethnic minority; their rights must be secured through providing individual human rights and are not within the scope of the present conference.

Recommendations:

- Relevant concepts must be clarified as regards the term 'dispersed minorities'.
- Appropriate legal provisions should be made for the dispersed groups within the framework of European community and international law.
- The securing of individual and group rights should provide equal opportunities for the dispersed minorities to take part in all spheres of life.
- Membership in an ethnic group should not be determined by his or her origin, but should be only a result of free individual choice. Ethnic membership of a person must not be registered in the government documents without a special request from this person.
- Governments should provide facilities for ethnic groups to practice their religion, language and culture.
- More research should be undertaken to understand the situation of various ethnic groups not only in areas of conflict but also in areas of harmony and peaceful co-existence.
- Regular conferences should take place at the European level to discuss the issues faced by ethnic minorities and to monitor progress made by national governments.

Conclusions

Over the last three days, 155 participants from 28 national groups have come together for the first time in the Soviet Union to discuss minority rights in an open and constructive manner. The achievements have been remarkable even from the first evening where the warmth and hospitality of the reception transcended all linguistic and cultural barriers and the relaxed atmosphere encouraged an open dialogue.

Even before the conference began the preliminary papers were submitted in the published book form to all 34 CSCE states in Europe and North America. I know that they are already being studied by governmental officials, who will attend the CSCE meeting of Experts on National Minorities in Geneva in July and by those who will attend the CSCE Conference on the Human Dimension in Moscow in September. The Minority Rights Group and the Leningrad Association of Scientists will publish a conference report summarising our deliberations both in English and in Russian. The English language edition will be published by July by the international office of the Minority Rights Group in London and given to all 34 States Experts attending the Geneva Governmental Conference and widely publishing elsewhere. The Russian language edition will be published later and copies made available to all of you in whichever language you wish.

I have attended 6 major international conferences on minorities in the last 12 months. This is the first that has published a report in advance and none of them so far have published a concluding report. This achievement is already a major success of this conference showing that as non-governmental organisations we can take responsibility ourselves, we can be scholarly and we can be practical. This has been a continuing theme of the whole of this conference both in the papers discussed, the analysis in the workshops and the debates in the corridors.

Dr Emil Pain launched the conference with an analysis of inter-ethnic conflicts, showing different types of conflict and different stages in their development. Professor Natalia Yuxhneva also described the variety of minorities and warned us not to generalise unnecessarily. When one has to summarize a conference as I am doing in these concluding remarks, there is always a danger of generalisation and over-simplification. We must take the variety of minorities into account, yet on the other hand, we cannot afford to be so precise that no positive conclusions emerge for minorities as a whole.

Methodology

The methodology that we have used so fruitfully at this conference has shown how constructive it can be to participating CSCE states to encourage and receive scholarly information, analysis and research on minorities from truly independent NGOs like those attending this conference. We have also seen that even with

the well-informed participants here today that much more information and publicity is needed on the Conference on Security and Cooperation in Europe, its achievements and the role that scholars and non-governmental organisations can play.

This conference has shown again and again how much we have been able to learn from the richness of each others' experience. The Conference has succeeded by broadening the dialogue to a much wider community of participants and by stimulating a new intellectual interchange. It is clear to me that every encouragement should be given to those working with minorities to enable them to develop links and exchange ideas across the whole of Europe, where possible with the help of non-governmental bodies. Others have spoken vociferously of the need for further conferences like this.

Dr Gudmundur Alfredsson's paper has shown a number of recommendations for the UN system on minorities and by looking at models of good practice within the UN system there are, by implication, similar recommendations that can be made to the CSCE Conference on the Human Dimension. Clearly, duplication of UN and CSCE responses must be avoided, but regional political agreements have the opportunity to be much more speedy and effective than global legal instruments.

New mechanisms

It also became evident from the experiences of the UN that there should be new mechanisms to ensure that international NGOs can make representations to CSCE conferences providing information and advice on minority situations. Furthermore that the CSCE should make its meetings and informal gatherings more open to the attendance of minorities and NGOs. We have seen in this conference how we, seeking a peaceful and secure Europe, should try to anticipate and prevent ethnic conflicts growing into violent confrontations. The CSCE participating States should consider a mechanism (perhaps a committee) to visit minorities biannually and to receive annual reports from States. Additionally, States should permit and encourage visits from journalists, academics, politicians and non-governmental organisations. The early warning of the dangers of a violent conflict can lead to remedial measures before the situation became acute.

CSCE participating States may also assist by establishing a CSCE institution (perhaps a minorities office attached to the CSCE Secretariat) as a clearing house on information and for promoting research. The good offices of the Secretary of the CSCE could be used to promote dialogue on specific minority conflicts and to see that all States ensure the freedom of the media to report on conditions affecting minorities.

These issues should not be left to other individual States to raise as this then becomes part of delicate bilateral relationships and may be seen as a threat being exercised by an external

State. The evidence that **Dr Claus Pedersen** presented shows from the successful Danish-German experience that we should avoid the political involvement of one State on behalf of "its" minority in another State. International Declarations, Treaties and monitoring through a common European approach have been shown to be much more successful. Incentives and resources of multinational structures such as the European community can be very helpful in addressing minority conflicts. One working group suggested the involvement of an international peace-keeping force in exceptional circumstances, while several drew parallels to the arms limitations Treaties and the confidence building inspection mechanisms that have been successfully adopted.

Rights

We had specific discussions on the need for a strong legal framework of minority rights, both in theory and in practice. Governments and would-be governments should adopt existing human rights conventions, including the ILO Convention No. 169, on the Indigenous and Tribal Peoples and incorporate them in their domestic legislation. These are eloquently described in the working group report on individual and group rights presented by **Professor Jennie Hatfield-Lyon** and **Dr Ernest Amestistov** and I will not duplicate that analysis here. There needs to be a close correlation of minority rights in the UN, CSCE and the Council of Europe – using the highest standards (eg. national, ethnic, linguistic or religious minorities). We have heard how existing CSCE mechanisms should be developed for the benefit of minorities. A good example is the Vienna Conflict Resolution Centre, which should take into account that the most serious threats to peace and stability in Europe today are inter-ethnic conflicts. Our discussions have shown that it is also important for the Centre to take a leading role before violent conflicts emerge.

Resources

On the first morning **Dr Tore Lindholm** reminded us that we must not be obsessed by 'rights' but must also emphasise responsibilities and resources for minorities. Minority communities need a range of resources including training and support on negotiating skills, experience of conflict resolution methods, information research and analysis (including reliable census data), advice of and use of the media (not only for advocacy but the education and understanding of their situation by the majority), methods to become self-sufficient in business and incentives for majorities and minorities to work together economically to the benefit of all communities.

Using refugees as an example, **Ole Stig Anderson** highlighted the need to give real power to minorities within the state to encourage their full participation in the electoral system, determining how resources should be

spent, deciding on their location and their destiny.

Power sharing is a crucial issue for good community relations between minorities and majorities and this is one of the key reasons for the emphasis on protected rights rather than in secure temporary measures. In several working groups the acute problems of the deported peoples attracted attention as a set of issues that needed urgent attention and constructive programmes with additional resources.

One Working Group spoke of the need to understand the real meaning of political concepts and democracy. It also discussed the need for resources for restructuring education, funding of schools and publishing in minority languages, together with the devolution of power and the creation of different political structures with various degrees of autonomy. People should be given the opportunity and the resources to develop friendly neighbourly relations.

This leads us back to Gudmundur Alfredsson's analysis that autonomous functions for minorities must be accompanied by local self-sufficiency through taxation or block grants. comments that:

"A multinational community emphasising economic productivity and free markets needs the full participation by all, as well as tranquillity for all in order to be successful."

This has the implication that the best investment are placed where there is a full participation of minorities. Investors should link loans, credit and to societies in which minorities are fully participating.

Democracy

It is appropriate for me to draw my conclusion to an end by recalling the analysis of two of our Soviet academicians.

Professor Natalia Yukhneva contended that the reasons behind Pamyat (and organisations similar to it) losing popular support are: that it has disclosed its anti-semitic, racist, neo-Nazi nature and, that with the appearance of popular democratic movements in Russia, it has lost its false image as being the only ones who care about Russia.

Dr Emil Pain and the working groups agreed that policies on inter-ethnic conflict should not set themselves the task of eliminating inter-ethnic conflicts in the life of multinational state or region completely.

"It is beyond any doubt necessary to control and guide the development of inter-ethnic relations. Such control can be effective provided its main aim is to make the conflicts to follow the path of evolutionary development. Its principal means are then to cultivate spontaneous movements and make them organised and democratic."

Mr Chairman, we can be proud that our conference has helped in that process of evolutionary development by having organised, democratic and constructive discussions on one of the most controversial issues of our time. Some had predicted that it would be impossible to con-

vene such a conference without it becoming a governmental conference, some had predicted that the intensity of the issues would prevent scholarly debate, others had suggested that conferences were irrelevant to the real issues of today.

The conference has proved the pessimists wrong. We, the NGOs, have democratically controlled our own destiny in all the arrangements of this conference; we have had scholars, diplomats, activists, journalists from throughout Europe in constructive dialogue together, producing highly relevant analyses and proposals for the future. We have never claimed that we would solve today's issues tomorrow through this conference, but if we all take forward our experiences and ideas into practice locally and nationally, I believe that we can play a significant part in advancing the rights of minorities and in guiding peacefully inter ethnic conflicts. Finally may I thank you as participants for the great success that you have made of the last three days.

Alan Phillips
June 1991

Note: The conclusions were not specifically endorsed as a document, but were presented and received verbally in the final plenary session. They were then edited to include subsequent comments that had been invited from and given by participants.

Rovaniemi Conference on Linguistic Rights of Minorities (May 1991)

A summary report is available from the MRG London office or a full report (in due course) from Dr Kaisa Korpijaakko, Department of Nordic Law, University of Lapland, Rovaniemi, Finland.

Minority Rights Group

The Minority Rights Group is an international, non-governmental organisation which promotes the rights of minorities and advances research and education on minority issues. The Minority Rights Group exists in over a dozen countries and is eager to strengthen its network of scholars, journalists and others who wish to promote minority rights.

The MRG has published over 90 reports selling 460,000 copies in 21 years. Subjects include:

Europe

- The Basques and Catalans
- Co-existence: European minorities
- The Crimean Tatars and Volga Germans and Meskhetians
- Cyprus
- Flemings and Walloons of Belgium
- Minorities in the Balkans
- The Rastafarians
- Refugees in Europe
- Religious Minorities in the Soviet Union
- Roma: Europe's Gypsies
- Romania's Ethnic Hungarians
- The Saami of Lapland
- The Two Irelands
- The Ukrainians and Georgians
- Western Europe's Migrant Workers

General Interest

- Children: Rights and Responsibilities
- Constitutional Law and Minorities
- International Action against Genocide
- The International Protection of Minorities
- Language, Literacy and Minorities
- Minorities and Human Rights Law
- Race and Law in Britain and the US
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MRG has also published two books:

Armenia and Karabagh – The Struggle for Unity
ed Christopher Walker
£7.95 (paperback) / £24.00 (hardback)

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Hugh Poulton
£8.95 (paperback) / £27.00 (hardback)

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Specific Suggestions

The Organisational Committee acting with the authority of the Leningrad Minority Rights Conference, put together constructive specific suggestions to the States participating in the Conference on Security and Co-operation in Europe (CSCE). The suggestions are compiled from recommendations made during the Leningrad Minority Rights Conference by the speakers and participants and in the Working Group Summaries. It was accepted by the body of the Conference that such suggestions would be presented to States participating in the CSCE at their Meeting of Experts on National Minorities in Geneva 1-19 July 1991 and the CSCE Conference on the Human Dimension in Moscow, September 10 – October 4, 1991.

CSCE institutional arrangements:

The suggestions are that participating States should:

- Establish a permanent CSCE institution to deal with minority issues and create appropriate machinery to ensure observance and the protection of minority rights, including procedures whereby minorities and participating states can seek their implementation.
- Establish a CSCE research institution to examine the root causes of ethnic conflicts and areas of ethnic harmony and peaceful co-existence to provide understanding of measures for peaceful conflict resolution. Such CSCE institution should have the function of providing information about its research studies on the situation in all participating states including information about the majority and minority point of view.
- Agree to involve the CSCE machinery in an extensive and continuing process of furthering education and understanding between minorities and majorities.
- Agree to provision by the CSCE of independent experts including independent NGOs to assist governments and minority groups which request expert advice and services.
- Agree to the CSCE Secretariat acting as a clearing house for receipt of information on minority issues. The Secretariat should encourage the receipt of information not only from governments but from minority groups, NGOs and experts, and should make such information accessible to the public.
- Agree to make use of the good offices of the Secretary of the CSCE as a method of preventing and resolving conflicts arising out of minority situations.
- Agree to involvement of international and relevant domestic NGOs in the CSCE process, with standing invitations to make representations to CSCE institutions together with more extensive ability to attend meetings of the Conference and to participate in proceedings where relevant.

State arrangements:

The suggestions are that participating States should:

- Consider the establishment of an ombudsman institution within their own State. Such ombudsman institution should have the responsibility of processing and considering complaints about the treatment of members of minorities.
- Agree to report annually to the CSCE Secretariat on the internal situation of their minorities and any changes affecting them.
- Encourage independent research within their own States to examine the root causes of ethnic conflict and areas of ethnic harmony and peaceful co-existence.
- Facilitate arrangements for regular and ad hoc visits by delegates from CSCE states, academic experts, NGOs and journalists, thereby assisting in the free flow of information.
- Provide, on a basis similar to that applicable in case of security matters, for regular internal inspection within CSCE states in relation to minority issues.
- Agree to send independent academic experts as delegation members for discussion of minority issues arising within the CSCE context.
- Adopt education programmes designed to avoid thinking about majority and minority relations in terms of false stereotypes.
- Fund a programme of cultural exchanges to encourage enhanced tolerance.
- Undertake to ratify and implement all relevant instruments and future instruments touching on human rights, non-discrimination, minorities and indigenous and tribal peoples.
- Undertake to enact specific domestic legislation bringing their domestic law into conformity with international standards set out in such instruments and any future instruments and to refrain from relying on their constitutional concepts as a barrier to adopting international standards.

Encouragement of good practices:

The suggestions are that all participating States:

Agree that new member states should only be permitted to become participating states if they have ratified the international instruments mentioned above and incorporated those into their domestic law or have, as a matter of state succession, become bound by such instruments which are also part of their domestic law.

Adopt a policy of according priority in the granting of foreign aid and credits to states and programmes which further the achievement of good inter-community relationships and provide resources for disadvantaged minorities to practise their religion, language and culture.

Outcome of Conference

It was agreed that a brief conference report would be published and the major recommendations passed on to governments in July. As the Conference has been so constructive and fruitful, it was important to build on this goodwill and Conference participants were invited to remain in contact with the Minority Rights Group and the Leningrad Association of Scientists and to help in their own professional field to advance the rights of minorities.

Following the Conference a Leningrad Committee of the Minority Rights Group has been established.

Conference Administration

The substantial administrative arrangements for the conference were made by the Leningrad Association of Scientists (LAS) in cooperation with Professor Helen Krag of Minority Rights Group in Denmark (MRG-DK). At the time of the conference, voluntary help was given by members of the LAS and MRG-Denmark as well as by members of the Leningrad Branch of the Institute of Ethnology and Anthropology, USSR Academy of Sciences, members of the Minority Studies Institute, University of Copenhagen, and members of the Student Club of LAS, to whom the conference expressed its warm appreciation. The conference had been endorsed and supported by the International Minority Rights Group, who also played a major role in fundraising and in planning the framework of the conference.

This report is published by the International Office of the Minority Rights Group in London, and the original conference papers can be obtained while stocks last for a fee of £10, 100 Danish kroner, or 4 roubles, respectively from:

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Minority Rights Group (MRG International)

The Minority Rights Group is an independent non-government human rights organization which works for minority groups worldwide.

MRG has as its principal aim to secure justice for minority (and non-dominant majority) groups suffering discrimination by:

Researching, publishing and distributing the facts as on minority issues worldwide;

Advocating and publicizing all aspects of the human rights of minorities to prevent the growth of dangerous and destructive conflicts;

Educating through its research, publications, schools and seminar programmes.

Although it is an international organization, MRG made its first base in London in the UK. Today it has sister groups in several European countries – France, Switzerland, Denmark, Sweden – as well as the USA and Canada, and contacts in many other countries. It is working actively to expand its work into Eastern Europe, the USSR and elsewhere.

MRG is best known for its publications, some of which are listed on page 17.

MRG also works through the United Nations, CSCE and other international human rights fora, speaking out on the violations suffered by minorities at the hands of governments, and recommending actions against inhumane and repressive regimes. It works with other organizations and also (where appropriate) with governments to mobilize public opinion to favour of just and peaceful solutions to ethnic, racial and religious conflicts.

Minority Rights Group Denmark

The Danish MRG Group, Co-organizer of this conference, was established in 1990 in connection with the activities in Copenhagen on the CSCE process. It is no principle, just a mere fact, that the groups within MRG specialise in certain kinds of tasks or certain minorities. MRG Denmark has declared a special interest in minorities in the Soviet Union and accordingly took the initiative to plan this conference.

Leningrad Association of Scientists

The LAS, while is not a political foundation, has the status of a non-profit NGO. De jure it is an independent organization, but in practice it functions in close cooperation with the All Union Association of Scientists. Consequently 13 members of LAS are on the board of administration in the All Union Association of Scientists. The main purposes of the LAS are to take part in the democratization of science; to confirm the principles of independent scientific research; to advance the role and the authority of science and the status of A.S. institutes, universities and other institutions of higher education and applied sciences; to promote awareness about pollution and the environment; and to defend the rights of scientists.

Grants

The Minority Rights Group and the Leningrad Association of Scientists would like to thank everybody who through their contributions made this conference possible. The conference was financed by grants from donors both inside and outside the Soviet Union. The Western part of the Organisational Committee was financed by:

- Demokratifonden, Denmark
- The Danish Research Council for the Humanities
- The Danish Commission on Security and Disarmament Affairs
- The Danish Peace Foundation
- Apple University Center in Copenhagen
- The United Kingdom, Foreign and Commonwealth Office
- The Commission of the European Community

While the majority of the funding came from

- The Minority Rights Group International Office in London and its range of institutional donors.

The Soviet part of the Organisational Committee was financed by:

- Leningrad Branch of the Soviet-American 'Cultural Initiative' Foundation
- The Donetsk Association for Business Cooperation
- The Ingermanland Society of Leningrad

Further, the Conference drew on the resources of the Leningrad City Council, the Soviet Sociological Association (NW Branch), the International Helsinki Federation, the Institute of Ethnology and Anthropology and the Institute of Linguistics, both of the Leningrad Branch of the USSR Academy of Sciences, and the Department of Minority Studies, Institute of Nordic Philology, University of Copenhagen