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National minority as a right-holder and an actor

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Talking points

1. A practitioner's view, on the basis of experience in different capacities

2. Still Westphalian world?

Non-state actors:

- International organizations: deliberate refusal of the part of sovereignty, however, still dominated by the national governments (Council in the EU, CM in the CoE...)
- Transnational corporations
- INGOs and national NGOS

3. A number of successful examples when social movements changed national and international political agenda (gender equality, anti-racism, LGBTI rights). EU Race directive.

4. What we mean when speaking about a minority?

Under international law a national minority is not a right-holder, like any other group (with a single exception for indigenous peoples). FCNM speaks about the “rights of persons belonging to minorities”, not an instrument on group rights.

As a rule, minorities are not homogenous, consist of persons with different interests and views.

In fact, some NGOs, informal groups, or leaders speak on behalf of minorities, with varying level of representativeness and legitimacy.

5. Nature of minority claims

While modern instruments clearly stipulate that minority rights are not anyhow related to separatist or irredentist claims, and acceptance of territorial integrity and inviolability of borders is a major presumption, in practice representatives of minorities not rarely disregard these basic provisions, thus paying lip service to the course they claim to defend. Moreover, most if not all successful separatist attempts are based on broad autonomy.

Therefore, a concept of minority rights as a preventive tool that secures stability, reflected in the 1990 CSCE Copenhagen document - the first modern instrument on minority rights, is increasingly questioned. Re-securitization of minority issues – they are again understood in the context of security rather than an “integral part of fundamental human rights”, as FCNM goes.

6. Kin-states

“Dual loyalty” problem. In a number of cases, the kin-states take full control over “their” minorities, thus turning them into proxies of the states’ foreign policies. Moreover, in recent years we again witnessed some attempts to instrumentalize and manipulate “the need to protect minorities” to justify military aggression and occupation. This undermines the very concept of minority protection in a similar way as it happened before the WW2.

7. Examples – national level

Can different national minorities cooperate and develop synergy to advocate their common interest?

In practice, this does not happen often even at the national level. One notable example of a success story is Georgia with its umbrella NGO “Multinational Georgia” which is not only engaged with cultural activities but effectively lobbies legislators and actively participates in democratic process in general, e.g. election observation in minority-populated regions.

More often - a government-controlled body used for PR (“puppet international”, as one frustrated minority activist called it).

In mid-90 many hopes were connected with the idea of consultative bodies, in particular, it was actively promoted by the OSCE HCNM, but today one may conclude that, as a rule, these hopes have not come true.

8. Examples – international level

Informal networks:

- Before the sessions of the UN Working group on minorities, informal trainings were regularly organized by MRGI, not anymore after the establishment of UN Minority Forum

- In the late 90-s MRGI coordinated and facilitated preparation of the “shadow reports” on implementation of the FCNM by NGOs

- MINELRES – the first internet resource on minorities in CEE

FUEN – solidarity vs competition? Restrictive definition of minorities, only “traditional”, strong ties with the government

EFA – “political representation” of minorities. Defines itself as “an umbrella organisation that gathers 47 nationalist, regionalist and autonomist parties throughout the European Union, representing stateless nations, emerging new States, regions and traditional minorities in Europe” – apparently, somewhat different than the concept of minority rights enshrined in the FCNM. Based on the presumption that minorities must pursue their interests through “their own” ethnic parties.

8. Roma:

- IRU – stateless nation, “a state without territory”
- ERTF – representative Roma body under the CoE auspices
- Roma decade – empowering Roma. However, in practice most projects were implemented (and most grants received) by non-Roma NGOs

Highlights a more general issue: minority NGOs or “general” rights NGOs can more successfully campaign?

8. Conclusions:

- less successful than other social movements
- reasons: strong involvement of security issues, differing understanding of both nature and scope of application of minority rights, often substantial inter-state aspect due to involvement of kin-states, re-securitization: manipulation of minority rights and interests, resembles the situation before the establishment of the UN