

*Input into the Study on Indicators for Assessing the Impact of
the FCNM in its State Parties*

General remarks

- Always, when we talk about minority rights and about the monitoring and mechanisms for the protection of minorities, it is easier to understand, that a lot of things have still to be done.
- There are no clear norms or standards in Europe, concerning minority rights and protection of minorities.
- There is no legal basis for the elaboration of legal standards for the real protection of minorities, specially for the protection of **unrecognized minorities**.
- Even, each of the both legally Council of Europe documents, the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), constitutes only a **passiv minority protection**, insufficient for the real protection of minorities; **an active approach**, that is what **minorities have been waiting for**. A social cohesion based only on economic development could not solve all minorities problems, these are only illusions.

¹ *The Armâns / the Macedonarmâns, one of the oldest European peoples, aware of their history, national unity and common historical motherland, represented by several associations based in the countries they live in as part of their historical motherland, such as Albania, Republic of Macedonia (FYROM) and Bulgaria, as well as by associations living in Diaspora, such as Romania and other countries, have decided to establish The Council of the Armâns/macedonarmâns (CA), which was registered, in July 2008, as a legal entity with the Department of Justice in Tirana, Albania. The Arman associations in the countries mentioned above, which are constituents of this non governmental organization, have mutually taken this decision as a result of their meetings held in 2005 at Moscopole, Albania, and 2007, at Disentis, Switzerland.*

- The elaborating of a system, within the European Union, could guarantee a comprehensive minority protection, hopenessly will be heppen with the adoption of the **European Constitution**, which could be a good way for the State Parties of the FCNM, to estimate the importance of the question of minorities.
- Wherever, in most of South-Eastern European countries there are still no armed conflicts, the both parties (governments and minority leaders) try to solve the problems on „pacific“ ways, but any time such conflicts could erupt if governments underestimate the importance of minorities problems.
- It is a paradox that minorities, who are radical and fight armed for their cause, have more success! It is indeed to appreciate those minorities, who stepped up the violence and try, on „pacific“ ways, to find better available methods in solving such kinds of conflicts, by finding the root cause of these conflicts.
- Therefore, a clear EU minority policy is necessary, more than even.
- The European Union has **to be more consistent** for monitoring the situation of national minorities in the EU – Member States countries. The regular reports which are prepared by the named rapporteurs from the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, do not contain enough substance and do mostly not reflect the real existing contradictions from those countries they have been reported.
- It is indeed to appreciate the first legally binding reference on minority rights in the history of the European Union, the text of the Constitutional Treaty, that includes „the rights of persons belonging to minority groups“, although **insufficient** for a clear and real protection of minorities.

The definition of the term „minority“, unrecognized national minorities

(„Even if you are a minority of one, the truth is the truth“)

- Although numerous attempts have been made to define the term „minority“, within international law there is no universally accepted definition. Many international documents relate to „persons belonging to ethnic, religious or linguistic minorities“ without to define the term „minority“, or is pretty vaguely defined.
- The Framework Convention for the Protection of National Minorities contains no definition of the term “national minority”, and neither do the other international instruments for the protection of minority rights. The FCNM does also make no references to the unrecognized „national minorities“.
- For many minorities the term „minority“ leads often to confusion, exclusion or even discrimination. Therefore, always when we are talking about a designated minority, a specification is much more important, even necessary.
- There are minorities which never establish their own national state².
- In order to reach a consensus on the definition of the term „minority“ an important issue has to be taken into account, the differentiation between the **traditional national**(autochthonous) minorities and the new, **immigrant minorities**. Of course, on European level, these two differentiated minority groups have to be protected by law, even though have to be separately treated, due to their largely different problems.

² An example is the Macedonarmân/Armân people in Balkan countries(with their own name “Armân” or “Makedonarmân”, known also as Makedono-Romanen, Aromanian-Vlachs, Helino-Vlachs, Macedon-Vlachs), one of the oldest people in Europe with deepest roots in Antique Macedonia. This ethnic people feel themselves discriminated, for example in Greece, when they are considered a minority, they are actually autochthonous there. The same treatment has to be taken into account in FYROM(R. of Macedonia), the new established multinational Balkan state, where the Slavic-Macedonians, Macedonarmâns/Armâns and Albanians should have equal rights.

- There are immigrant minorities, which are often unrecognized, due to the status of „immigrant“³. In these cases the European Union has **to be more consistent** for monitoring the situation of those national minorities in the EU – Member States countries.
- Another important point of view, which, undoubtable, has to be taken into consideration is the differentiation which has to be done between minorities with a „kin-state“ (minorities which are supported and encouraged by these states, due to the racial and ethnic similarities), and minorities which do not have any support by a national state, due to the fact they never established an own national state⁴.
- Generally, the term „national minority“ has to identify, on the one hand, minority groups who **are nationals of one state** but have **ethnic ties to another**, on the other hand, minority groups who **reside on the territory of a state**, are citizens of that state, and **maintain long standing ties** to the state.
- The term „national minority“ has also to identify, minority groups who **are not nationals of one state**, **reside on the territory of a state** and are citizens of that state but **do not have ethnic ties** to the state⁵.

³ An example is the Macedonarmân/Armân people in Romania, where the Macedonarmân people constitutes an immigrant minority. Their language is though related to the Romanian Language, also a Romance Language, but the Armân (Macedonarman) people is distinct from the Romanian people. The Romanian government refuses to recognize them as national minority, considering that these “minority” speak a dialect of the majority language and could not be therefore considered a minority in fact.

⁴ In many aspects the Macedonarmân/Armân people (living about one million in Balkan countries) is a special „European“ problem in the field of minority issues. They are endangered by extinction, their political and judicial status differs from one state to the other.

The traditional Macedonarmân life style was completely disrupted at the beginning of the last century by the political and social changes in the Balkans. When their territory was divided up among four different sites and the borders were made permanent, the different Armân (Macedonarmân) communities found themselves unable to conduct their traditional exchanges. More often than not, their herds and lands were sold, and many Armâns left their traditional mountainsides to settle in the towns and thus merge with the masses. As a result, the Macedonarmân language and culture, which had survived for 2000 years in the Balkan mountains, are today threatened with extinction.

⁵ In these minority groups can be categorized the Macedonarmân / Armân people living in almost all Balkan countries.

- Although the existence of a minority is a question of fact and not of definition⁶, eventhough there are states which define the term „national minority“ as a „any community of citizens who have been lived on the territory of the state(since the modern state has been established) and are citizens of the state , are in number inferior to majority population, having its own ethnic identity, expressed through culture and language, to preserve, express and develop them“. Whatever, in spite of this definition, such states refuse to recognize these communities, with their own culture and language, as a national minority⁷.

⁶ *The Copenhagen Document of 1990 states that “To belong to a national minority is a matter of a person's individual choice”.*

⁷ *The total refuse of the Romanian government to recognize the Macedonarmân people as „national minority“, although this people treis to givestronger expression to its identity, not only seeks to maintain its identity.*