



High Commissioner on National Minorities

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Remarks to the Meeting of Romania's Council for National Minorities by the High Commissioner on National Minorities, Max van der Stoep

Bucharest, 18 August 1993

Mr. President and Gentlemen Members of the Council for National Minorities,

I feel greatly honoured to have been invited today to participate in your meeting. Difficult and very important tasks lie before your Council. For this reason, I particularly appreciate the fact that I have been offered this opportunity to address myself to you, and make a few remarks.

I shall make my considerations very briefly, for I am aware how heavily loaded is your agenda.

With your permission, I shall first refer to the Conference on Security and Co-operation in Europe, and to the role of this body. The history of the Conference extends back over some twenty years. The beginnings were very difficult. At the time, Europe was still divided into two blocks, and there was at first an opinion that it would be very difficult to reach common points of view on security. It was even more difficult still to achieve mutual agreement with regard to co-operation problems.

But, from the very beginning, a great number of countries have considered that the CSCE is an important instrument for the promotion of human rights. In this context, therefore at the moment when the communist block started to break up, to disintegrate, the organization of a Conference on the theme of the human dimension was planned. Perhaps one of the most important results of this Conference with regard to the human dimension was the 1990 Copenhagen Document, which was unanimously adopted by the participating States.

This Copenhagen Document is particularly important for your Council because it contains a chapter specially devoted to persons belonging to national minorities.

In this Document are included several very important regulations with reference to the protection and promotion of the ethnic identity of persons belonging to national minorities.

All the States participating in the CSCE process have assumed the political engagement to observe these regulations.

As you know, immediately after the collapse of communism, hopes have been directed towards an appeased Europe, in which everybody should live in peace. But we have all seen what has happened in Yugoslavia, and we should draw the appropriate conclusions from the drama that has happened there.

In the first place, the fact has become obvious that it is not enough to react after the explosion has taken place, that it is necessary to take preventive measures.

The second lesson that should be learned by member States of the CSCE is that problems in connection with national minorities should be approached much more carefully.

There is, hence, a conviction that a stable and unitary Europe cannot be achieved unless sufficient attention is paid to, and solution are found for the problems of the national minorities.

In this context, therefore, last year's top level meeting of the Heads of State of member countries of the CSCE at Helsinki have instituted the post of High Commissioner for problems of the national minorities.

Ever since I came to fill this office, on 1 January of the current year, I undertook a series of visits in a number of European countries - the Baltic countries, Slovakia, Macedonia, and now, with the assistance of Romania's Government, I have made a study of the problems of the national minorities in Romania.

In this context, I have engaged talks with representatives of the Government, and with representatives of the national minorities, and I had the opportunity to undertake a visit to Transylvania, in order to make a study of the situation of the minorities there on the spot.

I would, therefore, like a brief comment on the situation in Romania as a result of my visit.

A conclusion which compels recognition, and which carries great weight is that Romania has recorded a particular progress on the road to democracy since the break up of communism, in December 1989. You had free elections, you had a democratic Parliament, which works under no constraint, and these are things we could not even have dreamt of, or imagined possible four years ago.

We know - and you know too - that you should continue on this road of strengthening and consolidating the democratic processes; but absolutely no one can deny the fact that immense advances have been achieved in the past four years.

I wish now, in this context, very briefly to mention the Constitution you adopted by vote and referendum in 1991.

Considering my office of High Commissioner for National Minorities, I was pre-eminently interested in the provisions of the article 6 of the Constitution stipulating the preservation, development, and expression of the identity of persons belonging to the national minorities, which must be conformable to the principles of equality and non-discrimination with respect to the Romanian population. These principles are fundamental and must be the basis of the solution of any conflicting dispute in connection with the national minorities.

I cannot but express hope that, on the basis of this article, further progress will be achieved in the preparation of a law on the national minorities.

I understand that both the Council, and its juridical and legislative commission are acting in this direction.

While studying the Romanian Constitution, I was surprised to find that there is an article in it which has no equivalent in any of the constitutions of the democratic countries. Article 20 stipulates that international treaties and conventions take precedent over internal law. I should like to see this article adopted by all member countries of the CSCE as a basic principles of the politics of these States. With your permission, Mr. President, I will make a few further references to your Council - the Council for Minorities.

Allow me to tell you that I am following up the activity of this body with particular interest, I am convinced that if this Council will prove competent to solve the problems of your minorities, it will in future serve as an example worthy to be followed also by other countries faced with certain problems in regard to national minorities. Assiduous labor and concessions on both sides are, however, necessary.

Thus, at the moment when the Council will celebrate the first year since its foundation, it will be possible to say that it has established the bedrock, the bases for the solution of any problems arising in connection with the minorities in your country.

From this point of view I am amazed at the manner in which this Council was constituted.

I am impressed by the fact that there is not only a meeting of the Council, but also regular meetings of the commissions.

In my vision, this arrangement helps to solve more problems than if only the Council should have met.

And this provision will be a boosting factor when there will be question of preparing a legislation complicated enough in itself.

I remember the fact that, while attending a sitting of the Council, you corrected me, Mr. President, by telling me that it is a question of an Advisory Council.

And I must admit that, after I have read the statute, I stand corrected.

For example, this paragraph stipulating that the Council shall keep permanent connection and collaborate with the local public authorities from the territorial-administrative units, and, likewise, the paragraph referring to the competence of the Council to receive and analyze requests and complaints lodged by institutions, organizations, or natural persons, in connection with this field of activity.

And there is also the reference to the connection maintained with other organizations. On my part, I can only confidently tell you that I entertain the wish to remain in the closest possible collaboration with your Council.

I promised to be brief in my speech, and before concluding I want to tell you that the dialogue within the framework of this Council may have an overwhelming importance.

I also believe that your Council will inevitably experience further development, if extremisms will be avoided on both sides.

Let me tell you that in my opinion, each country severally has in some way certain problems of a national nature with their national minorities. But a certain thing holds good for all the countries of Europe which have minorities. Namely, that the problems of the minorities can be solved only in an operative democracy in which there is full respect for human rights.

This is, at bottom, the essence of the previously mentioned Copenhagen Document.

The observance of the letter of the law in all respects is essential for the protection of the minorities. The correct exercise of their rights and the lawful operation of the order enforcing authorities cannot fail to make but to protect the minorities.

The institution of the People's Advocate (Ombudsman), provided by article 55 of the Constitution, will certainly play an important role for the protection of the minorities, from the moment when it will become operational.

The second aspect which is included in the Copenhagen Document, and which I wish to refer to, is provided by article 40 of the Constitution, which states a number of engagements the Government shall assume in order to make more intensive efforts to keep interethnic hate under control.

In my view, this is an important element with regard to the participation of the minorities.

To conclude, Mr. President, it is my conviction that this Council may play a decisive role in the promotion of mutual understanding and tolerance between different ethnic groups. This tolerance and understanding are fundamental in a multicultural society with a variety of ethnic groups, which live together in the spirit of mutual respect, understanding, and enrichment.

Once more, may I be allowed to wish you success, and I promise to take great pains to follow up your activity.

Thank you very much.