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Welcoming Address

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Andreas M. Klein
Konrad-Adenauer-Stiftung Skopje

On 10 December 1948, the representatives of 58 states adopted and proclaimed the Universal Declaration of Human Rights at the General Assembly of the United Nations at the Palais de Chaillot in Paris. After the experience of two world wars and the genocide of millions of people perpetrated upon them because of their religion, the colour of their skin, their language or their culture, the men who were working on this declaration were driven by the will to create a basic law which would guarantee people throughout the world a life in freedom and dignity.

However, history has taught us another lesson. Despite the most dreadful and detestable experiences of the first half of the twentieth century, the second half also brought forth great criminals and monsters who were ruining their states and oppressing their people. Until 1989, the world was divided into two blocks with opposing ideological backgrounds. But the fall of the Berlin Wall and the break-up of the Warsaw Pact which ended the ideological battle between freedom and equality, Bolshevism and anti-Bolshevism, capitalism and communism, East and West, did not indicate the 'end of history' and the triumph of liberalism as some observers at the beginning of the 1990s had already exulted.

On the contrary, the end of the twentieth century brought the rise of new – now mainly ethnically based – conflicts around the world which had been until that point masqued by the antagonism between the two blocks. No other article in the last ten years has dominated the discussion about future world order than Samuel Huntington's "Clash of Civilizations" published in *Foreign Affairs* in summer 1993[1]. In it, Huntington describes the various centres of conflict on the interfaces between the seven predominant civilizations.

When the wars in the former Yugoslavia started at the beginning of the 1990s in a dramatic way, Europe became witness at its own front door to what the clash of civilizations could be like. The battle for independence of the former Yugoslav republics was not only a fight for a greater national emancipation but also a fight which ran along the borders of the Catholic, Orthodox and Islamic spheres of influence. While the ignorants in Western Europe did not make a distinction as to whether their Yugoslav *cevapcici* were prepared by a Croatian, Serbian, Macedonian or Albanian cook, the people in Tito's Yugoslavia came to the conclusion that there were more things and attitudes dividing them from each other than uniting them.

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[1] Samuel P. Huntington, "The Clash of Civilizations", 72(3) *Foreign Affairs* (1993), 22-49.

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Finally, the wave of hatred and violence reached the territory of the now independent Republic of Macedonia in spring 2001. Clashes with the Macedonian state authorities in the mountains of the Tetovo region and elsewhere along the Macedonian border with Serbia and Kosovo were declared by gang leaders as fights for human rights and enhancement of the constitutional status of the Albanian population in Macedonia. It was due to the unceasing mediation efforts of the international community, especially those of EU Special Envoy Alain Le Roy, that the more-or-less six months of intensive fighting resulted in the so-called 'Framework Agreement', and that the crisis did not end in another bloody civil war with hundreds or thousands of casualties. The war was brought to an end before yet another country of the former Republic of Yugoslavia (fRY) had to come under international rule with a massive military presence, as was the case in both Kosovo and Bosnia. With last year's peaceful parliamentary elections in the Republic of Macedonia, it seems that the country is on the right track for stabilization.

Now, it is time for discussing some of the important elements of democratic systems, such as: the rule of law, acceptance of the will of the majority and tolerance of the needs of the minority. Therefore, we have chosen the topic "Minorities in Democracy" for this one-day conference in Tetovo on 10 December 2002. It became more and more obvious that the unresolved status of minorities in the former Yugoslav republics and the inability of ethnic groups throughout the entire region to accept and tolerate each other hold causes for even more conflicts. Thus, we have to discuss the problems and to sensitize both the public and political decision-makers to these problems in order to find together a convenient solution through which people can live peacefully in the future.

The solution to the problems of the region lies in the very vital interest of the West. That is the reason why organizations like the Konrad Adenauer Foundation, our partner, the European Centre for Minority Issues, and above all the European Union are present here with an enormous capacity of human and economic resources. Southeast European University, host of this event, is one of the best examples of the engagement of the international community in Macedonia.

But all of our efforts will be without success if the people themselves are not willing to live with each other in peace. The peace-building process and the restoration of trust is never a one-way road. Both sides have to accept their rights and their duties in the context of each other's feelings.

I will end my short introduction with a quote from Konrad Adenauer himself who said right after World War II, regarding the future balance with Germany's neighbour, and until that point its traditional enemy, France:

"At the beginning of a new way there can stand only the strong will to create a better and more useful community between both nations than was possible in the past. That takes the strength of trust on both sides. … What matters is to search for methods which are

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supporting security and political cooperation at the same time. In this way general prosperity will rise. Both nations must be interested in increasing their security because through this both will live better."

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Marc Weller
European Centre for Minority Issues

Ladies and Gentlemen:

It is a pleasure and an honour to welcome you to today's conference on "Minorities in Democracy". At the outset, I would like to thank our host, the Southeast European University in Tetovo, for providing a venue as beautiful as it is relevant to the conference theme. I would like also to thank our organizational partner, the Konrad Adenauer Foundation in Skopje, for its tireless efforts in planning the event in general and, in particular, for ensuring the safe and timely arrival of our conference participants.

The title of today's conference notwithstanding, the presentations of our panellists focus less on minorities as such, than on relations between minorities and majorities. Similarly, the organization of which I am Director – the European Centre for Minority Issues, or ECMI – is not an advocacy organization, but rather an action-oriented centre of expertise in relation to ethnopolitical conflict and resolution.

As a nonpartisan and interdisciplinary institution founded in 1996 by the governments of Denmark, Germany, and the German *Land* of Schleswig-Holstein, ECMI organizes its activities around three principal themes. First, it is concerned with the evaluation and further development of standards that may assist in consolidating democratic governance on the basis of ethnic diversity and human rights. Second, ECMI has an active interest in procedures and mechanisms for the implementation of these standards, as well as in the study of their effectiveness.

The third strand of ECMI's activities concerns constructive conflict management. Drawing on the successful history of managing majority-minority relations in the German-Danish border area in which ECMI's headquarters are also located, ECMI works to assist international peace-support efforts in addressing conflicts with an ethnopolitical dimension in the wider Europe. To this end, ECMI maintains links to several regions of tension in Europe and engages local protagonists in dialogue, either in the region or in a neutral environment.

With an eye to reinforcing domestic and international efforts at restoring peace and stability to the Balkans in particular, ECMI has launched a multi-layered civil society programme with activities in Bosnia-Herzegovina, Kosovo, Macedonia, and Montenegro. Whatever the differences among ECMI's various projects in the region, common to all is an emphasis on close cooperation with local partners whose ownership of the projects increases over time.

The panels of today's conference feature experts of international renown on interethnic relations in various countries throughout Europe and beyond. As a matter of

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organizational pride, I must note that among these distinguished experts are representatives of some of ECMI's various organizational partners in Macedonia. In this spirit of cooperation, I now give the floor to Dr Dennis Farrington of the Southeast European University Foundation.

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The Integration of Minorities: The Case of Macedonia

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Azbija Memedova
Roma Center of Skopje

Personal View: The Integration of Minorities: The Case of Macedonia

Apart from the fact that the integration of minorities, especially of the Roma minority, is one of the key policy priorities of all preaccession countries in Central and Eastern Europe, according to the statements of our political analysts and officials, Macedonia has the following three top priorities: Stabilization of the security situation; initiation of a new economic development cycle and a decrease of poverty; and implementation of the Framework Agreement. It appears that none of these issues can be realized alone, without coordination with, and parallel realization of the other two.

The implementation of the Framework Agreement, from a theoretical point of view, assumes overcoming the barriers and obstacles obstructing both the integration of members of ethnic minorities and their equal participation in all spheres of public life. But is this going to really happen? The scepticism results from a simple reason known as 'previous experience' in dealing with the integration of the Roma in Macedonia who, according to the previous constitution and to later, and again to the latest constitution, are equal citizens and enjoy the same rights as all other citizens living in Macedonia.

I would like to mention, in light of this presentation, that although the 1994 census lists 43,707 Roma (2.2 per cent of the population) in Macedonia, estimates from Romani leaders range to far over 100,000.

The previous experience of the governments or regimes in dealing with the issue of Roma integration, can be described as 'The Magic Circle' – the same circle in which the Roma have lived for centuries. That is, when you enter the circle, you may exit only by 'magic' or by assimilation. The large number of educated and qualified individuals, as well as the entire families who didn't declare themselves as Roma (some of them still do not), only illustrates the method of previous regimes and governments in dealing with the problems of integrating those *who are different*, in the sense of culture, customs, language and ways of living.

And the rest of them, who didn't want to or couldn't be assimilated, had to stay in the Ma gic Circle. I guess that you have all heard and seen what is happening in it: Isolated and socially segregated ghettos which, influenced by poverty, over time, start to build their own rules and values of behavior and life which are different from those of the majority. 'Roma schools', where the level of qualitative education is under average, thus produce under-average students who drop out from elementary or high school due to the unequal quantity and quality of education. These schools, together with: Poverty, high-level unemployment (resulting from insufficient qualifications demanded in a global economy), limited access to health and social protection, ethnic discrimination and violation of basic human rights, give you a clear picture of the exclusion of the Roma from society.

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The Integration of the Roma Couldn't Happen on Its Own

Reaching their limit in the early 1990s, and searching for a better life, many Roma went to Western European countries. Without any further elaboration, I will just mention that in the mid 1990s, under an agreement for reintegration between the governments of Macedonia and Northrhein Westphalia, the Roma living in this part of Germany (officially 126 families) were sent back to Macedonia, with promises that all their existing problems (like housing and jobs) would be solved. The housing which was built for them and ownership of which was supposed to be given to them, according to these families, is still in state ownership. Another more recent example adds an important dimension to the unwillingness for a long-term solution of the problems faced by the Roma . The last ruling government has asked the people living in huts in Suto Orizari since 1963 after the Earthquake to pay taxes, ostensibly so that these people could own their huts. I don't have to mention that these families are among the poorest living in this community.

Despite all the efforts made by the international community, especially the Council of Europe and the OSCE High Commissioner on National Minorities, to date neither the government nor any state institution has initiated a single programme or project with special attention to the Roma population as the most deprived group in this society. This fact simply confirms that the state is not interested in a long-term solution to Roma integration issues, despite the statement which Macedonian officials usually underscore in important meetings: "The Roma problem and their integration is of a large interest and requires special attention".

In December 1999, the EU adopted "Guiding Principles" for improving the situation of Roma in candidate countries based on recommendations made by the Council of Europe's Specialist Group on Roma and by the High Commissioner on National Minorities. This Document gives a brief summary of the guiding principles for action in different fields that may be followed in order to improve the situation of the Roma and the Sinti. The area covered is racism and discrimination, education, Roma women's issues, economy and employment, housing, urban planning and health problems. If Macedonia's intention is to become a member of the European family, then these guiding principles should be taken seriously into consideration.

Another important document worth being mentioned here is the second report on the former Yugoslav Republic of Macedonia adopted on 16 June 2000 and made public on 3

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April 2001 by the European Commission against Racism and Intolerance (ECRI).[1] This report also pays great attention to the Roma problems, clearly stating recommendations for improvement of the situation. Accent was put on the need 'to combat discrimination and intolerance in a number of areas and to increase the participation and integration of members of minority groups in the public sphere. These recommendations cover, *inter alia*, the need to ensure that the relevant legislative provisions are implemented in practice, the need to establish a system of monitoring and evaluation of the situation of minority groups as regards possible discrimination in various fields of life, especially concerning the Roma/Gypsy community, the need to create a climate of increased trust and appreciation between members of different ethnic groups, and the need for further efforts to increase the representation of members of minority groups in public institutions'.

The report was issued in 1999 and there were no echoes from the Macedonian Government regarding those recommendations.

The Framework Convention for the Protection of National Minorities was signed by Macedonia on 25 July 1996, ratified on 10 April 1997 and entered into force in Macedonia on 1 February 1998. According to this Convention, within a period of three years the state shall submit a state report to the Advisory Committee on the application of the Convention in the country. This deadline has long passed and Macedonia still has not sent any report. Regarding the Framework Convention, a shadow report was prepared by the Association for Democratic Initiatives (ADI) from Gostivar and this did not encourage the state to fulfill its obligation towards the Council of Europe. Furthermore, Macedonia signed the European Charter for Regional or Minority Languages on 25 July 1996 and never ratified it, although it entered into force on 01 March 1998. This is one of the most flagrant examples of lack of political will in settling minority issues in an appropriate way, and which has also been subjected to a monitoring of the Council of Europe.

This year, the Ministry of Education has published a strategy for the next ten years on improvement of education in Macedonia. Other than a brief analysis saying that the biggest problem in the educational arena the country is facing is the small number of Roma pupils in elementary and secondary school, no one has dared to propose how to overcome this problem.

Let me conclude. The 'magic circle' of Roma integration in this society can be broken only if all of us, especially the government, understand that we all live in this country and

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[1] European Commission against Racism and Intolerance, Second Report on 'the former Yugoslav Republic of Macedonia', CRI (2001) 5 (Strasbourg, 2001), 4.

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that if someone is feeling pain, we will all feel the same pain sooner or later. The integration of Roma in Macedonian society cannot happen on its own.

All of us should be aware (and all recent reports are also confirming this with demographic data) that the Roma population in all CEE countries is 'young'. If they do not have enough space for personal development and normal life like all others, they will have to build or to find a space of their own, and that will not be without consequences for society. All states have to take this into consideration at this stage in the development of solutions for the Roma. States and governments, including Macedonia's government, should be urged to take seriously into consideration these as well as other recommendations when dealing with Roma issues, because failing to build a comprehensive and visible strategy on this issue will have a 'boomerang' effect on the future prosperity of their societies. That is why I strongly believe that previous experiences, the results from projects run mainly by nongovernmental and international organizations, all the data and analysis, the lessons learned and not learned, should afford us an opportunity to review and evaluate the impact of working with Roma issues or human rights issues of minorities in general, an opportunity to build a general state strategy for the integration of minorities, with special emphasis on the most vulnerable groups and to review the recommendations based on those evaluations.

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Albert Musliu
Association for Democratic Initiatives

The Integration of Minorities: The Case of Macedonia

Dear ladies and gentlemen,

Prior to elaborating on this topic, I would like to give a short overview on the etymology of the word 'integration'. It has its origins in the Latin word *Integere*, meaning 'renewal' or 'completion with the whole', to which whole it is something essential. From a philosophical perspective, integration means transformation from a relatively chaotic to a more ordered condition. Nevertheless, the topic of our discussion is the political understanding of the notion of integration of minorities into a more harmonized society, the aim of which is to create a more relaxed atmosphere for interactive living of different communities in Macedonia.

Different stakeholders very often exploit the terms 'minorities' and 'minority rights' in different ways, depending on the specific interests of these different groups, on the level of economic development, political environment, level of cultural development, and geographic position of the minorities themselves. In more developed democracies minority rights *per se* are perceived as an 'added value' to the universally recognized standards of human rights, and as a way of giving additional protection to minority communities, who are usually more vulnerable and marginalized than the members of majority communities. In most countries in transition, however, minority rights are perceived as the only rights that the minorities are entitled to. Very often minorities are seen by the majority as 'them' and not as an integral part of the society which as a model is defined as a reflection of the majority community, and as a society whose diversity through the protection and advancement of the rights of minorities is enriched. This is may be one of the reasons why minorities in transitional countries are hesitant to be defined as such and therefore entitled to such minority rights; on the other hand it may also be the reason for the tendencies to define the state as a reflection of the majority community.

As an NGO whose main scope of activities is democratic processes, human rights both individual and collective, and the rule of law, in the past period, we have constantly tried to address issues which were both burdening the political scene and interethnic relations in Macedonia, and constantly increasing the gap between the different communities and destabilizing the society as whole.

After gaining independence Macedonia affirmed the thesis of the Oasis of Peace, without any political determination to address issues in a substantial way. NGOs of different ethnic backgrounds were constantly emphasizing the need for putting the issues on the table and discussing them, but unfortunately, this was not done. Political representatives

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of different communities were closing themselves into their respective communities, and imposing this trend on representatives of their own communities as well, while at the same time blaming the other side for what were failures in their own performance. This led to increased corruption and abuse of power, with increased poverty throughout the vast majority of the population regardless of their ethnic belonging.

With no intent to explore the reasons for and outcomes of last year's conflict, I would like instead to stress the integrative processes. Last year, Macedonia faced a large disintegration process in all spheres of society; preexisting hesitance and mistrust among the communities was increased and largely supported by political factions, as well as by intellectuals and media representatives. I must say also that even some NGOs did not remain immune to this tendency of finding shelter amongst their own. But let me come to the present situation, and try to elaborate on the steps that, in my opinion, are to be undertaken in order to secure a better future for our entire society.

I do not see the process of integration of minorities in Macedonia as a unilateral one, meaning a convergence of the minority community with the majority one. I rather see it as a multilateral one, in which all the communities contribute in good faith to the development of a joint identity. I see it as a process which, without any political pressure, will evolve to the will and need of all communities to be part of the same mosaic, in which differences and specificities both add color and increase the beauty of the picture as a whole.

I am aware that this will not be an easy task, and that the process of integration in Macedonia should be a natural one, and it should be seen as a benefit of and interest to all communities. I believe that NGOs can play an important role in this process, engaging their intellectual capacities and visions to bring communities closer, to affirm the ethnic, religious and other differences as the wealth of a community, leading us to new, more peaceful and richer horizons.

The issue of integration is not an easy one; even more-developed western democracies are facing the problem of integration. In western countries this is more the case with migrants, and it was increasingly obvious that the processes of classical integration had led to closing people into ghettos; therefore the process of intercultural learning is promoted more and more.

I am deeply convinced that we will all benefit from integration processes, and we need to enact them as soon as possible. The longer this process takes, the slower our society will move towards Europe. It is our duty to be guided by the voice of common sense, and not by the phantoms and minotaurs of the past. We should all be guided by the ideals of life, freedom and peace, and should undertake such integrative processes, which will not undermine in any way the ethnic, cultural, and religious feelings of any community, and which will promote the traditional values of all. The communities of this part of the world

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should learn and know each other's history, culture and tradition This does not mean losing one's own identity; it simply means being able to better know and understand each other's differences.

Ladies and gentlemen, the process of social integration is not an easy or a short one; on the contrary, it is a long and hard one. It requires truthful and sincere work especially in circumstances such as ours; therefore I believe that all of us together, as promoters of peace and tolerance, should take the duty to promote altruism instead of egoism, democracy and the rule of law instead of anarchy, and pluralism instead of monism.

To achieve this, we should try to influence ways of thinking and behaving, and try to improve the Balkan mentality, to extract the best from it, and leave the dark parts to the past. I think that for this we will need the support of the media, of different publications, and especially of educational institutions through subjects dealing with cultural specificities of communities.

Subjects such as language, history, arts and music should be more penetrated by topics that accent the integrative tendencies of communities. I am confident that the Albanian pupil can benefit by learning the poetry of Racin or the work of Cepenkov, but I am also absolutely sure that the Macedonian pupil will benefit from and will not be less Macedonian, for learning the beautiful poetry of Naim Frasheri and Cajupi. None of us can really lose by knowing, honoring and respecting each other's religion or tradition. It is the only way to affirm conjunctive interactions versus disjunctive ones, and I also believe that it is the only way for us to become an integral part of the European family.

I also believe that in an integrated society, all communities should fully participate in that socity's political, social and cultural life. But with the poverty that our citizens are facing at the moment, full participation in the economic life of society is also crucial. By ensuring this, I am confident that all communities in Macedonia will prefer what we call a 'joint and integrated society', one towards which we all aim.

Thank you for your attention, I would be happy to answer to your questions if any.

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MirjanaNajčevska
Macedonian Helsinki Committee

The Integration of Minorities: The Case of Macedonia

In the dictionary, under the entry 'integration', we see: 'putting parts together as a whole', 'connecting', 'unification'. The Latin *integer* means: 'complete, all-encompassing, whole'. In the last decade, on the Balkan territories, a series of disintegrative processes has taken place. Now is the moment when everyone starts talking about integration. Desirable, positive, good. Integration is a means, a method; it is action. For which purpose it will be used and what context will be given to it is a completely different matter. And it is something we can talk about.

First we should clear up which 'whole' we are talking about; *with what* and *in what* should the minorities integrate? If we are talking about a democratic state, a state of law in which democratic institutions and the rule of law will be promoted and human rights will be protected, then the answer is that there is no integration. If we are talking about a political party state, in which government is realized on the level of trade agreements and deals in conditions of arbitrary political decision-making, then I believe we have already achieved a considerable level of integration of minorities. Each minority community has managed to (more or less) give their contribution in the building of this whole. The Macedonian and Albanian communities are somewhat ahead in this process, but the other communities are also learning this type of integration.

The second question that should be raised is the level on which integration is performed. On the highest political level, the level of realization of power, integration of minorities has been achieved and they are part of the proverbial 'pie to be split'. On the level of everyday life, communication and citizen cooperation, a process of disintegration occurs, along all lines, including the line of ethnic membership. The disintegration in everyday life is very important in order to achieve integration on the level of political and governmental power. It is from this disintegration that the ruling government draws its basic *modus vivendi* and the basis for continual and always new negotiations, agreements and political solutions that we cannot live without.
The third question concerns the 'glue', the matter with which we perform the integration. In conditions of permanent economic crisis, poverty and multiple insecurities in everyday life, the only connection has to be the common misery. As experience in these territories has shown, this is very bad 'glue' in the process of integration. At any moment (with slight additions and subtractions in certain places) it can be used as disintegration material. Never have the integration processes focused on common responsibility and common obligations.

The fourth and perhaps most important question is: What do we offer future generations as a basis for integration? Respect, enjoying differences, common values, need, common

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interest? Or mistrust, fear, hate, misjudgments, denial, underestimation, feelings of being threatened and the thought that 'if it only wasn't for that other side, what could we be?'

I believe that the true 'glue' of integration should be common responsibility, a common building of democracy and a state governed by law. In this past period, no government structure was willing to use this glue. Unfortunately, right now there are no indications that the current government is ready for serious progress in this direction either.

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Suzana Musli
Association of Turkish Women ('Derya')

The Integration of Minorities: The Case of Macedonia

According to the 1994 census, 87,019 Turks were living in Macedonia; that is 4.3 per cent of the total population of Macedonia. Turks, as it is claimed in the Ohrid Framework Agreement and in the Constitution of the Republic Of Macedonia, rank third in population size, right after Macedonians and Albanians. If we compare the data from the censuses of 1953 all the way through 1994 we see that the Turkish population decreases by 50 per cent during the period of 1953-74. It is a result of the great movement of the Turkish minority from Macedonia to Turkey. Conversely, among the Albanian minority, we see a growth of 95 per cent during the period 1953-94). A large number of the Turkish population lives in different regions of the country, more often in the undeveloped parts of the country. Most of the Turks live in Skopje.

According to the statistical data from April 2000, the total number of people employed in Macedonia was 549,846, out of which, 12,474, some 2.3 per cent were Turks. Compared with the overall percentage of the Turkish population, this figure is 50 per cent lower than it should be. The same types of figures exist with other minorities, while the Macedonian population of employed is 16.5 per cent higher than it should be. The Turks in Macedonia are working in different fields. Most of them are working in agriculture and cattle farming(5,069 or 38 per cent). Of the total number of employed Turks, 66.5 per cent are male and 33.5 per cent are female.

The implementation of the Ohrid Framework and the Constitution of the Republic of Macedonia with respect to equal presence of minorities is of great importance for the Turks as well as for other minorities. During the previous period, the Turks were not represented in the Macedonian parliament because they lived in remote parts of the country and did not constitute a majority of the population where they lived.

The implementation of equal presence in the area of public administration is one of great importance. One of the goals of the Turkish population is the carrying out of this principle in both central and local government agencies, like defence and policing. If we compare the number of Turks employed in public administration in 1997 with that in 2000, we notice that the number is reduced by 10.5 per cent. In 1997, there were 1,999 Turks employed; that is 1.95 per cent. In 2000, the number of Turks employed in public administration was 1,796; that is 1.7 per cent. In contrast, an increase is noticed in the Macedonian and Albanian populations. The number of Macedonians employed in public administration in 1997 is 86,569, or 85 per cent; in 2000, 88,757 Macedonians were employed, or 87.4 per cent, an increase of 2.4 per cent. The number of Albanians in 1997 is 8,427, or 8.3 per cent; in 2000 10,656, or 10.2 per cent, an increase of 2.2 per cent. According to the data from 1999, Turkish presence in state public institutions and

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ministries is as follows: Macedonian parliament (0 per cent); General Court (0.6 per cent); Army of the Republic of Macedonia (ARM) (0.4 per cent); Constitutional Court (0 per cent); Ministry of Foreign Affairs (0.6 per cent); Ministry of Internal Affairs (0.8 per cent); Ministry of Education (1 per cent);

According to the law, the percentage of Turkish employees in all of these institutions should reflect the percentage of Turks in the general population, in this case, be 4.3. The number of Turks who have completed their higher education degrees and who are looking for work is 120. This number does not include those who have finished their education in Turkey. If we include them, the number would be 220 (according to the data from May, 2000).

The Turks as loyal citizens of this country have always wanted to be and indeed are a bridge of friendship between Turkey and Macedonia. Unfortunately, during the last year's conflicts, many historic monuments dating from the Ottoman Empire were targets of attack, causing a great deal of disappointment among the Turkish population. At the same time, the Turkish public couldn't understand these attacks, since Turkey has always maintained friendly political relations with Macedonia.

The Turks in Macedonia have a right to education in their mother tongue. In 36 primary and four high schools, there are around 8,000 pupils and 344 teachers of Turkish nationality. From the end of the Second World War, until 1950, both the number of public schools as well as the number of pupils and students slightly increased. In the period from 1951-99, the number of schools, pupils and teachers declined, in 1998, there being 55 primary schools, 5,990 pupils, and 249 teachers. At the high school level, from 1988-99, there is no increase in the number of actual high schools. In 1997, the total number of pupils in Macedonian high schools is 84,059, of which 71,990 were Macedonians, 11,341 were Albanians and 567 were Turks. During the 1998-99 school year, the total number of pupils was 87,420, of which 73,566 were Macedonians, 12,973 were Albanians, and 584 were Turks. Turkish students from Ohrid and Struga are not able to continue their high school education in Turkish. Recently, a Turkish class opened in Struga, but it does not respond to the real needs of Turks. In eastern Macedonia, primary schools and high schools do not satisfy the needs of the Turks. It should be emphasized that in this part of the country, the vast majority of the population cannot continue their education in their mother tongue after the fourth grade. As a result of lack of staff and incompatibility of educational staff, Turkish pupils' education is on a very low level. Among other problems that the pupils are facing is the lack of school material and literature.

The fact that Macedonia and Turkey have signed an agreement to change the geography and history school books, which in the last period contained materials with a negative connotation about the Ottoman Empire, is very promising. The realization of this agreement is expected.

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NGOs are playing a very big part in the development of democracy in the state. Namely, injustice and other problems related with democracy in the country are spotted and solved with the initiative and activity of NGOs. In strengthening democracy, especially as related to minorities, a great contribution has come from NGOs, in addressing educational problems for the rights of minorities. The laws in the country offer equality for all citizens, which in reality is difficult and barely accomplished, especially in the field of employment. The Turks still have very little presence in public administration.

We are hoping that the new government will take steps to improve the rights of the Turks as guaranteed in the Constitution of Macedonia and the Ohrid Framework.

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Minority Protection in Southeastern Europe

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Florian Bieber
Central European University

Balancing Political Participation and Minority Rights:
The Experience of the former Yugoslavia

Minority rights have seen substantial advances over the past decade. A marginal topic during the Cold War, they have since entered mainstream debates and instruments of human rights. The establishment of the High Commissioner on National Minorities of the OSCE, the Framework Convention for the Protection of National Minorities of the CoE and the Copenhagen Criteria for the admission of new members to the EU, have each provided for substantial advances in the promotion of minority rights.

Minority rights, nevertheless, remain largely undefined and international standards are vague and evasive, not the least of which is the definition of 'minorities' themselves.[1] Although 'the highest European standards' remain often invoked by both minority leaders and governments in Southeastern Europe, the term is largely devoid of meaning. In addition to protecting minorities from discrimination, minority rights have focused on two key areas: linguistic rights and educational rights.

These two areas have been supplemented by the concept of political participation as a part of minority rights. Including political participation in the larger concept of minority rights can be based on two arguments: First, that other rights and prevention of discrimination of minorities cannot be effectively ensured, unless the minority itself is actively partaking in the political decision-making processes which govern the protection of minority rights. Thus, without participation other mechanisms of minority rights protection can be substantially weakened. Second, minorities run the risk of being excluded from the political system without special protective measures. Particularly in countries with mobilized ethnic nationalism, majorities (and minorities) have been unlikely to vote for parties or candidates of other nations or ethnic groups. The odds of political representatives from minority communities successfully partaking in the political system are thus limited. Furthermore, a number of approaches to democracy run the risk of permanently excluding minorities. Most obviously, the British-style 'First-Past-The-Post' electoral system has the feature of excluding dispersed minorities from representation.[2] Additionally, electoral districts can be drawn to favour the dominant nation. A number of other tools intentionally or inadvertently can preclude or minimize the minorities' share of representation in political institutions. Thus, a number of scholars of divided societies and ethnic relations have concluded that the

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[1] See Tim Potier, "Regionally Non-dominant Titular Peoples: The Next Phase in Minority Rights?",, *Journal on Ethnopolitics and Minority Issues in Europe* (July 2001): http://www.ecmi.de/jemie/download/JEMIE06Potier11-07-01.pdf , pp. 2-3.

[2] It favours, however, territorially concentrates groups, such as voters in favour of Scottish independence in the House of Commons.

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conventional institutions of democracies without minorities are insufficient to allow for a stable democratic system in diverse societies.[3]

In addition to the 'injustice of procedural democracy'[4], stability provides a key argument for specific measures to include minorities. Alienation of minorities from their state of residence and responses ranging from extraparliamentary organizations to armed secessionist movements have been key challenges to states in recent decades. It is thus in the interest of state stability to provide for political inclusion of minorities, in order to avoid the consequences of exclusion. While most would agree on the need to devise special institutions in divided societies, little consensus exists on what type of institutions to pursue alternatively. The controversies derive from two conceptual differences. Some approaches concentrate on *representation*, while others focus on *cooperation*.[5]

In debates about minority rights, the emphasis has been put on representation, as exemplified by the first article of the Lund Recommendations on the Effective Participation of Minorities in Public Life:

> Effective participation of national minorities in public life is an essential component of a peaceful and democratic society. Experience in Europe and elsewhere has shown that, in order to promote such participation, governments often need to establish *specific arrangements* (emphasis added) for national minorities. These Recommendations aim to facilitate the inclusion of minorities within the State and enable minorities to maintain their own identity and characteristics, thereby promoting the good governance and integrity of the State.[6]

The Lund Recommendations of 1999, drafted by international experts for the High Commissioner on National Minorities, is the first comprehensive list of mechanisms for achieving minority inclusion in public institutions.[7] While referring to international Human Rights protection mechanisms, the Lund Recommendations move well beyond international legal standards and instead draw from the rich experience of ensuring minority representation extant in numerous European countries. This contribution argues that political participation constitutes and important aspect of minority rights protection.

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[3] Donald L. Horowitz,'The Challenge of Ethnic Conflict. Democracy in Divided Societies,"4(4) *Journal of Democracy* (1993), pp. 18-37; Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, London, 1977), 25-52.

[4] Expression borrowed from Thomas W. Simon, "The Injustice of Procedural Democracy," in D•emal Sokolovi• and Florian Bieber (eds.), *Reconstructing Multiethnic Societies: The Case of Bosnia-Herzegovina* (Aldershot, 2001), 11-28.

[5] This divide is usually associated with the two authors Ljiphart and Horowitz. For a short overview of the two alternative approaches see Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, 1996), 34-45.

[6] OSCE High Commissioner on National Minorities, Lund Recommendations on the Effective Participation of National Minorities in Public Life, September 1999, Art. 1/1.

[7] The Framework Convention for the Protection of National Minorities contains only a vague commitment in Art. 15 to ensure the minorities participation in public life.

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Instead of being understood as right in and of itself, political participation should be conceived of as an *instrument* of minority rights protection. Recent experience in the former Yugoslavia, as will be reviewed here in broad strokes, suggests that minority rights without minority participation in the institutional framework of minorities' rights protection and other public institutions has been largely ineffective. At the same time, political participation of minorities alone, without a comprehensive framework of minority rights protection, as again will be explored here on the basis of examples in the former Yugoslavia, are equally inadequate for securing the rights of minorities. In fact, there has been a danger that in the former Yugoslavia political representation has received excessive importance over substantive minority rights.

The argument that minorities' rights cannot be protected without participation of minorities in public life and in the mechanisms of protection is a pretty straightforward one. First, the protective mechanisms run the risk of not being relevant for the minority community; that is, they might focus on the protection of educational rights, whereas social rights might be of more fundamental importance. This has been a common challenge with the adequate protection of Roma communities across Eastern Europe. Second, enforcement has been a critical difficulty with minority rights protection in the region.[8] Laws have often been largely exemplary, enacted only to satisfy international demands and to meet criteria for accession to international organizations. States have been, however, reluctant to implement these laws. This has been particularly the case in Tudjman's Croatia and in the former Yugoslavia during the Milošević era. The reality for minorities was substantially worse than outlined in minority rights instruments, which existed *pro forma*.[9] Admittedly, neither of the two were democracies during the 1990s; thus the lack of implementation of legal and democratic standards were not limited to minorities. At the same time, similar difficulties, albeit less pronounced, can be found in the democracies of the region.[10] Enforcement through representation in state institutions and some autonomous minority institutions, such as found in Hungary, are thus crucial for the protection of minority rights.

The cases of Bosnia-Herzegovina and Macedonia exemplify, however, that political representation alone cannot suffice in protecting the interests of the different ethnic groups and in stabilizing the two countries. Nondominant groups[11] enjoyed broad

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[8] Already the Minority Treaties, concluded with some countries after World War I, largely failed to improve the life of minorities due to the absence of enforcement and implementation.

[9] Tibor Varady, "Minorities, Majorities, Law, and Ethnicity: Reflections of the Yugoslav Case", 19 (1) *Human Rights Quarterly* (1997), 9-54.

[10] EU Accession Monitoring Program, *Monitoring Minority Protection in the EU Accession Process* (Budapest, 2002).

[11] In Bosnia, the term 'minorities' is reserved for communities other than the three 'constituent peoples' (Bosniaks, Serbs, Croats). Thus, here the term 'nondominant groups' refers to any of the three constituent people where they are not in a dominant position. Serbs in the Federation, Bosniaks and Croats in the Serb Republic would qualify. Furthermore Croats in Sarajevo or Bosniaks in Western Herzegovina would equally qualify. Key is the relationship to the respective layer of governance. Due to the dispersion of power among multiple layers, one individual can be nondominant in his/her interaction with one layer, but

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political representation in parliament and in government. Both in Macedonia since the early 1990s and in Bosnia since the end of the war, coalition governments existed that incorporated representatives of the different groups. While Macedonia did not possess specific tools for ensuring representation of Albanians in parliament or government, Albanian parties were at no point excluded from the political process. In Bosnia, equitable representation in parliament and government is constitutionally regulated at the state level and in the Bosniak-Croat Federation. Only in the Serb Republic the two nondominant groups, Croats and Bosniaks, were not represented in government before the constitutional changes of 2002, but did sit in the entity's parliament.[12] This degree of representation did not, however, provide sufficient safeguards for the protection of the two nondominant groups. In Macedonia, the absence of adequate representation of Albanians in state administration, especially in the police force and the limited ability to use Albanian in public administration, as well as other minority–rights-related issues furthered broad support among the Albanian population for the armed conflict during the spring and summer of 2001. In Bosnia, nondominant groups fail to enjoy adequate rights in terms of employment and schooling, furthermore frequently facing discrimination through local administrations. This has been a key factor in delaying the so-called 'minority returns'–refugees or internally displaced persons returning to their prewar residence in areas where they now constitute a nondominant group.

In both cases, the argument could be made that the inadequacies of minority protection derive from insufficient political representation. There is little doubt that there has been inadequate political representation of nondominant groups in both cases. Albanian parties tended to take less seats in the Macedonian parliament than their percentage of the overall population would suggest; Croat and Bosniak parties were not included in the government or the administration of the Serb Republic before 2002.[13] Nevertheless, a number of reasons suggest that enhanced political representation is not the solution to facilitating the protection of the rights of nondominant groups.

First, political representation is largely unconcerned with cooperation between the different communities' representatives in the different political institutions and also less inclined to decree a share in the decision-making process. The reason for this is obvious: While it is easy to find legal instruments to ensure representation, neither cooperation nor codecision-making is easily legislated. In a number of cases, representation, even at the governmental level, does not translate into participation in the decision-making process.

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not with another. In Macedonia, the term minority is more clear-cut, but no less contentious. Thus, the use of 'nondominant people' primarily refers to the Albanian community, which has aspirations beyond the mere safeguard of minority rights.

[12] On the different institutional mechanisms see Florian Bieber, "Power-sharing after Yugoslavia. Functionality and Dysfunctionality of Power-Sharing Institutions in Post-war Bosnia, Macedonia and Kosovo," Paper presented at the conference "From Power-sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies," 8-10.11.2002, London, Canada.

[13] In 2001 for the first time a Bosniak became minister in the Serb Republic.

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In fact, representation can lead to pluralistic window-dressing with the dominant nation controlling the political process.

Second, in a system without firm legal safeguards for minority rights, political representation has to permanently *negotiate* these rights. 'Negotiating' rights implies that certain minimum standards of protection are not guaranteed, but have to be continuously fought for or sought by the representatives of the respective community. Additionally, the representatives of the group might excessively broaden the agenda of issues that are part of the rights or protective measures required for the group, leading to an 'ethnification' of broad areas of the political process which extend well beyond the narrow community interests. As 'ethnic issues' have an additionally mobilizing function with the electorate and might have additional institutional safeguards (veto rights), parties have an interest in extending the sphere of 'ethnic issues'.

Third, protecting the communities through political representation is likely to benefit larger communities with adequate representation while disadvantaging smaller groups who, either due their size or their lesser political mobilization, are less able to pursue their demands. Thus, minorities beyond the three constituent nations in Bosnia and minorities other than Albanians in Macedonia have been largely excluded from negotiations of the protection of the rights of the different communities.

Fourth, representation *from* the nondominant group does not equal complete representation *of* the whole group. Just as within majorities, minority communities often support largely different political options. 'Rights' for the Croat minority in the Serb Republic will be perceived to be largely different whether the deputy is a Croat from the multiethnic Social Democratic Party or the nationalist Croat Democratic Community. As minority representation inherently will be less numerous than that of the majority, whole diversity of the nondominant community will not necessarily be represented. It could be argued that minority rights protection can also protect the community from some its own political leaders.

To conclude, just as general instruments for the protection of human rights and the rule of law are also deemed necessary in functioning democracies, minority rights cannot be short-circuited by political representation. Few would argue that a system of government could work with human rights protection and the rule of law, but without political representation of the citizens of the country; that is, without democracy. Similarly, minorities can only be included in their state through representation *and* the safeguard of both the rights of the group and the members of the group. Political representation without protection of minority rights is thus likely to result in instability and arbitrariness, like a state governed by elections, but without the legal safeguards preventing abuse by those elected.

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Panayote Dimitras
Greek Helsinki Monitor

Respect for the 'Other': A Prerequisite for Interethnic Coexistence

There is currently intense diplomatic activity to help resolve the last unresolved conflict in Southeastern Europe, which is also the oldest one, the Cyprus conflict. The main reason that this problem, which keeps Cyprus as the last divided country in Europe, has dragged on for over a quarter of a century is "the reciprocal non -recognition of the Other. A main obstacle on the resolution of ethnic and secessionist conflicts is that the two opposing sides, the state and the 'non-state', do not even negotiate directly, because the state authority cannot accept its opponent as a worthy interlocutor". [14]

The Cyprus conflict is similar to the conflict in Macedonia in that: First, there is a dominant majority; second, there is a large minority that refuses to be treated as a minority and claims the status of a community in equal partnership with the majority one, and; third, there are small minorities, often squeezed and victimized between the two larger communities. The question in Cyprus is thus very similar to the one in Macedonia.

> The time has come for the two communities in Cyprus to take major decisions. Are Greek-Cypriots today, in their large majority, ready to accept the Turkish-Cypriots as equal or, at least junior, (even though in reality weaker and numerically smaller) partners, or are they not? Do they instead prefer to stay alone, with the Greek national anthem, the Greek or a variety of the Greek national flag, because they feel co-existence with the Turkish-Cypriots is unbearable (as they don't want to see 'even the picture of a Turk')? On the other hand, can Turkish -Cypriots rid themselves of their constant suspicion for the shrewd and "slick" Greek -Cypriots and contribute constructively to the consolidation of a functional and efficient state, or do they prefer to stay alone in the not so compassionate lap of the 'kin state'? [15]

It is this absence of mutual trust that explains the protracted ethnonational conflicts in Southeastern Europe, which in the end have been resolved or at least managed only by externally imposed agreements. In the case of Bosnia, Kosovo and now Cyprus, these agreements took the form of detailed constitutions, as over the years of conflict the international community developed an idea of what was feasible in each case. Whereas with Macedonia, long considered –often out of deliberate ignorance– a beacon of stability and a model of ethnic coexistence, the international community was able to help stop, luckily for the country, the short-lived and comparatively less violent conflict, offering a framework agreement whose implementation was to receive much more local input than

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[14] Alexis Heraklidis 'I Kypros sto Katofli tis Evropis: Prooptikes kai Dyskolies [Cyprus in Europe's Threshold: Perspectives and Difficulties]" in *O Politis* (monthly review), no. 105, November 2002, pp. 11-16.
[15] *Ibid.*

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in the other three cases. Equally as important, the agreement was to and *did* receive the support of all sides in the parliament, giving it an accrued legitimacy.

In almost all these cases, the solutions imposed tended to exclusively or primarily focus on the minority communities who could or had destabilized the countries. Very little or nothing was instituted for the rights of the other minority communities. The Roma, in particular, the largest of the 'other' communities, were compl etely ignored in all these arrangements.

Another point that was ignored in these cases, as in most provisions for minority rights, was the protection of individuals within each minority. Greece does not generally show much respect for the rights of its –officially called– 'Muslim' minority, the vast m ajority of whom have a Turkish national identity. Greece allows for the application of the most archaic version of Islamic Law regarding family matters, including polygamy and mandatory paternal custody of children after a certain age in the case of divorce, which is frequently granted without the wife's presence or even her knowledge. On this matter, which seems to concern only a few human rights groups, the minority's leadership seems to see 'eye-to-eye' wit h the state: Greece is generally a country where *de jure de facto* gender discrimination is often the highest among traditional European democracies. Women are generally largely underrepresented in all public institutions; this phenomenon is even more acute within the Turkish, Roma and even Macedonian minorities, where one would find merely token presence of women in their organizations, if any at all. The emphasis here for the Macedonian minority is worth noting, as their political party otherwise presents itself as the most pro-European and antinationalist political force in Greece. A similar point can be made for gays, who seem to be less oppressed among majority Greeks than among minorities.

In Greece, in Cyprus, in Macedonia and everywhere else in Southeastern Europe –and beyond it–, this lack of respect for the 'other' is perpetuated if not reinforced by the attitude of the media.[16] The recent conflict in Macedonia did not merely remind the rare astute observers of the country that Macedonians and Albanians lived together, but separately. Indeed they each have their own media systems, which were giving totally different accounts of the same events, and were often promoting interethnic mistrust if not outright hatred. Before the conflict, there were however some moderate journalists and media outlets, who were even denouncing human rights violations and hate speech, sometimes risking their reputations if not their very lives. During the conflict, suddenly some of them converted into promoters of intolerance. Greece and Turkey moreover, seven years ago, almost went to war over an uninhabited rocky islet, Imia/Kardak, mainly because journalists on both sides used their television or newspaper stories to fuel

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[16]   Mariana   Lenkova,   ed.,   *"Hate   Speech"   in   the   Balkans*   (Athens,   1998),
http://www.greekhelsinki.gr/pdf/hatespeech.pdf

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passions, thus turning a minor problem into a conflict of great symbolic value that could 'undo past wrongs'.[17]

One can only hope that Southeastern Europe will not see another violent conflict and that the various solutions agreed upon and/or imposed by the international community will work. However, true and long-lasting stability will be achieved only when all sides of these interethnic conflicts will sincerely overcome their mutual mistrust and learn to respect the 'other', be they other ethnic communities or the gender, sexual orientation, religious or linguistic minorities within their own ethnonational community.

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[17] *Ibid.*

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Maria Koinova
European University Institute/Harvard University

Minority Protection in Bulgaria, Macedonia and Kosovo: Successes and Failures of the International Community after 1989

During the first years of transition after 1989, when democracy was stepping in and changing political rules increased the insecurity of domestic politicians in the Balkans, the use of the 'ethnic card' to advance per sonal agendas became a lucrative option. Miloševic in the former Yugoslavia was the most notable example. Although being an extreme example, he was not the exception. In the vacuum of trust between majorities and minorities – when majorities were not able to commit to not abusing minorities in times of change, and minorities could not commit to always respecting their states – the intervention of the international community was crucial in building a balance between the two, in preserving peace and in helping minorities integrate into their changing societies.

In this presentation I am discussing which major activities of the international community were successful in helping the protection of minorities in their respective states, which were not, and why. I offer some of the conclusions to which I came while doing my dissertation research on the ethnic conflicts in Bulgaria, Macedonia and Yugoslavia with respect to Kosovo after 1989.

Before proceeding to my concrete arguments, I wish to make two remarks. First, in the three countries I researched, the relationship between the majority and the minorities moved on a scale of violence/non-violence. Thus, the international community took a tailor-made approach towards the protection of minorities in these three different situations. In Kosovo violence was the predominant mode as of 1989; in Macedonia tensions started escalating on certain occasions in 1992, 1994-5 and 1997 reaching crisis in 2001; in Bulgaria violence was not present as of 1989. Second, speaking of the international community as a whole may loom as a gross generalization, but the major western players in the Balkans, who had no ethnic connection to the majorities or minorities, had a stated common goal to build peace and help the integration of minorities in general. Now I turn to my concrete arguments.

1. The international community helped the protection of minorities when, early on in the transition process, it stepped in to support minority parties' participation in elections and structures of government. Being part of the governing process empowered minorities by opening to them opportunities to influence the decision-making process. In Bulgaria, the ethnic Turkish Movement for Rights and Freedoms was registered in 1990 due to pressures of western diplomats, despite the initial resistance of the Bulgarian government. In Macedonia, the international community strongly favoured the participation of the Albanian Party for Democratic Prosperity (PDP) in a coalition government after the country's ind ependence. This was especially important given the backdrop of the first multiparty elections of 1990 being dominated by fiercely

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anti-Albanian rhetoric and paving the way for the highly nationalist party (at that time the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity, VMRO) to gain access to the parliament. Yet, the international community did not have much success in Kosovo, where the Albanians had already defined their national goal of independence by the 1991 collapse of socialist Yugoslavia, and decided to reject any participation in the structures of the state.

2. The numerous monitoring activities against human rights abuses as defined by international legislation, launched by domestic and international NGOs, as well as by governments abroad, can be considered as one of the biggest successes of the internationals in the area of minority protection. Those monitoring activities mostly focused on the political, religious, linguistic, educational and media rights of minorities, as well as on the integrity of their persons. First, they promoted transparency internationally as well as domestically in societies, which had not enjoyed a long tradition of free press. Second, they created literacy among the minority and majority populations on issues of human rights. Third, they empowered minority elites to demand recognition of their rights. In the face of conflict, such reports had very strong implications for 'early warning' about looming conflicts, allowing diplomats to step in on numerous occasions and work on negotiated agreements. This was especially true for Macedonia. In Kosovo, such reports put the international community on alert about growing human rights violations in 1998-99, and helped decision-makers come to the conclusion that, in order to protect rights there was no policy short of NATO military intervention.

3. In countries where EU integration was at stake, the mechanism of *conditionality* – granting prospects for integration in exchange for respect for minority rights, among other conditions – made governments adopt policies which they would not have adopted otherwise. The conditionality worked mostly during the 1990s in Bulgaria, which had set a course for integration from the very beginning of the 1990s. After the signing of the Association and Stabilization Agreement between the EU and Macedonia in 2000, and especially after the adoption of the Ohrid Framework Agreement of 2002, EU conditionality became relevant leverage for Macedonia as well. Post-Milošević Yugoslavia has also declared a policy track to enter the EU enlargement process, which could make the probability of further serious human rights abuses in both Serbia proper and Kosovo diminish over the long run.

4. Preventive diplomacy in Macedonia was successful during the 1990s, including the relatively timely intervention in the 2001 conflict and the brokering of the Framework Agreement. Without the early intervention of the Working Group on Ethnic and National Communities from the International Conference on the Former Yugoslavia, the deployment of UNPROFOR and UNPREDEP forces and the work on minority issues of the OSCE and the High Commissioner on the National Minorities, as well as the work of international organizations during the refugee crisis in 1999, a violent

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conflict was imminent in Macedonia. The learning curve from bad experiences in Bosnia and Kosovo made the international community aware that commitment to the policy-making process on the ground is the most important element in guaranteeing peace and by that, the protection of minorities. In this vein, without the European and American presence in Macedonia today, and UNMIK and other international organizations' presence in Kosovo, the protection of minorities – no matter how much a subject of criticism they may be – would be even more problematic.

These are the problems that I find:

1. Logistically the international community has not taken enough measures to find a satisfying solution to refugee issues and to those of internally displaced persons in general. This is still a problem in Bosnia, as well as in Kosovo. Refugee Roma are still living in Shuto Orizari, for example.
2. The educated personnel working in international organizations, rotates frequently, with some exceptions, which creates a problem. In times of quickly changing events on the ground, the lack of continuity in experience slows down the actual efficacy of the international community when issues of minority protection are at stake. This is especially true for administrations like those of Kosovo or Bosnia, and less in Macedonia, where the institutions of the state are primarily functioning on their own and the internationals perform the role of guarantors of interethnic pacts rather than of purely governing bodies.
3. The lack of commitment by the international community on the highest diplomatic level to work for a final solution to the status of Kosovo can be considered another major problem. The longer this issue is left open, the more the vacuum will allow radical elements with no influence in the current structures of power to become players who disregard the existing institutional arrangements, not least among them the laws on human rights protection.

In conclusion, in my view, the most important lesson the international community should learn from its experience in the Balkans is that commitment to finding solutions among decision-makers on the ground is the key to the preservation of peace and the protection of minorities in the future.

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Tobias Vogel
New School for Social Research

A Regional Approach to Minority Protection in Southeastern Europe?

I'm grateful to the previous speakers on this panel for raising several points that are relevant to my presentation. We have just heard how differing agendas on the part of intervening great powers and local actors yield different settlements to violent conflicts. We have also seen how the imperatives of peacemaking tend to override concerns of post-conflict governance and the viability of institutional arrangements.

When I was asked to speak at this roundtable I could not help but note a certain tension between the title of today's event and the title of the panel to which I was invited. While the overall aim of the conference is to explore the position and integration of minority communities in democratic states, this panel is concerned with the *protection* of minorities in a specific geographic area of Europe. The overall title points to an issue of political theory – what is the form and shape of the polity? The panel title points to an issue of human rights – how can we best protect members of ethnic, religious, or other cultural minority groups?

This neat distinction is treacherous; the problem, more complex. Today, we see a gap opening up among those who aim to protect minorities. One group sees the protection of individual human rights as the paramount concern and contends that this allows individuals to make the choice whether and in what manner to belong to minority communities. In this view, it is primarily the government that is encroaching on minority rights. The other group claims that the defense of traditional notions of individual human rights is insufficient to guarantee the preservation of minority communities and that collective rights need to be maintained as well. In this view, cultural competition is as much a danger as abusive governments.

This is not the place to dwell on these differences or to explore their implications. But allow me to comment on some manifestations of this tension in recent developments in the region.

I believe that foremost among the failures of analysis regarding the post-Yugoslav wars is the tendency to describe the conflicts in Bosnia and Herzegovina (BiH), Kosovo, and Macedonia as essentially instances of one and the same process, which clearly they are not – except in the trivial sense that they all emerged from the disintegration of Yugoslavia. On the danger of oversimplifying the complexity of these events, let me briefly outline the main elements of difference.

The war in Bosnia and Herzegovina was a geopolitical event drawing on local resources. Its main dynamic was the competition of two emerging regional powers for supremacy. At some point, the Yugoslav security forces ceased being an agent of Yugoslav unity and

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became an agent of Greater Serbia, a drive for domination soon matched by Croatian aspirations in Bosnia. While local dynamics were indeed fuelling the conduct of the war in Bosnia, they did so within this strategic framework of competing state-building projects. Given Bosnia's multinational structure, these local dynamics could be presented in terms of individual ethnic communities protecting their distinctive existence against an overpowering and centralizing state. This was never particularly convincing given the limited ideological, administrative and military capacities of the Sarajevo government, but it helped create misconceptions about the nature of the war that have helped in shaping the postwar response by the international community. Today, both the Bosnian Serbs and the Bosnian Croats routinely present their struggle for local domination in terms of 'minority protection' while simultaneously insisting that they are not a minority, but a 'constituent people'.

Kosovo, by contrast, was indeed a conflict over the rights of a geographically concentrated minority chafing under a colonial occupation. The Kosovar elite had engaged in years of peaceful civil resistance, only to see their hopes for a settlement quashed when short-sighted diplomats at Dayton chose to ignore the issue and to concentrate on Bosnia instead. Since the NATO intervention and Kosovo's *de facto* separation from Serbia, the focus has shifted from minority protection within Serbia (including Kosovo) to minority protection within Kosovo; that is, of the remaining Serb communities. An important contrast to Bosnia is also the fact that the strategic calculations of any one ethnic group there are critically dependent on the actions of the other two; that is, the Bosnian case cannot be described in classic majority/minority terms due to the lack of a clear numerical majority and the presence of *three* main national groups. Given this dynamic, the domination of a minority group is only possible at the local level, while Bosnia overall is and remains a multinational country. By contrast, the chances of Kosovo again becoming a truly multinational region are extremely dim.

Macedonia, finally, differs from both Bosnia and Kosovo. Unlike Kosovo, it is and will be a multinational state, though it is far from clear whether as a civic state embracing a number of equal communities or as a binational state characterized by ethnic self-rule of two groups at the local level. There is a widespread feeling that while the Albanian community in particular had legitimate grievances against the Skopje government, the brief war of 2001 was unnecessary and in fact an expression of quite different motivations. In no way can the situation of the Albanian minority in Macedonia, even before the Ohrid Agreement, be compared to the fate of Kosovar Albanians under Milošević.

Grappling with these different complexes of problems requires a great deal of institutional innovation and a healthy disregard for both coherence and the fear of setting a precedent. What is right for Bosnia may be wrong for Macedonia. That is not to say that a regional settlement might not be superior to the hodge-podge of competing international supervisory regimes that we have today. In this vein, a recent report by the Council on Foreign Relations Balkans 2010 task force repeated calls for the establishment of a

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coherent international presence across the Balkans. But the truth is that such a regional settlement is simply not forthcoming, and we should instead focus our attention on the pressing challenges of peace implementation. (The same applies to the frequent calls for a 'Dayton II'; that is, a comprehensive revision of the Dayton Peace Accords for BiH.)
I will therefore briefly outline some elements that might serve as guiding principles when thinking about institutional solutions to the problem of minority protection in Southeastern Europe.

First, the claims of nationalists should not be taken as a principle of political organization. In practical terms, this is what happened at Dayton, a state of affairs that has been gradually reversed through the interventionism of the international high representative in Bosnia. Dayton meant the triumph of local, that is, *ethnic* self-rule over the principle of a central state acting as an honest broker between the competing interests of ethnic and other groups. But today, this is being reversed. The decision on the constituent peoples case has outlawed ethnic quotas and similar institutional arrangements. This is now being implemented in practice through the law on the Council of Ministers, which was imposed by the High Representative last week. The *Orao* affair is likely to result in the creation of a single, state-level ministry of defence. The insolvency of many local governments is likely to be taken as a pretext to put such units – notably the cantons – under some form of central control as well. This is not democratic in any straightforward sense, and it is certainly not in the spirit of Dayton, but it nonetheless constitutes a step in the right direction.

Second, minority rights and institutional arrangements for their protection have mostly emerged in response to international pressure. In particular, admission to European institutions such as the Council of Europe and, in the longer term, the European Union has provided a strong incentive for these states to accommodate the rights of minorities. The so-called international community needs to be mindful of the responsibility this creates. On the one hand, accusations of double standards are made all too easily, for example, pointing to the fact that European Union applicant countries are held to higher standards of minority protection than member states. At the same time, a hands-off approach is not an option either.

Finally, and related to the first point, cultural communities do not have a special right to protection as such. The preservation of cultural diversity through the preservation of individual cultures should not be regarded as an *inherently* desirable goal. Individuals should be given the option to belong to a particular group and to have access to the legal, political, and cultural resources that enable them to do so, but the state should be wary of any group claims beyond that. At the same time, however, liberals must give up their contempt for the notion of group membership and acknowledge that it is a critical element of individual identity, and as such significant for any thought about the shape of the polity.

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In these as in many other respects, Southeastern Europe is at a crossroads. It will take the resolve and sustained engagement of outside powers as well as the cooperation of the governments and communities of this region to improve on the current sorry state of the entire Balkans. Unfortunately, I cannot be particularly upbeat on either of these preconditions.

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Harald Schenker

OSCE Spillover Monitor Mission to Skopje

Minority Rights in SEE: Collective Rights versus Citizens' Rights?

Minority rights or the fight for them were one of the main sources of conflict in this region during the last decade. In literally each of the SEE countries, minority groups invoked collective rights for themselves, which were not covered, or insufficiently covered by national legislation. In some cases, the issue led to armed conflicts, the latest being the conflict in this country in 2001. I won't enter a discussion about the sources of the Macedonian conflict; I prefer to remind everyone of one of the best analysts of the region, the Hungarian Istvan Bibo, who wrote in 1946 about a type of politician whom he called a 'fake realist', whose public discourse had very little to do with the actual political agenda.

The OSCE as an organization with a field presence in most of the SEE countries and with activities in the others has identified minority rights and the conflict potential connected to them as a crucial issue. In response, the institution of the HCNM was created, to whose activities the coming into being of this very university has to be counted.

The HCNM has issued a series of recommendations, namely: Education Rights of National Minorities (The Hague 1996), the Linguistic Rights of National Minorities (Oslo 1998), and the Effective Participation of National Minorities in Public Life (Lund 1999) (all of which are now available in both Macedonian and Albanian). Apart from these recommendations, a comprehensive and at the time rather controversial report on the situation of the Roma was published in 2000. The latest report from 2001 contains the Guidelines to Assist National Minorities in the Electoral Process.

I picked some of what I consider to be reference documents issued by the OSCE concerning minority rights. Of course the Framework Convention for the Protection of National Minorities issued by the Council of Europe in 1995 is one of *the* basic documents. However, all these documents and policy recommendations have not solved one of the basic dilemmas facing both thinkers and actors in the field of minority rights, namely, what is very often perceived as a contradiction: the collective rights of a group versus the citizen rights of the individual.

Individuals are often disregarded within their own ethnic group, when the public discourse is about minority rights. One of the possible explanations, and Macedonia is a good example of this, is the fact that political parties have monopolized the discourse, and politicians are capitalizing on pretending to represent their respective ethnic group, rather than a political agenda. Intellectual discourse in public regarding this facet of

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politics is still incipient. Even if it sounds like utopia at the moment, the future of the political system in Macedonia and elsewhere lies in differentiation not along ethnic lines, but along political ideas and approaches. A perpetuation of ethnic egocentrism as a political dogma would mean a perpetuation of conflict potential. Individuals, regardless of their ethnicity, should be given the opportunity to make a political choice rather than be forced into identifying themselves with the so-called 'defenders' of their ethnic group.

Political parties with ethnic affiliation often have difficulties accepting a plurality of opinions within the ethnic group; tendencies toward domination of the discourse are omnipresent. Dissidents or people with differing opinions are often disciplined. Elections are often subject to violent intraethnic clashes, hindering the individual, free expression of the voter's will. The recent parliamentary elections were not free of will among ethnic Albanian parties to exercise violence against each other. However, the outbreak of violence, for which the readiness was evident, was prevented by massive international presence and by direct negotiations.

There is a tendency of minority groups to show intolerance towards members of other ethnicities. Hardly ever are relations between two or more minorities good. Politically and culturally the tendency of ethnic groups to fence themselves in is still prevailing over the readiness for collaboration. The number of missed political opportunities is endless. Take as an example the nonexisting relations between parties of ethnic Albanians and ethnic Turks in this country, leading to violent clashes and electoral fraud in competition against each other, as experienced in the local elections in 2000. Several attempts to form a minority block, which would defend collective rights in parliamentary work, have failed, due to the need of some groups to regard themselves as more important than others.

The tolerance shown to the majority population in places where they are in a numeric minority is a critical point as well, which has lead to numerous conflict situations. Many incidents in the town of Tetovo and the region around it are examples of a mislead perception of collective rights. Or should we say that the issue of collective rights has been used as a pretext? Not only here, but also in other parts of the region, members of a group, which had perceived itself as a victim of nationalist policy, conducted, once they had the opportunity, targeted and planned violent actions against members of the majority population. The least dangerous result of such actions, their criminal component disregarded, is a deepening of the gap between ethnic groups. Now this may be in-line with the political agenda of some groups, but it cannot be the political future.

One of the tasks of the OSCE in this country following the Ohrid Framework Agreement is the training of nonmajority police recruits, with the aim of speeding up the process of turning the Macedonian-dominated police force into a multiethnic one. This is a major integration effort, to which the national authorities have committed themselves. The

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misperception among many people however was that two or more separate police entities would be formed, and each ethnic group would be served by its own police. This would be a mistake with fatal consequences. The policy of integrating ethnic minorities into state structures means that people will have to work together, regardless of their ethnic affiliation. Difficulties in what we call the 'former crisis areas' show that it will be a long process until confidence in the authority of the state is installed. I am hesitant to use the term 'restored', because it is no secret that we are talking about an area which had little to expect from the state in the past and even less will to submit itself to the state's authority. As we are moving from a direct postconflict situation to a step-by-step normalization in Croatia, Bosnia, Kosovo, Southern Serbia and Macedonia, law enforcement, or in OSCE jargon, 'the rule of law', has to be strengthened. A crime should be regarded as such, who ever the perpetrator. And arresting and trying a member of a minority is not automatically an act of harassment, as long as it is done according to the law. Legislation has to be applicable to every citizen.

In consequence, the realization of minority rights, which in the Macedonian context means a full implementation of the Ohrid Framework Agreement (in other countries changes and amendments to existing legislation) can only be successful in a parallel process of installing state sovereignty over all its territory. The monopoly of power has to be returned to the state and political differences be carried out within the political and social framework of the respective countries, meaning in the parliaments and within civil society. Violence as means of achieving political goals cannot be acceptable. As long as such groups are given the opportunity to act by the tacit or open support of persons from their ethnic group, the circle of violence and counterviolence will be hard to break. Conflicts elsewhere in Europe like those in Northern Ireland or Spain have a record of bloodshed over decades. Palpable results however have always been achieved only through political processes.

The very place in which we are having this conference is proof of possible achievements. The idea behind this university is a twofold one, as most of you know: An advance in the field of educational rights on one hand, by improving the access of ethnic Albanians to the system of higher education; it is a major integration exercise on the other. The acceptance of the university as reality by both state and population is indicative of the path to be followed. The openness of the SEE University to students regardless of ethnic background is a chance to overcome ethnic egoism and self-isolation and to make headway towards an integrative approach. Minority rights do not exist *per se* in isolation; they can only make sense in a broader context of, in the end, European integration.

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Minorities in Democracies

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Ahmet Akyürek
Anatolian Development Foundation

Minorities in Democracies

In 1992, I attended a UN meeting in New York. The secretary General Mr. Boutros Gali pointed out in the meeting that after the Cold War, conflicts all over the world had increased tremendously. The UN estimated that 1,500 new conflicts were awaiting the world. About five years later I attended another meeting at the Geneva UNHCR office, where Ms. Sadako Ogata, the UNHCR Representative, pointed out that a new 3,000 conflicts were waiting to be solved all over the world. As can be seen, the number of conflicts doubled in five years. Since then, another five years have passed, and maybe now thousands more conflicts are waiting to be solved. Let us assume that about 10 per cent of these conflicts are *among* nation-states, and the remaining 90 per cent of them are *within* nation-states.

How do these conflicts arise? Because of time limitations, I do not want to go into these conflicts but merely to mention the causes of conflicts, which can be historical, cultural, ethnic, religious, economic, political, regional, ideological or environmental. In addition, militarization, news and media, potential dangers, humanitarian values such as human rights, equality, freedom, justice, democracy, human nature, and the like can all contribute to conflict as well.

Because of these conflicts, more than 20 million people have been displaced and have become homeless. Among these conflicts, minority problems take the most important place. When we say 'minorities', this term can cover many things. The word 'minority' means not only divisions based on ethnicity and religion, but also for example if an urban person moves to a village, he or she is a minority there, or a village person who comes to the city is also a minority. The reason I say this is because if you have the intention, you can easily create minority problems. There are always some jokes or insulting stories told about minorities.

My family was a minority in Turkey; we also had some problems with the native people around us. As time passed, there was no official or formal discrimination and the majority of the local people welcomed us. Now in my hometown people do not know who was a minority and who was not. I would say that in our case, this integration process took about 50 years. I do not have scientific data in my hand but given the current native environment and the willingness on both sides in the present day, I would guess that today this integration might take as short as ten or as long as 100 years. If there is external involvement in minority problems, then these may never be solved.

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Here, I would like to draw attention to a few points, which I see in the world today. Since minority problems will exist for as long as humanity exists, I would like to look into what could be done in order to minimize the problems and bottlenecks all around the world.

1. Respect

Today everywhere, people and organizations are talking about tolerance and dialogue. It is clear that without dialogue and tolerance you cannot solve problems peacefully in a democratic environment. But when tolerance and dialogue is imposed by outsider attempts in a one-sided approach (for example, as has traditionally been the case of a western-centric approach), I am afraid that efforts are never as productive as the intended outcome. On the contrary, results are sometimes even counterproductive. Therefore I would like to replace the words 'dialogue and tolerance' with the word 'respect', which is simpler, more understandable, applicable, and acceptable. I think we should first learn to respect others before we try to tolerate them or go into dialogue with them. If we learn and apply this in our daily life, dialogue and tolerance are the next steps. We should even learn to respect our enemies.

2. Equality

Equality can be analyzed from two different angles: the majority point of view and the minority point of view. If the majority wants to peacefully live with minorities, they have to respect their own rights as much as they respect the rights of minorities. Not more, not less. If more rights or privileges are given to minorities, this will create jealousy and reaction against those same minorities. Therefore this balance must be kept in mind.

Minorities always have sad stories; some of them may be true some of them may not. From my experience, a majority of these stories may not be true. Therefore they usually want more than the majority in compensation to overcome their own sense of social inferiority. I think they have to learn to have as much as the majority of people, but not more. Some are continuously asking for more and more and they think that this is a good conflict resolution strategy, as they think they will get more when they ask for it. But even if they get what they want, this creates a lot of dissatisfaction and disputes later on with the majority, who do not have such privileges. There is no end to this, as the rule in economies is: 'needs are endless'.

3. Outside Effect

Today with heavily capitalized and globalized systems, people, companies and even governments are biased towards world problems. This is especially the case if they can manipulate and use these problems for their interests. These interests might be political, strategic, economic, religious, or the like.

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Normally, as in most cases, the two disagreeing sides can find solutions if they first respect each other and have the good will to solve their problems. But when a third actor comes into the picture, especially with a lot of money, power, or other promises, as we witness currently, then problems, disagreements and conflicts get bigger and bigger. Unfortunately, today, rich countries always stick their noses in the affairs of poor countries for their own interest and benefits. As long as outside interference is present, there is very little or no chance of permanently solving minority problems or other problems.

Here, I would like to mention that NGOs are not only used for good causes but also for bad ones by many countries, in order to serve their own purposes and even to create problems in other countries. Therefore, we all have to be careful to not be used as tools of aggression, exploitation and dispute.

Thank you for your attention.

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Kinga Gál
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Minorities in Democracies

I.   Introduction

Democracy is always a key issue when talking about rights, civil society and the rule of law. In the dawn of this century, at least in the democratic states in Europe, political, social and cultural rights are, for the most part, respected. In all these democracies, citizens have the right and the possibility to influence the decision-making process – a core principle within a democratic state.

These issues become more complex in countries where another element is present: The existence of one or more ethnic groups different from the majority of the population; that is, ethnic, national, religious or linguistic minorities. A democratic system in and of itself does not automatically provide a solution for minority problems. 'Democracy' means the acceptance of the majority's decisions by the minorities. However, the 'winner takes all' model cannot be the proper alternative in societies with several national minorities. The voluntary acceptance of majority decisions by national minorities implies a strong sense of a common destiny, and this might be missing where the state structure is rather ethnicized. Next to the basic requirements within democracies – respect for laws, respect for the judicial system, implementation of adopted standards – another element is necessary to overcome the democratic deficiencies in these mixed societies: Respect for each other within the society and between the different ethnic groups.

Respect requires *knowledge* – correct information about each other – and education for both minority and majority communities; otherwise, confrontation is likely to occur along ethnic lines. Developments over the past few years have shown time and again that there is an urgent need to find solutions acceptable to opposing sides. Lasting solutions are related to steps taken by governments to avoid zero-sum games and be better set for consensus. Next to education on the society level, an unavoidable basic element of peace in any society, the effective representation of minorities on all levels of decision-making, the existence of strong self-governments or minority self-governments, or even power-sharing within the state institutional structure can all contribute to modifying the deficiencies of a democratic state with several minorities.

II.   Effective Participation – Effective Cooperative Participation

The first basic step on an international level is the adoption of international standards in order to establish the framework on which a national framework can be built, aiming at establishing equality in law and in practice. Governments often refer to these existing international standards of minority protection, though their commitments to these standards might be quite selective depending very much on their own interests. Thus, even if the states concerned become parties to all relevant international documents, the

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situation of ethnic coexistence may not change suddenly. International law is supposed to give minimum standards and general solutions. The effective protection of minorities must be more complex and exhaustive, based also on domestic legislation and state practice, from guaranteeing equality in law to realizing equality in practice.

The means and tools used by the parties involved in mutual ethnic accommodation, as well as the range of models that can be considered to this end, depend on the extent of democracy in a society at a given point in time. The entire reconciliation process depends on the political culture of the majority and minority communities, as well as, no less importantly, the political culture of politicians and policy makers. When addressing these issues, the choice of terminology is crucial, not just in analytical terms but also in the context of public debate about possible minority regimes. Moreover, looking at the translation of certain basic terms – it is astonishing how difficult it is to find the proper terms in order to avoid misinterpretation of otherwise 'innocent' words, leading us back, of course, to examining the level of trust within the society – is again directly related to education.

The Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999) developed by the Foundation on Inter-Ethnic Relations – based on the expertise of the best scholars in the field and commissioned at the request of the High Commissioner on National Minorities – tried to combine and structure basic international standards and practical knowledge in several countries in Europe. These recommendations might be helpful to find the methods to reach an adequate level of cooperative effective participation.

III.   Implementation

The adoption of international standards or national legislation is just a slight element of the process; to the same extent, it is important to implement the standards, and even more important to use them in good faith. A key element at this stage of the process is the acceptance of norms and the voluntary respect for them. A basic requirement for ethnic accommodation is that the majority population accepts and understands the advantages and possibilities that minorities are afforded and that they find it as *normal*, and not as privileges of a small group. Therefore, the role of the media is immense in creating or dissolving ethnic conflicts. During the implementation of models care must be taken with generalizations, as seemingly identical events may have quite different causes and may lead to different results. The protection of minorities and the management of ethnic tensions require a degree of awareness of history, political geography and cultural issues under which people construct their identities.

International institutions made huge steps forward in realizing the problems and in trying to provide answers to questions that had been considered taboo some years before. Nevertheless, even these steps can be considered a slow reaction to events and to fast-developing realities in the field of ethnic accommodation. We have a legal framework

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under which the adequate protection of minorities could become a reality. In order to experience this reality it is important that all members of society understand that participation, education and culture do not take away anything from others, but enrich the whole community and enlarge the list of possibilities, serving in the end the interest of both the minority and majority, indeed of the whole state and of the whole democratic world. The conference in this particular building serves as a basis for further optimism.

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Tom Trier
European Centre for Minority Issues

Minorities in Georgia: An Overview.

There are two major currents that have become distinct features, not only in Georgia, but in the entire Caucasus region, during the past decade: depopulation and monoethnicity. Georgians are emigrating, Georgia's minority population in particular to a greater extent. While the deterioration of the socioeconomic conditions since the breakup of the Soviet Union has affected the population in general, minorities and majority alike, minorities are more prone to emigrate.

With the demise of Russian as the *lingua franca* – a legacy from the Soviet Union – and the introduction of new state languages, minorities are becoming increasingly disadvantaged in their access to education and professional opportunities. These factors prompt especially minority populations to leave, exacerbating the process of monoethnification.

Demographic Trends

The past decade has been tumultuous for Georgia and the country's national minorities. According to official estimates, Georgia's total population in 1997 consisted of just over 4.2 million people, of which some 17 per cent belonged to national minorities.

Not only has the total population diminished considerably from 1989-97, the minority population has diminished to a larger extent than the ethnic Georgian majority population. Just to mention a few examples, more than half of the Armenians and Russians have left Georgia, two thirds of the Greeks and Jews have as well.

Due to the minority depopulation trend and the resulting monoethnification, the proportion of minority population has decreased from 30 per cent in 1989 to 17 percent in 1997. Although ethnic Georgians constitute a significant majority, several of Georgia's national minorities are compactly settled in territorially compact enclaves. This is the case for the Abkhazians, the South Ossetians, the Adjaras, the Armenians, the Azeris, and also the Chechen Kists.

Three regions in Georgia had autonomous status during the Soviet era: Abkhazia, South Ossetia and Adjara. However, with the disintegration of the Soviet Union, conflicts between the new nationalistic Georgian leadership and the national elites in Abkhazia and South Ossetia emerged, resulting in wars over South Ossetia in 1990-92, and over Abkhazia in 1992-93. Both conflicts essentially unfolded over cultural and language rights and over the degrees of autonomy in the regions.

Both wars were won by the separatist forces, and for a decade Abkhazia and South Ossetia have remained *de facto* independent, although not recognized by any states.

Ethnic Georgian Muslims populate the costal region of Adjara. Under the rulership of Aslan Abashidze, who rules the region as his own fiefdom, the authority of Tbilisi is

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strongly weakened, although the relations between the region and the center have remained relatively calm.
There are other regions of Georgia, which are compactly settled by national minorities.

The northeastern Pankisi Gorge, populated by Chechen Kists, is also a tension zone. Since the second Russo-Chechen war broke out in 1999, some 4,000-5,000 refugees from Chechnya have found shelter there and the gorge has for a long time functioned as a retreat for Chechen separatist fighters, beyond the control of the central government in Tbilisi. After strong pressure from Russia and with the new American programme for capacity building and training of the Georgian army, Tbilisi is now addressing the lack of control over the Pankisi George. The Samtskhe-Javakheti region in the south of the country is populated by 95 percent ethnic Armenians. This region has all the makings of a future ethnopolitical conflict. The Armenians largely do not speak Georgian, but rather Armenian and Russian. Language education in Georgian is nonexistent or inadequate. Georgian TV is not broadcasted in the region, and political discussions and decisions affecting the region are rarely shared with the population. Moreover, a Russian military base, giving jobs and income to a large part of the population, is located in the region. Russia and Georgia's discussions on closing down the base are in line with the conjunctures in the relationship between the two countries, but it seems clear that the closure of the base may release serious ethnic tension if socioeconomic alternatives are not provided prior to its closing.

Further east, in the Kvemo Kartli region, ethnic Azeris are compactly settled. With a low level of linguistic and cultural integration into Georgia, this region – as is the situation with Samtskhe-Javakheti – may also develop into a conflict zone. A wild card for the ethnic stability of the Samtskhe-Javakheti region is the prospect of the return of Meskhetians who were deported from the region to Central Asia in 1944. When Georgia was admitted into the Council of Europe in 1999, membership was conditional upon Georgia's commitment to allow deported Meskhetians or their descendants to repatriate the country within 12 years. Although Georgia has not yet made any provisions for the return, it is a widespread opinion in Samtskhe-Javakheti, among Georgians and Armenians alike, that the Meskhetians should not be allowed to return. There is a serious risk that repatriation of Meskhetians, without a radical change of attitude in the recipient region, will contribute to the destabilization of Samtskhe-Javakheti and seriously increase interethnic tension.

Regional Geopolitical Interests

Since the break up of the Soviet Union, the foreign policy relations between Georgia and Russia have had a major impact on the situation of national minorities.

As mentioned before, Russian support to the separatist movements in South Ossetia and Abkhazia led to the *de facto* independence of the two regions; the negotiations on the

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settlement of the conflicts between Tbilisi and the separatist leaderships follow the changing currents in Russo-Georgian relations.

With Georgia's pro-Western stand and the increasing American interests in Georgia throughout the 1990s, the unresolved ethnopolitical conflicts and minority-majority relations in Georgia have become increasingly complex.

Hence, the solution of Georgia's minority problems cannot be addressed solely as a domestic issue, nor as a question of relations between the Georgian government and the separatist leaderships, nor solely as an issue between the central authorities and the regional minorities. Future relations between minorities and the majority depend to a large extent on external geopolitical factors; that is, Georgia's foreign policy relations with Russia and the United States.

However, that is not to say that international actors dealing with ethnic conflict resolution can do nothing to improve the situation. Perhaps at this moment it is particularly important to focus on stabilization in minority-majority relations in order to prevent the breakout of new conflicts. In this context special attention should be given to the potential conflict areas. Here, international actors can play an important role by facilitating integration (socioeconomic and linguistic) and by improving the dialogue between regional and central levels (governments and NGO actors), hence enhancing the majority's understanding of minority needs and concerns.

Let me conclude by mentioning that a number of international actors, including ECMI, are planning implementation of conflict prevention projects, especially in Samtskhe-Javakheti, along these lines.

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Elena Andreevska
SEE University

Minorities in Democracies

There is a measure of truth in Thornberry's remark that "all human rights exist for the protection of minorities".[1] 'Minorities' in this sense include many groups beyond ethnic, religious, and linguistic groups; human rights in general exist for the weak, the vulnerable, the dispossessed, the inarticulate. The strong have little need of human rights, at least in a democracy committed to majority rule. Though, strictly speaking, in the letter of the international instruments encoding human rights, the strong are also beneficiaries: The premise of these instruments is a universal premise. Thornberry's statement need not, however, be interpreted in a formalistic sense; it means only that minorities are the natural 'consumers' of human rights, in fact if not in form. It follows that much of the protection accorded to ethnic, religious, and linguistic groups is indirect in character. The 'indirect protection' of groups means that in many relevant texts there is no mention of minorities. Indirect protection means also that international law hesitates to name *groups* as holders of rights, preferring to attribute rights to *members* of groups. The emphasis on the individual is central to the conception of human rights.

Taking a more specific meaning from Thornberry's remark, by confining it to ethnic, religious, and linguistic groups, it remains true that violations of the rights of man are as frequently associated with membership of such groups as with any other cause such as political affiliation. The protection of minorities is now only a part of a larger system. It is a vital part of any system to protect human rights. The protection of minorities also tests the veracity of a universal system. Despite the antiminorities rhetoric of some states, and the denial of their existence, there has always been a *sotto voce* perception at the UN that minorities could not simply be wished away and that states in their own interest and in the interest of international peace, needed to grapple realistically with problems concerning minorities on their territories. The broad international consensus required to produce a more positive reevaluation of minorities to be codified in a treaty is not yet in existence.

There is plausible argument, evidenced by official documents and 'unofficial' ones, that, in terms of the policies of states, the emphasis on assimilation of minorities is not now as important as integration, and there is some movement towards recognition of cultural pluralism as a desirable goal. This is to be combined with 'strict respect' for the sovereignty and territorial integrity of states. Cultural pluralism implies a measure of differential treatment of minority groups to meet their particular circumstances and to ensure genuine equality under the law with respect for different traditions. It needs to be said that there is only a trend or direction to favour such a policy. In terms of general

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[1] Patrick Thornberry, *International Law and the Rights of Minorities* (Oxford, New York, 1991).

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international law, however, the effort to implement human rights 'in the conscience of the citizen', or as a precursor, in the 'practices of governments' is much more recent and is yet to bear fruit.

However, in terms of desirable state policies for minorities it is clear that, thus far, international law does not exhibit a consistent position. Some leading international instruments may be interpreted to favour a policy of, effectively, assimilation, even where the term 'integration' is used; others, such as the Covenant on Civil and Political Rights, are antiassimilationist at least, but would effectively favour integration rather than cultural pluralism, unless they are interpreted along the lines set out above.

The right to indentity needs also to be brought into balance with the right of the state to political independence and territorial integrity. This qualification also illuminates the need for better international efforts to secure the right, as well as the general human rights of members of minorities: The alternative to international protection may well be interference by a kin-state of the minorities in the affairs of a host-state, or attempts at secession by minority groups. There is little room for such alternatives in an international community in which peace as well as justice are primary requirements.

It is debatable as to whether or not all progress on the protection of minorities can be achieved at the universal level. In view of its historical associations with the 'minorities question', Europe is perhaps the only possible 'continental' starting point for a regional instrument on minorities. It is lamentable that, to the extent that the European Convention on Human Rights is the most successful 'working model' of a human rights institution, its prescriptions do not contain a 'minorities' article.

In the real world, states are the main creators and bearers of rights and duties in international law. Enthusiasts for 'human rights' may occasionally overlook such a basic fact of existence. The ability of international law to contribute to a more humane, stable, and just order is limited by the nature of the system. Minority rights have provoked a peculiar resistance on the part of states, which continues to be deep seated. 'Progressive transnational promotion' of human rights needs to work within the state system. A modified international law of minorities must reflect a true consensus of state opinion. The development of suitable instruments on minorities may be expected to generate such a consensus only in the long term.

Finally, international law may not be the most powerful force in international relations, but it is stitched into the fabric of international society and its concepts function as a standard, a symbol, and a hope for peace among nations and justice for human beings. Genuine democracy in Europe is based on the participation of all individuals in the decision-making process of society. A common feature of every European society is heterogeneity and the existence within it of different groups of individuals united by common values and a shared identity. Democracy in Europe implies not only the

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prevalence of the interests, aspirations and rights of the individuals sharing the values and identity of the majority, but also the safeguarding of the interests, rights and identity of minorities. This is the only means by which European societies can safeguard their heterogeneity. As the heads of states and governments of the member states of the Council of Europe stated at the Vienna Summit: "In this Europe which we wish to build, we must respond to this challenge: Assuring the protection of the rights of persons belonging to national minorities within the rule of law, respecting the territorial integrity and the national sovereignty of States. On these conditions, these minorities will make a valuable contribution to the life of our societies."

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Conference Participants

..: MINORITIES IN DEMOCRACY :..

Ahmet Akyürek

Prof Akyürek received his MSc and PhD degrees at Pennsylvania State University in 1971 in Agronomy and Plant Breeding. He undertook teaching and research at various universities across the United States and Turkey. Prior to his retirement, he was professor at Van Yuzuncu Yıl University in Biometry and Genetics. Prof Akyürek founded the Anatolian Development Foundation in Van, Turkey in 1981, and since that date, has served as its president. Anatolian Development Foundation works in partnership with European NGOs, UNHCR, EU, IOM, and the World Bank, among others, and has international branch offices in eight locations, namely in Macedonia, Kosovo, Federal Republic of Serbia and Montenegro, Bosnia-Herzegovina, Pakistan, and Afghanistan. ADF is mainly working on issues of rural development, assistance to refugees and the internally displaced, human rights and education.

Florian Bieber

Florian Bieber, based in Belgrade, is a senior nonresident research associate of the European Centre for Minority Issues and is an International Policy Fellow with the Open Society Institute in Budapest. He teaches at the regional Masters Programme for Democracy and Human Rights at the University of Sarajevo and at Central European University in Budapest, Hungary. Dr Bieber received his PhD in Political Science from the University of Vienna in contemporary nationalism in Serbia. He holds an MA in Southeast European Studies from Central European University and an MA in History and Political Science from the University of Vienna.

Dr Bieber has published articles on nationalism and politics in Southeastern Europe in *Nationalities Papers*, *Third World Quarterly*, *Current History* and other journals, and has authored *Bosnien-Herzegowina und Libanon im Vergleich: Die historische Entwicklung und das politische System vor Ausbruch des Bürgerkrieges* [Bosnia-Herzegovina and Lebanon in Comparison: Historical Development and the Political System Prior to the Civil War] (Sinzheim: Pro Universitate Verlag, 1999). He has edited together with Dzemal Sokolovic *Reconstructing Multiethnic Societies: The Case of Bosnia-Herzegovina* (Aldershot: Ashgate, 2001) and with Zhidas Daskalovski (eds.) *Understanding the War in Kosovo* (London: Frank Cass, 2003), forthcoming. Dr Bieber is coeditor of the journal *Southeast European Politics* and founder and editor of Balkan Academic News.

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Alexis Brouhns

Law Graduate of l'Université catholique de Louvain 1978 and International and European law graduate of Vrije Universiteit van Brussel in 1979. Since then, Mr Brouhns has served in the Belgian Foreign Service as Cultural Attaché at the Belgian Embassy in Rome, Italy (1980); as First Secretary-Chargé d'Affaires, Lagos, Nigeria (1983); First Secretary for Political Affairs, in Warsaw, Poland (1986); Deputy Head of Press Service, Ministry of Foreign Affairs, Brussels (1988); Counsellor for Political Affairs, Belgian Delegation to the United Nations Security Council, New York (1990); Deputy Permanent Representative, Permanent Mission of Belgium to the United Nations, New York (1993); Deputy Director, Private Office of the Secretary General of NATO, Brussels (1994); Chief of Cabinet, Cabinet of Deputy Prime Minister and Minister for Foreign Trade Philippe Maystadt, Brussels (1995); Ambassador of Belgium to Turkey, Ankara (1997); Ambassador, Representative of Belgium to the Political and Security Committee of the EU, Permanent Representative of Belgium to the WEU; Special Envoy of the EU to the Republic of Macedonia (2002).

Panayote Dimitras

Since 1992, Panayote Dimitras (Greece) has been a founding member of and spokesperson for Greek Helsinki Monitor. He was also a founding member of Minority Rights Group, Greece. Since 1998, he has served as Director of the Center for Documentation and Information on Minorities in Europe-Southeast Europe (CEDIME-SE). He received his BA in Economics from the Athens School of Economics and Business in 1975, an MPA in 1977 and a PhD in 1979 in Political Economy and Government from Harvard University. He was also founder of Eurodim, an opinion polling organization in Greece, also serving as Director from 1979-1990.

Since 1990 he has cofounded and directed the Communication and Political Research Society (ETEPE), a nonprofit research organization. He has been both a lecturer and an assistant professor at various American, Greek, French and Dutch universities or university programs. Presently he is a visiting lecturer teaching a course entitled "The State and Minorities in the Balkans" in the Department of Nationalism at Central European University. In addition to various publications on political science issues in the past, over the last years Prof Dimitras has written several articles and studies on questions of human and minority rights particularly concerning the Balkan Region.

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Dennis Farrington

Dennis Farrington was born in England in 1947 and was awarded a doctorate in chemistry in 1972, subsequently receiving LLB and LLM degrees and an Advanced Diploma in Education. During thirty years in civil service and university administration he has published widely on education legal issues including "The Law of Higher Education". A member of the European Association for Education Law and Policy in Belgium as well as the Education Law Association in the United States, he contributes regularly to the *Education Law Journal* (UK), and is on the editorial board of the *Journal of Law and Education* (AUS/NZ). In 1995, he founded UCELNET (Universities and Colleges Education Law Network) (UK). He is a consultant on higher education legislation to the Council of Europe and other agencies, with experience in 13 formerly Communist countries and is a recognized national expert in the UK. Having recently completed drafting laws on higher and general education for Kosovo for a joint UNMIK/World Bank/Council of Europe project, current projects include education laws for Bosnia-Herzegovina, Chechnya and Bhutan. He has also worked with OECD, UNESCO and the British Council. He joined SEE University as Secretary-General in 2002, having served on the International Board since 2000 and is also Director of the SEE University Foundation Switzerland.

Eben Friedman

Graduating with a BA in philosophy from the State University of New York at Geneseo (USA) in 1994, Eben Friedman earned an MA in political science from the Johns Hopkins University before enrolling in the PhD programme in political science at the University of California, San Diego. At UC San Diego, Friedman worked under the supervision of Ellen Comisso, defending his dissertation, "Explaining the Political Integration of Minorities: Roms as a Hard Case", in September of 2002. Friedman's research has focused on policy toward Roms and, more broadly, on interethnic relations in post-Communist Slovakia and Macedonia, where he spent the 1999-2000 and 2000-01 academic years conducting fieldwork.

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Kinga Gál

Kinga Gál serves as chief advisor to the president of the Hungarian Academy of Sciences in Budapest and is a senior nonresident research associate of the European Centre for Minority Issues (ECMI). She is a specialist in international human rights law and minority legislation in Central and Eastern Europe, as well as within the context of the UN, OSCE and Council of Europe.

Andreas Klein

Andreas Klein has been the country representative of the German Konrad Adenauer Foundation in the Republic of Macedonia since May 2000. He has studied in Bonn, Jyväskylä/Finland and Brussels. He holds an MA in Political Science from the University of Bonn.

Maria Koinova

Maria Koinova is a research fellow with the WPF Program on Intrastate Conflict at Harvard's Belfer Center for Science and International Affairs and a PhD candidate at the European University Institute in Florence, Italy. Her dissertation focuses on explaining the differing levels of ethnic violence in Bulgaria, Macedonia and Yugoslavia in the past decade. Koinova holds an MA in Southeast European Studies from the Central European University in Budapest.

She has practical experience with the Soros Foundation in Sofia and with the Open Media Research Institute in Prague. She also worked as an elections monitor for the OSCE for the 2000 Kosovo municipal elections, and with an international research project on minorities in the Balkans, directed by the Greek Helsinki Monitor. Koinova has published in the *Transitions Magazine*, the *South-East Europe Review*, *Southeast European Politics Online*, and the *Alternative Information Network*, and has contributed articles to two edited volumes.

In 2002 Koinova worked on a postconflict reconciliation project at Harvard's Kennedy School of Government and was a teaching assistant in a course entitled "Nationalism in International Relations". Her current academic interests focus on issues of international actors' intervention in intrastate conflicts.

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Azbija Memedova

Azbija Memedova received her degree from the Faculty of Philosophy, Department of Sociology, at the University of Sts. Cyril and Methodius in Skopje. Since 1998 she has been coordinator of the Roma Centre of Skopje, a local NGO continuing the integration of the Roma people in Macedonia through enlarging the individual and organizational capacities of the Roma nongovernmental initiatives. She has also been working as a consultant to the Network Women's Program, the Roma Women's Initiatives at the OSI in New York and the King Baudouin Foundation in Brussels. For the past three years, Memedova is working on local as well as international workshops and conferences as a trainer and facilitator for NGOs. She is also a member of the Youth Program at OSI in New York and since January 2003, has been with the European Roma Rights Centre in Budapest.

Suzana Musli

The mother of two children, Musli works in the ambulatory hospital in Shuto Orizari, in the immunization department, and has been an active member of the Red Cross since 1986. Currently, Musli is studying at the University of Sts. Cyril and Methodius, in the Department of Sociology. Musli has been coordinator of the organization of Turkish women in Macedonia, Derya, since 1990, with experience in both education and training for the NGO sector within the former Yugoslavia, as well as Western European states. Derya is part of a network of NGOs, functioning as a women's lobbying group within the official state system. In addition, Derya is a member of the ECMI NGO Network for the Improvement of Interethnic Relations in the Republic of Macedonia, focusing on interethnic communication in trust-building as a key component of its programme.

Mirjana Najèevska

Najcevska is the Director of the Center for Human Rights and Conflict Resolution, a part of the Institute for Sociological, Political and Juridical Research at the University of Skopje. She is also President of the Board of the Helsinki Committee of the Republic of Macedonia. Expert on human rights and lecturer on postgraduate studies on the subject of the state of law and human rights. Her professional activities include research, training on human rights and human rights advocacy.

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Harald Schenker

Since 1999, Harald Schenker has been the Political Officer at the OSCE Mission to Skopje, in charge of minority issues. His regional experience includes work in Macedonia, Albania, and Bosnia-Herzegovina. Schenker's specialization is Southeast European History and Balkan Studies, with a special emphasis on interethnic relations.

Nidhi Trehan

Trehan is Research manager for The Center for Refugees and Forced Migration Studies (CRFMS/ISPJR) in Skopje, where she has been since having joined CRFMS in May 2002, as a consultant from the UNCHR. She holds a BA in Political Science and a MA in Public Affairs from the University of Texas at Austin's Johnson School of Public Affairs. In 1992, she was a stagier at the European Union in Brussels, in the Directorate-General for Information, Communication and Culture (DG-X).

From 1996-97, she was a researcher and education coordinator of the Budapest-based public interest organization European Roma Rights Center (ERRC). In 1998, she began her doctoral studies at the London School of Economics & Political Science, University of London in the Department of Sociology. Her special interests include minority issues in Europe, human rights and globalization. She has published several articles in journals and books on the human rights situation of Roma in Central and Eastern Europe.

Tom Trier

Tom Trier (Denmark) is a Senior Research Associate for ECMI with a background in social anthropology; he specializes in ethnonational and migration issues in Eastern Europe and the CIS, particularly in the Caucasus region. He worked as Country Director for the Danish Refugee Council and the International Rescue Committee in the Northern Caucasus from 1999 to 2002, implementing emergency, rehabilitation and development projects; prior to that Trier was the ECMI Regional Representative for Ukraine. He also worked for UNHCR in Afghanistan in 2002. Currently at ECMI, he coordinates activities in the Caucasus and conducts research on interethnic and minority-state relations in the region.

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Michal Vašečka

Michal Vašečka (1972), has an MA in sociology from Masaryk University in Brno (1995). From 1991–92 he was employed at the Slovak Ministry of Culture. From 1991-95 he worked at the Documentation Center for the Research of Slovak Society as a researcher and its Executive Director. He was a founding member of the Civic Institute in Bratislava and a member of its Executive Board. Vašečka was a founding member of the Civic-Democratic Youth, where he served as a vice-chairman (1991-92) and a member of the Republic Board (1991-95).

From 1995-96 he worked as a researcher at the InfoRoma Foundation and a legal advisor for the UNHCR Bratislava. During the same period he was lecturing on Public Policy Analysis at Academia Istropolitana, Institute for Advanced Studies. From 1996-97 he was a visiting scholar at the New School for Social Research in New York. From 1997-98 he was working at the Open Society Foundation as a Programme Coordinator. Since 1997 he has been a PhD student at the Faculty of Social Sciences at Masaryk University in Brno; his graduation is expected in March 2003.

The topic of his PhD thesis is "Anti-Semitism in Slovakia after 1989". Since 1999 Vašečka has worked at the Institute of Public Affairs as a researcher and since January 2000 as a programme director. His work focuses on expert analysis of the Slovak transformation process with a focus on national minorities and the state of civil society in Slovakia.

Vašečka has also been a consultant for the World Bank since May 2000. He is externally lecturing at Academia Istropolitana Nova and since September 2002 at the Faculty of Social Sciences at the Masaryk University Brno. He is the author and coauthor of several studies and research reports focused mainly on ethnic minority issues, media discourse and problems of civil society.

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Tobias K. Vogel

Tobias K. Vogel is a PhD candidate in the Political Science Department of the New School for Social Research, New York, where he is studying the politics of humanitarianism and ethnic conflict at the International Center for Migration, Ethnicity and Citizenship under the supervision of Aristide Zolberg. He holds MAs in Philosophy from the University of Zurich and in Politics from the New School.

Vogel has worked for the Open Society Institute and the International Rescue Committee in New York, Vienna, and Sarajevo, where he is still based, providing consulting services to the European Centre for Minority Issues, the United Nations Development Programme, and other organisations. Vogel has published reviews and essays in the *International Journal* (Toronto), *Ethics and International Affairs*, the *Neue Zürcher Zeitung*, and *Nations and Nationalism*, among others, and is currently completing a manuscript on the transfer of populations as a peacemaking strategy in twentieth-century Europe with coauthor Phil Triadafilopoulos.

Marc Weller

Marc Weller is the Director of the European Centre for Minority Issues. He is also a lecturer in International Law in the University of Cambridge, has published widely on Balkan affairs and acted as an advisor to several governments in the region.

Elena Andreevska

Elena Andreevska Ph.D. is a Professor at the SEE University-Tetovo, since 2001, visiting Professor at the University of Copenhagen - Faculty of Law, Vice President of the European Movement, Skopje, since 2002 and Expert of the Trial Observation Working Group, OSCE, Spillover Mission in Skopje, since November 2002. She has various international activities and published widely on law affairs.