The CSCE Human Dimension Seminar on National Minorities
Can National Minorities be Considered Positively?

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"Tell me how you treat your minorities and I will tell you who you are".  

Introduction
The third in the series of Human Dimension seminars established by the Helsinki 1992 Decisions took place in Warsaw from 24-28 May 1993. Its non-user-friendly title was, "Case Studies on National Minority Issues: Positive Results"; the idea being to share, and learn from, the good practice of some states in relation to their minorities. As with the previous Human Dimension Seminars the format was of structured discussion groups sandwiched between more formal opening and closing plenary sessions. As before, the discussion groups ran concurrently, each had a moderator who also reported back to the final plenary, and non-governmental organisations (NGOs) participated on an equal footing with delegations (forty NGOs were present). A step forward was that the moderators' reports were circulated in writing and will be published in the ODIHR Bulletin. A further innovation this time was the possibility of setting up subgroups (without interpretation and no more than one at a time, reporting back to the parent discussion group).

The HCNM
The Seminar began with a keynote address by Max van der Stoel, the CSCE High Commissioner on National Minorities (HCNM). The fact that he was invited to speak to this human dimension seminar emphasises that although his role is strictly speaking within the conflict prevention area of the CSCE, it is impossible

1. Adaptation of Goethe by member of Danish German minority on the Danish delegation for the seminar.
4. Seventeen NGOs attended the Seminar on Tolerance and twenty-seven the one on Migration, in addition to those included in governmental delegations.
to divorce minority rights and conflict prevention. As well as outlining his approach and activities to date, the HCNM stressed the need for a shift in perception so that minority protection is "seen as essentially in the interest of the state. If the state shows loyalty to persons belonging to minorities, it can expect loyalty in return." He pointed out that a democratic framework and human rights and fundamental freedoms for all are a *conditio sine qua non* for the protection of minorities; effective political participation being not only an end in itself but also a means of avoiding a perceived need to resort to violence, which "can never be a solution, neither for groups in a state nor for the state itself". The HCNM touched on the CSCE’s lack of definition of ‘national minorities’, but did not see it as a problem, stating "I know a minority when I see one", and giving two fundamental features: linguistic, ethnic or cultural characteristics which distinguish the group from the majority; and the will to maintain and give stronger expression to its identity. He also reiterated the commitment in the Copenhagen document that to belong to a national minority is a person’s individual choice.

**The Topics**
The topics for discussion were essentially divided between participation in political, legal and judicial institutions, and educational and cultural arrangements and confidence-building measures. A problem faced by both discussion groups was too many set speeches or general presentations, for example of the legal provisions for minorities. A particular problem of this seminar was that although the idea of considering positive case studies on minorities had merit, insufficient consideration had been given as to how the case studies could be presented in a way that would be relevant to those currently wrestling with unresolved, or very negative, minority situations. One result was a somewhat unreal air to the discussions. Part of the difficulty is that many of the situations are so idiosyncratic that the transferrability of the experience is not obvious. Another problem was the tendency to gloss over the difficulties which had to be overcome. This was not always the fault of the delegate presenting the case study, for example, Denmark alluded to "much bitterness" to be addressed at the time of the Danish/German settlement in 1920, but even where problems were mentioned, there was insufficient discussion of how the problems were overcome and what lessons could be drawn from the experience. The air of unreality was exacerbated by the exclusion of certain situations because they could not be classified as positive case studies, so for example, Turkey presented a case study on its Jewish minority but the Kurds were not mentioned.

The one exception to the exclusion of discussion of less positive case studies was the Roma, the discussion of which was opposed partly on that ground. Nevertheless, on the suggestion of the International Romani Union a sub-group was formed which, to address the hesitations about the legitimacy and desirability of discussing the situation of the Roma specifically, was described as being on "non-territorial minorities living dispersed in more than one country". The sub-group, inevitably concentrated on the situation of the Roma in fruitful and