Tilburg University

Solutions to the Problems of Minorities

van Genugten, W.J.M.

Published in:
Minorities in Europe

Publication date:
1999

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
van Genugten, W. J. M. (1999). Solutions to the Problems of Minorities: General or Tailor-Made? Some Reflections. In S. Trifunovska (Ed.), *Minorities in Europe: Croatia, Estonia and Slovakia* (pp. 211-223). T.M.C. Asser Press.

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

SOLUTIONS TO THE PROBLEMS OF MINORITIES: GENERAL OR TAILOR-MADE? – SOME REFLECTIONS

by Willem van Genugten

1. INTRODUCTION

Over the years, minority issues have gained a troublesome image. In the eyes of many observers, minorities are basically nationalist movements aiming at secession – ‘one nation, one State’ – or at least at autonomy or a level which is more or less equivalent thereto. And while aiming at these goals, they want protection as collectivities, at the same time avoiding that their individual members have access to worldwide recognised human rights, i.e., to the rights that belong to a citizenship-based, multicultural society. Given this starting point, it is sometimes difficult to have a non-ideological, practical debate on minority issues.

The present book discusses the minority situation in three countries – Croatia, Estonia and the Slovak Republic – from the perspective of politics, law and economics. The contributions contain much data, accompanied by all kinds of analyses, recommendations and future perspectives. As such, the book illustrates that ‘the’ minority problem does not exist: although there are many similarities, the specifics dominate the picture in the countries discussed. This final contribution to the book serves to find out to what extent solutions to minority problems can be general, and to what extent they should be tailor-made (or a combination thereof). Needless to say the balance is mine, that is to say, it is made up by somebody working in the field of international law, who by education and present occupation tries to have an open eye for lessons to be learned from other disciplines.

Having said this, I have identified four topics which have to be dealt with: autonomy and secession; groups rights and multiculturalism; economic deprivation; and the role of the international community. They can be seen as issues which are at stake in every minority situation, on a practical or a more abstract level. The order of presentation should not be seen as a form of ‘ranking’.

2. AUTONOMY AND SECESSION

In many contributions, the word 'autonomy' is used, reflecting aspirations by the relevant minority. The concept of autonomy, however, should be dealt with cautiously. Autonomy as such is nothing, or – better to say – it can easily be an empty shell. Using the word means immediately clarifying what one is talking about. Autonomy can, under certain circumstances, be almost equal to secession, while it can also stand for something like the right to use one's own language 'only'. The use of the word 'autonomy' has to be linked to its contents, before it can be given a specific meaning. In addition, one can agree with Gudmundur Alfredsson that 'the label does not matter as long as the central government agrees to share power and leave local matters in the hands of group representatives' (p. 8).

In the book it is illustrated what autonomy means in the concrete minority situations of the countries under scrutiny. Snežana Trifunovska, for instance, states that the Serbs in Croatia initially asked for cultural autonomy, demands 'which were treated with a striking lack of sensitivity' (p. 24). She also notes, however, that the Serbs, when Croatia became a sovereign State, took the position that autonomy, meaning *internal* self-determination, was no longer enough, and that it had to be replaced by the right to secession for the Krajina and the Srijem regions in Croatia, as well as by the right for these regions to join their kin-State (Serbia) – *external* self-determination (p. 24). Later, however, these claims to secession by the Croatian Serbs were renounced, due to, as Trifunovska notes, their military defeat in 1995 and the normalisation of the relations between Croatia and the Federal Republic of Yugoslavia (p. 29). Trifunovska also notes that Croatia is one of the examples which prove that the change of State borders sometimes 'can be a more painful than joyful process' (p. 38):

'Unlike in other countries which dismembered in the post-Cold War period (USSR and Czechoslovakia), in Croatia the process of becoming a sovereign State was followed by an inter-ethnic armed conflict which not only devastated the economy, but created and in some instances increased inter-ethnic hatred especially between the ethnic Serbs and Croats' (p. 38).

It is another illustration of the need to act carefully when the issue of maximising autonomy or pleading for secession is at stake. I will return to this.

In relation to the Slovak Republic, Karen Henderson states that the major concern of the Hungarian community within this Republic is the preservation of its Hungarian language, including the right to be educated in that language, and that this logically leads to 'demands for a cultural autonomy which allows Hungarians control over this sphere of their lives' (p. 151). She also states that demands for territorial autonomy receive more limited support among Hungarians (p. 152), adding that 'the deepest Slovak fear is of Hungarian irredentism, namely that the integrity of the Slovak State might be threatened by an underlying desire of the

Hungarian minority to attach the south of the country to Hungary' (p. 152). And this fear is 'fuelled when their Hungarian fellow-citizens talk of territorial autonomy, because historically, autonomy is associated with being a prelude to border changes' (p. 152).

Analysing the present cultural autonomy situation, Henderson, *inter alia*, concludes that the Slovaks living in southern Slovakia – i.e., the region where the Hungarian minority is mainly living – feel more negative about the existing autonomy agreement than those who live outside the region. I agree with Henderson that the differences are significant, although they should not be over-estimated: of those living outside the southern part of the Slovak Republic still some 53% basically disagree with cultural autonomy for the Hungarians, while 61% among the Slovaks in southern Slovakia are against (p. 161). In relation to the quest for territorial autonomy, the overall picture is more or less the same (p. 152).

In relation to Estonia, Marina Martynova states that in 1993 the Estonian State Assembly passed the Law on Cultural Autonomy for National Minorities, 'which seems to be of the utmost importance for the Russian population' (p. 98). However, due to the fact that the Law only allows Estonian citizens to profit from it, large parts of the Russian population are excluded from the application of the Law (p. 98). In addition, and consequently, Martynova notes that 'for the time being and in the absence of a concept providing for Russian autonomy, the Russian leaders in Estonia do not know in which way the autonomy could be realised' (p. 100). Further to that, there is no consensus among the Russian leaders in Estonia on aspects of a possible cultural autonomy, such as the risk that accepting cultural autonomy for Russians with Estonian citizenship only 'could make the existing split between the Russians even deeper' (Martynova, p. 100).

The logical conclusion, emerging from the foregoing 'heli-flight' above the autonomy issue, is that the concept of autonomy requires careful consideration and handling. Such a conclusion does not need further evidence. But how about the other side of the coin? Cannot autonomy requests, apart from being an approach which sometimes adds fuel to the fire, also sometimes be seen as a solution for minority problems? My answer to this question is definitely positive. Creating autonomy for well-defined areas and functions can contribute to avoiding a situation in which the parties confront each other with non-political means, like the use of arms. Using the concept of autonomy in a – from both sides – sensible way, can also lead to stability instead of the continuation of the disorder which is normally apparent in the case of minorities 'struggling for their cause'. What 'sensible' means, will be discussed later. For the moment I would like to quote Gummundur Alfredsson, who states that autonomy 'has been successfully implemented in many countries' (p. 11). There sometimes seems to be a tendency to forget this.

3. GROUP RIGHTS AND – VERSUS? – MULTICULTURALISM

The resistance against concepts such as autonomy is often based on an aversion to the underlying concept of 'collective rights' or 'group rights'. Such an aversion can often be seen on the level of States, who are afraid of being confronted with claims by entities like national minorities, but also on the level of those who strongly believe in a multicultural society, based on respect for everyone's individual human rights and the concept of citizenship. The issue is, in all its diversity, dominantly present throughout the book. As far as I am concerned, this is for good reasons, because it is a core issue in the debate on the protection of minorities. In the words of Marina Martynova, the issue can be formulated as follows:

'The position and rights of the non-indigenous population in Estonia are linked with the theoretical view on the essence of what is a nation. In reality the subject of discussion is the choice between the ethnic and the civic principle in State-building, though it has not been formulated in these terms. (...) An explanation for the "Estonian case" lies in the theories of the Soviet past. The Marxist-Leninist view on the concept of a nation was based on the ethnic principle. It defined members of a nation as an ethnic community and not as citizens of a State' (p. 87).

Partly due to this history, for many former communist countries it is extremely important to fully realise the notion of citizenship. The issue is touched upon by, amongst others, Marina Martynova, Peter van Krieken and Fernand de Varennes, who discuss the situation in Estonia, with special emphasis on the 1992 Law on Citizenship and its consequences for the Russian minority. And in relation to the Slovak Republic, Marcia Rooker states that 'an unknown number of Roma have become *de jure* or *de facto* stateless as a result of the dissolution of Czechoslovakia and the Czech citizenship law' (p. 185), while Snežana Trifunovska touches upon the political and economic dimensions of citizenship in Croatia, for instance as to 'the restriction of access to employment and to all subsequent rights' (p. 34).

The notion of citizenship is directly linked to such issues as the right to political participation and representation, but also to the right to use one's own language. In the words of Fernand de Varennes, it would even seem 'that if large numbers of people living in a country do not know the official language, then the naturalisation rules should also reflect this reality and permit the acquisition of citizenship with knowledge of the other main languages spoken in the country' (p. 126). Karen Henderson and others underline such aspects as the right to write one's name in one's own language, while Marcia Rooker amply discusses the 1995 Slovak Law on the State Language, which 'prohibits the use of any other language but Slovak in official dealings' and which 'limits the use of minority languages in the media and in cultural activities, even when the target-audience is composed almost entirely of members of minority communities' (p. 185-186).

These practices strongly prohibit a full realisation of the notions underlying the concept of citizenship.

A more theoretical theme, directly linked to that of citizenship, relates to the issue of multiculturalism: the need to make persons live peacefully together, whatever their ethnic background. Budislav Vukas speaks, in relation to the Serbs in Croatia, about 'the establishment of confidence and co-existence with the Serb population' as the 'major, but difficult task of the Croatian authorities and the local populace' (p. 58), while Edwin Bakker discusses the situation of the Roma in Slovakia: their alleged 'unadaptability' results 'in severe social tensions and has led to radical and aggressive attitudes on both sides' (p. 196). It brings him to the conclusion that the problems the Roma are confronted with are also problems of Slovakian society as a whole, and that one is in need of measures to make this society 'more tolerant of diversity, less discriminatory and capable of ensuring equal opportunities for all' (p. 206). Karen Henderson also strongly underlines the importance of tolerance, stating that it is a 'consistent finding' that 'less tension is perceived by Slovaks who coexist alongside Hungarians' and that, therefore, 'Slovak xenophobia is in part literally the fear of the unknown' (p. 159).

To some extent this is an open door, but an important one, with a high degree of reality. Multiculturalism is based on and characterised by trust among individuals from different backgrounds, at least – negatively formulated – to the extent of tolerating differences in colour, habits, et cetera, and preferably – positively formulated – to the extent of real intercultural exchanges, through, for instance, reading each other's newspapers or even such things as intercultural marriages.

The issue of tolerance and mutual understanding is directly linked to the way the media – and communication channels more in general – function. They can contribute in a negative as well as in a positive sense to the realisation of multiculturalism. In the former case one can think of spreading racial hatred or other one-sided information, while in the latter case one can think of articles and programmes which try to advance and build upon ideas that underlie the issue of multiculturalism. Without asking them to 'teach and preach', the media can play a significant role in that respect. In the book, the role of the media and communication more in general is discussed by, amongst others, Karen Henderson. She observes that many problems in the field of communication, including the lack of preparedness to use bilingualism as a starting point, can be traced back to the communist era (the 'legacy of communism'). This is due to 'the failure of communist societies to admit to the paramount need for a State to communicate with its citizens: if a State is not used to explaining itself to citizens in one language, it is unlikely to occur to it to do it in two' (p. 172). And:

'Unfortunately, in communist societies jobs were allocated largely according to political criteria or the personal criteria of informal contacts. The establishment of real transparency, openness and competition in distributing power and responsibility would automatically reduce the salience of ethnicity as a selection criteria' (p. 172)

State communication channels as well as the media can play a major role in that respect. The same can be said of education. Investing in younger generations, through educational programmes which can be considered to create tolerance for and a better understanding of 'other cultures' and which constantly fight against prejudices as to 'the other', is probably the best guarantee for a future of peaceful coexistence of different groups. This is also important from the perspective of the self-esteem of children, who can – schematically speaking – develop into basically nationalist actors or grow up as 'world citizens'. The same goes, *mutatis mutandis*, for the education of such different groups as journalists and, for instance, law students. Nevertheless, the possibilities for educational programmes in that respect should not be overestimated. Teachers (often) belong to one of the parties themselves – be it to the majority, to the minority, or to a minority within the minority – and are asked more or less to transcend themselves, and to act as the ideal person upon whom the idea of multiculturalism starts from and is based upon. Do we not all remember, however, Thomas Hobbes' negative view of the human character – as expressed in his *Leviathan* (1651) – and should we not be convinced, given recent European and African experiences, that he is still right, at least to some extent?

Anyhow, education can – and should – be seen as a means to contribute to a tolerance-based society, at the same time giving the possibility to transfer values which belong to the group. Formulating the possibilities of education in this way, one can see that in education the two lines, which are so characteristic for many minority issues, come together. In the book, the issue is illustrated by Karen Henderson, where she speaks about the proposal of the third Slovak Mečiar Government which 'essentially promoted bilingual education with the aim both of improving knowledge of Slovak among Hungarians, and making education alongside Hungarian children in mixed regions more acceptable to the parents of Slovak children' (p. 156). The proposal had to be abandoned, however, 'because of the stiff resistance of Hungarians, who utterly refused to accept it voluntarily because of fears of creeping assimilation attempts' (p. 156).

Another illustration of the sensitivity of the education issue stems from Marina Martynova, where she notes that in the 1998 Estonian language Strategy and Integration Strategy documents 'education is seen as one of the most influential tools in the process of integration', that 'knowledge of the Estonian language should remove any cultural barrier to subsequent education and employment', and that 'the State is supposed to ensure teaching in a non-Estonian language and to provide education on the history and development of the country of origin' (p. 101).

As is shown through these examples, education is linked to many aspects of society which go far beyond issues such as tolerance and multiculturalism only. It is also about such important things as access to the labour market. As Mirjana Domini notes, 'the education and qualification of minority members to a large degree determine their position in the economy and their possibilities to adapt to

new, changed conditions' (p. 79). I will come back to this in the section on 'Economic Deprivation: Cause or Result?'

Before doing so, I would like to add some words on the issue of group rights versus individual rights, and on notions, linked thereto, such as multiculturalism and citizenship. They are in line with my concluding remarks on the autonomy issue. In my opinion it would be a good thing if States would fully accept – in the debates on minority issues as well as in their various national legal practices – the concept of collective rights, as a possible road towards the (beginning of the) solution of problems which otherwise might not be solved at all. This acceptance, however, should be combined with the claim that the rights of the individuals belonging to such a collectivity have to be fully respected. This 'double approach' is reflected in, for instance, the 1994 UN draft Declaration on the Rights of Indigenous Populations and is consistent with existing international law.¹ Probably, the Croatian Constitutional Law, as described by Snežana Trifunovska in the present book (pp. 27-29), can also serve as an illustration of this multi-layer approach. It is my conviction that a multiculturalist approach, based on full respect for individual human rights and on tolerance towards all kinds of ethnic backgrounds and identities, and the recognition of group rights do not have to be in conflict. Such an approach brings in the fruitfulness of thinking in terms of self-determination for minorities, as a concept which creates room for them in addition to the legal status States and individuals do have in international (human rights) law, while it also underlines that finally collective wishes can only be realised when taking individual wishes into full consideration (and when accepting 'opting out clauses' in case individuals do not want to live under the rules of the new leadership). In the words of Gudmundur Alfredsson:

'Group rights for minorities are necessary to guarantee a number of rights (including those to identity, culture and education), to otherwise approximate circumstances enjoyed by the majority, to allow individuals to draw on the strength of their groups, and to facilitate interaction of groups with the States in which they live and with international organizations. If group rights are rejected and preferential treatment denied, discriminatory patterns will persist and the equal enjoyment of human rights by minorities will never be realized' (p. 16).

Group rights as a prerequisite for the realisation of individual human rights. Much of the resistance against group rights can be traced back to the exclusive emphasis in the former communist countries on the rights and the interests of the collectivity, without leaving space for their individual members. One should, however, not stick to the dangers of the concept of group rights only, and develop an open and pragmatic eye for the advantages the concept is also to be associated with. On this level there is, to my mind, still a world to win over.

¹ See, for instance, the view of the UN Human Rights Committee in the case of the Indian woman *Sandra Lovelace v. Canada* (case no. 24/177).

4. ECONOMIC DEPRIVATION: CAUSE OR RESULT?

Many minority problems are directly related to an overall poor economic situation. As soon as the economic situation becomes worse, members of minorities, or minorities as a whole, belong to the first victims. This becomes apparent in less access to work, more discrimination on the job market, growing prejudices as to their economic capacities. The minorities serve as the natural scapegoat every situation automatically creates at the moment things are not going according to expectations or wishes.

The importance of economic welfare, or things like participation in society through access to the job market, should not be underestimated. In the words of Edwin Bakker, it appears, for instance, 'that the average Hungarian and his or her Slovak neighbour attach greater importance to general socio-economic issues than to specific political issues dealing with ethnicity and national identity' (p. 195). The same author links the specific economic situation in southern Slovakia to the specific qualities of the Hungarians living there.

'The relatively high unemployment rate in the south of Slovakia may, for a large part, be explained by the fact that this region is rural in character, it lacks large cities and straddles a State border: these are three factors which in general often have a negative impact on economic development in Central Europe. Especially the traditional agricultural background of the Hungarians and their regions seem to have had a negative impact on their present economic situation as they have been hit particularly hard by the collapse of the agricultural sector' (p. 200).

In this example, one can say, the negative consequences of the changes in the economic patterns are directly linked to the specific qualities of the Hungarians living in southern Slovakia, but not to their minority status. Other authors, however, make such linkages between economic deprivation and being a minority. Fernand de Varennes, for instance, notes that the 'economic situation of individuals who belong to linguistic minorities in Estonia clearly appears to be worse than that of so-called "ethnic" Estonians' (p. 139). And: 'Although there are a number of factors which undoubtedly contribute to the situation, it would seem that the Estonian Government's language and citizenship policies and requirements are contributing directly to the higher levels of unemployment amongst Russian-speaking individuals' (p. 139).

As to the same author, these 'restrictions or obstacles that non-citizens are subjected to in the economic field could arguably be said to flow from Estonia's breaches of international law dealing with non-discrimination and/or statelessness' (p. 127). But not all economic problems the Russian minority in Estonia is confronted with, are related to the absence of a recognised citizenship. De Varennes: '(...) even members of the Russian minority who have passed the citizenship hurdle can find themselves excluded from employment opportunities' (p. 135).

In addition, the quality of the jobs occupied by members of minorities on average varies in a negative sense in comparison to those occupied by members of the mainstream society. On that subject, it is noted by Mirjana Domini 'that in Croatia the Italian minority had the largest number of management staff, while the Roma had none' (p. 69). About the Roma she adds:

'The greatest losers of the changing system (the transformation of the economy and privatisation) have been the qualified, semi-skilled and auxiliary Roma workers, employed in socially-owned/State firms, who have been redundant. With the increase in the unemployment rate and the problems of retraining, as well as a difficult adaptation to changed working conditions (especially by private contractors), more and more of the Roma have been thrown out of work and income' (p. 77).

Edwin Bakker adds as to the (non-)position of the Roma on the job market that the extremely high unemployment level of the Roma can be partly explained by the fact 'that Roma workers often cannot compete with other workers' and that very few 'are sufficiently qualified to take up skilled work or apprenticeships in industry' (p. 203). The Roma are therefore extremely vulnerable to the risk of entering downward spirals, a process which they can never reverse on their own.

This brings me to the issue that minorities easily come to live in a position of *overall* misery. Again, the Roma are a case in point. In the words of Edwin Bakker, they 'suffer from miserable living conditions, extremely high unemployment, appallingly low educational achievement, downright social exclusion and blatant discrimination' (p. 206). Can it be worse? Probably not. But in many other cases there are also relations between lack of education and access to the labour market, between the non-ability to speak the majority language and access to higher-qualified labour, et cetera. Marina Martynova notes in relation to that, that the non-ethnic Estonians in Estonia face all kinds of problems in different fields, but that 'all these problems are linked to the political one' (p. 87). And Edwin Bakker reaches the same conclusion when he states that 'economic inequalities have often, though not always, been created and reinforced by deliberate social practice and public policy' (p. 191). Economic deprivation: cause or result? The answer can only be found – if ever – on the basis of a detailed tailor-made research. However, the reality is anyhow that in many situations minorities are confronted with a cumulation of problems. Saying so, however, is not yet the same as saying that the majority is the only party to be blamed for that. Sometimes it is, in other cases the answer will be more nuanced and balanced. As I will argue in the final section, it is no solution to consider minorities as victims only. Before doing so, I would like to discuss one issue which always puzzles me professionally: to what extent is international law and international organisations a helping hand in solving minority problems?

5. THE ROLE OF INTERNATIONAL ORGANISATIONS

The minorities issue is on the agenda of several international and regional organisations – see Gudmundur Alfredsson's chapter, especially section 6, for a handy overview –, sometimes already so for some decades, sometimes since only a few years. The question is, to what extent does it matter what these bodies are doing. In general, one might hope that it does, be it on the level of developing standards that can be 'translated' into national policy and legislation, of creating complaint procedures to which members of minorities have access, of organising round tables or offering mediation facilities and 'good offices', or, to mention just one other example, on the level of offering entry to an organisation upon the condition that the relevant State respects the internationally recognised rights of (the members of) its minorities.

The present book gives a series of illustrations of positive influences resulting from the activities of international organisations and their specific bodies, committees, and the like. Gudmundur Alfredsson, for instance, notes that the UN Human Rights Committee, established to monitor compliance with the International Covenant on Civil and Political Rights, 'has made major contributions to the jurisprudence on minority rights' (p. 19), and in doing so the Committee is one of the bodies 'pushing States towards compliance' (Alfredsson, p. 12). Other examples relate to, for instance, the activities of the relatively new, European Commission against Racism and Intolerance (ECRI) – see, amongst other things, Marcia Rooker's remarks on the ECRI involvement in the situation in Slovakia, p. 180 –, while Budislav Vukas touches upon the positive role the European Commission for Democracy through Law ('Venice Commission') played in Croatia. He notes that on the basis of the Commission's recommendations Croatia:

'undertook two measures: In January 1998 the Council of National Minorities was set up to act as an independent consultative body defining the interests of minorities and proposing actions in this respect to the Croatian Parliament and the Croatian Government. Secondly, the Croatian Constitutional Court has accepted the Venice Commission's proposal on the participation of international advisors in the work of the Court in cases dealing with minority issues' (p. 58).

Vukas is also quite positive on the role the 1991 Hague Conference and the 1992 London Conference on the former Yugoslavia have played in relation to developments in Croatia. He notes, *inter alia*, that the Croatian President Tudjman has stated that, as a result of the first Conference, the Croatian Constitutional Law 'was modelled on the Hague Draft Convention' (p. 46). Of course, one can add, President Tudjman might have had additional political reasons to say so, but nevertheless he did.

In general, States are prepared to adopt measures – and to underline the fact that they have done so – as soon as they can become members of such organisations as the Council of Europe, the European Union or the NATO. The book

gives several illustrations of States being prepared to adapt their legislation and practices as soon as these memberships are to be gained. Budislav Vukas, for instance, mentions that 'in the process of its admission to the Council of Europe, Croatia was required to reconsider its suspension of some of the provisions of its Constitutional Law' (p. 58), while Snežana Trifunovska in relation to the same country notes that 'the increasing Croatian integration in all major international and European institutions [seems to contribute] positively to the internal political/security situation' (p. 29). In addition, Karen Henderson notes that the discussions on Slovakia's language law 'greatly damaged Slovakia's relationship with the EU', while later on the issue was taken up as 'one of the key short-term political priorities' in the EU's 1998 Accession Partnership with Slovakia' (p. 156). In sum, one can say that, if used with an open eye to the sensitivities minority issues are almost always connected with, the linking of such issues to membership negotiations can sometimes lead to a breakthrough, which cannot otherwise be reached.

In the book, several examples are also given of the positive influence the High Commissioner on National Minorities of the Organisation on Security and Cooperation in Europe has had on the solution of many minority issues. To give only one example: Peter van Krieken notes that Estonia in a sincere and serious way deals with the High Commissioner's recommendations, and that it has adopted 'until now all but one of the recommendations concerned', the final one – on citizenship for children born in Estonia since March 1990 – being underway at the moment of finalisation of his text (pp. 120-121).

Apart from the international organisations and their bodies, external influences also come from the kin-States. They have, more or less by definition, an interest in finding solutions for the problems their 'co-nationals' in another, often neighbouring country, are confronted with. Such an interest sometimes leads to bilateral treaties – as in the case of Croatia and Italy (see Budislav Vukas, p. 61) and between Slovakia and Hungary (see, for instance, Karen Henderson, p. 157) – while in other situations the normalisation of the relations can lead to a situation which is less tense. In that respect, Mirjana Domini notes that 'with the normalisation of relations between the Republic of Croatia and the FR of Yugoslavia, possibilities have been created for the development of cultural and economic relations between the Serbian minority and its kin-State within the framework of accepted international standards' (p. 77). But, of course, the role of the kin-State can also be very detrimental, for instance, by supporting in an unbalanced way wishes for a far-going autonomy, or by stressing the possibilities of secession and/or the establishment of a federation with the kin-State, and so on – see, for instance, Snežana Trifunovska, p. 26, on the role of Serbia in relation to the Croatian Serbs, and Marcia Rooker, p. 182, on the role of Hungary in relation to the Hungarian minority in Slovakia. However, a thoughtful and honest assessment of the roles played by the kin-States can only be made on a case-by-case

basis ('tailor-made'), carefully taking into consideration all the effects and side-effects of the kin-State's activities on the position of the 'kin-minority', in the short as well as the long term.

Looking at the issue of 'external influences' from an overall perspective, one can say that the book, not surprisingly, provides many examples illustrating that the international community, at least to some extent, is influencing the course of events, be it on the level of reminding States of what standards they have to live up to, or through active involvement in specific cases (see above). One can add that through the many channels which are available to the international community, a lot of extra attention has been given to minority problems. Generally speaking, that is a good thing in itself. In the words of Gudmundur Alfredsson: 'Governments do not welcome institutional pressure and criticism and would rather avoid it', while the debates in international fora 'put political, diplomatic and public pressure on governments to mend their ways' (p. 13). In that 'game' of creating public attention to specific governmental activities and of creating pressure on governments to change their policies, also non-governmental organisations (NGOs) and the civil society more in general can play an important, if not sometimes decisive role. The activities of many of the above-mentioned international, governmental organisations and their expert-based and governmental bodies, would in many cases not be effective without clear internal support, pushing governments in the same direction.

6. CONCLUDING REMARKS

Minority issues are often seen as a threat to peace and security, and are therefore considered to be highly sensitive. However, even in specific cases minority problems cannot be considered to contain such threatening aspects, they often rightly ask for attention. Minority protection is also about the preparedness to share economic resources, about tolerance, about intrastate good neighbourly relations, et cetera. As such, minority protection is about much more than solving potentially burning issues alone, although it cannot be denied that this is an important aspect. Minority protection is also about preventing the conflict stages that nobody wants.

In that respect the issue of group rights versus individual rights deserves special attention. As argued above, a sound mix of tolerance towards (ethnic) differences through the legal recognition of some collective claims, followed by the claim upon the minority to be tolerant towards the individual claims of its members, can serve as a sound basis for a multicultural society. For obvious reasons, group rights are often considered to be dangerous instruments, depriving individuals of their personal freedoms. One should not forget, however, that group rights can also be instrumental in a positive sense.

Minorities are often seen as pitiful and as victims of oppression by governments that do not want to listen to their justified wishes. This is, no doubt, often the case, as it is also often the case that in studies on minority issues the perspective of these victims and the solutions which are proposed by their representatives are, more or less uncritically, taken as a starting point. In that respect, it might be good to note that minorities, and especially their leaders, also have responsibilities towards society as a whole, that is to say, that one has to look at reasonable means first, without immediately using warlike language, drenched with nationalist terminology and striving to secession, as often happens. Therefore, a sense of responsibility is a first requirement for minority representatives – and others, like journalists. In the words of Peter van Krieken, 'there are no rights without responsibilities' (p. 122). Applying this to Estonia, he states that 'the Estonian Government and people deserve praise with respect to the efforts they have been taking at integration. It is now up to the potential beneficiaries of the fairly ambitious legislation and integration efforts to respond' (p. 122). Finding solutions asks for a preparedness to act responsibly, from two sides. Many minorities to my mind rightly ask for a recognition of their right to be different, while also in many situations the balance is still so much one sided, that it would be more or less unjust to speak about the responsibilities the minorities and their representatives have towards the society as a whole. Nevertheless, in many situations a turning point can be realised, be it from within and/or through assistance from the outside – governmental as well as non-governmental – world, and in that case, it can be more fruitful to accept the point reached than to strive for more. Needless to add that in many cases such a turning point has not yet been reached.

To end. Finding solutions for minority problems will always be a first responsibility for the parties themselves. However, the international community, with its standards and its implementation as well as its supervisory mechanisms, can be highly instrumental in that, as many contributions to the present book show. In the end, the solutions can only be tailor-made. They can take their inspiration from general standards for minority protection as developed by the international community, they can be based on an analysis of best practices, they can even be made in comparison to other cases in which one has found durable solutions, but finally they have to fit as a made-to-measure suit. If the character of the case involved, including its historical, economic and social specifics, is not – or not sufficiently – taken into consideration, such a lack of specificity can serve as a breeding ground for new frustrations, with the type of consequences of which recent history has provided so many shameful examples.