



Recommendation 1345 (1997)¹

Protection of national minorities

Parliamentary Assembly

1. The protection of national minorities continues to be one of the crucial elements of peace and security in Europe.
2. The action taken by international organisations to ensure such protection has been largely complementary. Specific shortcomings are, however, found in each organisation, as well as in the co-ordination of activities between them.
3. The Organisation for Security and Co-operation in Europe (OSCE) has adopted important political declarations of intent and has established, as an instrument of conflict prevention, the Office of High Commissioner on National Minorities. However, its standards - set by unanimity - are not legally binding.
4. The Council of Europe, at the Assembly's initiative, has prepared legally binding instruments, notably the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Yet, neither instrument has entered into force so far because of an insufficient number of ratifications.
5. In this respect the Assembly greatly regrets that the Committee of Ministers did not follow the proposals of the Assembly included in Recommendations 1285 and 1300 (1996) when laying down the rules for the election of the advisory committee of the Framework Convention for the Protection of National Minorities and on the ways it may seek and obtain information, and calls upon the Committee of Ministers to reconsider its decision.
6. Like the framework convention, the current intergovernmental confidence-building measures in the minority field are a follow-up to the Council of Europe's 1993 Vienna Summit. So far, only six member states have made voluntary contributions to finance projects.
7. The Assembly very much regrets that the Committee of Ministers has been unable to continue the work, which it had been instructed to begin by the Vienna Summit, on a draft protocol to the European Convention on Human Rights in the cultural field, with provisions guaranteeing individual rights, in particular for persons belonging to national minorities.
8. The European Union has made protection of minorities a condition for economic co-operation as well as for membership. The effectiveness of its policy is, however, seriously hampered by the absence of a permanent monitoring mechanism and lack of clarity with regard to the standards a given country is supposed to respect in this field.
9. Political declarations on the issue have further been adopted by the United Nations General Assembly, the Inter-Parliamentary Union, and the Central European Initiative. The Council of the Baltic Sea States has established the Office of the Commissioner on Human Rights and Minority Questions, with an ombudsman mandate.

1. Assembly debate on 24 September 1997 (29th Sitting) (see [Doc. 7899](#), report of the Political Affairs Committee, rapporteur: Mr Gjellerod; and [Doc. 7922](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). Text adopted by the Assembly on 24 September 1997 (29th Sitting).



10. There is still insufficient political will to accept and implement the international political and legal instruments for the protection of minorities. Protection of minorities all too often remains an issue of foreign, rather than domestic, policy.

11. Therefore, the Assembly recommends that the Committee of Ministers:

11.1. invite states which have not yet done so to sign and ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, in order to enable these instruments to enter into force on the occasion of the second Council of Europe summit, to be held in Strasbourg on 10 and 11 October 1997;

11.2. strongly urge member states to comply with the above-mentioned Council of Europe instruments;

11.3. pursue intergovernmental co-operation in the field of protection of national minorities and implement activities involving governments and civil society, designed to facilitate the full and effective implementation of international legal standards in this field;

11.4. resume its work on a draft protocol to the European Convention on Human Rights in the cultural field, with provisions guaranteeing individual rights, in particular for persons belonging to national minorities, in accordance with the decision taken by the heads of state and government at the first Council of Europe summit;

11.5. increase its co-operation with the European Union to ensure that the results of the Council of Europe's monitoring procedures - of the Committee of Ministers and of the Assembly - are taken systematically into account by the European Union, in particular when assessing compliance with the human rights and minority clauses in its agreements with third countries and in its examination of requests for membership;

11.6. call upon the European Union to use the expertise available within the Council of Europe in the assistance that it provides to applicant countries in these fields;

11.7. increase the funds available through the ordinary budget and call for further voluntary contributions for the Council of Europe's confidence-building measures aimed at preventing minority conflicts;

11.8. urge member states to maintain, or initiate, dialogue with representatives of national minorities.