FUEN

We are living diversity

55th FUEN Congress in Ljubljana
12 - 15 May 2010
Documentation

The Right to Political Participation can be obtained from the FUEN Secretariat in Flensburg or on the internet at www.fuen.org.
The speeches and documents (list of participants, programme) are also available on our internet-site.

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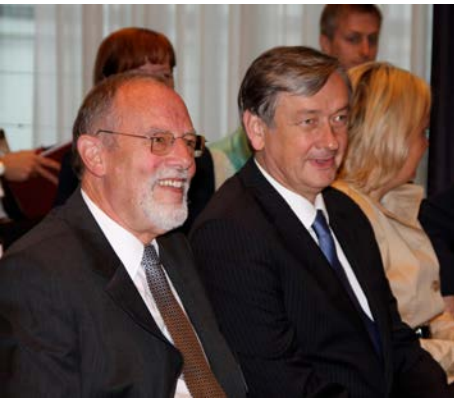
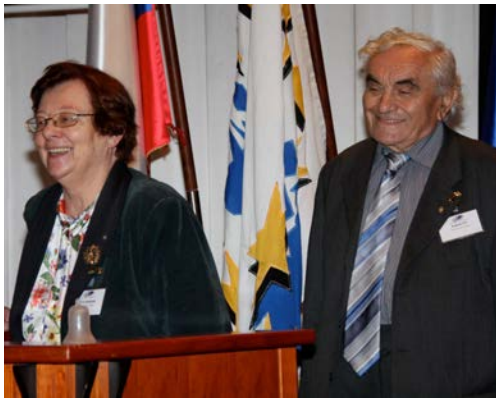
Preface
FUEN-President Hans Heinrich Hansen





Dear members of FUEN, dear friends and sponsors of European minority work. On the following pages we would like to invite you to look back shortly to our FUEN Congress in 2010. This congress took place on the invitation of one of our member organisations smallest in number – the Gottschee Germans – in the beautiful capital of Slovenia, Ljubljana / Laibach.

On behalf of all members of FUEN I would like to thank especially Doris Debenjak and August Grill, who with their help allowed us to organise this successful congress.

We also thank the government in Ljubljana. First of all President Dr. Danilo Türk, a renowned minority expert, who gave an essential impulse to the substance of the congress with his keynote speech. We thank the Office for Slovenes Abroad and its Minister dr. Boštjan Žekš as well, who supported the congress financially, as did the Federal Ministry of the Interior in Berlin.

The main subject of our 55th congress was political participation of the autochthonous national minorities. Political participation is the condition to embed the concerns and competences of the minorities in a positive way in the development of society and in the political process.

Apart from the speech by President Türk that was already mentioned before, and an analysis by Dr. Mitja Žagar from the University of Ljubljana and Primorska, Dr. Toggenburg from the European Union Agency for Fundamental Rights held a highly topical and exciting lecture on this subject.

Furthermore we adopted the third of 13 Fundamental Rights in total that are based on FUEN's document on principles: the Charter for the Autochthonous National Minorities in Europe. This Fundamental Right was developed together with Dr. Oleh Protsyk from the European Centre for Minority Issues (ECMI).

Besides the "external" political participation we also dealt with the internal development of the largest umbrella organisation for the European minorities, under the motto "Quo vadis FUEN". It was encouraging for us in the presidium to see how many members are willing to contribute to further development. This will inspire us to develop our future activity even more closely together with our members.

Enjoy reading!

Yours sincerely

Hans Heinrich Hansen

Introduction

The 2010 FUEN Congress took place from 12 to 15 May 2010 in Ljubljana / Laibach in Slovenia. In total circa 200 people from 23 countries attended the meeting. Again the largest congress of the autochthonous, European minorities of Europe had been organised by FUEN.

The congress was organised in the beautiful Grand Hotel Union, in the midst of the historic old town.

For the first time in the 61 years of our umbrella organisation a state president gave us the honour of giving a keynote speech (see page 5)

Another debut, inspired by the Youth of European Nationalities (YEN), was the "Minority Market". The participants could get informed with regional foods and drinks at different stalls. It was a successful event (as the photos on pages 12 and 13 prove) and will be repeated during future congresses.

In this congress-retrospect we also present you the newly elected presidium (page 20) – and as it should be in a European umbrella organisation, there were more candidates than there were places available.

An important result of the congress was – next to the resolutions that were adopted – also the adoption of our third Fundamental Right – "The Right to Political Participation". It is available as a separate publication (page 10)

The speeches of Dr. Toggenburg on political participation (page 16) and the address of FUEN-president Hans Heinrich Hansen on the future of our common organisations (14) make this congress-documentation complete.

We would like to use this congress-retrospect to mention our new homepage www.fuen.org; we would be glad if you would visit us.

Information: Slovenia - Minorities

Slovenia ratified both the Framework Convention for the Protection of National Minorities as well as the European Charter for Regional or Minority Languages.

In Slovenia the minorities have been divided into three categories:

1 autochthonous communities
- the Hungarian and Italian minorities – protected by Article 64 of the constitution

2 Roma community
- protected by Article 65 of the constitution

3 other minority communities
- nationalities of the former Yugoslav republics
- Serbs, Croats, Bosnians, Albanians ...

The community of the Germans is not recognised as a minority in Slovenia. This was explicitly criticised by FUEN – both in writing and orally. The Assembly of Delegates of FUEN in 2010 adopted a resolution about the Gottschee Germans.

A dossier on the minorities in Slovenia is available for download at www.fuen.org/congress

	Census 2002	Election lists 2002
Hungarians	6.243 persons (0,3 %)	8.328 registered voters
Italians	2.258 persons (0,1 %)	3.338 registered voters
Roma	3.246 persons (0,2 %)	
Germans	680 persons (Pan: ca. 2.000)	
Other	145.921 (7.4 %)	
Population	1.964.000 persons	

Sources:
Christoph Pan, Volksgruppenhandbuch
http://www.uni-koeln.de/jur-fak/ostrecht/minderheitenschutz/
State report Slovenia, European Charter for Regional or Minority Languages
State report Slovenia, Framework Convention for the Protection of National Minorities

President Dr. Danilo Türk

It was the first time for FUEN in its 60 years of existence. For the first time a president of a country not just honoured the guests from all over Europe by giving a welcome speech, but as an expert on minority issues he gave a substantial, well-founded discourse on the significance of political participation of minorities in Europe.

Dr. Danilo Türk
President of the Republic of Slovenia

Lecture of the President of the Republic of Slovenia Dr Danilo Türk at the 55th congress of the Federal Union of European Nationalities (FUEN): Living diversity

I am delighted to have the opportunity to share, in front of this respectable forum, some thoughts on minority questions in today's Europe.

Congratulations for the 60th Anniversary of FUEN, an organisation, which has made such a significant contribution to solving minority questions in all the decades of its existence.

Slovenia has broad experience with questions regarding national minorities. We have reached good and successful solutions for the situation of the Hungarian and Italian nationalities on our own territory, and in our relations with our neighbours we strive for the implementation of the rights of the Slovene national minorities in Austria, Italy, Hungary and in Croatia.

We are connected with FUEN especially through the work of the Carinthian Slovenes, especially the NSKS (National Council of Carinthian Slovenes).

But our history reaches back to the time between the two world wars. Slovene representatives under the leadership of Dr Josip Wilfan were among the initiators and participants of the conference of organised national groups of the European states in Geneva in 1925. They also attended all annual "European minority congresses".

These congresses were a contribution to the forming of an international minority protection system, to the codification of minority rights, to cultural autonomy, against forced assimilation etc.

**Minorities in Europe:
General historic context**

The whole development of minority regulations in Europe in the last century can be divided into three major periods which correspond to the largest changes in the 20th century. In each of these periods, minority rights had their place.

The first period is linked to the dissolution of three large multi-ethnic empires: (the Austrian-Hungarian, the Ottoman and the Russian Empire) after World War I. New nation-states and large national minorities emerged as a consequence. In the period after Wold War I, more than 25 million people in Europe belonged to national minorities. At that time a minority protection system was formed within the framework of the League of Nations, and this system defined numerous legal rules, substantial as well as procedural, which remained the basis of minority protection later on, and also had an important influence on the subsequent formation of the contents of human rights and the system for their protection. Today, the period of the League of Nations is mostly forgotten and underestimated, but from the viewpoint of minority protection it remains important - as a historic starting point and as a system of rules which offer a valid criterion of substance.

The second phase followed after the end of World War II. In that period, the minority question was set into a new context, e.g. the context of the universal protection of human rights. This was an important step, motivated by the historic need to define modern society, which simply demands the basic human rights to be ensured for all people, without any discrimination. This basis provided solutions also for people belonging to national minorities and promised a better practi-

cal situation than the previous period. Minority rights were set into a new philosophic and legal context, which, in principle, facilitates better practice. But the development of this practice was not consistent. It was accompanied by two problems: first, the political mistrust related to the minority protection which had resulted from manipulations of minorities, especially the German minorities in the Sudetenland and in Poland before World War II, in the time of National Socialism; and second, the illusion that individual human rights themselves sufficiently and somewhat automatically ensure the solution of minority questions.

To these two main obstacles some more must be added: the illusions of the communist systems that communism provides a solution of the national question, including the minority question (this illusion had dire consequences especially in the period of the dissolution of SFR Yugoslavia) and the camouflage of nationalism in majority nations into the speech of human rights, connected with the politics of involuntary assimilation of minorities. Often the talk of human rights served as a way of avoiding policies needed by national minorities.

In this period there were only few new, territorially defined, international legal regulations of the minority issues. Yet, their meaning was not decreased. The efforts to establish the rights of the minority in South Tyrol is a good illustration of this meaning. Article 7 of the Austrian State Treaty relating to the rights of the Slovene and Croat minorities in Austria has become a symbol of minority protection.

The third period followed after the ending of the cold war and has not yet ended. In this period, communist state systems dissolved and with them, three socialist federations (the Soviet Union, SFR Yugoslavia and Czechoslovakia). This development by itself put the minority question more into the foreground. And at the same time, the end of the cold war removed the obstacles to international discussion and regulation regarding minorities. The UN General Assembly adopted a special Declaration on the rights of national and ethnic minorities (1992). Within the framework of CSCE/OSCE several documents on minorities were adopted and the institution of the High Commissioner for National Minorities was set up, its practice being a major contribution to the development of standards for minority protection and the promotion of minority rights. The European Charter for Regional or Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1994) were drawn up within the Council of Europe.

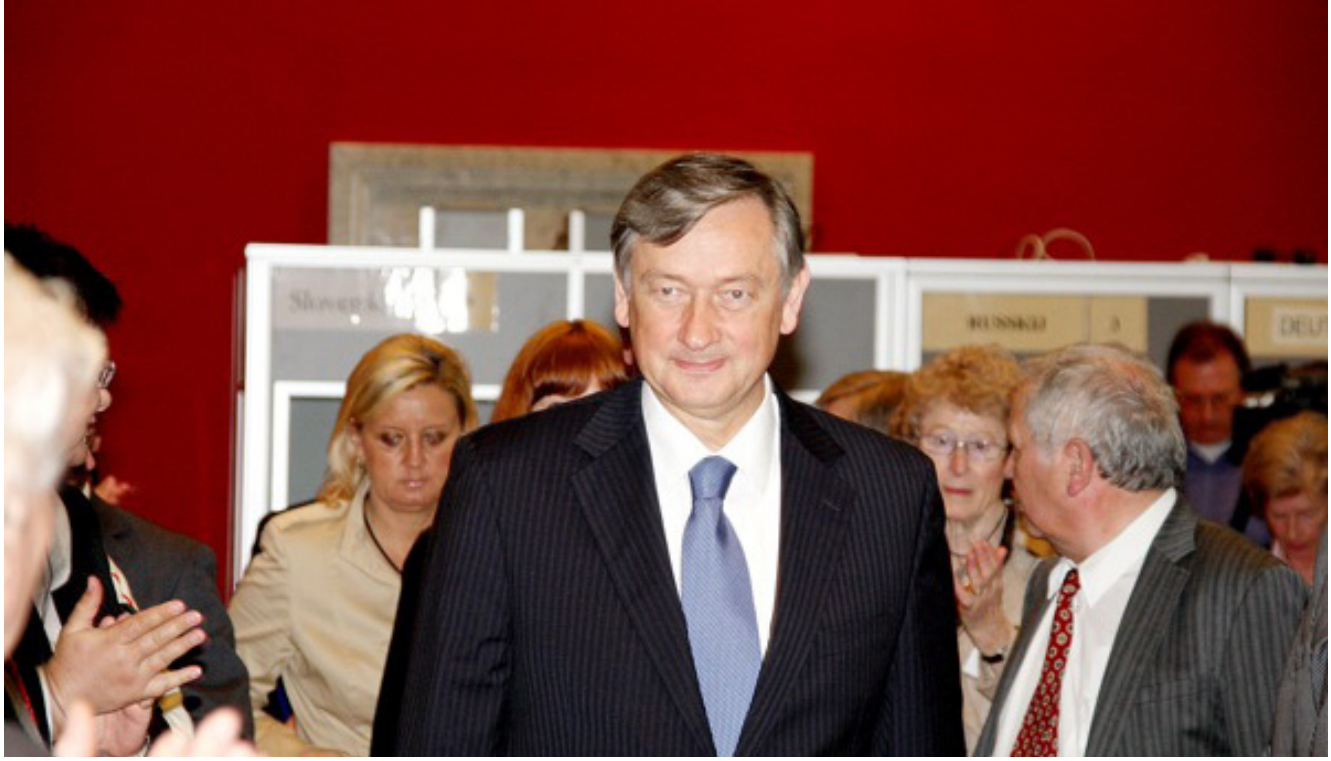
The development after the end of the cold war has facilitated a much wider discussion and practical work. The historically defined regulations of the minority situation have achieved new support. The number of minority situations which are subject of international interest has also increased. Some long suppressed questions, for example the question of the Roma people, surfaced. More than ever before, we feel the need for a comprehensive approach to the minority question, and this approach must comprise not only questions of cultural and linguistic identity, but also questions of economic existence, social mobility, media inclusion and many more. Minorities which emerged as a result of migrations in the past decades require attention and appropriate policy-making.

It seems that the path to the solution of the philosophical question about the relationship between individual and collective aspects of human rights, which is so important for members of minorities, is slowly being paved. The time has come to question the excessively individualistic interpretation of human rights. The ideological explanations of the 20th century, following either the thesis that individual protection of human rights will automatically solve the situations of groups, like national minorities, or, on the other hand, the thesis that a socialist society with its solutions will create a real and lasting balance between the individual and the collective, now belong to history. The 21st century presents a real opportunity to define the policies and practice so as to allow national minorities to live a full life on the basis of the respect of individual human rights, while at the same time continuously striving to nurture collective minority identities.

Some of the questions which need to be addressed, are not new. Let us take the example of language and bilingual schools. Both, the European Union and all Europe are based on the principle of the pluralism of languages, with the wish to maintain and develop it further, beyond the limits of the current national regulations. The European Charter for Regional or Minority Languages (1992) is one of the expressions of this. The case law of the European Court of Justice in Luxembourg also shows an example of a judgement upholding the right of the individual to use the minority language as an official language, although the individual is not a citizen of the country in which the minority, whose language is accepted as official language, lives. This judgement leads to a further widening of the usage of minority languages as official languages in the territory of the European Union.

A pluralist approach to linguistic situations should act as a stimulant in the search for solutions of linguistic situations in ethnically mixed regions. Regulations representing “lex specialis” can be a good basis, yet they require additional energy to be implemented at a time that is more favourable for this kind of approach than any other period of the recent history.

Critically important questions arise at the level of school organisation, didactics and methodology. The problem is interesting not only from the point of view of the implementation of minority rights “lex specialis”, but from the viewpoint of the European perspective of linguistic pluralism as well. It would probably be appropriate to formulate a special research project on the questions of bilingual and multilingual education in the current circumstances. Such a project of course could not be solely academic, and a matter of



research organisations. Its goal should be practical improvements in the system. When setting the objectives of such improvements and experience in the field of educational methodology and didactics, a comparison of experience between different European states would be welcome.

Language and education belong to the "classical" minority issues. In addition, the question of minorities in Europe today encompasses some new elements.

The practice of the Council of Europe and especially the controlling mechanism (Committee of Experts) of the Framework Convention for the Protection of National Minorities and the Charter for Regional or Minority Languages indicate this. This is demonstrated by the contents of two general comments by the committee of Experts:

1 On education (2006).

2. On the cooperation of members of national minorities in the cultural, social and economic life and in public matters.

At the practical level the agenda is expanding. At the same time some of the basic conceptual issues of protection of human rights and minorities require a fresh look.

Are human rights an adequate framework for the protection of the rights of minorities and their members?

In my opinion the answer to this question is yes, provided that we accept a sufficiently nuanced interpretation of human rights.

The story of human rights today is not simple anymore. This is not just the story of an individual in relation to the state or the story about some universal - and very abstract - values. It also has to include the relationships of the individual within different social groups and the universality of human rights in a specific social context.

Legal regulation has to be sensitive to this aspect of social reality. Of course there are some normative commandments which are firmly anchored and which have to do with the relationship between the individual and the state. A good example here is the right to freedom of expression: It has to be respected by anyone, the state included. But this right has its limits, which are set by the prohibition of hate speech. The state is obliged to prohibit and, if necessary, penalize incitement to hatred and violence. In this, the state of course has to consider various legal details and facts, but the basic rules are firmly set.

On the other side, the individual's status within various social groups (for example religious, ethnic or language groups) is far less clear. Human rights are in their essence the rights of individuals, as they must be. Yet no individual lives in an empty space, everyone belongs to a number of different social groups and has "the right to belong" to any group in which s/he realises a prevalent part of human rights and human dignity. As Aristotle explained, man is a social being, and this is important in the realisation of human rights.

The weak point of the existing international legislative regulation regarding human rights is in the treatment of the collective aspect. Norms related to the self-determination of peoples, the rights of ethnic, religious and linguistic minorities and the rights of indigenous peoples cover only a part of the whole. The creation of the international legal regulation is less developed in questions of domestic violence, traditional practices with negative consequences for women and girls or the relationships between the individual and the traditional authority inside an ethnic or religious group or

immigrant community. The existing international and national standards are still vague and also the descriptive part of the legal regulation would need some further development so as to enable the whole picture to include sociological and anthropological facts regarding groups like religious or immigrant communities. In short, there is space and there are also reasons for a more detailed legal regulation of the individual's position within his/her social group. Human rights jurisprudence is an important tool for such a regulation.

The second demand regarding the contextualisation of the universality of human rights also needs further work. In the discussion about the universality of human rights today, there is no more absolute rejection of the idea of universality. Instead, when realising standards of human rights today, the need to acknowledge "the margin of appreciation" is mentioned, which allows taking into account the specificities of the relevant cultural, socio-economic and political environment. But here a warning must be given. Contextualisation has its limitations, which cannot be extended as far as to reach the point of a de facto rejection of universality. The concept of "the margin of appreciation" must not be understood as allowing a complete deviation from the basic norms of human rights. Reservations to international treaties on human rights which allow discrimination on the basis of religious prescriptions are unacceptable.

In fact, the contextualisation of the universality of human rights and the application of the concept of "the margin of appreciation" can function only if the hierarchy between them is maintained: if a collision arises between a norm of human rights and some cultural or religious customs, human rights standards must prevail.

In real life such problems are very complex. Social groups, including religious communities and various types of ethnic minorities, are not homogenous. It is not unusual that within them different opinions and conflicts will arise, also regarding the interpretation of the cultural or religious tradition. When a person belonging to a group removes himself/herself from the culture or from this group, or if s/he is not loyal to it anymore, individual human rights (for example the right to freedom of thought, conscience and religion, the right to freedom of expression, the right to freedom of movement) must overrule the commandments of the culture or tradition of the group.

It is ideal if disputes in cases like these can be solved by agreement and in a democratic process within the group in question. But this is not always possible. Other means must be available too, including interventions by the state. In short, human rights represent a wide conceptual and legal framework for dealing with questions of co-existence and inclusion of individual within social groups, including religious communities, and the integration of these groups into the wider society. But the framework in itself is not sufficient as it does not automatically produce solutions. Policies need to be formulated.

Co-existence and integration: some policy questions

The formulation of policies in the area of human rights requires careful application of legal standards and socio-economic indicators. From the discussion about the success of the implementation of human rights, we can conclude that it is easier to assess to what extent the legal demands are really implemented, when explicit and clear legal standards are available. So, for example, on the basis of court statistic and legal literature, it is possible to assess the implementation of highly-developed legal rights related to the administration of justice. But on the other hand, in areas where the standards of human rights are more general and abstract, for example when dealing with the right to an appropriate standard of physical and mental health, the progress can be measured only by means of social indicators.

In the area of migrations, the use of socio-economic indicators has already been accepted and well developed. An example of successful use of this methodology is the "index of immigrant integration policies", developed within a research project initiated by the British Council five years ago. The project was concluded in 2007 with a study using 140 indicators. This study reached an exceptional level of methodological complexity and indicates the situation of immigrants in 28 European states, enabling the comparison of different situations.

The choice of policy areas covered by this study is wide and representative: access to the labour market, family reunion, long-term residence, participation in the political life, access to citizenship and fight against discrimination. These areas are crucial for immigrants. Governments and other interested parties can compare individual policy areas and the overall success as well. So for example a country which is very open regarding the access to the labour market and family reunion, but at the same time strictly limits the participation in political life and access to citizenship, manifests conservatism in the formation of policies of full integration of immigrants into the society in which

they live now. On the basis of such a "diagnosis" a serious political discussion is possible.

One of the areas researched by this study is the fight against discrimination. This area is very closely connected to human rights and at the same time very demanding in practice. In real life no two situations are completely identical. Non-discrimination inevitably includes a certain extent of a healthy amount of differentiation inherent to the formulation of politics itself as well as the assessment of its adequacy. But an immigrant or a person belonging to another religion will perceive differentiation (for example in the access to certain positions of employment or good education) as discrimination rather than something reasonable.

Policies formulated to solve such questions must contain a number of components in an adequate combination, depending on the circumstances in the country in question. Practice shows that some of these components have a wider field of application. Among them:

- enterprises managed by the minority ensure employment, and the government with its policies ensures optimum economic and social effects with an appropriate legislation, training programs and a general support to entrepreneurship;

- social mobility as a result of economic success is the basis of systematic policy of antidiscrimination. The key to such a policy is education. Accessibility of good education, also at university level, is crucial to create equal opportunities for immigrants and other minority groups and for their integration into the wider society;

- success in education and employment contributes to self-respect and pride about one's own identity. Very successful experts can efficiently demand their identity to be respected, for example regarding food or a different work regimen during Ramadan;

- well-considered antidiscrimination politics will contribute to the visibility of the success in the media, especially on TV. This is important to help the wider public to understand that difference and integration are compatible and that non-discrimination is a civic virtue. Nothing succeeds like success. And nothing looks more attractive on TV than the success of those who started on the margin. The best example for this in the last four years is Barack Hussein Obama.

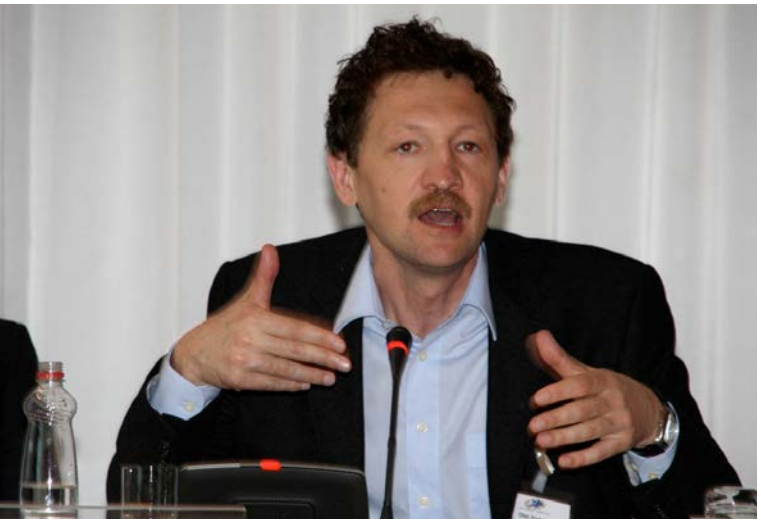
At this point another warning is appropriate. Success stories are only one part of the public debate. Immigrants, and especially Moslem communities, are often used as scapegoats in public debates. Such treatment reveals prejudice demanding a serious public answer. However, it is important to avoid the temptation to treat every problem of immigrants or Moslem communities as a policy failing at integration of a minority into the wider society. It is hard to reach a clear distinction between criticism and prejudice and between the usual problems and a policy failure, especially in the media who prefer simplified explanations. Therefore such circumstances demand additional effort.

All this calls for additional efforts to reach a tolerant discussion. The best path to follow is that of prudent and democratic dialogue.

Ljubljana, 13 May 2010

The address is available (in English, German and Slovene) in the internet at www.fuen.org.

The Right to Political Participation



Dr. Oleh Protsyk, Senior Researcher at the European Centre for Minority Issues (ECMI)

The Right to Political Participation and its realisation was elaborated by Oleh Protsyk, senior researcher at the European Centre for Minority Issues (ECMI) and was presented for a first reading in Brussels in 2010 during the Jubilee Congress of FUEN. In the discussion that followed the principle of taking decision on an equal footing – according to the catchphrase "not on us, without us" – was regarded as an essential condition, to reach effective equal treatment, recognition, and providing adequate rights for the minorities.

The Right to Political Participation is the third part of the Compendium of the Fundamental Rights of the European autochthonous national minorities that is published by FUEN. The fundamental rights are the core of the Charter for the autochthonous national minorities that was adopted in 2006.

It became apparent that the differing premises in the European states, different political systems and traditions and the situation of the minorities are determining for how exactly political participation of each individual minority must look like. There is not just one model; for each minority implementation and development must take place according to its own needs. However one can revert to some basic communalities that FUEN summarised in the Fundamental Right.

The subject of political participation was the main subject during the congress and all the discussions in the workshops and that followed the speeches were noted down and summarised in a separate publication.

Based on the discussions of the FUEN delegates at the Jubilee Congress of 2009 in Brussels and with some additions the Fundamental Right to political participation for the autochthonous, national minorities was presented once again in Ljubljana, before it was finally adopted unanimously by the delegates.

Here follow some excerpts from the Fundamental Right, which can be obtained as a separate publication from the FUEN-Secretariat.

The Right to Political Participation is *a universal human right to take part in government decision-making directly or through freely chosen representatives*.

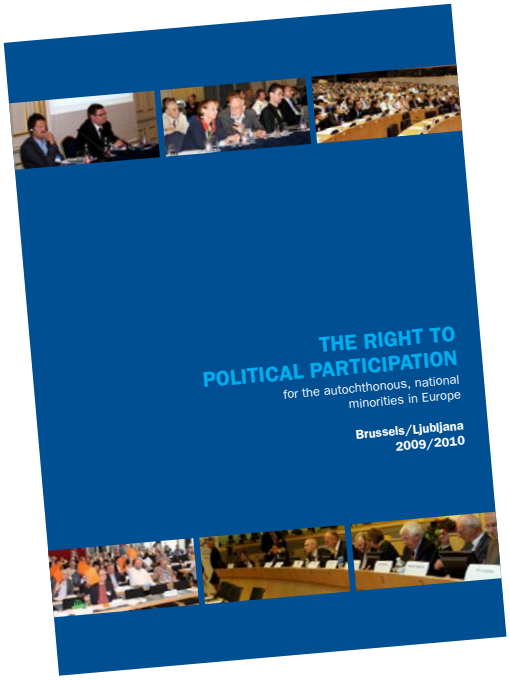
The elaboration of the Fundamental Right describes how political participation is embedded in international legislation and in the political context, in regard to direct democracy and political governance in the 21st century. It demonstrates the purpose and conditions for participation of minorities.

Political Participation is a condition for:

- realising the needs and aspirations in various realms of public life
- maintaining, expressing and promoting identities of minority communities
- ensuring presence and visibility in the public sphere
- promoting full and effective equality
- fulfilling commitments to democratic governance and accountability in minority communities

The following political activities are distinguished:

- Electoral participation and voting
- Engagement in political party activity
- Participation in legislative processes
- Participation in executive processes
- Participation through consultative bodies
- Minority self-governance and autonomy
- Internal democracy



In a discussion and a workshop the document was discussed based on a number of examples and questions, resulting in a recommendation on practical implementation.

Additional recommendations – Right to Political Participation

■ Minorities should fit into the institutional structure of modern democracies. Political mobilisation and electoral participation is essentially needed for the political representation of minority groups. A minority will be just take seriously by the majority, if can be taken seriously like group of voters.

■ Lobby for legislation processes or within the executive organs needs stable organisational and institutional structure and fundamentals from the side of minorities.

■ Some forms of political participation (e.g. territorial autonomy) are disprefered by some states, therefore minorities should look for more flexible, but contentual similar forms of participation. In this context the importance of local-self governments can not be enough emphasised.

■ Institutional and procedural solutions should be elaborated with regard to the specific conditions of the affected minorities. The debate about the most effective form of political representation (e.g. own political party or minority candidates within the established majority parties) can not be decided in general, but needs to be decided in concrete cases.

■ Great attention should be paid to achieve the possibly most detailed legal and political anchoring of the institutional framework and procedural standards of political representation at all possible levels.

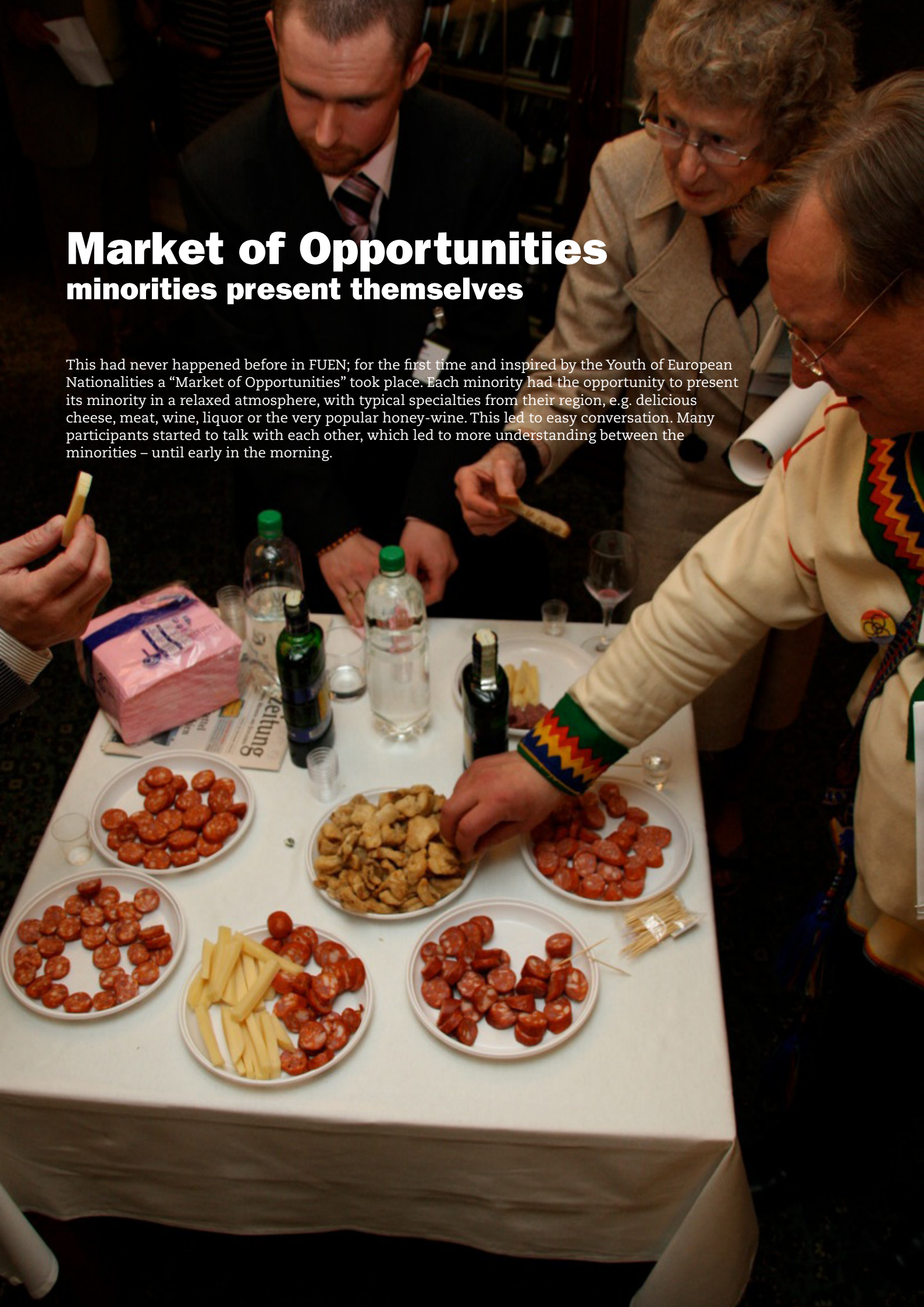
■ Official recognition is the first and most important step for effective political participation of a minority group and therefore cannot be emphasised enough. But it should be also underlined that the existence of a minority group is not dependent on recognition by the state but a matter of fact.

■ In the case of special political/electoral participation processes (e.g. special voting rights, existence and election of minority-self-government bodies) the issue of public registration of the membership in the minority group should be solved first together with the minorities themselves.

■ Attention should be paid to the possibilities enshrined in, and dangers emerging from different measures of direct democracy.

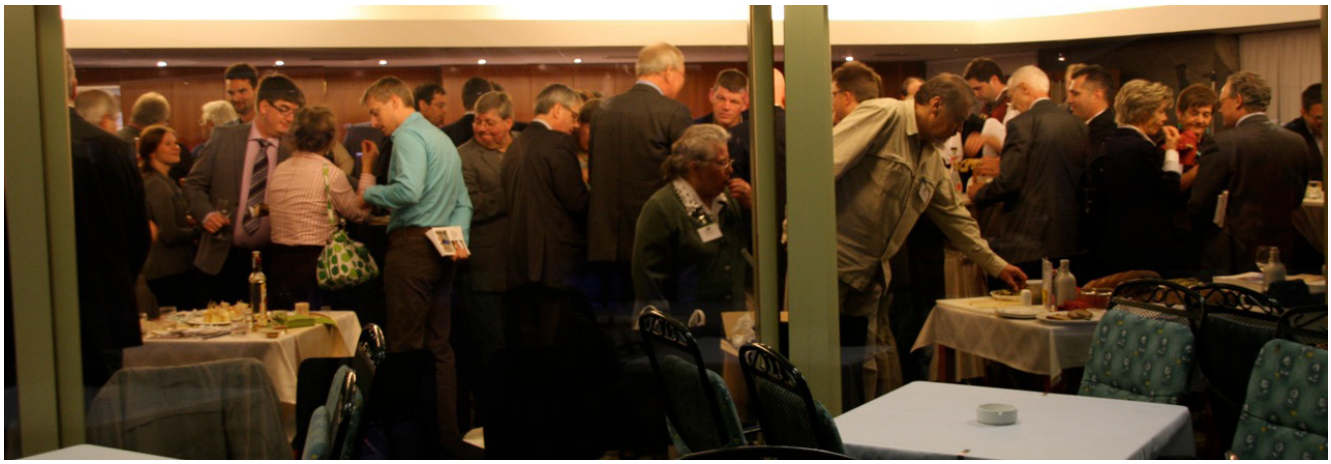
■ The issue of internal democracy – e.g. inclusiveness, accountability, plurality of opinions and alternatives, and issues if representativeness – should be taken seriously and discussed openly within the organisations of national minorities.

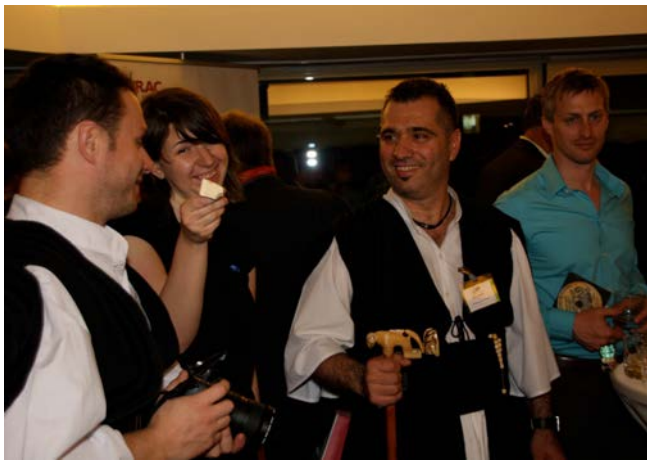
■ Beside the political participation of minorities on national and sub-national level more attention should be paid for the opportunities offered by the European institutions.



Market of Opportunities
minorities present themselves

This had never happened before in FUEN; for the first time and inspired by the Youth of European Nationalities a “Market of Opportunities” took place. Each minority had the opportunity to present its minority in a relaxed atmosphere, with typical specialties from their region, e.g. delicious cheese, meat, wine, liquor or the very popular honey-wine. This led to easy conversation. Many participants started to talk with each other, which led to more understanding between the minorities – until early in the morning.





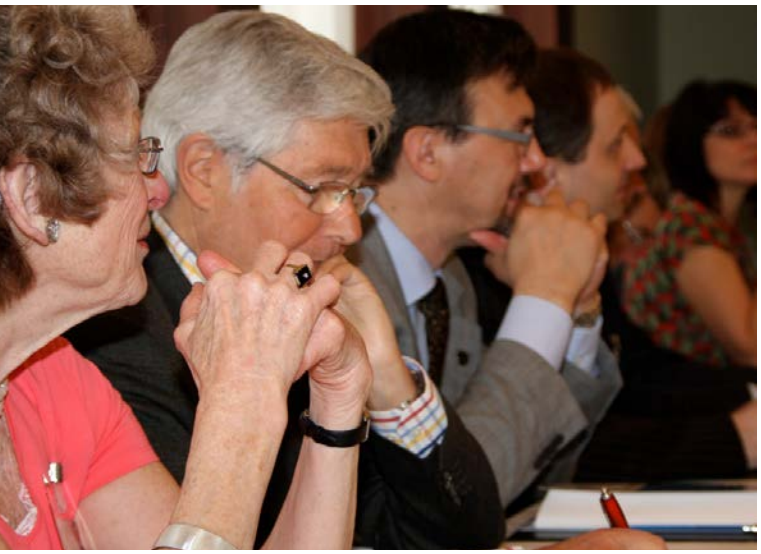

SLOVAKEI

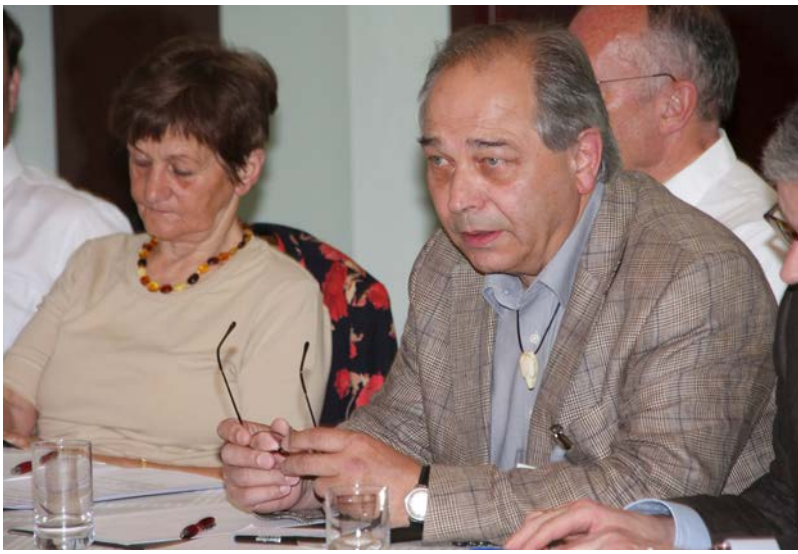

EURAC
SÜDTIROL

QUO VADIS FUEN

The interest in our organisation is continuously growing. By now our FUEN-"family" has 86 members and is more and more recognised as stakeholder of the autochthonous minorities in Europe. FUEN is the last remaining all-European civil-society representative of the minorities. With our influence and the goals we have set ourselves, the challenges to our organisation are increasing. That is why the FUEN-presidium chose to discuss as a core theme "Quo vadis FUEN". In a workshop in particular organisation development and the substantive priorities were discussed. The discussion process was stimulated by a speech from FUEN-president Hans Heinrich Hansen

The text of the speech can be downloaded at www.fuen.org. On these pages some of the main points follow:





In 1994 I entered FUEN as a vice-president and in 2007 I was elected president.

Since then I try to bring FUEN on a more professional, more active and assertive path, together with my presidium and our Secretariat.

I can say, not just looking at the last three years of my activity at the head of FUEN that much has changed and much will be changed. It is important that we make these changes pro-actively.

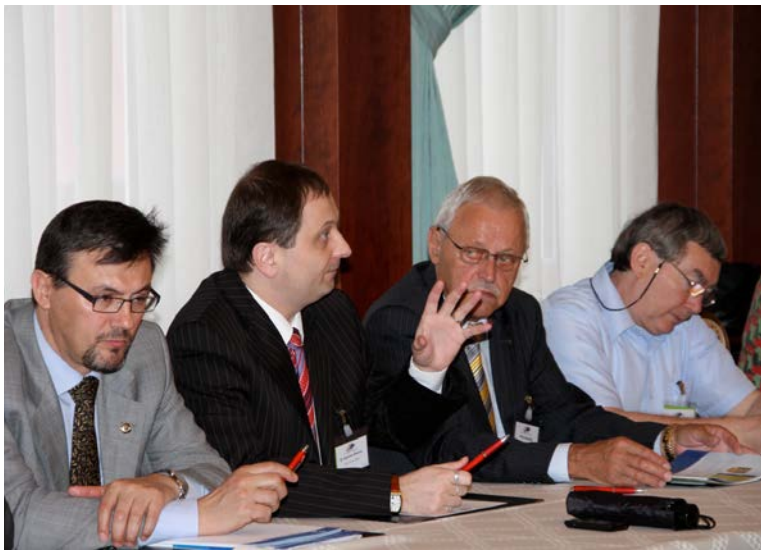
But we deal with no easy task. FUEN is a venerable organisation, with a history of 60 years. The weak infrastructure however, with only three (in fact 2,5) employees and often tight budgets and lacking financial resources make it not so easy to generate the influence that the minorities in Europe should expect from a civil society organisation.

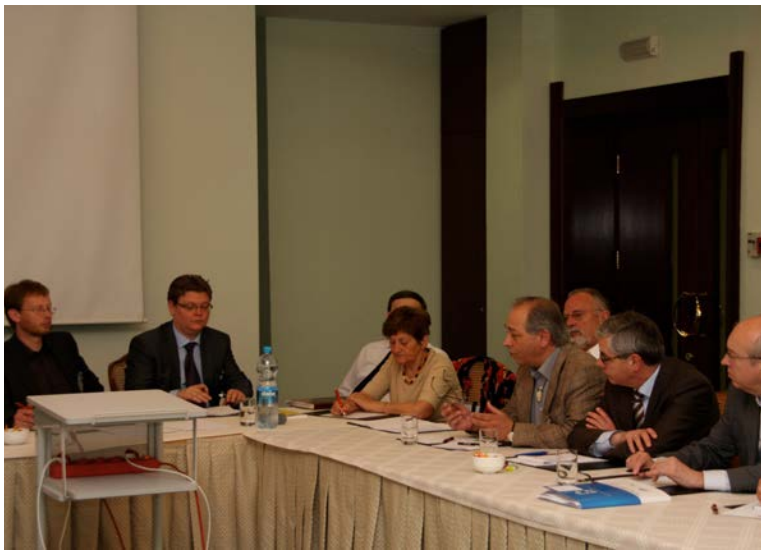
At the same time the demands to an organisation like FUEN are increasing, as all non-governmental organisations are asked for more involvement in democratic governance of the 21st century.

The contact with the most important political representatives and organisations on the European level has been enhanced by us, we arrived on the European floor – we showed this in 2009 with our very successful Jubilee Congress in the European Parliament and in the Committee of the Regions in Brussels. Now we have to see how we can remain present there and act effectively.

Our engagement within the national states and on the European level depends on each other, just as your membership in this European umbrella organisation depends on what you do at home; regional, national and European actions are complementary.

Consequently in making use of the multi-level-model of political representation synergies between the engagement of the umbrella organisation and the member organisation must be sought. Priorities for European action should be defined together with the member organisations and the positive contribution of all levels should be exploited using our limited resources effectively.





In that regard, our member organisations are among our most valuable strengths, and we should foster these. FUEN has a unique characteristic on the European level as a membership-structured umbrella organisation. In the field of the autochthonous national minorities we are, together with YEN, the organisation to whom the target group really belongs, not just an organisation with them as protégés. From this unique selling point FUEN earns much of its reputation and legitimisation on the European level, but also responsibility.

At the same time a membership-based organisation asks for a lot of work. In weighing how to spend our resources, we have to ask ourselves how we should deal with this aspect.

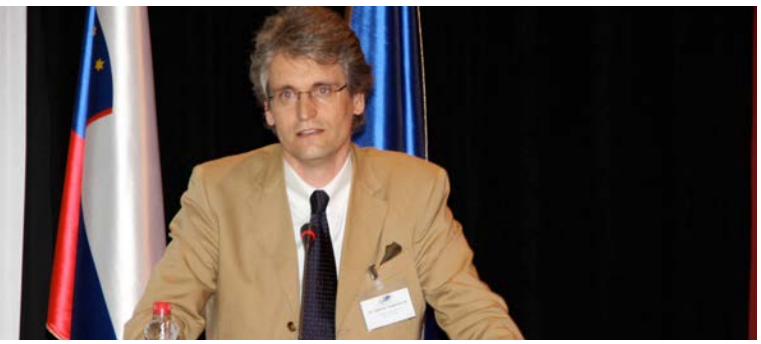
As governing body the presidium of FUEN always has to ensure that we meet expectations. FUEN offers a stable platform for encounter, for exchange and information between those people belonging to autochthonous national minorities. That is an important task that cannot be underestimated; especially the FUEN congresses contribute to strengthening – but also to recognition of the engagement of the individual for his/her minority. But is it sufficient? What is important for you – strong intervention and action at the local level? Initiating projects? Advise? European advocacy? Attention for and visibility of minority issues? What are you willing to contribute, in terms of your own engagement and investment in resources? Are you actively involved in monitoring these resources and controlling them?

It is our goal to preserve and develop the European map / European regions as diverse as possible. These questions will lead to an honest and sustainable development of FUEN.

I therefore invite you directly to contribute to the development of FUEN.

The Treaty of Lisbon: Any news for the protection of minorities?

A highly topical and exciting lecture on the meaning of the Lisbon Treaty for minority protection was delivered by Gabriel N. Toggenburg, expert at the EU Fundamental Rights Agency in Vienna.. The lecture encouraged a lively discussion and some of the concrete proposals are being investigated by FUEN at this moment.



Gabriel N. Toggenburg*

New and relevant provisions in EU Primary law

The Treaty of Lisbon, which entered into force on 1 December 2009, makes explicit what was already acknowledged before:[1] *"respect for human rights, including the rights of persons belonging to minorities"* is a value on which *"the Union is founded"*. The new Article 2 of the Treaty on European Union (TEU) evidences that this value is *"common to the Member States in a society in which pluralism, non-discrimination, tolerance […] prevail"*.[2] Moreover, through the now legally binding Charter of Fundamental Rights of the European Union (hereafter the Charter), the notion of *'national minorities'* becomes a term of EU law.[3] Article 21 of the Charter underlines that discrimination on the grounds of *"membership of a national minority"* is prohibited, while Article 22 emphasises that the *"Union shall respect cultural, religious and linguistic diversity"*. The treaty stresses the value of diversity also in the context of the general objectives of the Union: the latter shall *"respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced"* (Article 3 Paragraph 3 TEU).

The term 'diversity', as used in EU law and EU policies, refers to both readings of European diversity – that is, diversity between and within Member States.[4] A symbolic commitment to diversity within Member States can also be found in the fact that, for the first time ever, it is foreseen in primary law that Member States can translate the Treaties into additional languages *"that enjoy official status in all or part of their territory"* and register a certified copy in these languages with the archives of the Council.[5]

These very recent innovations confirm and formalise a long standing commitment of the EU for minorities. While far from establishing a fully-fledged 'minority policy',[6] the recent legislative developments clearly emphasise the fact that the EU is equipped with *"constitutional resources"* that allow developing EU secondary law in a way that it respects and protects persons belonging to minorities.[7] In fact the Treaty of Lisbon can be seen as introducing a legal obligation to do so.

This becomes evident in the context of antidiscrimination - an area in which the Treaty of Lisbon renders the 'revamped' diversity commitment operational. In Article 10 of the Treaty on the Functioning of the European Union (the former EC Treaty; hereafter TFEU), the EU is set under an obligation to *"combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation"* not only in the context of its anti-discrimination policy but whenever *"defining and implementing [any] of its policies and activities"*.[8] This new-

* Dr. Toggenburg, LL.M. is a Project Manager Legal Research at the European Union Fundamental Rights Agency (FRA, http://fra.europa.eu/). This short contribution reflects the intervention given by the author on 13 May at the FUEN Congress 2010 in Ljubljana and partly builds on a report on minorities the FRA is currently drafting (to be published in autumn 2010). For a longer analysis of the EU's engagement in this area see Toggenburg, 'The European Union vís-à-vís minorities: a play in three parts and an open end', in Csaba Tabajdi (ed.), Pro Minoritate Europae – Minorities of Europe Unite, 2009 (Study book for the 25th Anniversary of the Minorities-Intergroup of the European Parliament), pp. 162-205.

1 On various occasions, the Commission underlined that "the rights of minorities are among the principles which are common to the Member States, as listed in Article 6(1) of the Treaty on European Union (TEU)". See reply to the written question E-1227/02, in OJ 2002 C 309, p. 100. The Council stated, for instance, that the protection of persons belonging to minorities is covered by the non-discrimination clause in Article 13 EC (see Council of the European Union, EU Annual Report on Human Rights 2003, Brussels, 3 January 2004, p. 22.

2 See Art. 2 TEU.

3 See Art. 21 Charter of Fundamental Rights.

4 In this context, compare with Art. 167 TFEU (the former Art. 151 EC Treaty). For a discussion of the notion of 'diversity' see G. N. Toggenburg, The Debate on European Values and the Case of Cultural Diversity, European Diversity and Autonomy Papers (EDAP), No. 1, 2004, available at: http://www.eurac.edu/documents/edap/2004_edap01.pdf and A. von Bogdandy, The European Union as Situation, Executive, and Promoter of the International Law of Cultural Diversity – Elements of a Beautiful Friendship, The Jean Monnet Working Papers, No. 13, 2007, available at: http://centers.law.nyu.edu/jeanmonnet/papers/07/071301.html.

5 See Article 55 Para 2 TEU. Despite the restrictive wording of Para. 2 in the Declaration on Article 55(2) of the TEU, there seems to be no legal argument that could prevent a Member State to translate the Treaties and register the translation at any point of time it should wish to do so.

6 It is recalled that according to the principle of conferral, competences not conferred upon the Union in the Treaties remain with the Member States (Art. 5 Para. 2 TEU).

7 This is well established among legal scholars (see, for instance, B. de Witte, 'The constitutional resources for an EU minority policies', in G. N. Toggenburg, Minority Protection and the enlarged European Union: the way forward, Budapest 2004, pp. 109-124, at p. 111) as well as politics (see, for instance, the European Parliament Resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe, in OJ 2006 C 124, p. 405, esp. at Para. 49, available online at http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2005-0228).

8 The EU's anti-discrimination policy is enshrined in Art. 19 TFEU (the former Art. 13 TEC).

ly introduced horizontal obligation goes further than the – now legally binding – Article 21 of the Charter. In the latter provision, the Charter merely prohibits the Union to discriminate on the grounds of *"ethnic origin"*, *"language"*, *"religion"*, *"membership of a national minority"*, *"disability"* or *"sexual orientation"*. The new horizontal clause, however, *enables* and, at the same time, *obliges* the Union to actively *"combat"* discrimination in all circumstances. Thereby, the clause calls for an active engagement for more equality rather than a mere avoidance of discrimination.[9]

Whether and to which degree this new horizontal clause enshrines an "embryonic positive duty" to introduce measures of affirmative action aiming at the provision of substantial equality is too early to tell.[10] What can be said is that the new horizontal obligation has the potential to play an important role with regard to the direction, content and equality driven creativity of Union legislation (and consequently national legislation when implementing Union legislation). Most importantly this provision provides a clear cut normative backbone for a consequent mainstreaming approach across a variety of policy areas like it was recently argued for by the Spanish, Belgium and Hungarian Trio-Presidency in the context of the Roma.

However, since the new mainstreaming obligation builds on the enabling provision in Article 19 TFEU and not the prohibitive provision in Article 21 of the Charter, it does not cover discrimination on the grounds of language and membership of a national minority.[11] Nevertheless, these two forms of discrimination remain explicitly prohibited by EU law within the scope of application of the Charter.

Another new horizontal provision is to be found in Article 9 TFEU. The latter provision obliges the Union to take various 'requirements' including *"the fight against social exclusion"* into account when *"defining and implementing its policies and activities"*. Also in the context of the Union's overall objectives Article 3 TEU declares that the Union *"shall combat social exclusion and discrimination, and shall promote social justice and protection"*, *"promote […] social cohesion"* and *"respect its rich cultural and linguistic diversity"*.

All these general commitments of the Union are of particular relevance where EU policies and activities might affect persons belonging to minorities, including new minorities. In this context, it is important to note that legislation defining *"the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States"*[12] or EU measures providing *"incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories"*[13] are now, in line with the new rules as established by the Lisbon Treaty, to be adopted under the ordinary legislative procedure. This means that the Parliament is granted codecision and the Council decides by qualified majority voting.[14] However, not all of the relevant policy areas allow for qualified majority voting in the Council. Most prominently, in Article 19 Para 1 TFEU (the former Article 13 TEC) the EU anti-discrimination policy still calls on the Council to act unanimously when introducing legislative action combating discrimination.[15]

It is also interesting to note that the Treaties put an unprecedented emphasis on services of general economic interest. Parliament and Council are in Article 16 TFEU invited to establish principles and conditions to provide such services. The "Protocol on Services of General Interest" underlines that the shared values of the European Union in respect of services of general economic interest include in particular *"the differences in the needs and preferences of users that may result from different geographical, social or cultural situations"* as well as *"equal treatment and the promotion of universal access and user of rights"*.[16] These statements can form a solid basis for taking the specific needs of persons belonging to minorities, especially also to linguistic minorities, into account without imposing a disproportionate burden on the service providers, whether public or private. This would contribute to social cohesion and prevent the risk of discrimination in the organisation of services of general economic interest.[17] In fact, the Parliament had stipulated in the context of reforming the Equality Directives that *"service providers make adjustments and provide special treatment to ensure that members of minority groups that are experiencing inequality can access and benefit from the services provided"*.[18]

To conclude, one can summarise that the Treaty of Lisbon puts persons belonging to minorities in a unprecedented prominent position. EU law in general, the EU institutions and the Member States *"when they are implementing Union law"*[19] are explicitly precluded from discriminating against persons belonging to national, linguistic, ethnic and religious minorities. Moreover, the Union has under all its policies and activities to actively combat social exclusion and discrimination against persons on the grounds of ethnic origin, religion and other grounds.

9 This is evidenced by the fact that the new horizontal clause is based on the wording of the enabling competence base, as now enshrined in Article 19 TFEU (the former Article 13 TEC) and not on the merely prohibitive clause in Article 21 of the Charter of Fundamental Rights.

10 Compare J. Shaw, 'Mainstreaming Equality and Diversity in the European Union', Current Legal Problems, Vol. 58, 2005, pp. 255-312.

11 This asymmetry is, however, not new but rather inherited from the pre-Lisbon era: linguistic discrimination and discrimination on the grounds of membership of a national minority were supposedly already prohibited by the general principle of equality; yet, the EU had no explicit competence to actively combat these forms of discrimination via Article 13 TEC.

12 See Art. 79 Para. 2 lit. b) TFEU.

13 See Art. 79 Para. 4 TFEU (no harmonisation is possible under this article). See also Art. 153 Para. 1 lit. g) TFEU.

14 See Art. 294 TFEU.

15 However, just like the former Art. 13 Para 2 TEC, the new Art. 19 Para 2 TFEU does allow for codecision and qualified majority voting when the Union is not issuing harmonising legislation but only supporting action taken by Member States.

16 See Art. 1 of Protocol No 26 (protocols have the same legal value like the Treaties). Compare also to Art. 36 Charter of Fundamental Rights.

17 Compare the EU Network of Independent Experts on Fundamental Rights (CFR-CDF), Thematic Comment No. 3: The Protection of Minorities in the European Union, April 2005, p. 44, available at: http://ec.europa.eu/justice_home/cfr_cdf/doc/thematic_comments_2005_en.pdf.

What is the reach of these innovations?

By focusing on 'persons belonging to' minorities[20] (including persons belonging to national minorities)[21] rather than on 'minorities' themselves, the Treaty of Lisbon and the Charter of Fundamental Rights both help preventing a misunderstanding, namely that the existence of minorities would automatically go hand in hand with a necessity to accept and introduce group rights. The wording of the Lisbon Treaty makes clear what the EU is concerned about, namely the individual right to equality of all persons that might due to their individual situation (age, disability) or their membership in an ethnic, national, linguistic or religious minority face special threats or have special needs.

The fact that also persons belonging to national minorities are now referred to in the Charter (that is in Primary law)[22] is a timely clarification that the Union is concerned with persons belonging to minorities not only in the context of the Copenhagen criteria (thus in the context of its enlargement policy), but also in the framework of the vast variety of its internal policies. This insight will help doing away with the impression that, from an EU-perspective, the protection of persons belonging to such minorities would be *"an export article and not one for domestic consumption"*.[23]

All Member States are under international as well as national human rights obligations to guarantee basic fundamental rights that are of particular relevance to persons belonging to minorities, including national minorities, such as the freedom of association.[24] The European Union adds to the human rights obligations an EU law requirement for its Member States, namely to respect Article 21 of the Charter *"when they are implementing Union law"*.[25] Where *"national legislation falls within the field of application of Community law"*, the European Court of Justice (ECJ) can assess whether Member States conform with fundamental rights that *"form an integral part of the general principles of Community law"*.[26] However, the changes introduced by the Treaty of Lisbon provide little guidance on what, for instance, should be considered discrimination based on *"membership of a national minority"*.

In the future, the EJC as the institution competent for the interpretation of the EU treaties might provide some guidance in this regard. As the notion of 'national minority' has become a term of EU primary law through Article 21 of the Charter of Fundamental Rights, it is possible that certain FCNM principles may provide inspiration for the EU context. Given that the Council of Europe's FCNM has been ratified by 23 out of 27 EU Member States, corresponding to 85 per cent, the EJC would be free to use this instrument as a source of inspiration if it is called to interpret the more concrete implications and reach of the rather general statement that the *"rights of persons belonging to minorities"* is a value *"the Union is founded on"* (Article 2 TEU as amended by the Treaty of Lisbon). Both the ECJ case law[27] and academic literature[28] acknowledge that common principles of EU law can also be drawn from international conventions that have not been ratified by all the Member States.

It is important to keep in mind that the Union holds no overall legislative competence to rule on the protection of national minorities. However, it has the possibility to rule on a variety of issues that are of obvious relevance to persons belonging to national minorities. In this regard, the 2005 European Parliament resolution on the protection of minorities and anti-discrimination proposed various competence bases in the EU treaties – including provisions in the area of anti-discrimination, culture, education, research, employment, judicial cooperation, free movement and the common market. All of these proposals could be used for future minority-driven legislative initiatives, thereby strengthening the respective articles in the FCNM.[29] The idea of such an enhanced 'inter-organisational' cooperation between the EU and the Council of Europe was not only advanced by legal experts[30], but also corresponds to the agreement reached by the Heads of States of the Council of Europe in Warsaw in 2005. According to Guideline 5 on legal cooperation, greater complementarity between legal texts of the European Union and the Council of Europe can be achieved by striving to transpose those aspects of Council of Europe Conventions into European Union Law where the Union holds respective competences.[31]

18 See European Parliament resolution of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (the transposition of Directives 2000/43/EC and 2000/78/EC), OJ 2009 C 279 E, paragraph 43, p. 23-30.

19 Art. 41 Para. 1 Charter of Fundamental Rights.

20 Art. 2 TEU.

21 Art. 21 ChFR.

22 It goes underlined that the "legal value" of the Charter of Fundamental Rights is "the same" as the legal value of the TEU and TFEU (see Art. 6 Para 1 TEU) and consequently forms part of Primary law even if not being an integral part of the treaty texts.

23 B. de Witte, Politics versus Law in the EU's Approach to Ethnic Minorities, EUI Working Paper, RSC No. 2000/4, p. 3. For almost two decades, the EU mainly made its "respect for and the protection of minorities" explicit vis-à-vis candidate countries through the so called Copenhagen conditions. See Presidency Conclusions, Copenhagen European Council, 21-22 June 1993, Para. 7(A iii).

24 Regarding Greece, the UN CERD expressed in 2009 its concern about the obstacles encountered by persons belonging to some ethnic groups in exercising the freedom of association. CERD recommends that the State party "adopts measures to ensure the effective enjoyment by persons belonging to every community or group of their right to freedom of association and of their cultural rights, including the use of mother languages". See Committee on the Elimination of Racial Discrimination, Concluding observations on Greece (CERD/C/GRC/CO/19), 28 August 2009, p. 5, available online at: http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GRC.19EN.doc.

25 See Article 51, paragraph 1 of the Charter of Fundamental Rights.

26 See ECJ, case C-299/96 Kremzow, judgement of 29 May 1997, paragraph 15.

27 The Court "draws inspiration from… the guidelines supplied by international treaties for protection on which member states have collaborated or to which they are signatories", see ECJ, Opinion 2/94 – Accession to the European Convention on Human Rights, ECR I-1759 (1789), paragraph 33. For a more recent example, see the Court's judgement of 18 December 2007 in C-341/05, paragraph 90.

28 See in detail F. Hoffmeister, 'Monitoring Minority Rights in the enlarged European Union', in G. N. Toggenburg (ed.), Minority protection and the enlarged European Union: the way forward, Budapest 2004, pp. 85-106, at 90-93, available online at: http://lgi.osi.hu/publications/2004/261/Minority-Protection-and-the-Enlarged-EU.pdf.

29 See the European Parliament resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe, OJ 2006 C 124, p. 405, in particular paragraph 49 lit. a) – h), available online at: http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2005-0228.

In any event, it is up to the Member States to recognise a minority as a 'national minority'; EU law has nothing to say in that respect.[32] The respective situations and status diverge – in fact, even within single Member States.[33] Four fifth of the EU Member States have ratified the FCNM and provide some sort of recognition and protection in accordance with this central document that is flexible enough[34] to accommodate the diverging historic and political contexts of the EU countries. Since the FCNM applies an individual rights approach, it remains at the discretion of the states whether they introduce group rights for certain minorities and use the means of 'constitutional engineering', such as establishing autonomies in regions inhabited by minority populations for example. The Union does neither prescribe nor prevent Member State positions and policies in this regard.

It should be noted that the ECJ has recognised – long before 'minorities' became a term of EU primary law – the protection of (national) minorities as a *"legitimate aim"* of the Member States and their policies.[35] Eventually, such a legitimate aim might even justify that national systems of minority protection may lead to restrictions of EU-law driven Common market mechanisms, as long as such restrictions are proportional. In the area of language policies the Court made clear that EU law does not prohibit the adoption of a policy for the *"protection and promotion of a language"*. However, the implementation of such a policy *"must not encroach upon a fundamental freedom such as that of the free movement of workers. Therefore, the requirements deriving from measures intended to implement such a policy must not in any circumstance be disproportionate in relation to the aim pursued, and the manner in which they are applied must not bring about discrimination against nationals of other member states"*.[36] This confirms the overall picture that in a supranational system of multi-level governance the issue of minority protection is an integral part of policy-making where the various layers and players interact.

30 See G. N. Toggenburg, A Remaining Share or a New Part? The Union's Role vis-à-vis Minorities After the Enlargement Decade, European University Institute (EUI) Working Paper 2006/5, pp. 23-25, available online at: http://cadmus.eui.eu/dspace/bitstream/1814/4428/1/LAW per cent202006.15.pdf . With regard to the FCNM, see O. de Schutter, The Framework Convention on the Protection of National Minorities and the Law of the European Union, CRIDHO Working Paper 2006/1, available online at: http://cridho.cpdr.ucl.ac.be/documents/Working.Papers/CRIDHO.WP.2006.011.pdf.

31 See the 10 Guidelines on the relations between the Council of Europe and the European. Union, adopted as part of an Action Plan in the Third Summit of the Council of Europe in Warsaw, 16 – 17 May 2005, available online at: http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp.

32 This does not imply that certain restrictive practices would not be criticised in the international arena. On 19 February 2009, the Commissioner for Human Rights of the Council of Europe published a report on Greece regarding human rights of minorities, in which he criticised the Greek authorities for refusing to recognise the existence of any other kind of minority except for the 'Muslim' one. See CommDH(2009)9, Human rights of minorities, Strasbourg, 19 February 2009, available online at: https://wcd.coe.int/ViewDoc.jsp?id=1409353. See also the most recent ECRI Report on Greece (fourth monitoring cycle), 15 September 2009, available online at: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf. Another recent example is the critique of the Advisory Committee with regard to the Dutch definition of what constitutes a "national minority". It states with concern that the definition contains a territorial dimension which in practice leads to the exclusion of certain groups. In particular, the Advisory Committee notes that Roma and Sinti groups have been historically present in the Netherlands. However, persons belonging to these groups reside in different areas of the Netherlands and, therefore, do not necessarily live in an "ancestral settlement". See the Opinion of the Advisory Committee on the Netherlands adopted on 25 June 2009 (first monitoring cycle).

33 This can even be the case within one group of persons belonging to minorities. For instance, it was criticised that in Slovenia certain Roma gain more protection than others. See for example the 2005 comments of the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights in Slovenia, available online at: http://daccessdds.un.org/doc/UNDOC/GEN/G05/434/90/PDF/G0543490.pdf?OpenElement, p. 4.

34 See Parliamentary Assembly of the Council of Europe, Minority Protection in Europe: Best Practices and Deficiencies in Implementation of Common Standards, 20 January 2010, paragraph 9.

35 See ECJ, case C-274/96, Bickel and Franz, judgement of 24 November 1998, paragraph 29, available online at: http://curia.eu.int/en/content/juris/index_form.htm.

36 See ECJ, case C-379/87, Groener, judgement of 28 November 1989, paragraph 19, available online at: http://curia.eu.int/en/content/juris/index_form.htm.

Presidium elections

After three years the complete FUEN-presidium stood for election. Hans Heinrich Hansen (German minority in Denmark), Heinrich Schultz (Danish minority in Germany), Martha Stocker (South Tyrolean), Zlatka Gieler (Burgenland Croat) were re-elected. The two replacements Hauke Bartels (Lusatian Sorbs) and Urs Cadruvi (Rhaetians) were also officially elected into the presidium. New in the presidium is Olga Martens (German from Russia), who completes the seven-member presidium. The presidium was elected for three years.

New FUEN-presidium from left to right: vice-president Hauke Bartels, vice-president Olga Martens, vice-president Urs Cadruvi, vice-president Zlatka Gieler, president Hans Heinrich Hansen, vice-president Martha Stocker, vice-president Heinrich Schultz, director Jan Diedrichsen, YEN-president Sebastian Seehauser.

Also the Dialogue Forum – representing the interests of FUEN at the European Parliament – was re-elected. The following persons were elected:

- **Jaap van der Bij**
  Ried fan de Fryske Beweging
- **Koloman Brenner**
  Landesselbstverwaltung der Ungarndeutschen
- **Dieter Küssner**
  Sydslesvigsk Forening
- **Bernhard Ziesch**
  Domowina - Zwjazk Łužiskich Serbow
- **Halit Habipoglu**
  Avrupa Bati Trakya Türk Federasyonu
- **Nicolae Sdrula**
  Fara Armănească dit Romania

As president of FUEN Hans Heinrich Hansen has a secured place; the Youth of European Nationalities delegates two representatives.

Resolutions - FUEN-Congress 2010

During the FUEN Congress this year, 6 resolutions were adopted. Every member organisation has the opportunity to propose a resolution to the Assembly of Delegates, which – after adoption by the Assembly – will be publicised. In consultation with the organisation that submits it, the resolutions are being sent to several decision makers.

The full text of the resolutions is available in the internet at www.fuen.org – here follows a concise overview:

Resolution 1: submitted by the FUEN-presidium. Regrets the dissolution of EBLUL by itself and invites them to cooperate with FUEN. Formulating some concrete demands for sustainable language policy on the European level.

Resolution 2: submitted by the Gottschee Germans / Slovenia. Call upon the Republic of Slovenia to recognise the German minority in Slovenia as such and put them under the protection of the Framework Convention for the Protection of National Minorities.

Resolution 3: submitted by the Bretons / France. The FUEN-delegates urge on France again to ratify the two minority documents of the Council of Europe – the Framework Convention on the Protection of National Minorities and the European Charter for Regional or Minority Languages.

Resolution 4: submitted by the Aromanians / Romania. In the resolution both Romania as well as the countries on the Balkans are called upon to support the Aromanians in the establishment of the conditions needed to guarantee and promote their cultural heritage.

Resolution 5: submitted by the Karachay people / Russia. In the resolution attention is asked for the endangered situation of many languages in the Russian Federation. In particular the endangered situation of the language of the Karachay is pointed out. The delegates call upon the Russian Federation and the international institution to deal with the subject.

Resolution 6: submitted by the Meshketian Turks / Georgia. The FUEN-delegates ask attention for the fact that the repatriation of the Meshketian Turks that was held out in prospect in 1999 was not yet implemented and demand from Georgia that it takes appropriate measures.

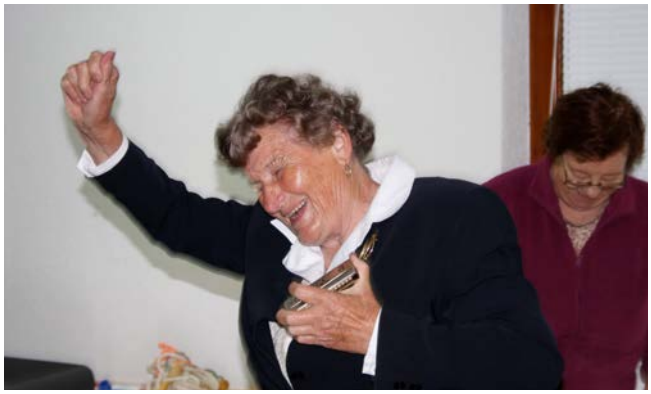
Excursion to the Gottschee Germans

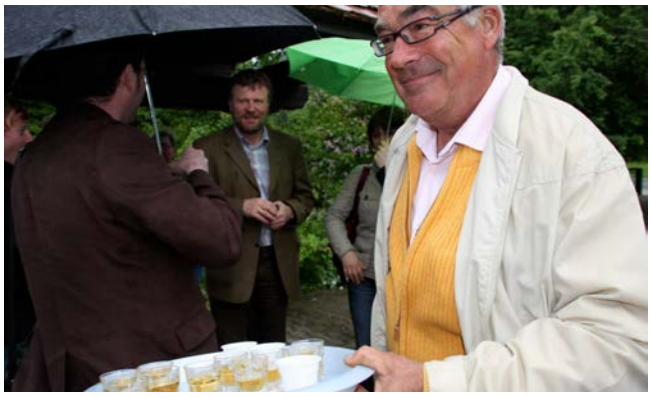
At the last day of the largest meeting of the autochthonous minorities a visit to the host minority – the Gottschee Germans – was on the agenda. Rain and wind were not able to frighten off the participants of the FUEN Congress.

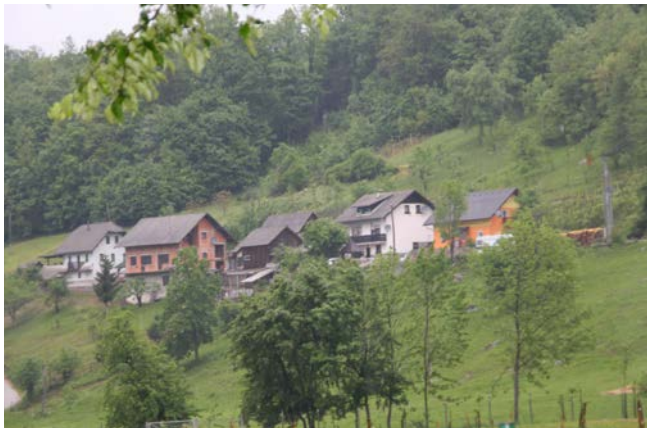
The German-speaking population of the Gottschee country (Kočevska) in the Duchy of Carniola (Slovenia nowadays) is called Gottschee Germans (in Slovenian: Kočevarji).. They live in a language enclave with the town of Gottschee (Kočevje) as its centre. The Gottschee Germans have been living there for about 600 years and the German dialect they speak preserved much of the Middle High German language from that period. Only very few people speak the language of the Gottschee Germans nowadays.

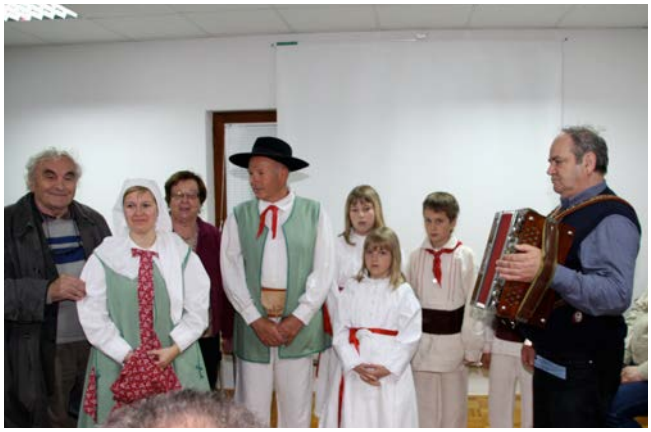
The hosts made a real effort – both gastronomically as well as culturally the visitors were offered a good impression of the specialties of the history and current situation of the Gottschee Germans.

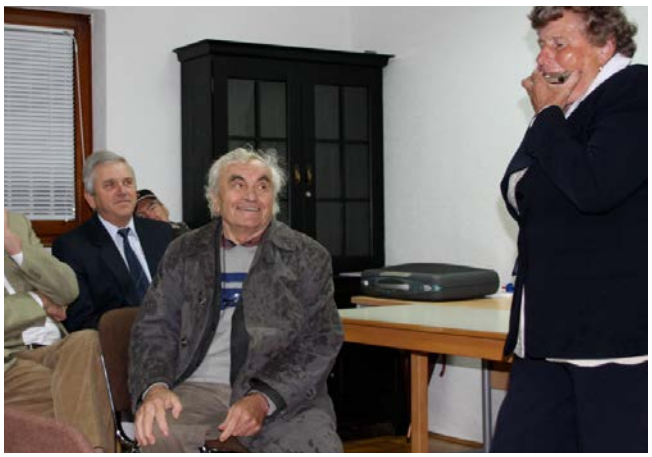
Before they left home to the various minority regions in Europe, the visitors were invigorated by pigling and mushroom soup (20 different wild mushrooms).

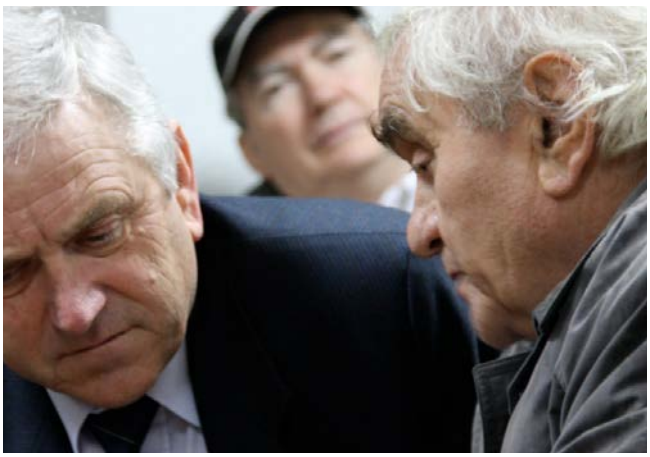


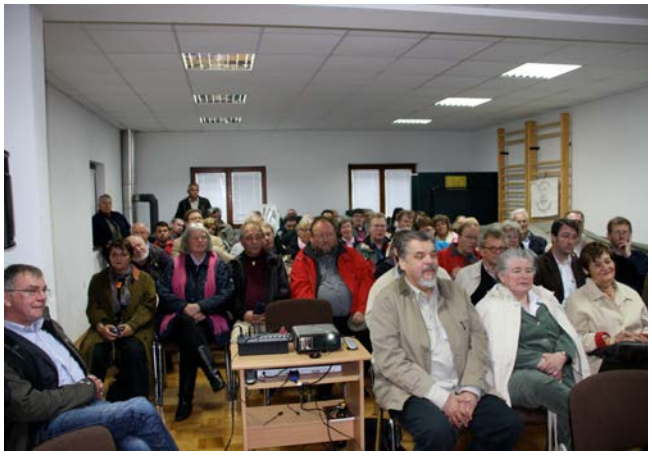


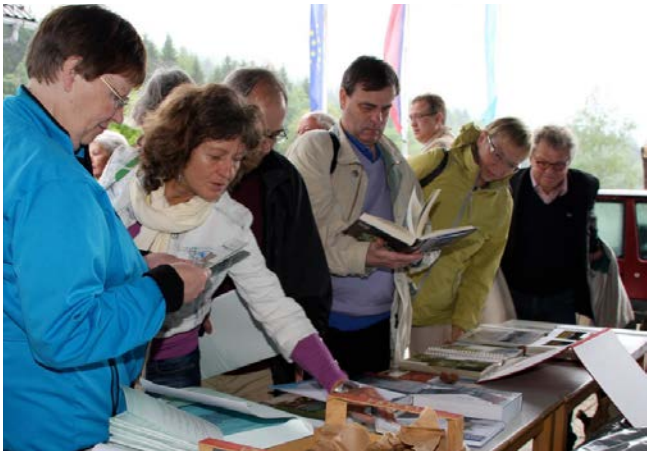












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you can protect the minorities of Europe

In order to continue its job for the protection of the autochthonous national minorities effectively, FUEN is dependent on support, in particular on financial support.

FUEN

FUEV e.V. (a registered society), has a notice of exemption from the German tax office in Flensburg, tax number: 15290 7452 0 of 30 June 2008 as a recognised charity and is allowed to issue certificates of donation, according to the template of the tax office.

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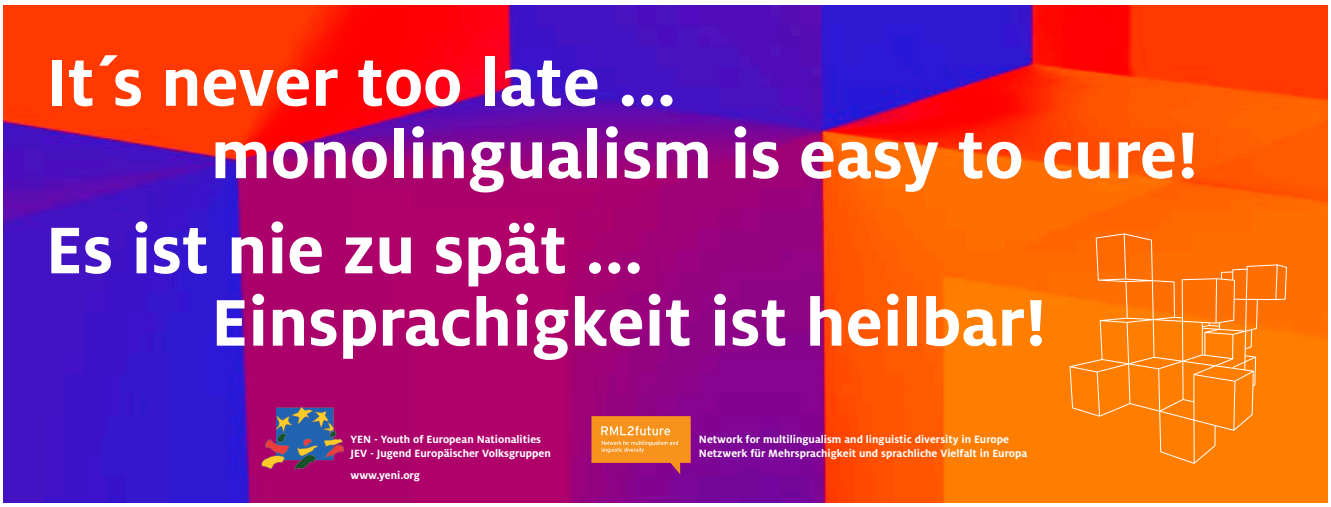
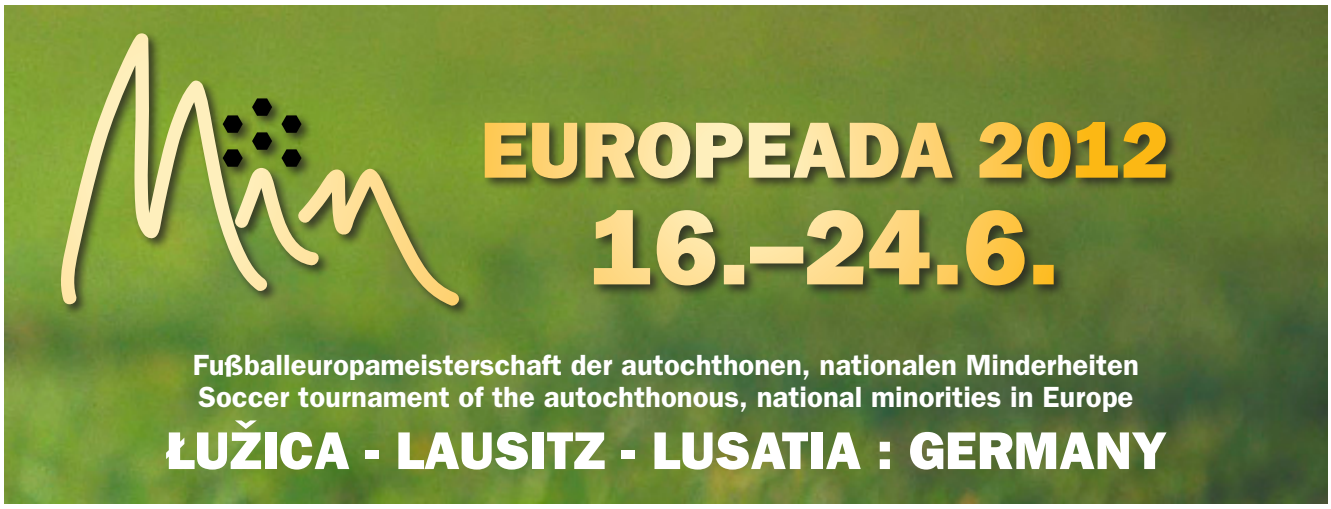
If you have questions, please contact the Secretariat in Flensburg.

Thank you very much for your support!





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Bundesministerium des Innern

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