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Speech

of Federal Councillor René Felber

Head of the Federal Department of Foreign Affairs

at the opening

of the OSCE Meeting of Experts on National Minorities

Geneva, 1st July, 1991



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Secretary General,
Assistant Secretary General
Minister
Heads of Delegations
Ladies and Gentlemen,

I am happy to have the opportunity of welcoming you to Geneva and should like to express my best wishes to you for the success of your conference. The task which you have been given is both difficult and important. The problem with which you will be dealing is complex and any progress which is made on the situation of minorities will contribute to strengthening security on our continent.

Practically all over the world there are groups of people who differ from the population around them on account of their origin, language, culture or religion. The political effect of this varies however from one country to another, in relation to historical development and constitutional structures.

A problem of minorities can be very different or even non-existent depending on whether the group under consideration was associated with the creation and development of the State from the start or existed prior to the creation of this State or, on the contrary, joined it as a result of territorial growth. It is also important to consider whether the group is entirely contained within the frontiers of a single State, whether there exists elsewhere what one can call a "Mother-State" of this

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minority or, finally, whether the group is spread between a number of States without having a Nation State of its own anywhere.

In terms of institutions, it is necessary to draw a distinction according to whether the problem of minorities has been solved or prevented by the simple principle of equality for all before the law or by the recognition of special rights in favour of minorities and in the field of constitutional structures, according to whether the State is unitary or federal, centralized or decentralized, and with or without a system of local autonomy. There is no right or wrong way. A formula which has worked in one place would be inapplicable or disastrous elsewhere. It is therefore not a case of looking for one solution to the problem and this complexity can make your task either easier or more difficult, depending on how you look at it.

When talking about minorities, it is necessary though to think in particular of a region of the world where the notion of minority has been made into a system. In part of the European continent the concept of minority has been developed methodically and extended: in Central and Eastern Europe a law covering minorities has been drawn up and an attempt made to apply it. The opportunity was provided, as you know, by the territorial changes which took place after the first world war. The problem of minorities has a sad and tragic history. The distress of those who had just suffered the tragedy of defeat and the weakness of those who had just obtained sovereignty or who were trying to benefit from territorial gains, allowed what I shall call the "directoire" of that era to erect a system which satisfied

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neither party. The former found themselves separated against their will from populations which belonged to the same national entity, and the latter had forced on them what they felt to be a limit to their sovereignty. The concept of minority was felt to be a way of saying that the members of a group did not fully belong to the State to which they had been allocated and that their true nation was elsewhere on the other side of the border. These people could have had the impression that they were not full citizens of the State to which they had been allocated and the State could, in turn, consider that it had been forced to accord privileged status to a foreign population in its territory.

In the context of 1919, the system of protection for minorities had to serve as a corrective to a principle of nationalities that was simultaneously carried to extremes and yet ignored when political or strategic considerations made this expedient. The protection of minorities as it was conceived was a political mechanism. Disputes caused by its application were brought before the Council of the League of Nations, where a State with the same nationality as a minority very naturally took on the role of protector of this group and acted as plaintiff or accuser. By accepting this privileged link between a minority group and the Nation State whose language it shared, the way was opened to abuses on both sides which were one of the causes of the second and last European conflagration.

After the second world war, minorities were not even mentioned. The peace treaties did not cover the subject and the regime which

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has governed Central and Eastern Europe for over forty years ignored the problems of minorities without solving them.

The CSCE has enabled a decisive turning point to be reached by defining the problem of minorities as being henceforth a question of human rights. Collectivities will no longer be centre stage, nor will the relations between the states which shelter minorities and those to whom they are affiliated. It is to be hoped that this will remove the political element from a hitherto explosive problem. Under these new conditions, if intervention is needed, it will be in favour of the individual and his rights. This will be the same intervention benefiting from human rights, as exists already under the CSCE system where other problems affecting human being are concerned. As a result, this intervention on behalf of a member of a minority is not that of a "Nation" State, in inverted commas, which sets itself up as the protector of minorities that it considers to be attached to it by preferential links. By the new procedure which has been introduced, an important contribution has been made to the security of the continent, because, presented in terms of State to State relationships, the problems of minorities were a serious potential source of disputes. A political result has therefore been achieved by the deliberate choice of a formula which is not political.

It is not for me, in a speech of welcome, to prejudge your discussions, but I think it is wise to preserve the notion of "person belonging to a minority" as the basis of the CSCE system. This notion does not however exclude the possibility of

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protecting the minority as such in some cases (this will be up to you to judge).

As I said at the outset, there are minority groups more or less everywhere around the world, but elsewhere these groups have not generally been separated from a "Mother State" by territorial settlements following a conflict. In the western half of this continent (in so far as one would want to apply a concept here that was created for Central and Eastern Europa), the presence of minorities does not have the same tragic implications. In North America, due to its special history, the minorities are different and present a different problem still. Therefore, for those of us who live in the western half of Europe and for whom the problem of minorities does not have the same tragic character, our attitude should be one of respect and modesty with regard to those who have been the victims of fate. In tackling these problems, we should remember that for many people they are a source of bitterness and painful memories.

What I have just said about the tact and modesty required, in particular applies to the host State. I should be pleased if you would consider it a good omen that you are meeting in a State in which various languages, cultures and religions co-exist. In saying this, I do not however forget that a succession of historical events in which luck played a bigger role than political design enabled Switzerland to make itself a pluralist community without a minority problem occurring, although of necessity certain groups are arithmetically in a minority. Switzerland's federalism is not based on the notion of a

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linguistic community and no linguistic group occupies a single canton or homogeneous group of cantons entirely on its own. Our delegation will certainly give you a more detailed explanation of the special features of our history and structure when you reach the point on the agenda where national experiences are described. For the time being, a simple observation will suffice. In a nutshell, Swiss federalism has not solved a minority problem, but it has prevented one from occurring. It has had a preventive rather than a curative effect. Therefore, it does not offer a transposable model.

I should like to reassure you. We have not come here with the intention of suggesting solutions or teaching lessons. We shall not make the mistake for which my compatriots are sometimes criticized (and not always unjustly) of offering ourselves as examples to others. We intend, like the other participating states, to make a contribution in the interests of all to a problem which concerns our whole community.

It is not for selfish reasons, but purely disinterestedly that, from the start, the Federal Council has taken an interest in promoting a conference on minorities and that it suggested it should be held in Geneva. You are here in the city where, fifty years or more ago, problems of minorities were brought before political organizations for the first time in history, but, as we know, without success. In the same place, but in a totally different era, you are tackling these problems again on a new basis with the help of a newly defined concept and in an entirely different climate from that which our continent has known until

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now. You will certainly not succeed in solving such a large and complex problem at one stroke (and you are too realistic and experienced to have such an ambition), but you will take an important step towards new solutions. The Geneva conference will, I am sure, be a promising start that will lead to fruitful developments.

JEREMY SWANN

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Avec meilleures salutations

J.S.