From the Copenhagen criteria to the Copenhagen Summit: Minority issues in an enlarging Europe

Rolf Ekeus

As OSCE High Commissioner on National Minorities, my mandate is to prevent inter-ethnic conflict and to provide early warning on potentially destabilizing situations involving national minorities. While I intervene in situations that are acute, I also interpret my mandate as assisting Governments to reduce the risk of such tensions from arising in the first place. I therefore devote considerable attention to issues like minority education, language use, and participation in an effort to create integrated societies where minority-majority relations are harmonious rather than potentially explosive. This is conflict prevention at an early stage.

The basic philosophy of such an approach is that a society at peace with itself is a society that will be secure and prosperous. Since conflict is fuelled by injustice and insecurity, one must protect human rights, ensure equal opportunities and enable participation without prejudice. This is the essence of the post-war vision of European union which is based on peace, stability and prosperity and reflected in our insistence on democratic governance, respect for human rights, and the free market. That is why, among the criteria by which EU candidate countries are judged for accession, there is an insistence on — to quote the Copenhagen criteria — ‘the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’.

When it comes to respect for and protection of minorities, the standards have been set by a collection of documents most notably the Universal Declaration on Human Rights, the United Nations Covenant on Civil and Political Rights, the CSCE Copenhagen document of 1990, and the Council of Europe’s Framework Convention for the Protection of National Minorities. These documents have set the guidelines for how States should provide an adequate legal framework and practical mechanisms for protecting majorities. They are also the basis for interpreting the EU’s accession criteria as regards minority protection.

I think that it is fair to say that over the past decade, the incentive of living up to the Copenhagen criteria has been an important impetus for Governments of accession countries to implement legislation and policies to protect and promote national minorities. Indeed, minority protection in many EU accession States is exemplary and could provide useful examples to some EU member States.

This leads me to a point which I believe needs to be seriously addressed by the participants of the current European Convention. What are the EU’s standards when it comes to minority rights protection? The Copenhagen criteria are important

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2 Copenhagen criteria adopted by the European Council in June 1993.
Minority issues in an enlarging Europe

for clearing the bar to get into the EU, but what happens when you have passed that hurdle? Do the rules change? Surely the standards on which the Copenhagen criteria are based are universal, in which case they should be equally — and consistently — applied to all member States. I think that there needs to be a more precise and consistent elaboration of minority-related standards which apply to all member States in order to avoid misunderstanding and arbitrariness in EU human rights policy.

The Race Equality Directive is a good example of a common EU commitment to address a root cause of inter-ethnic friction. It prohibits discrimination on the basis of race or ethnicity and obliges effective redress for violation. Its provisions must be transposed into domestic law in all EU member states by 2003 and, as part of the acquis communautaire, candidate States are required to modify their own laws and institutions in accordance with its terms. While the Directive can stand on its own, it would also be worthwhile to include clear anti-discrimination provisions in the Charter of Fundamental Rights of the European Union which is currently being drafted.

This is a small but important step and should be part of a broader review of the EU’s minority protection standards and mechanisms. After all, inter-ethnic relations will not disappear in an enlarged Europe.

I sense a certain complacency that EU enlargement will bring with it the end of ethnic tensions in the same way that Fukuyama predicted the End of History. Once we get into the EU we will all be minorities, borders will matter less and we will be one big happy family — or so the theory goes. I agree that the chances of inter-ethnic conflict — in terms of violent conflict — will be greatly reduced for the same reasons that bilateral conflicts have been reduced: it goes against the enlightened self-interest of the members of the Union and the Union as a whole.

But while minority-majority relations may be less violent, I think that they may become more complex. Take, for example, language issues. In an enlarged Europe, there will be a number of official EU languages more or less corresponding to the titular majority of member States. But what will be the status of languages spoken by EU citizens who do not have one of the State languages as their mother tongue? Languages like Catalan, Russian, and Roma languages will be spoken by millions of Europeans. These are hardly so-called ‘lesser-used languages’. And yet, it is worth noting that Article 13 of the EC Treaty (which deals with discrimination) does not include ‘language’ among its grounds for discrimination. This shortcoming needs to be addressed to ensure that Europeans enjoy equality and that Europe maintains the linguistic diversity which is such an essential part of its identity.

We also need to focus more attention on the so-called ‘new’ minorities. European States are becoming more, not less, multi-ethnic and multi-cultural. We need to continue our efforts to integrate historic communities into the mainstream of the State without diluting their cultural identities. At the same time, we can not ignore Europe’s new citizens, particularly immigrant communities. More needs to be done to explain both the rights and obligations of citizenship in order to ensure that there is a clearer understanding of the civic framework and the space that it

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