

IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

GENEVA MEETING ON NATIONAL MINORITIES AND MOSCOW MEETING
ON THE HUMAN DIMENSION

JULY 31, 1991

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GENEVA MEETING ON NATIONAL MINORITIES AND MOSCOW MEETING ON THE HUMAN DI- MENSION

WEDNESDAY, JULY 31, 1991

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, DC

The Commission met, pursuant to notice in room 562, Dirksen Senate Office Building, at 2 p.m., Honorable Steny H. Hoyer (Chairman), presiding.

Members present: Senator DeConcini, Co-Chairman, Senator Larry E. Craig, Representative Christopher Smith, and Secretary Richard Schifter, Department of State.

OPENING STATEMENT OF CHAIRMAN STENY H. HOYER

Chairman HOYER. The Commission will be in order. I'm hopeful that we have other Commission members that will be coming. The House Members, I know, are in a vote right now. We are having some procedural difficulties on the floor of the House, some sentiments being expressed in terms of procedural votes which I know is not unknown. But as we look abroad for the glories of democracy, we practice them here sometimes with difficulty.

I want to welcome Ambassador Kampelman, our good friend and great expert on the CSCE process, who has been such an outstanding leader in many different fora on behalf of CSCE, on behalf of our Nation and on behalf of the principles of the Helsinki Final Act.

As Chairman of the Commission on Security and Cooperation in Europe, it's my pleasure to welcome all of you here today, and particularly you, Mr. Ambassador. At this hearing we will focus on two important CSCE meetings, the Geneva Experts Meeting on National Minorities, which took place earlier this month and which unfortunately I did not get an opportunity to attend. Perhaps I should have been there, as an aside. And the Moscow Meeting of the Conference on Human Dimension scheduled for September 10 through October 4.

The very high priority the United States places on the CSCE process and on these two meetings in particular is evidenced in my opinion by its choice of Ambassador Kampelman of the U.S. delegation, both in Geneva and in Moscow. Ambassador Kampelman's long connection with the CSCE process and his many important contributions to its success are well known to all of us on the Commission and especially to those who have had the honor to work

with him. He is a skilled negotiator, an accomplished diplomat, an excellent colleague and a good friend.

The Geneva meeting which recently ended was mandated to discuss national minorities. The meeting had three components: exchange of views on practical experience; review of the implementation of relevant CSCE commitments; and consideration of new measures. As we know, the meeting resulted in the adoption of a final document, one that while modest does go beyond previous commitments in some important areas. Ambassador Kampelman, we will be interested, of course, in your comments and assessment of the Geneva meeting and its conclusion, and particularly in discussing what lessons, warning and encouragement can be taken from Geneva as we move toward Moscow this fall.

The Moscow meeting of the Conference on the Human Dimension, the third in the CDH series, will be a truly historic meeting. Its very location is momentous, signifying not only how far we've come in bridging the gap between East and West, but also how far we have to go in eliminating human rights abuses within the CSCE.

The meeting will also highlight a flagrant obstacle on the road to the new Europe, the plight of the Baltic States. We believe that a thorough review of implementation at the Moscow meeting will be essential, not in the spirit of confrontation and threat, but in the spirit of cooperation and constructive concern. We will also be looking to strengthen the human dimension mechanism adopted in Vienna and modified in Copenhagen. Perhaps the creation of teams of rapporteurs to investigate or mediate specific cases or situations could perhaps bring practical solutions to the very real problems that exist. Perhaps the greater involvement of the NGO community and others involved in human rights issues can improve information collection and sharing.

We look forward, Mr. Ambassador, to your thoughts on new proposals for the human dimension mechanism. As you know, I'll be leading a delegation to Moscow, along with Co-Chairman DeConcini to attend the opening of the meetings. Again, we welcome you.

Prior to, however, asking the Ambassador to commence, let me emphasize how concerned I am and I'm sure other members of the Commission about the recent events in Lithuania last night or yesterday. I have made—Congressman Durbin made a very strong statement on the floor today. I am hopeful that the State Department and the President will make very strong statements as well. It is obviously intolerable that there continues to be violence visited upon the Baltic States, particularly in derogation of their own border controls as they attempt to exercise their responsibilities and we suggest their powers under their freely democratically elected parliament.

Mr. Ambassador, I know that that is of great concern to you and I'd be interested during the course of your testimony if you might comment on what discussions, if any, were had with respect to that issue in Geneva.

Again, Mr. Ambassador, I'm not objective in introducing you. I am one of your big fans and believe that you are one of our country's greatest assets as it relates to international relations and stat-

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AMBASSADOR I

Ambassador KAMPE

Let me say at the (you expressed with re had the occasion just a talks to visit Vilnius t government and to w experienced with the (form, Soviet military border posts. These v Chairman, and must b ous fashion or I'm afra come.

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Is this working now?

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Chairman HOYER. Th

Ambassador KAMPE one, not planned for v 1988 to keep the CSCE Vienna and the sched This special meeting w the heads of state at because of a growing r West tensions we wer sions. Indeed, that beca July 1.

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we welcome you to the Commission.

AMBASSADOR KAMPELMAN, HEAD, U.S. DELEGATION

Ambassador KAMPELMAN. Thank you, Mr. Chairman.

Let me say at the outset that I thoroughly share the sentiment
you expressed with respect to recent developments in Lithuania. I
had the occasion just a few weeks before the opening of our Geneva
talks to visit Vilnius to meet with a number of the officials of that
government and to witness at first hand the great concern they've
experienced with the constant incursions by people in military uni-
form, Soviet military uniform, against the border patrols and the
border posts. These were provocations that are inexcusable, Mr.
Chairman, and must be addressed by our Government in very seri-
ous fashion or I'm afraid they may be harbingers of worse things to
come.

I'd now like to proceed with my testimony. I welcome the oppor-
tunity to appear before you this afternoon and to review with you
my perceptions of what transpired at the most recent Geneva
CSCE meeting dealing with national minorities. You have already
been informed, I'm certain, of the specific tangible results as they
appeared in the concluding report that was unanimously approved
at the Geneva meeting.

Is this working now? Thank you.

These were modest results, but they were significant. You have
also seen my statements to the meeting, as well as contributions
made to the meeting by members of our delegation. Before I pro-
ceed, however, I want to express my appreciation to you and to the
members of the Commission for the splendid assistance provided
our delegation in making members of your staff available to us as
members of our delegation. We could not have functioned ade-
quately without them. Under the direction of Samuel Wise and
David Evans, your splendid staff strengthened our delegation with
their experience, familiarity with the non-government organiza-
tions, their judgment, their writing ability and their negotiating
skills. They, together with the people we had representing the De-
partment of State, made a superb delegation, Mr. Chairman, and I
want to thank you.

Chairman HOYER. Thank you.

Ambassador KAMPELMAN. The Geneva meeting was a special
one, not planned for when decisions were made in Vienna in late
1988 to keep the CSCE flag flying between the follow-up meeting in
Vienna and the scheduled follow-up meeting in Helsinki in 1992.
This special meeting was decided upon by the foreign ministers and
the heads of state at the Paris summit in November of last year
because of a growing recognition that with the diminution of East-
West tensions we were seeing a decided increase in minority ten-
sions. Indeed, that became evident as our Geneva meeting began on
July 1.

The violence that erupted in Yugoslavia overhung our sessions as
we began our deliberations. The danger that the violence would
run over Yugoslavia's boundaries and extend themselves with the
involvement of other states was a real one. Two extraordinary

meetings provided for under the established CSCE provisions were underway as we assembled. There was one in Vienna, justified by the clear signs that there was unusual military activity taking place in Yugoslavia. There was another meeting in Prague convened under the agreed upon provisions for the peaceful resolution of disputes. This was the major subject of concern and conversation during our first week.

On the Sunday night preceding the opening of our meeting, for example, I met with Ambassador Jack Maresca, representing the United States at both the Paris and the Vienna meetings, who came to Geneva to brief me on the developments in Yugoslavia as he saw them. We found, furthermore, that a number of heads of delegations who were scheduled to be with us in Geneva, were otherwise occupied in Vienna and Prague.

Fortunately, a consensus emerged within the delegations of Geneva that it was not our task to address the specific Yugoslav crisis while it was effectively being addressed elsewhere. What was clear, however, was that the tensions between Serbia, Croatia and Slovenia, as well as the problems involving Albania and Kosovo demanded European attention and could not be ignored by the CSCE process. Our task, one that was now surrounded by a sense of urgency, was to explore how CSCE could represent, when appropriate, a European-wide interest in helping to settle minority tensions wherever they arose without violence and within a context of stability.

There were two broad principles that motivated the American delegation at this Geneva meeting. Primarily, we were interested in developing a consensus that CSCE had an unquestioned role to play in dealing with those minority tensions. Second, we did not wish to conclude our meeting with a final report which was not substantively meaningful and simply repeated what Copenhagen had agreed upon.

My own view as we came to Geneva was that there was probably no way we could now significantly improve on Copenhagen. It was only a year since that extraordinary statement had been adopted. Rather, I felt our task should be to explore how Copenhagen was being implemented and how that implementation could be strengthened as a result of our deliberations. I was intensely interested in seeing to it that we not attempt to repeat what was included in Copenhagen out of concern that an assumption might thereby be communicated that those provisions of Copenhagen not repeated in Geneva might be of lesser importance. Fortunately, our objectives were shared by most other delegations as well.

The minority tensions that exist within Europe were evident in our sessions, but there seemed to be no desire to intensify those disputes by highlighting them at Geneva. It will not surprise you, Mr. Chairman, to learn that the American delegation included the Kosovo repression within our concerns because we do not believe that the way to deal with serious problems is to ignore them. We also refer to the continuing discrimination experienced by Hungarians in Romania. Indeed, we had some intense private exchanges with representatives of both countries in an effort to channel this understandably bitter dispute toward a constructive path. We noted the significant improvements in Bulgaria, particularly as it

related to the treatment had some private difficulties within Bulgaria. The Greek, at our meeting, although cause there are apparent to deal with that problem.

Chairman HOYER. I break. Unfortunately, will be back to hear the votes, go over and vote.

Ambassador KAMPE Chairman HOYER.

somebody gets back here (Whereupon, off the

Secretary SCHIFFER doesn't come back in meeting. So, please.

Ambassador KAMPE what I would like to do I left off on the assumption together.

In that connection, opening and in its role Baltic States for indeed not too distant future full participants in the lead of the Swedish ship of a "Friends of representatives, briefed their effort to raise needs.

Two items on our and to national experience in dealing with minorities in both areas. It was and cajoling in persuasion implementation agencies their implementation al experiences. Let me impressed with the experience learned a great deal freedom of opportunity. We contributed significantments on our own civil questions, and a rather practices in this area.

I am aware of the findings suggested that national minority." Thatspecifically urged that it in futility. One senior that the United Nations been unable to arrive

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related to the treatment of Turkish minorities there, but we also had some private discussions with regard to serious criticism we had heard within Bulgaria about the shortcomings of their new constitution. The Greek, Turkish and Cyprus problems were also noted at our meeting, although our delegation did not deal with it because there are apparently serious efforts underway in other fora to deal with that problem.

Chairman HOYER. Mr. Ambassador, that may be a good time to break. Unfortunately, there's nobody else here. The good news is I will be back to hear the whole statement. Let me take 5 or 6 minutes, go over and vote and I'll be right back.

Ambassador KAMPELMAN. Shall we call a recess now?

Chairman HOYER. We'll call a recess for five minutes, or until somebody gets back here, whichever occurs first.

(Whereupon, off the record briefly.)

Secretary SCHIFTER [presiding]. It was suggested that if he doesn't come back in 5 minutes, that I go ahead and reopen the meeting. So, please.

Ambassador KAMPELMAN. With your permission, Mr. Chairman, what I would like to do is continue with the statement from where I left off on the assumption that people will be able to piece it together.

In that connection, you are aware that the United States, in its opening and in its closing statements, supported the desire of the Baltic States for independence and expressed the hope that in the not too distant future Estonia, Latvia and Lithuania be admitted as full participants in the CSCE. Our delegation, furthermore, followed the lead of the Swedish delegation which assumed the chairmanship of a "Friends of the Baltic" group. We met with Baltic representatives, briefed them and tried to be of assistance to them in their effort to raise the consciousness of the meeting as to their needs.

Two items on our agenda related to review of implementation and to national experiences which could be useful to the meeting in dealing with minority questions. We, of course, participated fully in both areas. It was necessary for us to be somewhat persuasive and cajoling in persuading a number of our allies to join us in the implementation agenda item. Some did. Others chose to merge their implementation comments within the context of their national experiences. Let me say in that connection that I was favorably impressed with the extent of self-criticism that we heard. We also learned a great deal about what countries were doing to extend freedom of opportunity and democratic rights to their minorities. We contributed significantly to that learning experience with statements on our own civil rights record and efforts, our own minority questions, and a rather full explanation of our legal traditions and practices in this area, including our laws regarding hate crimes.

I am aware of the fact that the Commission has on previous occasions suggested that it would be desirable to define the term "national minority." That was not done. Indeed, many delegations specifically urged that it not be done and that it might be an exercise in futility. One senior diplomat pointed out to me, for example, that the United Nations, in all of the years of its existence, had been unable to arrive at such a definition.

This is an important issue. Its importance was brought home to me in Copenhagen when, after an intense negotiating session with a number of our allies and friends, one of my European colleagues pointed out that most European countries simply do not have as broad a definition of minorities as we do in the United States and that this was at the root of some of our differences on how to approach the problem. He indicated that for most European states a specially protected minority had to be indigenous with deep roots in the society. Recent immigrants, he said, were entering their new homes knowing full well that they were entering a country whose culture and language were different from theirs. They freely entered and therefore, he continued, had an obligation to accept the majority culture without imposing an added burden on that society.

We in the United States, of course, go beyond the indigenous American Indian and the indigenous blacks who live in our society and we extend our legal protections to newly arrived immigrants as well.

The American position on the question of minorities is one that we made every effort to explain. For us, the common denominator is the individual, whose human rights had to be protected. We felt that to the extent the countries of Europe lived up to the requirements of the Copenhagen Document, they assured human rights to the individual; their societies were based on political democracy, the rule of law and political pluralism. By definition, the inevitable consequence of that pattern of law and politics benefited all, no matter what groups they participated in. If an individual was granted the right, for example, to speak any language he wished and was free to assemble with like-minded associates, whether political, economic, religious or social, it was then not necessary or even desirable to enact special group rights. This concept is one which will bear repetition and understanding at future CSCE meetings because a number of European states do not naturally accept or understand this approach to rights and to community.

Now for a brief word about the Concluding Document, which I have called "modest." We went beyond Copenhagen by identifying necessary means for implementing the Copenhagen principles. We listed 14 alternative ways that have been tried in different states to provide recourse to victims of discrimination.

We expanded on Copenhagen's concerns about hatred and did so in a manner consistent with our own Constitution. We accepted the notion that acts constituting incitement to violence should be prohibited. We also informed the meeting of our own Hate Crime Statistics Act of 1990 and received approval for the need of other states to heighten public awareness of prejudice and hatred through the publication of such statistics.

We expanded upon the various types of transfrontier cooperation that were desirable to stimulate a free flow of information. We noted that even with full respect for minority rights, it was necessary to appreciate that within areas populated largely by a minority, there might be other minorities living there as well as majority members with a right to be protected. We emphasized the desirability of minimizing local problems with a central government by providing for elected rather than centrally appointed local officials,

and by favoring the presence of the national level.

Let me say a word here about representative of the European Washington. I assured him we v the special concerns about their Document was the first such re er, to engage in an educational pleased to say that such an eff effective. A number of delegatio within their own borders. Mar the Gypsies, designed to produ their culture and difficulties.

There are two substantive ite for the future that I now wish the whole issue of self-determin cepted concept today, but there can find as to what it means a usefulness. There is no definitio clarity as to the limits of the g peoples.

One of the major difficulties, right of self-determination has many, including many heads of They are not the same. They a secession, in my judgment, is n Helsinki Final Act. A country laws for the right of secession a not provide for such a right of s the Helsinki Final Act. We w whether or not an individual be We want members of a minorit wish, peacefully to assemble a cially as they wish; to speak th train their children in their tra they wish to secede, this in my Helsinki Final Act. It is an ol peaceful negotiation.

Mr. Chairman, this theoretica tion. But I hasten to assert tha ship of the Baltic States to the states never recognized or legiti which led to the capture of thos Soviet Union. Their claim for in determination, it is a claim to re by acts of armed aggression.

My final substantive comment mine to be the most important d States submitted an informal pr ess for CSCE to deal with the problems that exist in Europe. I this approach achieved a broad behind it. Indeed, there was a process we called for should app

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the national level.

Let me say a word here about the Gypsies. A few months ago a
representative of the European Gypsies came to visit me here in
Washington. I assured him we would find some way to help develop
the special concerns about their plight in Europe. The Copenhagen
Document was the first such recognition. I also urged him, howev-
er, to engage in an educational effort at the Geneva meeting. I'm
pleased to say that such an effort did take place and proved to be
effective. A number of delegations referred to the plight of Gypsies
within their own borders. Many attended meetings sponsored by
the Gypsies, designed to produce awareness and knowledge about
their culture and difficulties.

There are two substantive items of potentially great importance
for the future that I now wish to note briefly. The first relates to
the whole issue of self-determination of peoples. This is a widely ac-
cepted concept today, but there is absolutely no agreement that I
can find as to what it means and, as such, has decidedly limited
usefulness. There is no definition of what "peoples" means and no
clarity as to the limits of the geographic area populated by these
peoples.

One of the major difficulties, in my opinion, is the fact that the
right of self-determination has been confused in the minds of
many, including many heads of state, with the right of secession.
They are not the same. They are separate rights and the right of
secession, in my judgment, is not sanctified or legitimized by the
Helsinki Final Act. A country may provide in its constitution or
laws for the right of secession and that's fine. Other countries may
not provide for such a right of secession and that too is fine under
the Helsinki Final Act. We want respect for individual rights,
whether or not an individual belongs to a majority or a minority.
We want members of a minority to have the opportunity, if they
wish, peacefully to assemble and act politically, economically or so-
cially as they wish; to speak their mother tongue if they wish; to
train their children in their traditional culture if they wish. But if
they wish to secede, this in my opinion is not their right under the
Helsinki Final Act. It is an objective they should seek through
peaceful negotiation.

Mr. Chairman, this theoretical distinction has practical applica-
tion. But I hasten to assert that it does not apply to the relation-
ship of the Baltic States to the Soviet Union. We and many other
states never recognized or legitimized the act of Soviet aggression
which led to the capture of those states by the armed forces of the
Soviet Union. Their claim for independence is not a claim for self-
determination, it is a claim to regain the freedom taken from them
by acts of armed aggression.

My final substantive comment relates to what history may deter-
mine to be the most important development of Geneva. The United
States submitted an informal proposal to provide a mediating proc-
ess for CSCE to deal with the irritating and dangerous minority
problems that exist in Europe. It seemed evident to all of us that
this approach achieved a broad consensus of support in Geneva
behind it. Indeed, there was a strong feeling that the mediating
process we called for should apply to the totality of the human di-

mension mechanism rather than to minority issues alone. This, therefore, will be a major objective that our delegation will seek in Moscow. We intend during this period to consult with other states and to refine our own thoughts as we proceed toward the Moscow meeting.

In conclusion, let me say, Mr. Chairman, that I've read the summary of our meeting prepared by your staff and do not feel the need to repeat the essence of that report this afternoon. It's true that the United States played a major role in seeing to it that a constructive concluding document was produced by the meeting. There probably would not have been such a document without that effort. To the extent that we helped, we're pleased.

Finally, let me again express my appreciation to you for your many courtesies during our relationship together and for the very special cooperation that I've always received from you and the Commission staff.

Thank you, Mr. Chairman.

Chairman HOYER. Thank you, Mr. Ambassador. I also thank Secretary Schifter for filling in and chairing and Senator DeConcini and Senator Craig have now—Senator Craig has joined us. As a matter of fact, he and I rode up in the elevator together. We probably will have another vote. Let me ask a couple of questions and then, Senator, yield to you.

You mentioned in your statement, Mr. Ambassador, the question of documents and the discussions and your concern and the U.S. delegation's concern for implementation as opposed to further verbiage, particularly in light of the Copenhagen Document which was comprehensive and specific and very excellent.

Do you have any fear that we are either going to start adopting documents for their sake and in the process not focus as much on implementation as we have historically and be somewhat lulled perhaps into some complacency by the improved, less confrontational context of these meetings?

Ambassador KAMPELMAN. Mr. Chairman, I was hoping you would ask me that question because I omitted from my prepared statement a few sentences dealing with that concern in the hope that this would come up during the question period.

What's developed, it seems to me, is an idea that if a meeting does not produce a concluding report or statement of some kind, it's a failure. Host countries have a natural and understandable desire not to be associated with a failure. So, there's always the kind of pressure that comes from a host country. Other countries also feel that they don't like a process that seems to be rolling along quite well, the CSCE process, to be interrupted by what they think the press and others might interpret to be a failure. So, you get this emphasis on concluding statements.

I'm of two minds about this. The Paris Meeting on the Human Dimension did not come out with a final statement. I don't think the Paris meeting was a failure. On the other hand, if we had decided not to come out with a concluding statement at the second meeting of the human dimension in Copenhagen, we would have missed a splendid opportunity to make a very significant advance in international relations. So, you can see why I'm of two minds about this.

Now, there is always the emphasis, and that's the other side of implementation. In the end, one or two actually of that agency were the only ones to come concerned about that. I shall say that and I did it in side conversations. I found the following: with no one was being made and was not wanted to inject notes of sourness into the atmosphere. So, they were really minimized the importance of many of those countries were.

One country troubled me in the pride in the notion that they were specific with respect to revision to speak privately with the press my concern about his negative attitude. He heard that was. So, we do have to be very careful of the sour note in an atmosphere has gripped itself with.

I don't think the Geneva meeting that regard. We ended up with others who did participate. I participated but took credit for part of their final statement as far as you're saying. I note the press say to you, Mr. Chairman, I'd like to have these excluding statements and make a distinction between the minority problem and the human dimension, which is what the Copenhagen came out with.

Chairman HOYER. You know, I was one of the first—not the first—that I participated in, as you say. The Commission was the Berne Commission was significant in the fact that it was close to adopting a document. From that standpoint, I suppose one of the signals and this is no criticism, it was handled it very well. But I think, however, as a participant there in the document. As a matter of fact, the message which resulted in the substance being adopted. That was the point not here to adopt a document. We adopted a document.

Paris may have been, as you say, to a document in Copenhagen. The message, although that was not the case, did not lead any of our cooperation. We were pretty well in sync.

minority issues alone. This, our delegation will seek in to consult with other states proceed toward the Moscow

nan, that I've read the summary staff and do not feel the report this afternoon. It's true role in seeing to it that a s produced by the meeting. uch a document without that e're pleased.

ppreciation to you for your ip together and for the very received from you and the

mbassador. I also thank Secring and Senator DeConcini r Craig has joined us. As a elevator together. We probask a couple of questions and

Mr. Ambassador, the question your concern and the U.S. on as opposed to further ver-hagen Document which was cellent.

ither going to start adopting rocess not focus as much on lly and be somewhat lulled ie improved, less confronta-

airman, I was hoping you omitted from my prepared th that concern in the hope ation period.

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aris Meeting on the Human al statement. I don't think ne other hand, if we had deing statement at the second Copenhagen, we would have e a very significant advance i see why I'm of two minds

Now, there is always the concern that there will be less of an emphasis, and that's the other part of your question, on the review of implementation. In the early days of our meeting, the first day or two actually of that agenda item at our meeting in Geneva, we were the only ones to come up and review implementation. I was concerned about that. I shared that concern at our NATO caucus and I did it in side conversations with other delegations and I found the following: with many, a feeling that so much progress was being made and was continuing to be made that they didn't want to inject notes of sour grapes into that otherwise positive atmosphere. So, they were reluctant to join in. It was not that they minimized the importance of review of implementation as far as many of those countries were concerned.

One country troubled me very much by openly stating some pride in the notion that they were not mentioning names or being specific with respect to review of implementation. I had the occasion to speak privately with the head of that delegation and to express my concern about his pride in that what I considered to be negative attitude. He heard me out. He understood what my point was. So, we do have to be wary of this tendency maybe not to be the sour note in an atmosphere of self-congratulations which CSCE has gripped itself with.

I don't think the Geneva meeting turned out to be that bad in that regard. We ended up not being the only one. There were others who did participate. There were some who did not participate but took credit for participating, which was all the same in their final statement as far as I was concerned. So, I welcome what you're saying. I note the problem you have pointed out and I must say to you, Mr. Chairman, I don't have an answer to that problem. I'd like to have these expert meetings, for example, without concluding statements and maybe we could have made a distinction between the minority problem and, let's say, a meeting on the human dimension, which is more of a serious problem and where Copenhagen came out with an important document.

Chairman HOYER. You know, it seems to me, Mr. Ambassador, I was one of the first—not the first, but one of the first meetings that I participated in, as you may recall, as Co-chairman of the Commission was the Berne meeting. The Berne meeting, of course, was significant in the fact that the perception was we were very close to adopting a document. In fact, probably from a procedural standpoint, I suppose one of the failures we'd perhaps sent mixed signals and this is no criticism of Ambassador Novak, who I think handled it very well. But I thought it was very significant, however, as a participant there in the last 3 days that we didn't adopt a document. As a matter of fact, I thought we sent a very good message which resulted in subsequent meetings in stronger documents being adopted. That was the message, of course, being that we are not here to adopt documents for the purpose of saying that we adopted a document.

Paris may have been, as you say, a success in that regard leading to a document in Copenhagen, because I think we sent a similar message, although that was not—from a procedural standpoint we did not lead any of our co-partners or co-negotiators astray, so that we were pretty well in sync, I think, on that.

Berne, of course, the United States was criticized by some of its allies for not signing onto the document. However, I think Ambassador Ridgeway, then Secretary Ridgeway, made an excellent judgment along with the Secretary of State and others of us who felt that we shouldn't do that. Secretary Schifter, of course, might want to comment on that as well.

But I think we need to guard against documents for documents sake.

Ambassador KAMPELMAN. Let me say, Mr. Chairman, if I can interrupt a moment, that my constant refrain in Geneva during the last week was that the United States did not need a concluding document. I must say that gave us great strength because indeed we did not need a concluding document. But I can tell you this, that nearly all of the other delegations very much wanted a concluding document.

Chairman HOYER. Well, I think there's a great, great impetus and incentive for a piece of paper to go back with and say, "This is what we did," because it is a—most of us are product oriented. The Congress likes to pass bills. That's our product. International meetings like to adopt documents. That's their product. But if we do so at the expense of substance and have a proliferation of rhetoric, the real hard stuff gets lost in the volume, I think.

Let me ask you one more question, and this is on the Moscow meeting. Senator Baker alluded to certain conditions laid down by the United States in connection with our agreeing to convene a human rights meeting in Moscow. One of the conditions, as you know, was the elimination of remaining obstacles to emigration. While emigration levels have risen significantly in recent years, can we say that Soviets have, in fact, eliminated these obstacles? In other words, is it your perception they have met in effect this standard or—I don't want to refer to it as requirement, but this standard to which we were looking? Clearly, Mr. Burlatsky's legislation was successful. It needs to be implemented, and as you may know just yesterday they raised the emigration fee from 200 rubles to 1,000 rubles, which I referenced on the floor of the House today, clearly raising financial impediments to emigration if not legal.

What's your thought on that, Mr. Ambassador? You've been very involved in that for more than a decade and a half, two decades and you've seen radical changes, of course. But what's your thought?

Ambassador KAMPELMAN. Let me first say that my guru and expert on this question is Secretary Schifter, who is sitting right next to you. I'd certainly like to get his judgment in the evaluation of what the Soviets have done on the emigration question. It's a debatable point. Things look good on paper. There are many who will question its practice and its potential for difficulty.

I can just tell you in broad terms the way I looked at the Moscow meeting, which was that I did not think we were bestowing a favor on Moscow to hold the meeting there. I felt that if as a result of their behavior they had to be chastised severely by us, what better place to chastise them than in their own backyard.

The ingredients that I thought would be very important as preconditions for a Moscow meeting were to have free access to the press and adequate full access by the NGOs because that's the

rules of the game. But I Belgrade we're necessary or that everything is Moscow. But I would I emigration problem from Chairman HOYER. I'm ment on that.

Let me ask you one ment. Clearly one of t about in Paris, which was NGO access. Have time?

Ambassador KAMPELMAN. Chairman HOYER. Co-Ambassador KAMPELMAN. Vilnius a few weeks be during that period and to the meeting and wit pointed by the Soviet a in Geneva I met with t eon at his mission. To portance of access to th

I visited the site of th pointed out to them h their responsibilities al will criticize. We must

I want to say really Geneva were superb. Soviets and showed hi where the press could there, personally try to

Chairman HOYER. W tion. Obviously it's ve tions for NGO access. I know, as you've heard.

I'm going to vote ag Mr. Ambassador. I do within the time fram that, but look forward

Ambassador KAMPELMAN. Payers appreciate you Chairman HOYER. T

Co-chairman DECON from a taxpayer lately

Thank you, Mr. Cha Ambassador, thank laudatory comments. us so well in so many doing here.

I heard most of you I am very concerned t ing violations of CSC have to admit has occ that if we go to the

was criticized by some of its members. However, I think Ambassador Hoyer, made an excellent judgment and others of us who felt differently, of course, might want

to submit documents for documents

Yes, Mr. Chairman, if I can interpose in Geneva during the meeting did not need a concluding statement of great strength because indeed we have it. But I can tell you this, that we have very much wanted a con-

There's a great, great impetus to go back with and say, "This is our product. International meeting product. International meeting product. But if we do so, we have a proliferation of rhetoric, and I think.

and this is on the Moscow conditions laid down by

our agreeing to convene a meeting of the conditions, as you know, creating obstacles to emigration. Significantly in recent years, we have eliminated these obstacles? In the meeting have met in effect this as a requirement, but this clearly, Mr. Burlatsky's legislation supplemented, and as you may know, migration fee from 200 rubles to the floor of the House today, no emigration if not legal.

Ambassador? You've been very patient and a half, two decades of course. But what's your

First say that my guru and Secretary Schifter, who is sitting right here, judgment in the evaluation of the migration question. It's a decision. There are many who will have difficulty.

Anyway I looked at the Moscow meeting and we were bestowing a favor. I felt that if as a result of the meeting severely by us, what better in the backyard.

It would be very important as preparation to have free access to the meeting of NGOs because that's the

rules of the game. But I didn't feel that when we hold a meeting in Belgrade we're necessarily saying everything is fine in Yugoslavia or that everything is fine in Moscow if we have a meeting in Moscow. But I would like a more professional evaluation of the emigration problem from others rather than from me.

Chairman HOYER. I'm sure that Secretary Schifter might comment on that.

Let me ask you one last question that you raised by your comment. Clearly one of the things that some of us were concerned about in Paris, which was substantially improved in Copenhagen was NGO access. Have you been pursuing that at this point in time?

Ambassador KAMPELMAN. Yes.

Chairman HOYER. Could you comment on that?

Ambassador KAMPELMAN. I mentioned earlier that I had been in Vilnius a few weeks before going to Geneva. I also was in Moscow during that period and I met with the head of the Soviet delegation to the meeting and with the executive secretary of the meeting appointed by the Soviet authorities. Let me repeat that the first week in Geneva I met with the head of the Soviet delegation at a luncheon at his mission. To all of these people I emphasized the vital importance of access to the NGOs and to the press.

I visited the site of the meeting in Moscow. It's a small site. But I pointed out to them how they could use that site and still fulfill their responsibilities adequately. I hope they will. If they don't, we will criticize. We must do that. But they understand it full well.

I want to say really as a tribute to the Swiss that the facilities in Geneva were superb. As a matter of fact, I went around with the Soviets and showed him at one point specifically what NGOs had, where the press could be so that he might, when he goes back there, personally try to be helpful.

Chairman HOYER. We're going to be very interested in that question. Obviously it's very high on our agenda in terms of expectations for NGO access. Of course Paris was a little restrictive, as you know, as you've heard.

I'm going to vote again and then there's another vote after that, Mr. Ambassador. I do not believe that I will be able to get back within the time frame that you will still be here. I apologize for that, but look forward to discussing it with you personally as well.

Ambassador KAMPELMAN. No need for you to apologize. We taxpayers appreciate your efforts.

Chairman HOYER. Thank you.

Co-chairman DECONCINI. That's the first kind word I've heard from a taxpayer lately.

Thank you, Mr. Chairman.

Ambassador, thank you very much. I won't go into my usual laudatory comments unless you really want me to. You've served us so well in so many capacities and I appreciate the effort you're doing here.

I heard most of your statement and read the other part of it and I am very concerned that it is so tempting now to refrain from raising violations of CSCE, especially in light of the progress that we have to admit has occurred. I'm really concerned, Mr. Ambassador, that if we go to the Moscow conference and if we don't do what

we've always done in the past and take a very firm position, as you can do so well, and let it be known that incidents which occurred just today in Lithuania are just intolerable and that it threatens all the successes we have seen.

I don't know how much authority or leeway you will have to do that. There are still outstanding human rights cases that have not been resolved, as we know. In agreeing to the Vienna Concluding Document, the Soviet Union committed to resolve outstanding human contact cases within 6 months of the conclusion of that meeting, as you know so well. Two and one half years later, there are at least 50 that we can identify that have been unresolved. Just recently we learned that the Soviet cabinet has increased the fee for exit visas which I think Congressman Hoyer just discussed.

The success to me and the future of CSCE meetings really depends on the ability of the United States not to get lulled into some kind of complacency because of some successes. Can you share with us how much latitude you will have to express to the Soviets and to make a point that some of these things that are occurring are going to perhaps jeopardize the success that we have made and create some very difficult relationships that I don't think they want. I don't think any of these problems are things the Soviets couldn't pay attention to and satisfy the CSCE commitments that they've made.

Ambassador KAMPELMAN. Senator, over the years I've served three Presidents and more Secretaries of State than that and I have never found myself inhibited or restricted in any way from raising human rights concerns that I've felt had to be raised. I've never received a critical word or was it ever necessary for me to go through contortions of checking or appealing. This was just not the case. I have always found and I continue now to find complete support from the State Department in connection with the expression of those concerns by the U.S. Government, and you and I know that much of this is now under the control of Secretary Schifter, who is a member of your Commission, and so it doesn't surprise you to learn what I've just said.

Co-chairman DECONCINI. No, it doesn't.

I guess, then, the next question is how far do you think we should go to "really raise hell" with what is going on? Your statement is very clear that we do not accept that the right of secession is part of the Helsinki Act, but that part of your statement does not apply or your interpretation does not apply to the Baltics. How far are we prepared to go at this meeting?

And, if it sounds like I'm pressing you, I am, in the most respectful way I can. Not to take one speck or scintilla away from your commitment but I am very concerned that if we raise this in Moscow in a way that is non-confrontational we won't make the point. I don't want to declare some kind of sanctions against the Soviets or anything like that, but I want to see us make a very strong, strong statement several times, as you have done in Madrid time after time.

Ambassador KAMPELMAN. Well, and frankly as I did in Copenhagen.

Co-chairman DECONCINI. And in Copenhagen.

Ambassador KAMPELMAN. I scored a press conference by I did that in Copenhagen. That We—

Co-chairman DECONCINI. D demonstrative steps?

Ambassador KAMPELMAN [same thing in Geneva. We ex When I was in Moscow before there, I told the people in th that I was going to Vilnius. I at Vilnius. So, there's no hesit

But, you know, you've put you said you would yourself area. You make judgments at fective way to gain an end a also doing more damage. Tha assert ourselves, I think—in we assert ourselves as unequiv I cannot say to you in all can or in all areas of interrelati Soviet authorities.

Co-chairman DECONCINI. M Mr. Smith. He has to go to a

Mr. SMITH. Thank you, dis have a number of questions. I'

Mr. Ambassador, it's so good

Ambassador KAMPELMAN. T

Mr. SMITH. I want to comm on behalf of our Government.

I have a couple of questions Friday a number of us, 30 M our distinguished Chairman, I dent asking that the Presiden is still, after 15 years of trying being denied under the ruse know, especially since the pr that if he knew anything whi instance, at a time when we'r of the START Treaty, it is ju straight face test, to be sure, that he will again be denied.

I would ask that you contin know that our distinguished A tions have literally been in visits. If you would keep his with the Soviets, we would app

I do have to run because w another question and if you c about it later.

What statements were made States about the Hungarian m issue has been something very entirety of the past decade, hi

a very firm position, as you at incidents which occurred rable and that it threatens

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f CSCE meetings really de- s not to get lulled into some sccesses. Can you share with express to the Soviets and to ngs that are occurring are ss that we have made and ps that I don't think they lems are things the Soviets he CSCE commitments that

over the years I've served s of State than that and I restricted in any way from e felt had to be raised. I've ever necessary for me to go ealing. This was just not the e now to find complete sup- nection with the expression ment, and you and I know ntol of Secretary Schifter, , and so it doesn't surprise

't. how far do you think we hat is going on? Your state- ot that the right of secession art of your statement does ot apply to the Baltics. How ig?

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frankly as I did in Copenha- enhagen.

Ambassador KAMPELMAN. In Copenhagen, for example, we sponsored a press conference by the Baltic States. The U.S. delegation did that in Copenhagen. That was a clear expression of preference. We—

Co-chairman DECONCINI. Do you anticipate these same type of demonstrative steps?

Ambassador KAMPELMAN [continuing]. Verbalized it, we did the same thing in Geneva. We expect to do the same thing in Moscow. When I was in Moscow before I went to Vilnius on my last trip there, I told the people in the foreign office with whom I talked that I was going to Vilnius. I was lecturing at the university there at Vilnius. So, there's no hesitation in doing this.

But, you know, you've put your finger on a problem here when you said you would yourself not wish to apply sanctions in this area. You make judgments at all times with respect to the most effective way to gain an end and make an accomplishment without also doing more damage. That's a balance that were there. So, we assert ourselves, I think—in the fora in which I've been involved, we assert ourselves as unequivocally as can be in my opinion. Now, I cannot say to you in all candor, Senator, that this is so in all fora or in all areas of interrelationship between U.S. authorities and Soviet authorities.

Co-chairman DECONCINI. Mr. Ambassador, I'm going to yield to Mr. Smith. He has to go to a vote and I'd be glad to have you—

Mr. SMITH. Thank you, distinguished Chairman, for yielding. I have a number of questions. I'll be very brief.

Mr. Ambassador, it's so good to see you again.

Ambassador KAMPELMAN. Thank you.

Mr. SMITH. I want to commend you on the job you've been doing on behalf of our Government.

I have a couple of questions which I would like to ask. One, last Friday a number of us, 30 Members on the House side, including our distinguished Chairman, Mr. Hoyer, sent a letter to the President asking that the President raise the case of Vasily Barats who is still, after 15 years of trying to emigrate from the Soviet Union, being denied under the ruse of possessing state secrets. All of us know, especially since the prescribed security period has elapsed, that if he knew anything which is very, very doubtful in the first instance, at a time when we're talking about on-site visits as part of the START Treaty, it is just not believable. It doesn't pass the straight face test, to be sure, when they can stand there and say that he will again be denied.

I would ask that you continue to press the case of Mr. Barats. I know that our distinguished Ambassador and many of our delegations have literally been in his apartment at various times on visits. If you would keep his case in mind and press it earnestly with the Soviets, we would appreciate it very much.

I do have to run because we have a vote, but I would also ask another question and if you could answer in my absence, I'll hear about it later.

What statements were made in Geneva on behalf of the United States about the Hungarian minorities in Romania? The Romanian issue has been something very near and dear to my heart for the entirety of the past decade, having been one of those who led the

fight to suspend MFN because of the egregious human rights abuses by the Romanian Government. Notwithstanding the changes that the National Salvation Front is in the process of initiating, the Hungarian minority is still treated shoddily, and that is putting it mildly. There are still some very real human rights cases and issues to be raised there.

Could you answer that question? Unfortunately, I will miss the vote if I don't leave right now. Thank you.

Mr. Chairman, I do ask that this letter to the President on behalf of Barats be made a part of the record.

Co-chairman DECONCINI. Without objection, it will appear in the record.

Mr. SMITH. Thank you, Mr. Ambassador.

Ambassador KAMPELMAN. Thank you. Let me say, Congressman, that while you were out to vote I did comment on that and it's in my statement, so that the issue was raised. I also met privately with the representatives of the Hungarian Government and also with the bishop of the Hungarians in Romania and I also talked with the Romanians about this in an effort to see if we could get some dialogue going between them. Neither of them wants to have a headache on this issue. I sense that both would like to find some kind of a solution to this problem and I hope that can be developed. But until it's developed, it's my intention to continue to raise this issue.

With respect to the first question asked by the Congressman, he does give me a thought and it may very well have not occurred to me, but I'll ask the members of the Commission staff who will be part of our delegation in Moscow if they can perhaps arrange for some of us to visit some of the victims of Soviet repression who live in Moscow. I think symbolically that would be a very nice thing to do.

Co-chairman DECONCINI. I do too, Mr. Ambassador. I think it's an excellent idea.

Ambassador KAMPELMAN. Yes.

Co-chairman DECONCINI. Are you prepared to take up some individual cases?

Ambassador KAMPELMAN. Oh, yes. I like to do that consistent with what Secretary Schifter is doing, so we don't cross each other in any of these activities.

Co-chairman DECONCINI. I understand. We're not interested in crossing purposes with Secretary Schifter at all. Having been to the Soviet Union with him, if we raise the same names, I don't think it—

Ambassador KAMPELMAN. It's useful.

Co-chairman DECONCINI [continuing]. It hurt at all knowing it's coming from first the State Department, second from the Commission and third from Members of Congress. The Soviets are currently refusing visas to some employees of the Union of Council for Soviet Jews who wish to go to Moscow and to Victor Nakas who wants to go to the Baltics.

I guess what I want to know, is how much pressure can we put on them between now and September to be in more compliance. The Soviet Union has agreed that they will issue visas and they don't seem to be forthcoming, at least in this area?

Ambassador KAMPELMAN. Any contact with Soviet back to private life at the Department of State the meetings to keep.

Co-chairman DECONCINI. You're in the private unfair to expect you to relationships you develop seems to me, would you with them that you're be up to you, of course.

I'm getting a kind of there and that there is glossed over in the human rights conference really bothers me and that thing is done to keep.

Mr. Secretary, do you?

Secretary SCHIFTER. Commission as to what through on the Geneva take up Moscow.

Ambassador KAMPELMAN. Fact that we were pur the CSCE play a commission that exist. It was that they liked the human dimension, we have any objection to.

The Austrians with Group, had also made upon that as much a scope. It also was in these rapporteurs, with consensus. As it did would not achieve a commission.

I've talked to the these and I indicated we can take some of into our own and make that's useful. I would in that area.

Co-chairman DECONCINI. Else? If you do, I'm have 4 minutes to get.

Thank you again, I.

Secretary SCHIFTER.

Co-chairman DECONCINI. Taking the time to be helpful to have some will be there in a session moving in the direction.

Ambassador KAMPELMAN.

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in this area?

Ambassador KAMPELMAN. Well, let me say that I do not have
any contact with Soviet officials in between the meetings since I go
back to private life at all times and I therefore have to depend on
the Department of State and Secretary Schifter's office in between
the meetings to keep putting the pressure on.

Co-chairman DECONCINI. The reason I—and I'm aware that
you're in the private sector. The reason I asked and maybe it's
unfair to expect you to do any more than you do, but the personal
relationships you develop with your counterparts in Moscow, it
seems to me, would be of some value if you could communicate
with them that you're expecting this. However you handle it would
be up to you, of course.

I'm getting a kind of an ill feeling, quite frankly, that we will go
there and that there will be some objections raised but they will be
glossed over in the euphoria that here we are in Moscow at a
human rights conference and isn't everything wonderful? That
really bothers me and I'm sure it does you too and I hope every-
thing is done to keep that from occurring.

Mr. Secretary, do you have questions?

Secretary SCHIFTER. I just wonder whether you could tell the
Commission as to what the plans are with regard to following
through on the Geneva meeting and the nationalities issue as we
take up Moscow.

Ambassador KAMPELMAN. Well, I referred in my testimony to the
fact that we were pursuing a mediation procedure which would have
the CSCE play a constructive role in helping to resolve these ten-
sions that exist. It was suggested by a number of the delegations
that they liked the idea and they'd like to extend it to the total
human dimension, which I don't believe our Government would
have any objection to. I certainly do not have any objection to it.

The Austrians with a few others known as the Pentagone
Group, had also made a proposal for rapporteurs. I must say I look
upon that as much more limiting in scope, much less effective in
scope. It also was mandatory in that it required states to accept
these rapporteurs, which in my opinion meant it would not achieve
consensus. As it did not achieve consensus in Geneva, I felt it
would not achieve a consensus in Moscow.

I've talked to the Austrian delegate who's been in charge of
these and I indicated to him that we should make an effort to see if
we can take some of the strengths from his proposal and absorb it
into our own and merge our efforts to come up with something
that's useful. I would assume that that is the way we will proceed
in that area.

Co-chairman DECONCINI. Mr. Secretary, do you have anything
else? If you do, I'm going to let you close this meeting because I
have 4 minutes to get to my vote. So, please continue.

Thank you again, Ambassador, very much.

Secretary SCHIFTER. You can close the meeting.

Co-chairman DECONCINI. Thank you very much, Ambassador, for
taking the time to be here. I know you're a busy, busy man and it's
helpful to have some insight of where you think we're going. We
will be there in a supportive role to do all we can to keep this
moving in the direction that I know you're dedicated to.

Ambassador KAMPELMAN. Thank you.

Co-chairman DECONCINI. We greatly appreciate your being here.
 Ambassador KAMPELMAN. Thank you, sir.
 Co-chairman DECONCINI. The Commission will stand in recess
 subject to the call of the chair.
 [Whereupon, at 3:22 p.m., the above-entitled matter was ad-
 journed.]

CHAIR

Hearing on the C

Distinguished colleagues, {
 Commission on Security and Cob
 today. At this hearing we will focu
 Meeting on National Minorities,
 Meeting of the Conference on the
 October 4, 1991.

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 Kampelman, welcome.

The Geneva Meeting, v
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 Consideration of New Measure

I appreciate your being here.
I, sir.
The mission will stand in recess
The above-entitled matter was ad-

APPENDIX

CHAIRMAN STENY H. HOYER
Opening Statement
Hearing on the Geneva and Moscow CSCE Meetings
July 31, 1991

Distinguished colleagues, guests, ladies and gentleman. As Chairman of the Commission on Security and Cooperation in Europe, it is my pleasure to welcome you today. At this hearing we will focus on two important CSCE meetings: the Geneva Experts Meeting on National Minorities, which took place earlier this month, and the Moscow Meeting of the Conference on the Human Dimension, scheduled for September 10 through October 4, 1991.

The very high priority the United States places on the CSCE process and on these two meetings in particular is evidenced by its choice of Ambassador Max Kampelman as Head of the U.S. Delegation -- both in Geneva and in Moscow. Ambassador Kampelman's long connection with the CSCE process, and his many important contributions to its success, are well known to all of us on the Commission, and especially to those who have had the honor to work with him. He is a skilled negotiator, an accomplished diplomat, an excellent colleague, and a good friend. Ambassador Kampelman, welcome.

The Geneva Meeting, which recently ended, was mandated to discuss national minorities. The Meeting had three components: Exchange of Views on Practical Experience, Review of the Implementation of Relevant CSCE Commitments, and Consideration of New Measures. As we know, the Meeting resulted in the adoption of

a final document -- one that, while modest, does go beyond previous commitments in some important areas. Ambassador Kampelman, we will be interested in your assessment of the Geneva Meeting and its conclusions, and particularly in discussing what lessons, warnings, and encouragement can be taken from Geneva as we move toward Moscow this fall.

The Moscow Meeting of the Conference on the Human Dimension, the third in the CDH series, will be a truly historic meeting. Its very location is momentous, signifying not only how far we have come in bridging the gap between East and West, but also how far we have to go in eliminating human rights abuses within the CSCE. The Meeting will also highlight a flagrant obstacle on the road to the New Europe: the plight of the Baltic States. We believe that a thorough review of implementation at the Moscow Meeting will be essential, not in the spirit of confrontation and threat, but in the spirit of cooperation and constructive concern.

We will also be looking to strengthen the Human Dimension Mechanism adopted in Vienna and modified in Copenhagen. Perhaps the creation of teams of rapporteurs to investigate or mediate specific cases or situations could bring practical solutions to the very real problems that exist. Perhaps the greater involvement of the NGO community and others involved in human rights issues could improve information-collection and sharing. We look forward to your thoughts on new proposals for the Human Dimension Mechanism.

I will be leading a delegation to Moscow, along with Co-Chairman DeConcini, to attend the opening of the Meeting. Again, we welcome you, Ambassador Kampelman, to this hearing, and look forward to your testimony.

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SECURITY AND COOPERATION IN EUROPE**

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**THE GENEVA CSCE EXPERTS MEETING
ON
NATIONAL MINORITIES**

July 1 -- July 19, 1991

A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

August 1991

THE GENEVA CSCE EXPERTS MEETING ON NATIONAL MINORITIES

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1. Summary

From July 1-19, 1991, the 35 States Parties to the Cooperation in Europe (CSCE) met in Geneva to discuss the CSCE process to deal effectively with national minorities. The Geneva meeting, which was held in November 1990, was held especially in East-Central Europe and examined national experiences in dealing with existing CSCE commitments relating to national minorities. Finally, consider new commitments in

The outcome of the Geneva meeting was a decision to continue the CSCE process to deal effectively with national minorities. In the discussion of national experiences, in government's approach to the specific however, a great and unfortunate reluctance to implement of existing CSCE these commitments -- and especially strong and detailed. Only the United States and other countries were willing to address

The document adopted at the end of previous CSCE provisions and, in fact, new commitments are relatively modest. A number of CSCE inter-sessional meetings and existing commitments are being diluted.

In the end, the utility of the Geneva meeting to the attention of the participating States was previously sought to avoid and on which discussion in Geneva has set the stage for the third meeting of the Conference on the deal with growing intolerance and con

2. Negotiating History of the Geneva Meeting

Most of the inter-sessional CSCE meetings were mandated by the Vienna Conclusions which had taken place in Europe in 1990. These changes, the Geneva meeting examined democratic institutions were added to the Paris Summit in November 1990.

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1. Summary

From July 1-19, 1991, the 35 States participating in the Conference on Security and Cooperation in Europe (CSCE) met in Geneva, Switzerland, to discuss questions relating to national minorities. The Geneva meeting, mandated by the Paris Charter for a New Europe in November 1990, was held in response to growing ethnic tensions in Europe, especially in East-Central Europe and the Soviet Union. The meeting was tasked to examine national experiences in dealing with minority questions, review the implementation of existing CSCE commitments relating to persons belonging to national minorities and, finally, consider new commitments in this area.

The outcome of the Geneva meeting presents a mixed picture of the ability of the CSCE process to deal effectively with national minority questions. There was a good discussion of national experiences, in which each contributing delegation described its government's approach to the specific circumstances of minorities in its State. There was, however, a great and unfortunate reluctance to engage in a thorough and specific review of implementation of existing CSCE commitments, despite wide acknowledgement that these commitments -- and especially those in the Copenhagen document -- were both strong and detailed. Only the United States and, to a lesser extent, Hungary and a few other countries were willing to address directly specific problems in CSCE implementation.

The document adopted at the end of the meeting preserved the integrity and focus of previous CSCE provisions and, in fact, added a few positive new commitments. These new commitments are relatively modest, however, and raise the question, in light of the number of CSCE inter-sessional meetings which have also adopted documents, of whether existing commitments are being diluted by the plethora of new ones.

In the end, the utility of the Geneva meeting must be found in the fact that it focused the attention of the participating States on extremely sensitive issues which they have previously sought to avoid and on which they very frequently disagree. In addition, the discussion in Geneva has set the stage for further efforts in the CSCE, most notably at the third meeting of the Conference on the Human Dimension in Moscow later in 1991, to deal with growing intolerance and conflict based on race or ethnicity.

2. Negotiating History of the Geneva Meeting

Most of the inter-sessional CSCE meetings following the Vienna Follow-Up Meeting were mandated by the Vienna Concluding Document, but in light of the major changes which had taken place in Europe in 1989 and 1990 and the new problems emerging from these changes, the Geneva meeting on national minorities and the Oslo meeting on democratic institutions were added to the already extensive schedule of meetings by the Paris Summit in November 1990.

Respect for the rights of persons belonging to national minorities has been one of the many important parts of Principle VII -- Respect for Human Rights and Fundamental Freedoms -- of the ten Principles Guiding Relations Between States contained in the Helsinki Final Act. Subsequent CSCE documents, and the Vienna Concluding Document in particular, strengthened Principle VII commitments and expanded national minority concerns to Basket III in addition to Basket I, where the ten Principles are located. National minority questions therefore have been relevant to the mandate of the three Conference on the Human Dimension (CHD) meetings mandated in Vienna to focus on the broad range of human rights and humanitarian concerns covered by the CSCE process.

However, at the second CHD meeting, which took place in Copenhagen in June 1990, national minority issues emerged as among the more contentious human dimension issues. Because of definitional questions and differences in situations and approaches to minority problems, as well as the rise of inter-ethnic tension and violence, many at the Copenhagen meeting felt that, in addition to the numerous commitments to which agreement was reached at Copenhagen, the subject deserved a full meeting of its own. Switzerland and a new informal grouping of CSCE countries known as the "Pentagonale,"¹ which dominated the discussion of minority issues at Copenhagen, were the leaders of this effort. Since the Copenhagen meeting could not mandate other CSCE meetings, however, the participants agreed in the document to "consider convening a meeting of experts for a thorough discussion of the issue of national minorities."

During the preparations in 1990 for the Paris CSCE Summit, a proposal for a CSCE experts meeting on national minorities was tabled. Initially, the United States and other countries objected to this and other proposals which added to an already extremely hectic CSCE itinerary leading up to the next main follow-up meeting in Helsinki in 1992. Nevertheless, it was argued that there was an urgent need for the CSCE to examine national minority questions more closely than could be done at the CHD meetings. As a result, consensus was finally reached to hold a three-week meeting in Geneva in 1991 on the issue, and the meeting was mandated in the Paris Charter for a New Europe in light of the "urgent need for increased cooperation on, as well as better protection of, national minorities."

¹ Austria, Czechoslovakia, Hungary, Italy and Yugoslavia. In 1991, Poland joined this Central European group which transcends the three original "blocs" or alliances. With Poland as a participant, the group is now often referred to as the "Hexagonale."

3. Organization of the Meeting

The agenda and modalities Supplementary Document provided opening statements in plenary into three subsidiary working groups, provided a forum for the "exchange of views on national legislation, democratic forms of cooperation. SWB-B reviewed CSCE commitments and standards." SWB-C was tasked with implementation of the aforementioned. The agenda were arranged so that, in general, the approaches to minority questions were standards of CSCE provisions, of existing provisions.

Following this work, closing an concluding document or specified that the "Summing Up" CSCE Council of Ministers.

4. The U.S. Delegation to the Meeting

The U.S. delegation to the meeting was led by Joseph Kampelman, a partner in the law firm of Kampelman, Kampelman, and Associates. Previously, in addition to serving as the U.S. delegation to the Helsinki Meeting (1980-83) and the Vienna Meeting (June 1990). State Department Assistant Secretary for Human Rights, Agency representative serving the United Nations Human Rights Commission, members of the staff of the State Department Director and Senior Advisor to the United Nations Mission to the United Nations experts on international law.

national minorities has been one of the subject for Human Rights and Fundamental Freedoms Between States contained in the Helsinki Convention, and the Vienna Concluding Document on the commitments and expanded national minority rights, where the ten Principles are located. The meeting was relevant to the mandate of the three meetings mandated in Vienna to focus on the human rights concerns covered by the CSCE process.

The meeting took place in Copenhagen in June 1990, to address more contentious human dimension issues. It was in situations and approaches to minority rights and violence, many at the Copenhagen meeting, commitments to which agreement was reached at the full meeting of its own. Switzerland and Sweden, as the "Pentagonale," which dominated the meeting, were the leaders of this effort. Since the CSCE meetings, however, the participants agreed on a meeting of experts for a thorough

the CSCE Summit, a proposal for a CSCE meeting was made. Initially, the United States and other countries which added to an already extremely hectic schedule, followed-up meeting in Helsinki in 1992. The urgent need for the CSCE to examine the human dimension could be done at the CHD meetings. As a result, a three-week meeting in Geneva in 1991 on the Paris Charter for a New Europe in the human dimension, as well as better protection of,

and Yugoslavia. In 1991, Poland joined this group of three original "blocs" or alliances. With the addition of the Czech Republic, it is now referred to as the "Hexagonale."

3. Organization of the Meeting

The agenda and modalities for the Geneva meeting are provided by Annex III of the Supplementary Document provided the agenda and modalities for the meeting. Following opening statements in plenary sessions that were open to the public, the meeting divided into three subsidiary working bodies (SWBs) that were closed to the public. SWB-A provided a forum for the "exchange of views on practical experience, in particular on national legislation, democratic institutions, international instruments and other possible forms of cooperation. SWB-B was mandated to "review the implementation of the relevant CSCE commitments and consideration of the scope for the improvement of relevant standards." SWB-C was tasked to consider "new measures aimed at improving the implementation of the aforementioned commitments." Meetings of these three bodies were arranged so that, in general, the participants would first describe their own approaches to minority questions, then compare their performance to the common standards of CSCE provisions, and, finally, examine ways to improve the implementation of existing provisions.

Following this work, closing statements and a "Summing Up," which in effect meant an concluding document or report, were held in open plenary sessions. The Annex specified that the "Summing Up" would be taken into account at the next meeting of the CSCE Council of Ministers.

4. The U.S. Delegation to the Meeting

The U.S. delegation to the Geneva meeting was led by Ambassador Max M. Kampelman, a partner in the law firm of Fried, Frank, Harris, Shriver and Jacobson. Previously, in addition to serving as Counselor at the U.S. Department of State and head of the U.S. delegation to the Negotiations on Nuclear and Space Arms, Ambassador Kampelman served as head of the U.S. delegations to the Madrid CSCE Follow-Up Meeting (1980-83) and the Copenhagen Meeting of the Conference on the Human Dimension (June 1990). State Department officials, including CSCE officers and a Deputy Assistant Secretary for Human Rights and Humanitarian Affairs, a U.S. Information Agency representative serving as press officer, and the U.S. Representative to the United Nations Human Rights Commission, were also on the delegation, in addition to several members of the staff of the Helsinki Commission, including the Commission's Staff Director and Senior Advisor for Soviet and East-Central European affairs. The U.S. Mission to the United Nations in Geneva supported the delegation by providing with experts on international law and administrative personnel.

In line with past meetings of the CSCE, the U.S. delegation also included a number of Public Members -- prominent individuals with expertise in human rights and national minority questions. The presence of these individuals on the delegation underscores the importance of human rights and of human rights both to the U.S. Government and the American people. They also provide the delegation with valuable expertise in areas under discussion in Copenhagen as well as enhanced contacts with various non-governmental organizations and interest groups. The Public Members in Geneva were:

Pamela Cohen, President, Union of Councils for Soviet Jews
 Laszlo Hamos, Hungarian Human Rights Foundation
 A.E. Dick Howard, School of Law, University of Virginia
 Alton Jenkins, Harvard Negotiation Project
 Leonid Kishkovsky, President of the National Council of Churches
 Thomas Remeikas, Lithuanian American Community, Inc.
 Raymond Shonholtz, President, National Institute for Citizen Participation and Negotiation
 Rudi A. Unterthiner, President of the National Italian American Foundation

5. The Opening of the Meeting and the General Discussion

The 35 participating States convened for the experts meeting in the Geneva International Conference Center on July 1, 1991. The Council of Europe and the United Nations Center for Human Rights were also in attendance. There were no proposals at the opening to grant observer status to the three Baltic States -- Estonia, Latvia and Lithuania. Instead, a so-called "Friends of the Baltics" group, similar to those at other recent CSCE meetings, was informally formed under a Swedish Chairman to brief the Baltic representatives on developments in the meeting, to hear their concerns, and, more broadly, to demonstrate continued support for the Baltic cause. The group orchestrated weekly sponsors for each of the Baltic delegations. Under the sponsors' auspices, the Baltic representatives were issued special badges enabling them to attend open plenary sessions, but not the closed Subsidiary Working Body sessions.

The meeting was formally opened with a welcoming statement by the host country, made by Rene Felber, Federal Councillor and Head of the Federal Department of Foreign Affairs of Switzerland. In his statement, Councillor Felber outlined briefly the historical treatment of national minority issues in European diplomacy, concluding that the CSCE process "has enabled a decisive turning point to be reached by defining the problem of minorities as being henceforth a question of human rights."

Opening statements were statement, Ambassador Kar creating a Europe "whole at tensions cast a kind of evil s as we look to the new dawn. Ambassador Kampelman said and concerns, and that U.S. s and the principles of human we are to act constructively giving the Baltic States obser made a strong statement on whole and free call for the 1 future, the circle of states are Latvia and Lithuania."

Other delegations outline statements. Practically every which was taking place in Yu of force as a way to deal with informed the meeting that th situation is gradually stabilizi day before the Geneva meetin on the Yugoslav state presid body, an act which had been and which had added to the

Following the opening sta Europe and the United Nati into the three subsidiary wc experiences, delegations desc Some countries noted, in pa federation, for example -- in 1 more specific policies, such a the country for official purpo dealt with the question of colle rights in regard to persons bel was active in this SWB, giving law, recent civil rights efforts,

U.S. delegation also included a number of experts in human rights and national minorities. The delegation underscores the importance of both to the U.S. Government and the international community with valuable expertise in areas under discussion with various non-governmental organizations. Members in Geneva were:

of Councils for Soviet Jews
 Human Rights Foundation
 University of Virginia
 on Project
 the National Council of
 American Community, Inc.
 National Institute for Citizen
 Negotiation
 the National Italian
 on

For the experts meeting in the Geneva . . . The Council of Europe and the United Nations had no attendance. There were no proposals at the meeting of the three Baltic States -- Estonia, Latvia and Lithuania -- group, similar to those at other meetings under a Swedish Chairman to brief the meeting, to hear their concerns, and, more importantly, to discuss the Baltic cause. The group orchestrated the meeting. Under the sponsors' auspices, the meeting enabled them to attend open plenary sessions. Body sessions.

Welcoming statement by the host country, the head of the Federal Department of Foreign Affairs, Egon Bismarck, outlined briefly the historical context of the problem, concluding that the CSCE could be reached by defining the problem of human rights."

Opening statements were then given by each of the participating States. In his opening statement, Ambassador Kampelman described the progress that has been achieved in creating a Europe "whole and free," but noted that "strong ethnic and national minority tensions cast a kind of evil spell . . . somewhat like a cloud interfering with the sun's rays as we look to the new dawn." Noting some specific problems, particularly in Yugoslavia, Ambassador Kampelman said that there was no "magic pill" to national minority questions and concerns, and that U.S. solutions may or may not work elsewhere but that "democracy and the principles of human liberty and freedom and the rule of law are fundamental if we are to act constructively in the face of these challenges." While he did not propose giving the Baltic States observer status in the meeting, the U.S. Ambassador nevertheless made a strong statement on their behalf, asserting that "our efforts to create a Europe whole and free call for the realization of those aspirations so that in the not-too-distant future, the circle of states around this table includes within it representatives from Estonia, Latvia and Lithuania."

Other delegations outlined their views and hopes for the meeting in their opening statements. Practically every delegation taking the floor raised concern about the fighting which was taking place in Yugoslavia, and Slovenia in particular, and condemned the use of force as a way to deal with ethnic differences. In response, the Yugoslav representative informed the meeting that the "critical phase" of the crisis was over and that "the general situation is gradually stabilizing." He noted, among other things, the decision taken the day before the Geneva meeting opened to permit Stipe Mesic, the Croatian representative on the Yugoslav state presidency, to assume the position of president of that collective body, an act which had been blocked in contravention to established rules since mid-May and which had added to the political chaos in Yugoslavia.

Following the opening statements by delegations, and contributions by the Council of Europe and the United Nations Center for Human Rights, the Geneva meeting broke into the three subsidiary working bodies (SWBs). In SWB-A, dealing with national experiences, delegations described their own general approaches to minority questions. Some countries noted, in particular, the impact of their overall political structure -- a federation, for example -- in meeting the concerns of minority groups, while others noted more specific policies, such as allowing use of languages other than the dominant one of the country for official purposes. Still others commented on how their laws and policies dealt with the question of collective rights in addition to the protection of individual human rights in regard to persons belonging to national minorities. The United States delegation was active in this SWB, giving presentations on such topics as race, ethnicity and American law, recent civil rights efforts, and U.S. legislation against hate crimes.

In contrast to the willingness of each delegation to describe the efforts of the government it represented, there was considerable reluctance to engage in a thorough and specific implementation review, the task of SWB-B. While it was acknowledged that existing CSCE commitments -- especially those contained in the document of the Copenhagen meeting -- were strong and detailed, and that existing problems could be corrected through better implementation, almost all participating States refrained from mentioning specific problems in specific countries. Some openly called such a frank review a relic of the confrontational period of division between East and West. Only the United States and, to a lesser extent, Hungary and a few other delegations were willing to raise specific concerns, acknowledging at the same time problems in their respective countries.

In explaining the U.S. position strongly favoring a thorough implementation review, Commission staff director Samuel Wise, at the opening session of SWB-B, stated: "Despite obvious improvements, problems still exist. Ethnic strife poses specific and serious dilemmas for many countries -- especially for many of those which are only now in the process of political democratization... This is why, after all, the participating States agreed in Paris to hold this meeting... If we are to meet the intent and expectations of this meeting, it is incumbent on us to discuss these problems in an open and forthright manner." Topics covered in U.S. statements, which noted positive developments in addition to continued problems, included popular discrimination and ethnic tensions, the generally positive but sometimes negative effects of political decentralization in states such as the Soviet Union and Yugoslavia on the protection of the rights of minorities, anti-Semitism, violence and discrimination against Roma (Gypsies), the right of individuals to choose their own ethnic identity, and education. Among the countries of East-Central Europe, Yugoslavia and Romania were most frequently mentioned in terms of continued non-compliance, followed by the Soviet Union.

6. New Proposals and Negotiating a Final Report

The energy and interest missing from the implementation review exercise emerged in the tabling new proposals and negotiation of a document to be adopted by the delegations at the meeting. Indeed, some delegations admitted that they sought to tone down their statements in order to improve the possibility of adopting a substantive document to the meeting. Reflecting a trend since the revolutionary political changes in East-Central Europe, greater emphasis was placed on the adoption of a document as an indicator of the success of the meeting, especially since the last six inter-sessional meetings -- all but the first two since the Vienna Follow-Up Meeting -- also adopted documents. In rhetorical terms, the improvements in CSCE implementation have shifted the focus back to words over deeds.

During the course of the proposals were formally tabled to the European Community informal "Pentagonale" group proposals dealt with a single proposal on acts of advocacy study from other participating

Still other proposals -- for with national minority problems a group of individuals to deal such modalities as how a group selected, what the limits of it of concern would have to accept by the U.S. delegation, would be chosen a three-person panel offer its good offices to facilitate parties.

In order to receive comments suggested language in a draft head of the Swiss delegation, to serve as Coordinator. The weekend of the meeting, and although sometimes in slightly document coming from different. The last week of the meeting, a consensus document, or represent U.S. proposal for an experts' of statistics relating to hate work of non-governmental organizations.

The difficulties that would immediately. The Swiss draft rapidly fired from all sides, a heavy focus on protecting and of ensuring non-discrimination those, such as Hungary, who such as the United States, where sizeable minorities exist the language of the draft close which deny the existence of territories, such as Greece and that they would not be comm

delegation to describe the efforts of the able reluctance to engage in a thorough and WB-B. While it was acknowledged that those contained in the document of the filed, and that existing problems could be cost all participating States refrained from es. Some openly called such a frank review between East and West. Only the United few other delegations were willing to raise time problems in their respective countries.

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implementation review exercise emerged in document to be adopted by the delegations limited that they sought to tone down their of adopting a substantive document to the olutionary political changes in East-Central doption of a document as an indicator of the ast six inter-sessional meetings -- all but the ig -- also adopted documents. In rhetorical ation have shifted the focus back to words

During the course of the discussions in SWB-C, tasked to consider new measures, 19 proposals were formally tabled. Two of the proposals, one by the twelve states belonging to the European Community (EC) and the other by the six states which comprise the informal "Pentagonale" group, covered a wide variety of minority rights issues. Other proposals dealt with a single topic, such as a Yugoslav proposal on Roma, a Canadian proposal on acts of advocacy of hatred, or a Swiss proposal on recognition of diplomas for study from other participating States in a minority language.

Still other proposals -- four in all -- sought to elaborate a CSCE mechanism to deal with national minority problems and inter-ethnic disputes. Each proposal sought to task a group of individuals to deal with specific minority concerns but differed considerably in such modalities as how a grouping would be established, how its membership would be selected, what the limits of its mandate would be, and what obligation the state or states of concern would have to accept and work with the group. One of the proposals, tabled by the U.S. delegation, would have established a resource list of experts from which could be chosen a three-person panel to observe, collect relevant information and potentially offer its good offices to facilitate dialogue and agreement among interested and affected parties.

In order to receive comments on the proposals and to combine them and other suggested language in a draft document that could serve as the basis for negotiation, the head of the Swiss delegation, Ambassador Jean-Pierre Ritter, was selected by the meeting to serve as Coordinator. The Coordinator made his first attempt at a draft during the last weekend of the meeting, and issued a paper which adopted the wording from all proposals, although sometimes in slightly moderated form. In some cases, in fact, paragraphs of the document coming from different proposals were in direct contradiction with each other. The last week of the meeting therefore began with a lengthy Coordinator's text, from which a consensus document, or report, of the meeting would be sought. The draft included the U.S. proposal for an experts panel, as well as U.S. suggested language on the publication of statistics relating to hate crimes, the importance of reviewing implementation and the work of non-governmental organizations (NGOs).

The difficulties that would be encountered in reaching any consensus were evident immediately. The Swiss draft was riddled with amendments and counter-amendments rapidly fired from all sides of the negotiating table. Some delegations objected to the heavy focus on protecting and promoting the identity of national minorities at the expense of ensuring non-discrimination and equal opportunity, a reflection of differences between those, such as Hungary, who generally view minority rights as collective rights and those, such as the United States, who view them as individual rights. Delegations of countries where sizeable minorities exist, such as Yugoslavia, Romania and Bulgaria, sought to bring the language of the draft closer to their own policies and practices, while those of countries which deny the existence of a certain minority or all minorities on their respective territories, such as Greece and France and to an extent Bulgaria as well, sought to ensure that they would not be committed to recognize groups which may claim otherwise.

Other delegations simply sought to have the document more closely reflect their own approach to a certain aspect of national minority questions, and Turkey and Yugoslavia pressed for language on the similar but separate issue of the treatment of migrant workers in Europe, to the objection of other delegations. Several provisions caused delegations to fear that the results of Geneva would detract from those of Copenhagen and other CSCE meetings which dealt with national minority issues.

Delegations agreed on the need to build upon the Human Dimension Mechanism or otherwise create a way for the CSCE to address minority concerns in a specific manner, but they could not rally around any of the proposed ways to do so. Moreover, delegates came to question the appropriateness if not the authority of the narrowly mandated Geneva meeting undertaking an effort more in line with the mandate of the Conference on the Human Dimension of the CSCE, scheduled to meeting in Moscow within two months of the Geneva meeting's close.

After considerable time and effort, a first reading of the Coordinator's text allowed for the production of a second text which sought to bring the delegations closer to consensus. The firmly held positions which led to the plethora of amendments to the first draft, however, drowned the second draft in a quagmire of repeated or additional amendments. At this stage, Ambassador Ritter questioned the utility of proceeding further and, after finding objection in principle to a large number of paragraphs in the second draft, declared the negotiations in recess with only two days left to the meeting. The next day, he introduced a third and considerably scaled-down draft which covered only those few areas of the previous texts where agreement was reached or seemed possible. This draft, however, was immediately under threat as well, since those same areas were, for the most part, of little real interest to most if not all of the delegations, and a number of amendments to it were given by delegations directly to the Coordinator.

Meanwhile, the U.S. delegation, concerned that any document adopted at the Geneva meeting might step back from or jeopardize the high-quality commitments on national minority issues in the Copenhagen document, spearheaded an effort to produce an entirely new document that put what were considered the best elements from the proposals into a fresh draft. Rather than elaborate upon the mechanism, however, the draft merely recommended that the third Human Dimension meeting consider undertaking that task. In consultation with other delegations, this draft was reworked within the group of sixteen States which comprise NATO, all of whom co-sponsored the document along with Ireland when it was formally tabled in the meeting as proposal "REM.N.20."

Soon thereafter, Ambassador Ritter, if possible to accept the new proposal then took the floor could do the same. Delegation pressure built to achieve consensus which insisted on its right to self-determination. After a short time the negotiating group reconvened to amend the draft. Late on the evening of the referendum to the draft report.

7. The Geneva Report

On the morning of Friday, the report of the Geneva meeting was attached to the adopted report on the right to self-determination, that effect, to be inserted in the final document.

The report, while modest, was a step forward regarding national minorities in a few areas. Among the participating States:

- emphasize that human rights and promotion of the rights of national minorities
- stress the continued importance of commitments relating to national minorities in the respective State;
- state that, in areas inhabited by persons belonging to national minorities, the population of the respective State will be encouraged to take measures to ensure the rights of persons belonging to national minorities
- consider favorably the proposal and will endeavor to facilitate the implementation of the proposal

document more closely reflect their own identity questions, and Turkey and Yugoslavia the issue of the treatment of migrant workers. Several provisions caused delegations to omit those of Copenhagen and other CSCE issues.

on the Human Dimension Mechanism or less minority concerns in a specific manner, proposed ways to do so. Moreover, delegates emphasized the authority of the narrowly mandated line with the mandate of the Conference scheduled to meeting in Moscow within two

reading of the Coordinator's text allowed ought to bring the delegations closer to to the plethora of amendments to the first in a quagmire of repeated or additional questioned the utility of proceeding further large number of paragraphs in the second only two days left to the meeting. The next red-draft which covered only those few as reached or seemed possible. This draft, since those same areas were, for the most all of the delegations, and a number of directly to the Coordinator.

that any document adopted at the Geneva the high-quality commitments on national spearheaded an effort to produce an entirely the best elements from the proposals into the mechanism, however, the draft merely on meeting consider undertaking that task. It was reworked within the group of sixteen sponsored the document along with Ireland proposal "REM.N.20."

Soon thereafter, Ambassador Ritter reconvened the negotiations, asking if it were possible to accept the new draft text. Many delegations who did not co-sponsor the proposal then took the floor, agreeing to accept the text as drafted as long as all others could do the same. Delegation after delegation withdrew their previous amendments as pressure built to achieve consensus. The last hold-out was the delegation on Yugoslavia, which insisted on its right to make changes and reintroduced an amendment which specified that national minorities, unlike peoples, do not have the right to self-determination. After a short break during which consultations were held among delegates, the negotiating group reconvened, and the Yugoslav delegation agreed to withdraw its amendment. Late on the eve of the meeting's close, the 35 delegations agreed *ad referendum* to the draft report of the meeting.

7. The Geneva Report

On the morning of Friday, July 19, proposal REM.N.20 was formally adopted by consensus as the report of the Geneva meeting. At first desiring that a statement be attached to the adopted report reflecting the view that national minorities do not have the right to self-determination, the Yugoslav delegation agreed simply to make a statement to that effect, to be inserted into the official journal as its national position.

The report, while modest in its advances, nevertheless preserved existing commitments regarding national minorities in Copenhagen and other CSCE documents and built upon them in a few areas. Among the more important provisions are those in which the participating States:

- emphasize that human rights and fundamental freedoms are the basis for the protection and promotion of the rights of persons belonging to national minorities;
- stress the continued importance of a thorough review of implementation of CSCE commitments relating to persons belonging to national minorities, and that issues regarding national minorities do not constitute exclusively an internal affair of the respective State;
- state that, in areas inhabited mainly by persons belonging to a national minority, the rights of persons belonging to that minority, of those belonging to the majority population of the respective State, and of those belonging to other national minorities in these areas will be equally protected;
- consider favorably the presence of observers at elections held below the national level and will endeavor to facilitate their access;

- acknowledge the diversity of situations and constitutional systems and therefore recognize that various approaches to the implementation of CSCE commitments on national minorities may be appropriate, listing 14 such approaches which could be helpful in improving the situation of national minorities on their territories;
- recognize the major and valuable role that individuals, non-governmental organizations, and religious and other groups play in fostering cross-cultural understanding, including across frontiers, will encourage and not hinder the work of such individuals, organizations and groups and welcome their contributions in this area;
- stress their determination to condemn, on a continuing basis, acts of racial, ethnic and religious hatred, anti-Semitism, xenophobia and discrimination;
- recognize the particular problems of Roma (Gypsies), and will undertake measures to achieve full equality of opportunity for Roma with the rest of the population;
- will take effective measures, including the adoption, in conformity with their constitutional law and international obligations, of laws prohibiting acts that constitute incitement to violence based on racial, ethnic or religious discrimination, hostility or hatred, make efforts to collect and publish data on hate crimes, and consult and exchange views on the international level on these crimes;
- encourage various types of transfrontier cooperation at the national, regional and local levels; and
- recommend that the third meeting of the Conference on the Human Dimension consider expanding the Human Dimension Mechanism.

8. The Close of the Meeting

The Secretary of State of Switzerland, Klaus Jacobi, delivered a closing address to the meeting. In their subsequent closing statements, the delegations welcomed the adoption of a report containing specific commitments regarding national minorities and the rights of persons belonging to them, especially in light of the differences between delegations which were made evident during the course of the negotiations.

In his concluding report "with a profound sense of one of us. We have seen the meeting as a whole, he spoke openly and directly. The independence was discussed troublesome problems faced by Albanians in Kosovo; the situation in Bulgaria. We explained the shameful issues of discrimination, the closet of silence and the task to forge a procedure have set forth in words.

Following the closing

9. Attendance and Active Participation of Non-Governmental Organizations

National minority groups and non-governmental organizations' rights groups and research interest was reflected in including many from the organizations and other access to the conference their views and concerns.

All plenary sessions by the Vienna Concluding NGO representatives as The sessions of the subgroups as were the informal meetings.

The Swiss hosts discussed Geneva. For example, previous meetings, when center by a delegate, had access. While security

and constitutional systems and therefore implementation of CSCE commitments on giving 14 such approaches which could be of help to minorities on their territories;

individuals, non-governmental organizations, promoting cross-cultural understanding, including to hinder the work of such individuals, and their contributions in this area;

on a continuing basis, acts of racial, ethnic and religious discrimination;

(Gypsies), and will undertake measures to deal with the rest of the population;

the adoption, in conformity with their laws, of laws prohibiting acts that constitute racial or religious discrimination, hostility or threats, data on hate crimes, and consult and act on these crimes;

cooperation at the national, regional and local levels.

the Conference on the Human Dimension Mechanism.

Mr. Jacobi, delivered a closing address to the participants, the delegations welcomed the adoption of the report regarding national minorities and the rights of the differences between delegations during the negotiations.

In his concluding remarks, Ambassador Kampelman welcomed the adoption of the report "with a profound sense of appreciation for the constructive efforts of each and every one of us. We have seen here a Europe cooperatively and successfully at work." On the meeting as a whole, he added: "All our delegations faced our responsibilities honestly, openly and directly. The troublesome issue of the Baltic States' desire to regain their independence was discussed in this official forum and in corridors... We discussed the troublesome problems faced by Hungarians in Romania; the unsatisfactory treatment of Albanians in Kosovo; the hopeful developments of the condition of Turkish people in Bulgaria. We explained conditions in many of our own countries, on occasion refreshingly acknowledging shortcomings... We built on Copenhagen and took the distasteful and shameful issues of discrimination and prejudice against Roma and Jews out of the dark closet of silence and into the daylight of recognition... We regrettably did not fulfill our task to forge a procedure which will permit CSCE to implement the plans and hopes we have set forth in words. We intend to do so in Moscow at our September meeting."

Following the closing statements, the Geneva meeting formally closed on July 19, 1991.

9. Attendance and Activities of Non-Governmental Organizations

National minority questions and inter-ethnic disputes are of concern to a large number of non-governmental organizations (NGOs), including ethnically-based organizations, human rights groups and research institutions active in the field of dispute settlement. This interest was reflected in the attendance of dozens of NGOs at the Geneva meeting, including many from the United States. The U.S. delegation worked closely with these organizations and other private individuals attending the meeting, assisting them in gaining access to the conference center, briefing them on U.S. views of the meeting, listening to their views and concerns and attending the events which they organized.

All plenary sessions of the meeting, like other non-military CSCE meetings mandated by the Vienna Concluding Document and the Paris Charter, were open to the public, and NGO representatives as well as private individuals were able to observe the proceedings. The sessions of the subsidiary working bodies, however, were closed to public attendance, as were the informal negotiating sessions.

The Swiss hosts did an outstanding job in accommodating the NGO presence in Geneva. For example, they greatly facilitated NGO access to the meeting. Unlike previous meetings, where NGO representatives had to be escorted into the conference center by a delegate, here they were able to pre-register and therefore gain immediate access. While security was tight, it did not impede entering the conference center.

For open plenary sessions, more than ample room for NGOs and the press was available in a balcony overlooking the meeting hall, with technical equipment available for simultaneous interpretation into all six official CSCE languages.

In addition, adjacent to the plenary hall, a large room was reserved for exclusive use of NGOs. The United States and other delegations periodically held briefing sessions for NGOs in this room, and so-called "brainstorming sessions" were held continually throughout the course of the meeting. Some sessions focused on NGO concerns regarding the official meeting, while others were informative sessions, focusing on specific ethnic issues, including the existence of a Macedonian nationality, the Yugoslav military attack on Slovenia, and Muslims in the Soviet Union. A well-attended seminar on the situation of Roma in Europe was also held during the course of the meeting. In addition to the brainstorming sessions, NGOs met with individual delegations to press their main issues of concern.

One last positive step which made the Geneva meeting the most open of any CSCE meeting held to date was the existence of boxes for delegations where NGOs could leave materials expressing their concerns. These boxes permitted prepared materials to be circulated to delegates without having to request Secretariat assistance, sending them through the mail or having to contact a delegate directly.

Near the end of the Geneva meeting, the NGOs released an 11-point memorandum calling for enhancing NGO participating at CSCE meetings in light of the Paris Charter, which said that "[t]hese organizations, groups and individuals must be involved in an appropriate way in the activities and new structures of the CSCE in order to fulfill their important tasks." Among their proposals were: adequate seating in the meeting hall, a separate NGO room like that available in Geneva, and the right of NGOs to organize parallel or alternative meetings, to hold press conference in or near the conference center and to attend sessions of subsidiary working bodies.

10. Conclusions

The Geneva Experts Meeting on National Minorities was neither an amazing success nor a dismal failure. The picture is positive on the whole, especially given the sensitivity of the topic, but mixed in regard to the various aspects of the meeting.

For example, the discussion among the delegations was somewhat restrained. There were good presentations by various delegations on their own government's approaches to national minority questions, but there was little actual dialogue on the various approaches presented. Moreover, the implementation review was, with the exception of statements by the United States and one or two other delegations, clearly marked by an unfortunate hesitance to engage in a frank exchange of views.

The report adopted an achievement. The commitment in the CSCE, but the extent of the possibility which exists is not clear, however, the decision adopted could be considered as a step towards a more apparent among certain delegations to reach consensus in this already difficult situation in knowing that there still was a dialogue on these issues has

Nevertheless, the trend of the Geneva meeting is a clear inter-sessional CSCE meeting topic being addressed by inflation, the adoption of "word-inflation" that dilutes

More positive developments in the course of the meeting, more productive than the official issues of concern. The treaty has many useful precedents that process.

The Geneva meeting for cooperation in CSCE. To make such cooperation difficult basis, the principal contribution represented a first and new sensitivities, making progress commitments by the parties in meetings and, more important, belonging to national minorities

le room for NGOs and the press was all, with technical equipment available for SCE languages.

large room was reserved for exclusive use ons periodically held briefing sessions for sessions" were held continually throughout d on NGO concerns regarding the official focusing on specific ethnic issues, including Yugoslav military attack on Slovenia, and d seminar on the situation of Roma in meeting. In addition to the brainstorming to press their main issues of concern.

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Minorities was neither an amazing success the whole, especially given the sensitivity aspects of the meeting.

gations was somewhat restrained. There on their own government's approaches to actual dialogue on the various approaches w was, with the exception of statements by ations, clearly marked by an unfortunate ws.

The report adopted at the end of the meeting is, in many respects, a modest achievement. The commitments it contains do not retreat from earlier commitments made in the CSCE, but the extent to which they advance them is marginal at best. Given the clear possibility which existed in Geneva for a document that would have done more harm than good, however, the damage-control exercise which resulted in the report that was adopted could be considered a success in itself. Moreover, considering the tensions apparent among certain delegations over minority concerns and their own expectations, failure to reach consensus on a document in Geneva might have actually aggravated an already difficult situation in some parts of Europe. Instead, each delegation left Geneva knowing that there still was some common ground on minority issues and that further dialogue on these issues had not been futile.

Nevertheless, the trend of adopting lengthy new documents which was continued by the Geneva meeting is a cause for concern. Focusing on new words, especially at short, inter-sessional CSCE meetings, detracts from the ability to have a real dialogue on the topic being addressed by the meeting. As the excessive printing of money leads to inflation, the adoption of more and more documents in CSCE can lead to a form of "word-inflation" that dilutes the political value of previously agreed commitments.

More positive developments occurred in the sphere of NGO access and activities during the course of the meeting. In many respects, the work of the NGOs may have been more productive than the official meeting in directly addressing and debating specific minority issues of concern. The treatment of NGOs and private visitors by the Swiss hosts provided many useful precedents that can be used to involve them further in the inter-governmental process.

The Geneva meeting focused attention on what is an extremely timely and critical area for cooperation in CSCE. The outcome of the meeting reflected the clear sensitivities that make such cooperation difficult. When viewed in the longer term and on a more abstract basis, the principal contribution of the Geneva meeting may be the extent to which it represented a first and real step in an attempt to overcome these difficulties and sensitivities, making progress at future meetings possible and improved implementation of commitments by the participating States a reality. In this respect, the results of future meetings and, more importantly, the respect shown by States for the rights of persons belonging to national minorities will reveal the true level of success of the Geneva meeting.

**CSCE Experts Meeting on National Minorities
Geneva, July 1-19, 1991**

STATEMENTS OF THE U.S. DELEGATION

g Address, Max M. Kampelman, Plenary, July 1, 1991

ationality and Ethnicity in American Law, A.E. Dick Howard, Subsidiary Working Body A, July 3, 1991

ational Experience, J. Kenneth Blackwell, Subsidiary Working Body A, July 4, 1991

ance and Nature of Implementation Review, Samuel G. Wise, Subsidiary Working Body B, July 4, 1991

egislation Against Hate Crimes, William H. Hill, Subsidiary Working Body A, July 1

ation of Meeting, Max M. Kampelman, Plenary, July 8, 1991

'emitism, Samuel G. Wise, Subsidiary Working Body B, July 9, 1991

identification, David M. Evans, Subsidiary Working Body B, July 11, 1991

mination Against Roma (Gypsies), David M. Evans, Subsidiary Working Body B, July 1991

ation of Minorities, David M. Evans, Subsidiary Working Body B, July 15, 1991

ng Statement, Max M. Kampelman, Plenary, July 19, 1991

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GENEVA MEETING

Mr. Chairman:

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National Minorities
-19, 1991

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Law, A.E. Dick Howard, Subsidiary Working

well, Subsidiary Working Body A, July 4, 1991

Review, Samuel G. Wise, Subsidiary Working

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n, Plenary, July 8, 1991

Working Body B, July 9, 1991

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vid M. Evans, Subsidiary Working Body B, July

Subsidiary Working Body B, July 15, 1991

lenary, July 19, 1991

PLENARY REMARKS BY MAX M. KAMPELMAN

HEAD OF THE U.S. DELEGATION

TO THE

GENEVA MEETING OF THE CONFERENCE ON NATIONAL MINORITIES

PLENARY, JULY 1, 1991

Mr. Chairman:

One year ago, almost to the day, we adopted the Copenhagen Document, the first human rights document of the post-Cold War era. Since Copenhagen, CSCE has taken further strides at the Paris Summit, in meetings at Valletta and Krakow, and most recently at the Berlin Ministerial. Last fall, we welcomed a united Germany into our midst. Only two weeks ago, Albania joined us, and by so doing, re-joined the family of Europe.

These steps forward were possible because member states of the CSCE were willing to confront, overcome, and even eliminate formidable barriers to freedom and security on this continent -- barriers that had kept Europe divided by force and by fear for more than forty years -- barriers that the CSCE has worked to bridge and eradicate since the very inception of the Helsinki process which began in 1975.

We have made significant progress dismantling the most onerous and obvious obstacles to a Europe whole and free. But some remain, and they can only be removed through genuine, peaceful, political processes. We know that one such irritating obstacle relates to the understandable and historically justifiable aspiration of the Baltic States and their peoples for independence. The United States delegation joins the many others here in the conviction that our efforts to create a Europe whole and free call for the realization of those aspirations so that in the not-too-distant future, the circle of states around this table includes within it representatives from Estonia, Latvia and Lithuania.

The achievement of a Europe whole and free means much more than simply having all the states sitting at a table together, important as that is. Governments and citizens alike must work together to address and overcome deep-seeded problems that increasingly plague us and this continent. Many are legacies of the Cold War. Many reflect unresolved antagonisms that preceded it: authoritarian habits, entrenched old structures, and insular and intolerant attitudes. These can breed new divisions among us and frustrate the processes of democracy-building and reform. The challenge is serious because it comes at a time when we have never been closer to a Europe whole and free.

The delegation of the United States delegation in this conference we begin to address ethnic and national divisions among us because they symbolize a threat to peace and stability. The challenge is for a fundamental transformation to greater cooperation, democracy.

Just as we are aware of the threats that we can maximize in the form of nuclear threats themselves and cloud the great challenge for the CSCE process is to deal constructively

Europe has emerged from the devastation. The havoc of communism - of Europe is an enormous challenge. parts of Europe is suffering from backwardness which requires with a rebuilding of

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The delegation of the United States is as persuaded as any
 delegation in this hall that the subject matter of the
 conference we begin today is vitally important. The growing
 ethnic and national minority tensions in Europe disturb all of
 us because they symbolize direct threats to European security
 and stability. The Helsinki Final Act established the format
 for a fundamental transition in Europe from instability to
 greater cooperation, from systems based on coercion to
 democracy.

Just as we are on the verge of organizing ourselves so
 that we can maximize the new opportunities presented to us, new
 threats in the form of ethnic and national rivalry manifest
 themselves and cloud the atmosphere in which we function. The
 great challenge for us in this meeting is to explore whether
 the CSCE process is equipped with sufficient will and energy to
 deal constructively with those new threats.

Europe has emerged from grievous spiritual and physical
 devastation. The Nazi brutalities, the devastation of war, the
 havoc of communism -- all of these have taken their toll. Much
 of Europe is an environmental mess. Life expectancy in some
 parts of Europe is six to ten years below that of other parts
 of Europe. These and other symbols of chaos represent a
 backwardness which must be eliminated. We now want to proceed
 with a rebuilding of this continent.

of Europe have every reason now to look dawn for democracy. They expect respect for and freedom for those who were held captive in history. The emerging democracies have an organizing themselves to fulfill those and to pull themselves out of state-controlled into expansive competitive market performance.

Europe has come to appreciate that its task is to political and economic energies so that they are in the dramatic changes in science, technology and which are expanding the horizons of the human that bring our ideals and aspirations into near group of twelve European states is rapidly moving tion of coordination, cooperation and unity in size that opportunity. We now have the Council of European Parliament, the Court on Human Rights, the ean Union -- all based on the need to move toward -- if we are to help our people realize their ctations.

erging democracies of this continent understand the ulate that development and be a part of it. have been underway to bring the whole continent ether economically and politically. It is true that

the economic problems are crippling, but the will problems have been strong as a divided Germany be so must Europe leave its it joins tomorrow.

We begin our del that task and yet fully minority tensions cast somewhat like a cloud look to the new dawn.

The continent of a relatively new one, evolving, still reat discrimination and ha our emerging specie exists, such bigotry, with our religious, realizing our human, vital and indispens can lead to the elim being. In my coun in racial intolerance form of anti-semit and in myriad other

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the economic problems are severe and frequently appear
 crippling, but the will and the means for dealing with those
 problems have been strong and increasingly self-evident. Just
 as a divided Germany belongs to yesterday and not to tomorrow,
 so must Europe leave its sharp divisions of yesterday behind as
 it joins tomorrow.

We begin our deliberations in Geneva today cognizant of
 that task and yet fully aware that strong ethnic and national
 minority tensions cast a kind of evil spell over our sessions,
 somewhat like a cloud interfering with the sun's rays as we
 look to the new dawn.

The continent of Europe is an old one. The human race is
 a relatively new one, still growing, still maturing, still
 evolving, still reaching to prove itself. Bigotry and
 discrimination and hate have so far been an integral part of
 our emerging species, but we know that, to the extent that it
 exists, such bigotry, discrimination and hate are inconsistent
 with our religious teachings and create barriers toward
 realizing our human aspirations. That knowledge in itself is a
 vital and indispensable beginning in a process of growth which
 can lead to the elimination of that deep scar in our psyche and
 being. In my country, manifestations of it can still be seen
 in racial intolerance. In Europe, that manifestation takes the
 form of anti-semitism, in discrimination against the Gypsies,
 and in myriad other ethnic rivalries and hatreds.

The threatened disintegration of Yugoslavia is particularly dangerous. The traditional estrangements in that troubled country are exacerbated by the fact that the boundary lines of the republics do not necessarily mark the boundaries between the various ethnic groups. We also know that violence does not respect boundary lines. That is why our ministers in Berlin issued a collective statement of concern. That is why Secretary of State Baker travelled to Yugoslavia a few days ago. That is why we support the efforts underway by the Foreign Ministers of Italy, Luxembourg and The Netherlands to end violence and renew meaningful dialogue. That is why we support the recent call by members of the European Community to engage the CSCE emergency mechanism.

A new basis for unity in Yugoslavia is obviously called for. It will include greater autonomy for the republics. But these foundations for a united country can only be fundamentally achieved through peaceful means, by negotiation. Any political authority in that country that seeks to restore the authoritarianism of the past, that puts obstacles in the way of a peaceful resolution of differences, that violates human and minority rights, that strives to impose a solution by force, distances itself from the CSCE family of nations and from our common achievement of a Europe whole and free. In that connection, we must here note our deep concern over continued Serbian repression of the ethnic Albanian majority in the Province of Kosovo.

Yugoslavia is on our violence, but we know t Romania, Ceausescu, with d country's ethnic Hungari Hungarian cultural institu Hungarian villages were replaced by new multi-ethn source of tension.

In Bulgaria, the t fiat suddenly turned into Bulgarian army was used to change them to Bulgari and magazines were banne the Turkish language were source of tension.

We all hope that barbarism are ending with liberty. But the dis stability.

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Yugoslavia is on our minds because it erupted into violence, but we know there are other similar problems. In Romania, Ceausescu, with dictatorial power, decided to turn his country's ethnic Hungarian minority into Romanians. Ethnic Hungarian cultural institutions were undermined and ethnic Hungarian villages were threatened with depopulation and replaced by new multi-ethnic towns. This is a continuing source of tension.

In Bulgaria, the twelve percent Turkish minority were by fiat suddenly turned into instant Bulgarians. In 1984, the Bulgarian army was used to compel persons bearing Turkish names to change them to Bulgarian names. Turkish language newspapers and magazines were banned. Turkish ethnic dress and the use of the Turkish language were prohibited. This is a continuing source of tension.

We all hope that these and other illustrations of barbarism are ending with Europe's turn toward democracy and liberty. But the disputes are real and threaten European stability.

The United States does not believe that there is any single "magic pill" to national minority questions and concerns. We come to this table cognizant of the need to keep

an open mind and to work with others toward solutions, particularly at this time when many CSCE countries are still in the early stages of forming new constitutions, revamping legal systems, and building civil societies.

We come ready to listen and discuss, and to share our own perspectives as one of the world's largest and longest continual democracies and multi-ethnic societies. We know what has, through trial and error, worked for us. We will participate fully aware of our own inadequacies and of the fact that we cannot just transplant our own solutions, just as some solutions found by others may not prove workable in our country.

The United States is fully convinced that democracy and the principles of human liberty and freedom and the rule of law are fundamental if we are to act constructively in the face of these challenges. We know that, as Switzerland has matured and strengthened its democratic institutions, its German-speaking, French-speaking, Italian-speaking and Romansch-speaking citizens live together in harmony. We know that, as Belgium has strengthened its democratic institutions, the Flemish and Walloons relate peacefully with one another. We know that ethnic Swedes live comfortably in Finland. We know that the once-frightening words "Alsace-Lorraine" no longer mean violence between France and Germany. It is today one of Europe's more pacific, prosperous, democratic and cooperative regions in Europe.

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The more a democracy matures, the more each individual's rights are protected, and the more we find that the rights of persons belonging to minorities are respected. The fundamentals of democracy are the basic rights of the individual citizen. Indeed, if all CSCE states were firmly established as democracies, ethnic and related concerns would be lessened considerably if not essentially eliminated. Democracy as it matures brings with it public confidence in the legitimacy of state authority and the integrity of its legal system.

The rule of law is an integral part of a democratic society. Diversity and difference within our countries will continue. The challenge is to keep those differences within the bounds of law. With a society based on the rule of law, with a genuinely independent judiciary, that society can effectively channel differences of all kinds so that they generally remain within peaceful limits. An effective and justly-administered legal system produces public confidence and encourages a commitment toward stability.

The free and peaceful exercise of human rights requires a respect for the least of us and keeping the range of alternatives as wide as possible for the exercise of liberties by members of minorities. To this end, it is imperative that

private citizens have the ability to take initiative and establish schools, churches, clubs, and media so that they may freely express, preserve and develop their ethnic, cultural, linguistic or religious identity, alone or in community with others.

These democratic structures and formalities must be accompanied by responsible democratic leadership. Intolerance and discrimination and hatred must be condemned and anti-discrimination laws must be enacted and enforced. Bigotry cannot be changed by law. Tolerance cannot be imposed. But acts of discrimination can be made unlawful. If pluralistic societies are to function well, governments must actively promote, encourage and reward attitudes of tolerance.

We are convinced that democracy and rights and respect for the individual offer answers to the problems of interethnic disputes. One of the existing irritants for example, deals with language. What language is to be taught in the schools? In official communications? In publications? On television? In the theater? This issue creates ethnic friction, yet it is an issue which is much more easily dealt with in a democratic, free-enterprise society. Wouldn't much of the problem be eliminated if citizens could privately publish in whatever language they wish and operate private schools.

There is also the autonomy. Differences delegated to the individual, retained at the center related to the status. Here, again, many of the important aspects of the elected local officials, governments who are at government. Democratic important principles of

I do not mean to serious one, primarily utter mistrust and fear group for another. The role. CSCE must help

The United States help our entire family realize the promise of continued spirit of and dialogue. That is as we proceed along the

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There is also the demand of national minorities for local
autonomy. Differences arise as to which powers are to be
delegated to the individual republics and which are to be
retained at the center of government. This is intimately
related to the status of minority groups within the republic.
Here, again, many of these tensions could be dealt with if
important aspects of governmental authority were vested in
elected local officials rather than in officials of local
governments who are appointed to their posts by the central
government. Democratization and decentralization of power are
important principles of responsible government.

I do not mean to oversimplify the problem. It is a
serious one, primarily because it is usually accompanied by
utter mistrust and frequently by disdain and even hatred of one
group for another. This is where leadership must play a vital
role. CSCE must help provide that leadership.

The United States is convinced that the CSCE process can
help our entire family of nations meet the requirements and
realize the promise of Europe in the 21st century. We urge a
continued spirit of cooperation and understanding, restraint
and dialogue. That is the CSCE way. We wish to do our share
as we proceed along that way.

Thank you.

RACE, NATIONALITY, AND ETHNICITY
IN AMERICAN LAW

A. E. DICK HOWARD
UNIVERSITY OF VIRGINIA

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE
MEETING OF EXPERTS ON NATIONAL MINORITIES

GENEVA
JULY 1991

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INTRODUCTION

When Europeans and Americans meet to compare notes on problems of nationality and ethnicity, we are reminded of the lively traffic in constitutional ideas that took place between the Old World and the New World two hundred years ago. In 1776 the convention that, meeting at Williamsburg, instructed Virginia's delegates at the Continental Congress to introduce a resolution for independence also set to work on a declaration of rights and frame of government for Virginia. Other American states likewise adopted new constitutions, and in 1787 the Philadelphia Convention sent to the states, for their ratification, a new federal constitution. In 1791 the Bill of Rights became part of the Constitution.

In 1789 the French drafted their famous Declaration of Rights of Man and the Citizen. 1791 saw the adoption, in Poland, of that country's great May 3 Constitution. A few months later, France's National Assembly agreed to the first French Constitution.

As these seminal documents came into being, ideas about rights and government flowed freely back and forth across the Atlantic. The American framers -- notably James Madison -- were well read in European theory and practice. In framing their basic laws, the Americans drew heavily upon European sources, including such English documents as Magna Carta (1215), the Petition of Right (1628), and the Bill of Rights (1689). They were influenced, as well, by thinkers such as Condorcet and Montesquieu, the latter especially for his writings about the separation of powers.

As events unfolded in the United States, Europeans watched with fascination. French scholars have noted the influence of George Mason's draft for Virginia's 1776 Declaration of Rights upon France's Declaration of Rights of Man and the Citizen. When Thomas Jefferson was the American minister in Paris, he had the Virginia Statute for Religious Freedom (enacted in 1786) translated into French, and it found its way into the Encyclopedie.

We convene in Geneva, in 1991, in the spirit of the great age of eighteenth-century constitution-making. We meet to examine problems of nationality and ethnicity -- an uncommonly sensitive issue in Europe and elsewhere. Especially since the

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nineteenth century, much of European history has turned on
issues of nationality and ethnicity. It is easy to imagine,
listening to operas of Verdi, the nationalistic stirrings felt
in the audiences who, notwithstanding the efforts of censors,
well understood the composer's message.

In the United States, a leitmotif of that country's history
has been a preoccupation with matters of race -- a problem
related in many ways to nationality and ethnicity. America is
known, of course, as a land to which successive waves of
immigrants have come -- from every continent. They have come
for many reasons -- seeking religious freedom, hoping to escape
political oppression, or questing for economic opportunity.
Some came unwillingly -- those who came in slavery from Africa.

The result, in the United States, is a country of diverse
people, creeds, and cultures. These people live together under
a Constitution and laws among whose major premises are consent
of the governed, the rule of law, equality before the law,
fairness and due process in the law's administration, and
individual opportunity. Any reader of American history, as
well as any observer of the contemporary scene, will realize
that the effort to achieve these commitments is an arduous and
incomplete one, especially in matters of race and ethnicity. I
consider, in this paper, various modes of dealing, in American
law, with problems of race, nationality, and ethnicity.

CORE PROTECTIONS

I begin with those modes of protection that lie at the core of the effort to secure rights and freedoms for racial or other minorities. In so doing, I call attention to the special place, in the United States, of the Constitution as a norm. In some countries, the monarchy serves as a unifying symbol. Other countries have their own common ground. In the United States, nothing serves as a common banner so nearly as the Constitution. Indeed, it is fair to say that, rather than the nation creating the Constitution, the Constitution created the nation.

In discussing constitutional and legal protections, one should also call attention to the contrast between the role of the legislature (for example, in enacting civil rights statutes) and the judiciary (in interpreting and enforcing the Constitution and laws).

The Antidiscrimination Principle

In 1868, during the period of Reconstruction following the

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For decades then. Gradually the federal prohibitions, especially, in 1954 the Education, decreed violated the Fourteenth

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and legal protections, one contrast between the role of enacting civil rights interpreting and enforcing the

Reconstruction following the Amendment was added to the

Constitution. That amendment, among other things, declares that no state may deny any person the equal protection of the laws or due process of law. The central purpose of the Fourteenth Amendment was to protect the newly freed slaves from actions that would, in effect, drag them back into conditions resembling servitude.

For decades the Fourteenth Amendment lay largely unused. Gradually the federal courts began to enforce the amendment's prohibitions, especially in the years after World War II. For example, in 1954 the Supreme Court, in Brown v. Board of Education, decreed that segregation by race in public schools violated the Fourteenth Amendment's equal protection clause.

The Fourteenth Amendment has proved to be a powerful tool in the hands of the judiciary. From the amendment's original concern with the former slaves, it has been extended, by judicial interpretation, to include discrimination on the basis of race, nationality, and ethnicity. The courts have also, in applying the amendment's ban, fashioned a rigorous standard by which to review laws and acts attacked as being discriminatory. When a court reviews ordinary legislation (for example, a statute regulating economic activity), a complaint that the statute denies equal protection sees the court invoking a presumption of the statute's constitutionality. In

cases involving racial discrimination, by contrast, the statute is presumed to be invalid; that is, the burden is on the state to defend the statute rather than, as in ordinary cases, on the statute's challenger to show that the law is unconstitutional.

Antidiscrimination Legislation

The Fourteenth Amendment, in addition to empowering the courts, gives Congress the power, by appropriate legislation, to enforce the amendment. Under this provision Congress has the power to reach activities not covered by the Constitution itself. For example, the Fourteenth Amendment, by its terms, reaches only state action, that is, actions undertaken by government or for which government may be deemed to be responsible. Congress, however, through its powers of legislation, may enact statutes dealing with private discrimination. Thus Congress enacted the Civil Rights Act of 1964, forbidding discrimination in hotels, restaurants, and other public accommodations.

Legislation, by its nature, permits more discretion and experimentation than does the Constitution. A constitutional provision requires, of course, interpretation. But once the meaning of the Constitution be ascertained, it is, in American

constitutional law, outside the branch. Congress may, by contained in the Constitution, branches of government, on governmental action. legislating within its broad flexibility to shape law and social factors may shape

Individual Rights (Bill of Rights)

At the heart of protection of individual rights are those fundamental as the American Bill of Rights. Those rights guaranteed by the Constitution under the Bill of Rights would be especially of religion or other dis of society, take unpopular framers saw the Bill of Rights as a way to protect the unempowered -- those without government. Obviously many

Among the provisions of the First Amendment's guarantee of freedom of religion, speech, and assembly

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permits more discretion and onstitution. A constitutional interpretation. But once the ascertained, it is, in American

constitutional law, outside the reach of the legislative branch. Congress may, by statute, add protections beyond those contained in the Constitution, but Congress, like other branches of government, must respect the Constitution's limits on governmental action. So long, however, as Congress is legislating within its bound of competence, it enjoys flexibility to shape laws and remedies as assessments of policy and social factors may suggest.

Individual Rights (Bill of Rights)

At the heart of protection of the rights of minorities -- as fundamental as the antidiscrimination principle itself -- is the Bill of Rights. Those who framed the first ten amendments to the Constitution understood that the protections of the Bill of Rights would be especially important to those who, because of religion or other discernible differences from the majority of society, take unpopular or unusual positions. Likewise, the framers saw the Bill of Rights as especially important to the unempowered -- those without easy access to the control of government. Obviously minorities fall within this definition.

Among the provisions of the Bill of Rights are the First Amendment's guarantee of freedom of speech, press, assembly,

petition for redress of grievances, and free exercise of religion, the Fourth Amendment's ban on unreasonable searches and seizures, the Fifth and Sixth Amendment's requirements of various procedural protections in criminal proceedings (such as the right to counsel), and the Eighth Amendment's ban on cruel and unusual punishments.

Experience has demonstrated how often racial and other minorities have indeed been the direct beneficiaries of the guarantees of individual rights found in the Bill of Rights. For example, the Supreme Court, in 1958, inferred the right of association from the First Amendment's protection for free speech; in the case at bar the Court used this right to protect a civil rights organization (which had been litigating to desegregate public education) against the efforts of a state to put it out of business.

The Supreme Court has been quite inventive in finding ways to use the Bill of Rights to protect minorities. During the civil rights movement of the 1960s, the Court, in case after case, overturned convictions of civil rights demonstrators (under state breach-of-the-peace and other laws) in circumstances where there was every reason to think that local authorities were using local laws to suppress legitimate

dissent. In that era, civil rights legislative courts that blacks loc

Many innovations traced to seminal cases. For example, the first (1932) involved black denied adequate representation thereafter, the Court a black defendant. Doctrines established minority groups become law. Those doctrines cases not involving beneficiaries of effort under law. In this growth and development

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civil rights legislation (such as the 1964 Act), it was to the
courts that blacks looked for protection.

Many innovations in American constitutional law may be
traced to seminal cases in which race was a major factor. For
example, the first right-to-counsel case in the Supreme Court
(1932) involved black defendants who, in a capital case, were
denied adequate representation at their trial. Likewise, soon
thereafter, the Court's first coerced confession case involved
a black defendant.

Doctrines established in cases involving members of
minority groups become part of the corpus of constitutional
law. Those doctrines therefore become available to parties in
cases not involving minorities. All citizens are thus the
beneficiaries of efforts by minorities to secure their rights
under law. In this fashion, minorities contribute to the law's
growth and development.

ARE THERE COLLECTIVE OR GROUP RIGHTS?

The rights described so far -- rights that I have described
as being core rights -- clearly are instances of individual
rights. What, then, of collective or group rights? American

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Affirmative Action

Affirmative action -- it might also be called positive discrimination -- entails a preference based on race on another factor. Preferences may extend to employment, education, or other ends. The preferences may take the form of "quotas" or "goals." They may be explicitly racial, or they may turn on criteria such as "disadvantage."

Affirmative action is permissive, that is, it is not required by the Constitution. Affirmative action, when it is undertaken, takes the form of legislation or other positive enactment. Indeed, it is hard to imagine a workable constitutional provision that would mandate affirmative action. Affirmative action, by its nature, requires so many empirical and social value judgments that inevitably it invites political, rather than judicial, assessment. In other words, it is appropriate that decisions whether to have affirmative action and, if so, to what extent and for what purposes, should be left to legislatures (subject, of course, to judicial oversight to be sure that constitutional bounds are not surpassed).

A rationale often advanced for affirmative action is that it is justified by the need to compensate for historical discrimination or disadvantage. It may be argued, for example, that American blacks have historically been the subject of such massive discrimination that preferences or advantages should be tendered in order to create more nearly equal opportunity.

Affirmative action carries, however, certain risks. One may fairly argue that, given history's teachings, the use of race as a measure for government action (however benign the purpose) is always inherently dangerous. Critics of affirmative action argue that the device invites racial politics, thus polarizing society, and that it often stirs great resentment (for example, among those who fail to get jobs awarded on grounds of race to someone else).

Affirmative action programs may tend to slide toward a notion of group rights. Indeed one concern may well be that if an affirmative action program continues indefinitely, it may come to be seen as a group entitlement. Especially might this be the case where the plan takes the form of strict percentages (for example, where 10% of contracts under a public works program are set aside for minority contractors).

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Electoral Process/Representation

Constitutions or laws of some countries provide some form
of guaranteed representation for national or ethnic minorities
(for example, the provision made by the Constitution of
Schleswig-Holstein for Danish seats in the state legislature).
Developing American law seems to be going beyond traditional
principles of forbidding discrimination in apportionment to
assuring racial representation. The Fourteenth Amendment is
interpreted to prevent states from drawing boundaries of state
legislative districts in such a way as to discriminate against
black or other racial minorities. The Voting Rights Act of
1965, however, goes further. It is interpreted as requiring
state legislatures to draw districts in such fashion as to
maximize minority representation. Sometimes this results in
quite oddly shaped districts. To the extent that laws bearing
upon the drawing of legislative districts go beyond a negative
prohibition (a ban on discrimination) to an affirmative
requirement (maximizing a racial group's representation), to
that extent those laws begin to look like shaping a practice
(whatever the theory) of group rights.

Autonomy/Self-Government

Group rights often connote notions of local autonomy or self-government, for example, devolution of powers from a central government to the locality. American federalism entails, of course, considerable emphasis on decentralized power among states and localities. But notions of group rights have little relevance here. There is, however, one important exception: native American's government. In some ways, native Americans and their tribes have been treated as foreign governments. Thus we have treaties between the federal government and individual tribes -- treaties typically adopted in the nineteenth century when western settlement and expansion was at its height.

The reservations of native Americans' tribes are commonly governed by their own laws -- measures enacted by tribal councils. This form of local autonomy carries a price, however; one hears complaints that ordinances passed by tribal councils do not always conform to the protections otherwise afforded by the Bill of Rights to those living in places other than reservations.

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CONCLUSIONS

(1) As to assertions of group or collective rights, it seems that these are less well suited to judicial enforcement. They entail essentially political judgments and thus are by their nature suited for legislation. The case for such rights -- their existence, extent, and detail -- differs from country to country. In this respect, they may be contrasted with human rights, which have a more universal nature. One may conclude that, in a given country, group rights are a path to political stability and social tranquility. In any event, it seems evident that the nature of group or collective rights is still evolving. This certainly seems to be the case in the Copenhagen document, which while it speaks of rights that may be exercised "individually as well as in community with other members of their group," does so in a way that avoids (probably intentionally) the question of individual versus group rights.

(2) There is a special place in the constitutions of countries and in the norms of both domestic and international law for the antidiscrimination principle. Making the principle explicit in legal documents reminds us of the invidious nature of discrimination against national, ethnic, or racial

minorities. Such discrimination does particular violence to the notion of a rule of law. Antidiscrimination declarations and laws have moral or teaching value; certainly the Supreme Court's Brown v. Board of Education decision had just such moral force for the American civil rights movement.

Antidiscrimination legislation carries an added advantage in that it can be fine-tuned to the grievance or problem at hand, as well as offering the opportunity to shape appropriate remedies.

(3) When one reviews the range of constitutional and legal means of dealing with problems of nationality, ethnicity, and race, primacy should be given to individual or human rights. A theory of individual rights rests on an atomistic, rather than organic, view of the state and politics. Giving a central role to individual rights is especially compatible with western, liberal theories emphasizing the worth of the individual. Individual rights carry special force because they extend to all persons, regardless of race or nationality. And a practical advantage of individual rights is that, of the various kinds of rights, they are especially well suited to judicial enforcement.

(4) Shaping a free society -- one in which a free people aspire to self-government under the rule of law -- requires the accommodation of two principles. One is democracy -- the

belief that government whereby fair and free officials who are accountable to the principle of constitutional democracy, there are 1 that there are rights government may not in not always easy. It human dignity may be conditions of social

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belief that government's decisions should be made in a process
whereby fair and free elections install legislatures and other
officials who are accountable to the people. The other
principle is constitutionalism -- the thesis that, even in a
democracy, there are limits to the powers of government and
that there are rights which even a democratically elected
government may not infringe. Accommodating these principles is
not always easy. It is, however, essential, in order that
human dignity may be respected and individual rights secured in
conditions of social order and justice.

REMARKS BY J. KENNETH BLACKWELL

United States Representative to the
United Nations Commission on Human Rights

CSCE - Meeting of Experts on National Minorities
Geneva, Switzerland
July 4, 1991

Today, we meet for the second day to examine the experiences of CSCE nations in addressing the situations of minorities in their own countries. On Monday, Minister Felber rightly suggested that delegations should pursue such work with modesty. This is wise. National situations differ greatly. In each case, individual rights must be protected on a non-discriminatory basis. Beyond that, however, there is no single solution. Lessons learned in one society will not always transfer to another. Nevertheless, much can be learned from analyses and comparisons between national practices. For in the long run the common denominator must be dignity and freedom for the individual.

Mr. Chairman, I want to describe briefly our national experience and current debate concerning American minority groups and some of their civil and legal rights. These remarks are timely, because the civil rights movement in my country today is at a critical juncture. America is seeking to find and build a new civil rights consensus in the year we, as a nation,

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America is seeking to find and
in the year we, as a nation,

are celebrating the 200th birthday of our Bill of Rights. Our
consensus of the 1950's and 1960's produced the most expansive
civil rights legislation of our history, and brought a profound
change in America's race relations. The civil rights
revolution, based on our democratic values, largely succeeded in
its effort to eliminate legally enforced second class
citizenship for black and other Americans. It began to
reconcile our democratic promise and Constitutional guarantee of
equality under the law with our national practice. However, our
practices which have made unusually massive improvements, still
fall short of our goals.

The civil rights movement in the United States is under
severe internal and external review and analysis as it adjusts
to its need to develop a new agenda. Many, like me, are urging
a new approach designed to define and promote policies that
empower individuals to achieve their own potential through their
own efforts, in a society which permits rewards for their work
and their accomplishments. Empowerment does not mean control of
others, but freedom to control one's own affairs. Minorities in
America don't want paternalism, they want opportunity -- they
don't want the servitude of welfare, they want jobs and an
opportunity to own private property. They don't want government
dependency, they want a reaffirmation of our declaration of
independence.

The original idea of the American civil rights movement was to remove racial, religious and gender-based barriers to individual accomplishment and fulfillment. The power and moral attractiveness of the civil rights movement of the 1950's and 1960's was its universalism and its moral simplicity. The movement then was a crusade for freedom and equal opportunity. The moral message was clear: segregation and discrimination are morally wrong and at odds with the American ethic of fairness, an ethic that has given rise in our country to the belief that everyone should be given an equal chance to succeed or fail on individual merit.

Thus, the moral agreement which has opened greater opportunity for so many over the past three decades was based on judging people on their individual character, not by group identification. For our ideals are solidly based on the respect and dignity of the individual, with government in a peripheral role. Our Bill of Rights defines things government must not do. It does not establish rights; it provides for their defense.

Regrettably, there has been a tendency to face problems based on race with solutions based on race. Our objective must be to eliminate racism, not to perpetuate it.

Yet today, far too many advanced by some in the traditional solutions to the problems facing African-American and Hispanic are remedies that are not race-neutral. They define people by race and preferential programs.

The transition being experienced by the civil rights movement in our country has had a strain on coalition ground. The consensus that put the civil rights movement of the 1950's and 1960's on the King -- the dream of a society where the content of their character, not their skin" -- has lost its focus. The nation to address some disturbing problems, our black children are growing up in poverty. African-Americans live in poverty and unemployment is at a high level, productivity.

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Yet today, far too many of the policies and remedies being
advanced by some in the traditional civil rights movement as
solutions to the problems facing the United States
African-American and Hispanic communities are race-based. These
are remedies that are not race and gender neutral. Instead,
they define people by race and sex. Often they result in
preferential programs.

The transition being experienced by the civil rights
movement in our country has helped create an environment that
has put a strain on coalition building and a search for common
ground. The consensus that provided the foundation for the
civil rights movement of the 50's and 60's has been weakened.
It is my view, for example, that the dream of Dr. Martin Luther
King -- the dream of a society where individuals are "judged by
the content of their character rather than the color of their
skin" -- has lost its focus. Yet the need to mobilize our
nation to address some disturbing realities is great. Half of
our black children are growing up in poverty. One-third of all
African-Americans live in poverty -- and the reward for welfare
and unemployment is at a higher level than that for working and
productivity.

In the face of this urgent need the civil rights movement risks losing the perception as a moral crusade for an even playing field and freedom. It risks coming to be seen as ^{an} advocacy movement for preferential treatment for minorities, at the expense of the majority.

We as a nation are trying to come to terms with the new realities and the risks. There are important unfinished items on our agenda for an America totally free of discrimination and bigotry in practice as well as words. Those can be dealt with only through an effective broad coalition, and that is the challenge we face.

This dichotomy is at the center of the American debate of the proposed Civil Rights Act of 1990 and 1991. This legislation would make a series of changes to American laws barring discrimination in employment, reversing several Supreme Court decisions that had narrowed their interpretation. Some believe that this legislation is necessary to continue to fight discrimination in the workplace. Others argue that elements of the legislation could be interpreted to require that employers, de facto, hire on the basis of racially-defined quotas in order to protect themselves from legal action. There is broad agreement in the U.S. Congress that any such effect -- requiring that employment decisions be made on the basis of race or

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ethnicity -- would be the antithesis of the basic moral and
legal principles of non-discrimination and equality. The debate
now is on the words to carry out that objective.

The civil rights movement has made the 1991 bill its top
priority. But, it is important for me to point out that the
bill would not address the real problems -- the deteriorating
quality of life for low-income blacks and Hispanics and the
social collapse of too many communities. While the fight of the
50's and 60's was for the right to sit at the lunch counter, the
challenge of the 90's is to be able to buy lunch! Our econmic
and social problems are at the root of these fundamental
problems and are yet to be addressed effectively.

Mark Twain once said that, "If the only tool you have is a
hammer, then all your problems look like nails." This might
suggest that we should reject the notion that the only way to
deal with the economic situation of poor minorities is through
civil rights legislation.

Thus, the real challenge for the United States is to find
ways of ensuring that all individuals in all groups of society
have the opportunity to participate fully and effectively in
economic and social life. This challenge makes it imperative
that we rebuild the link between individual effort and reward.

And it also requires the building of a new consensus. The United States now is seeking to find a broadly accepted set of policies that will allow each individual the full opportunity to realize his or her potential.

Any effective answer to this challenge must empower all members of society to achieve their own potential, through their own efforts, and to be rewarded for their work and their accomplishments.

Mr. Chairman, I know it is not only the countries of Eastern Europe that are looking for market-oriented answers to many of their problems. So are minorities in the American communities of East Harlem, East St. Louis and East Los Angeles. We must tap and unleash the wealth, talent and potential of more individuals, both in these countries and in U.S. communities.

There is a wise Eskimo adage which states - happy man, successful man - successful family, successful town.

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U.S. Deleg

Mr. Chairman,

Our delegation is reviewing the implementation to national minorities: implementation has been the credibility of the direct connection between implementation of commitment the success which the C

In recent years, the commitments has improved relative to its past rectifying the inhuman Turkish minority. Never a vital part of our work their minority rights expand their commitments strongly worded commitment 1989, and especially in evidence of these additions with strong language on

Statement by Samuel G. Wise
 U.S. Delegation to the Geneva CSCE Meeting
 on National Minorities
 SWB-B
 July 4, 1991

Mr. Chairman,

Our delegation is pleased to participate in the task of reviewing the implementation of existing CSCE commitments relating to national minorities. Our tradition is that the review of implementation has been a critical phase of CSCE meetings, since the credibility of the CSCE process has been dependent on the direct connection between words and deeds. Accountability for implementation of commitments freely agreed to has been the key to the success which the CSCE has achieved.

In recent years, the situation with respect to implementation of commitments has improved markedly. Bulgaria is one country which, relative to its past record, has taken enormous strides by rectifying the inhuman campaign of forced assimilation of its Turkish minority. Nevertheless, a review of implementation remains a vital part of our work. For just as governments have improved their minority rights performance, so too have they agreed to expand their commitments regarding these rights. The specific and strongly worded commitments in the Vienna Concluding Document of 1989, and especially in the Copenhagen document of 1990, are clear evidence of these additional commitments, which were reaffirmed with strong language on national minorities in the Paris Charter.

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There is, however, a second and more important reason for the implementation review. Despite obvious improvements, minority problems still exist. Ethnic strife poses specific and serious dilemmas for many countries -- especially for many of those which are only now in the process of political democratization. It also has a critical transboundary dimension which could threaten the peace. This is why, after all, the participating States agreed in Paris to hold this meeting on the protection of the rights of persons belonging to national minorities. If we are to meet the intent and expectations of this meeting, it is incumbent on us to discuss these problems in an open and forthright manner.

Yet, reviewing implementation has become a more difficult exercise than in the past. Previously, specific actions on the part of some governments of the participating States -- laws, policies and practices -- represented the most serious violations of CSCE commitments regarding minority rights. Today, however, implementation has become a much more complicated matter. As the lid of repression was lifted in Europe, the dormant forces of ethnic tension have risen to the surface.

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Take, for example, the situation in Romania, where many governmental restrictions on the rights of the Hungarian and other minorities have been removed in the last year. At the same time, as the Romanian delegate informed us in his opening address, the Romanian Government has a long way to go. But improvements in this area have been overshadowed by a sharp increase in tensions between the majority and the minority groups themselves. This is clearly evident in the statements of the group Uatra Romaneasca (Romanian Hearth) and in the newspaper Romania Mare. On occasion, the hate which has spewed forth from such groups and publications has stirred segments of the population to resort to violence against ethnic Hungarians and Roma (or Gypsies), such as occurred last year in Tirgu Mures or, more recently, to various Roma communities.

Romania is, of course, not the only country with problems of this kind. To varying degrees, they exist in other countries as well. Popular discrimination and harassment of Roma in Hungary -- which we understand Hungarian President Goncez has described as one of the major problems facing his country -- as well as expressions and acts of anti-semitism in the Soviet Union and inter-ethnic tensions in neighboring countries, are only a few examples of this disturbing trend. It is an issue that needs to be addressed by the respective governments in a manner that is effective and consistent with human rights standards.

What are the responsibilities of governmental authorities in instances such as these? Surely, the answer does not lie in a return to the past, when severe restrictions on the rights to freedom of expression, association or assembly prevailed. Indeed, rather than solving the problems, these past restrictions merely swept animosities between ethnic groups under the rug. These restrictions often have worked to the detriment and not the advantage of minority groups in that they have prevented efforts aimed at the resolution of underlying ethnic problems.

Instead, governments should look to the provisions of the Copenhagen document in which the participating States "clearly and unequivocally condemn . . . racial and ethnic hatred, anti-semitism, xenophobia and discrimination..." Member States also committed themselves to provide protection to persons and groups against violence based on national, racial, ethnic, cultural, linguistic or religious identity, and to protect the property of these persons or groups. In some of the cases I have just mentioned, the respective governments have been slow to condemn pronouncements of ethnic hatred, and silence can be interpreted to mean acquiescence. Victims of criminal acts which appear to be motivated by ethnic hatred also must have the opportunity to seek the judicial remedies they need to protect their rights.

There is a second review. In cases of devolution of political power, participating States must ensure that the commitments they made to the central and local governments are in the process of being fulfilled. Similar efforts must be made to ensure that their rightful jurisdiction is being exercised and that their respective territories are being properly managed.

In many instances, the cases of the Baltic Republics and Estonia, Latvia and Hungary, which include the Baltic States, are national minority rights in the Soviet republics. Each of the Baltic States has a national minority right in the Soviet republics. The protection of these rights is a result. We would also like to make remarks on the central area.

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the provisions of the ating States "clearly and nd ethnic hatred, anti- .." Member States also on to persons and groups acial, ethnic, cultural, protect the property of the cases I have just ave been slow to condemn nce can be interpreted to acts which appear to be e the opportunity to seek t their rights.

There is a second factor which complicates our implementation review. In cases where there is growing decentralization and devolution of political power, the central governments of a participating State are no longer the sole actors in implementing the commitments they have undertaken in the CSCE. Now, republic and local governments, such as in the Soviet Union and Yugoslavia, are in the process of having a greater impact on human rights performance. Similarly, the Baltic States have been able to take their rightful jurisdiction over minority rights protection within their respective territories.

In many instances, this has led to positive developments, as in the cases of the bilateral agreements between the Russian Federated Republic and Estonia and between the Ukrainian Republic and Hungary, which include language on protecting minority rights. Each of the Baltic States has, in fact, passed legislation on national minority rights, and legislation is being drafted in some Soviet republics. In these cases there is reason to believe that the protection of minority rights will continue to improve as a result. We would also here note the Soviet delegation's opening remarks on the central government's legislative initiatives in this area.

In other instances, however, respect for minority rights has deteriorated. This is nowhere more evident than in Yugoslavia, where the government of the Republic of Serbia has effectively denied Kosovo its political autonomy and has actively discriminated against the Albanian population which makes up the overwhelming majority of that province, such as by firing thousands of Albanians for their political activities last year. And in the Soviet Union, the governments of the Georgian and Azerbajdzhani republics do not seem to have contributed to the solution of minority problems in those republics.

The CSCE has proven effective in its unique ability to confront problems openly. We have made remarkable progress since 1975 and have demonstrated our commitment to make further progress together. I hope we will use this time in Geneva to confront questions of national minorities in a direct and constructive manner. During the course of further sessions in Working Group B, our delegation intends to discuss in greater detail the implementation successes and shortcomings in the area of national minorities. Our discussion will include comments on a number of participating States, including our own. We believe that the CSCE experience of the past has shown that this is the most effective approach to take. At the same time, we will welcome the comments of other delegations on the implementation record of the United States in this field.

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One of the most common discrimination against et is the category of so-called legislation a hate crime violence or intimidation on race, color, ethnicity. Several U.S. federal statutes which might be categorized as federal crime to injure, interfere with a person's activity which is protected by constitution -- for example, the right to vote, practice jury. It is also a federal crime to discriminate against a person because he or she has engaged in specified activities, such as in a public school, travel. One federal statute specifically prohibits the destruction of religious buildings (churches, cemeteries).

One of the most common American practice has been to interfere with black families in white neighborhoods. Some violent, such as firebombing, as the burning of a cross, nonetheless real. The burning of a cross is a symbol of terror which was used by the Klan, a white supremacist organization. Cross-burnings often precede violence against blacks. Individuals who burn crosses are often charged with the intent to threaten or intimidate.

However, the guarantee of the First Amendment to the U.S. Constitution prohibits government prosecutions. Where a house is burned, of course, there are criminal activities. Such criminal activities are prohibited by the First Amendment. But with a cross-burning, the surrounding context is examined. If the cross-burning is motivated by racist views, U.S. courts have found that the First Amendment does not protect it. In 1969, the Supreme Court held

U.S. Legislation Against Hate Crimes
 Statement by William H. Hill
 Deputy Head, U.S. Delegation
 July 5, 1991

One of the most common manifestations of prejudice or discrimination against ethnic, racial, or national minorities is the category of so-called "hate crimes." In U.S. legislation a hate crime is generally defined as an act of violence or intimidation motivated by hatred or prejudice based on race, color, ethnicity, religion or sexual orientation. Several U.S. federal statutes provide sanctions against actions which might be categorized as hate crimes. Thus it is a federal crime to injure, oppress, threaten, intimidate, or interfere with a person because that person is engaged in an activity which is protected by federal law or the U.S. constitution -- for example, because he or she is exercising the right to vote, practicing a religion, or serving on a jury. It is also a federal crime to threaten or interfere with a person because he or she is engaged in one of a number of specified activities, such as occupying a dwelling, enrolling in a public school, travelling, or using public accommodations. One federal statute specifically prohibits defacing or damaging religious buildings (churches, synagogues, and mosques) and cemeteries.

One of the most common applications of these statutes in American practice has been to prosecute those who threaten or interfere with black families who have moved into predominantly white neighborhoods. Sometimes the interference has been violent, such as firebombing of a house. In other cases, such as the burning of a cross, the threat is more symbolic, but nonetheless real. The burning of a cross, usually at night, is a symbol of terror which was historically used by the Ku Klux Klan, a white supremacist organization, to intimidate blacks. Cross-burnings often preceded or followed lynchings or other violence against blacks. The federal government prosecutes individuals who burn crosses where it can be shown that they acted with the intent to threaten or intimidate someone.

However, the guarantee of free speech in the First Amendment to the U.S. Constitution may be implicated in such prosecutions. Where a house is firebombed or a person is injured, of course, there are no free speech issues raised. Such criminal activities are not protected by the First Amendment. But with a cross-burning or other such symbolic activity, the surrounding circumstances must be carefully examined. If the cross-burning is merely the expression of racist views, U.S. courts have ruled that it is protected by the First Amendment and may not be prosecuted. For example, in 1969, the Supreme Court held that members of the Ku Klux Klan

had a First Amendment right to burn a cross at an isolated location on a farm, with only members of the Klan and a reporter present. But where a cross is burned in front of the house of a black family and is intended to threaten or intimidate that family so that it will move away, the First Amendment does not protect the action.

The Supreme Court has recently decided to review an ordinance enacted by the city of St. Paul, Minnesota, which makes it a crime to place on public or private property a symbol (including a burning cross or a Nazi swastika) which could arouse racial or religious anger, alarm, or resentment. This ordinance is broader than the federal statutes which I have described, since it does not require that the symbol be intended to threaten or intimidate those at whom it is directed. The federal Department of Justice has not yet determined whether it will take a position on behalf of the United States before the Supreme Court on this case, or whether it believes the local St. Paul ordinance is constitutional.

In April, 1990, the U.S. Congress enacted the Hate Crime Statistics Act, which provides for the collection of information and statistics on hate crimes nationwide. Under previous law, federal, state, and local police departments and agencies that routinely investigate criminal activity were responsible for providing statistical data concerning such crimes to the Federal Bureau of Investigation, which compiles the data and issues annual Uniform Crime Reports on behalf of the Attorney General. The new hate crimes statute requires that this data include separate statistics on incidents of vandalism, assault, arson, murder, or other crimes evidencing prejudice based on race, ethnicity, sexual orientation, or religion. The U.S. government believes that the availability of these new data should help increase public awareness of racial, ethnic, and religious intolerance, and will encourage greater efforts to combat hate crimes at the state and local levels, complementing our recently intensified efforts under federal civil rights laws.

The United States believes that action against so-called hate crimes is a concrete, if modest step which states can take against manifestations of discrimination, intolerance, or hatred of ethnic, religious, racial or national minorities. The U.S. delegation to this meeting has available copies of the 1990 Hate Crimes Act which we will be happy to make available to interested delegations. We believe that similar action -- that is, the collection and dissemination of data -- in participating states where manifestations of such intolerance may have been experienced would be a step forward in fulfillment of our common commitments for the protection of the rights of persons belonging to national minorities.

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STATEMENT BY AMBASSADOR MAX KAMPELMAN
 HEAD, U.S. DELEGATION
 PLENARY SESSION
 GENEVA EXPERTS' MEETING ON
 NATIONAL MINORITIES
 MONDAY, JULY 8, 1991

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IT IS MY PERCEPTION THAT WE HAVE JUST ARRIVED IN GENEVA, BUT OUR MEETING IS ALREADY ONE-THIRD FINISHED. WE ALL APPRECIATE THAT IT IS AN AMBITIOUS UNDERTAKING IN ANY CASE TO STUDY THE OFTEN TROUBLESOME TOPIC OF MINORITIES IN THE SHORT SPACE OF ONLY THREE WEEKS. THE CURRENT POLITICAL SENSITIVITY OF ETHNIC AND MINORITY QUESTIONS, EVIDENCED MOST DRAMATICALLY BY THE ONGOING TRAGIC SITUATION IN YUGOSLAVIA, MAKES IT VITAL FOR EUROPEAN SECURITY AND STABILITY THAT WE ADDRESS THESE QUESTIONS SUCCESSFULLY AND DEMONSTRATE THAT CSCE IS RELEVANT TO THIS VITAL SOURCE OF TENSION AND POTENTIAL FOR INSTABILITY AND VIOLENCE.

WE WOULD LIKE TO TAKE THE OPPORTUNITY OF TODAY'S PLENARY SESSION TO OFFER MY DELEGATION'S EVALUATION OF WHERE WE ALL STAND AT THIS MEETING TODAY, AND WHAT WE MIGHT REALISTICALLY HOPE TO ACCOMPLISH DURING THE TWO WEEKS REMAINING TO US.

FIRST, A FEW WORDS ABOUT SUBSIDIARY WORKING BODY B. WE HAVE A NUMBER OF SESSIONS REMAINING OF THAT BODY DEVOTED TO A REVIEW OF IMPLEMENTATION OF OUR CSCE COMMITMENTS WITH RESPECT TO PERSONS BELONGING TO NATIONAL MINORITIES. THIS RELATES TO AN EVALUATION OF WHERE THOSE COMMITMENTS MIGHT BE STRENGTHENED. I THINK THE GENEVA MEETING WILL HAVE BEEN A SUCCESS IF WE ARE THOROUGH AND DILIGENT IN CONDUCTING THIS REVIEW OF IMPLEMENTATION, WHICH COULD HELP US IN IDENTIFYING AREAS AND SUBJECTS OF PARTICULAR CONCERN AND PROVIDE A POLITICAL IMPETUS TO ADDRESS THOSE CONCERNS. MY DELEGATION CERTAINLY HOPES TO CONTINUE A RIGOROUS REVIEW OF IMPLEMENTATION, IN THE SPIRIT OF IDENTIFYING NOT JUST OUR FAILINGS, BUT ALSO THOSE AREAS WHERE PARTICIPATING STATES HAVE HAD PARTICULAR SUCCESS IN MEETING THE CONCERNS AND NEEDS OF PERSONS BELONGING TO NATIONAL MINORITIES.

NOW A FEW WORDS ABOUT IDENTIFYING AND ADOPTING NEW COMMITMENTS. HERE THE U.S. VIEW IS A BIT MORE CAUTIOUS. THE CONCLUDING DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION CONTAINS AN EXCEPTIONALLY BROAD, PROGRAMMATIC, AND FAR-REACHING SET OF COMMITMENTS FOR THE PROTECTION OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES. WHILE MY DELEGATION WILL MAINTAIN AN OPEN MIND, I HAVE SERIOUS DOUBTS AS TO WHETHER IT IS EITHER POSSIBLE OR WISE TO ATTEMPT TO CHANGE OR REWORD THIS FINE DOCUMENT, EVEN IF SUCH CHANGE IS IN THE NAME OF IMPROVEMENT.

IT IS CLEAR THAT THE GENEVA MEETING OUGHT TO DEMONSTRATE THAT THE CSCE PROCESS IS RELEVANT AND CAPABLE OF DEALING IN A TIMELY AND EFFECTIVE FASHION WITH SERIOUS ISSUES WHICH THREATEN EUROPEAN SECURITY, SUCH AS THE CURRENT ETHNIC AND MINORITY UNREST IN CENTRAL AND EASTERN EUROPE. TO DO SO, THE U.S. BELIEVES THAT ONE POSITIVE STEP WHICH MIGHT BE POSSIBLE AT GENEVA IS THE IDENTIFICATION AND ELABORATION OF A MEANS -- OR A PROCEDURE, IF YOU LIKE -- BY WHICH THE CSCE COULD ASSIST IN THE PEACEFUL RESOLUTION OF ETHNIC AND NATIONALITY DISPUTES. WE MIGHT WISH TO AUGMENT OR SUPPLEMENT THE EXISTING CSCE MECHANISM, RATHER THAN CREATE AN ENTIRELY NEW BODY OR PROCESS DESIGNED SOLELY TO ADDRESS NATIONAL MINORITY ISSUES. WE ARE OPEN TO THE SUGGESTIONS OF OTHERS ON HOW BEST TO PROCEED.

IN THIS LIGHT, WE WERE PARTICULARLY GRATIFIED TO READ PROPOSAL REMN. 1, SUBMITTED LAST WEEK BY AUSTRIA, CYPRUS, FINLAND, LIECHTENSTEIN, MALTA, SAN MARINO, SWEDEN, SWITZERLAND, AND YUGOSLAVIA. IT ADDRESSES THE FURTHER DEVELOPMENT OF THE HUMAN DIMENSION MECHANISM. THE U.S. DELEGATION VIEWS THIS DOCUMENT WITH INTEREST, SINCE IT IS A SERIOUS AND SUBSTANTIVE EFFORT, AND IN OUR VIEW POINTS TO A DIRECTION WHICH THE PARTICIPATING STATES MIGHT BE ABLE AND WILLING TO ACCEPT.

OUR SUBJECT MATTER IS VITAL. THE THREAT TO STABILITY AND SECURITY IS REAL. WITH THE POLITICAL CHANGES THAT ARE DRAMATICALLY ALTERING THE FACE OF EUROPE, ALL OUR PEOPLES LOOK TO THE CSCE WITH HOPE THAT OUR PROCESS CAN HELP OVERCOME THE EMERGING AND DISTURBING MINORITY PROBLEMS TO PRESERVE AND ENSURE EUROPEAN COOPERATION AND SECURITY. AN INADEQUATE RESPONSE WOULD BE DISAPPOINTING. IT WOULD RISK BRINGING CSCE FROM THE HEIGHTS OF HOPE TO THE DEPTHS OF IRRELEVANCY. WE LOOK FORWARD TOWARD A POSITIVE, SUBSTANTIVE ACHIEVEMENT AT THIS MEETING.

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Mr. Chairman,

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Statement by Samuel G. Wise
U.S. Delegation to the Geneva CSCE Meeting
on National Minorities
July 9, 1991

Mr. Chairman,

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Just last weekend, vandals set ablaze a synagogue in Brooklyn, New York. Instead of the usual anti-Semitic graffiti and swastikas, the perpetrators left Satanic symbols and slogans on the smoldering walls of the synagogue. A representative of the Mayor's office quickly arrived at the scene to denounce this crime as an outrage to society's values.

There was a certain perverse appropriateness in those Satanic images on a damaged Jewish house of worship. For hatred of Jews has been devilishly persistent and diabolically widespread through the ages and especially in the twentieth century. Anti-Semitism has been unholy in its impact--not only for Jews, but by poisoning the minds of non-Jews.

Individuals or groups who hate Jews--or other minorities--can be found in any society. But it is primarily the willingness of governments to inhibit their pernicious activities that concerns us here today. The United States does not believe in restricting the right of free speech, protecting constitutionally even the propagation of views we and most people consider hateful. But governments can curb anti-Semitism, not only by prosecuting the criminal acts it

inspires but by loudly condemning the sentiment itself. The participating states of the CSCE specifically obligated themselves to do so in Copenhagen and again in Paris.

In practice, however, the record is mixed. Romania for example has recently dedicated a memorial to Romanian Jews slaughtered during World War II, but its parliament had previously rehabilitated Marshall Ion Antonescu, the wartime dictator who supervised anti-Jewish pogroms and massacres.

In the USSR, the long-awaited loosening of central controls over society has unleashed many anti-Semitic groups and newspapers associated with official organizations, such as writer's unions. But even more ominous is the continuing anti-Semitism of Soviet officials and organs, such as the printing by a publication of the Ministry of Defense of the Protocols of the Elders of Zion and Adolf Hitler's Mein Kampf. Communist forces and candidates in elections have tried to discredit reform and reformers by linking them to Jews. Only one person to our knowledge has been tried on charges of violating Soviet laws against inciting ethnic animosities, while there are many reported instances of harassment of Jews which have gone uninvestigated and unpunished. The Soviet leadership somehow appears reluctant to condemn anti-Semitism unequivocally and publicly.

By contrast, the Baltic states have condemned anti-Semitism, and some republic leaderships have disassociated themselves from the doctrine and its purveyors. It is this signal from the top that can be so influential in molding public opinion and creating standards of what is acceptable and what is not in mainstream society.

We remember in this unusual gesture, in a desecration of Jewish

Mr. Chairman, at countries I cited at societies undergoing historically been an entry into the political for lasting, for precisely because an democracy and freedom opportunity--by labeling political leaders' with public stand. Supporting anti-Semitism and other means validating the CSCE--concepts which prospective members.

We should not be our awareness of the and the fear of embarking marginalization of his political influence at the United States belief. The common view Act and its principle eradication of an ancient issue, Mr. Chairman, civilization.

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We remember in this connection that President Mitterrand, in an unusual gesture, marched in a parade protesting the disgraceful desecration of Jewish graves in France last year.

Mr. Chairman, anti-Semitism is by no means limited to the countries I cited above. But it is particularly troubling in societies undergoing transition, since anti-Semitism has historically been linked with the forces of reaction. Its entry into the political arena in these unsettled times bodes ill for lasting, fundamental reform and democratization. It is precisely because anti-democratic forces have attacked democracy and freedom of opportunity--including economic opportunity--by labeling them as "Jewish" or "pro-Jewish" that political leaders who truly value democracy should take a public stand. Supporting tolerance and denouncing anti-Semitism and other forms of ethnic and national hatred means validating the concepts of democracy enshrined in the CSCE--concepts which guide all participating states and any prospective members.

We should not be restrained from speaking out because of our awareness of the antiquity and persistence of anti-Semitism and the fear of embarking on a hopeless quest. The marginalization of hate-mongers and the diminution of their political influence are goals well worth striving for. We in the United States believe our history is testament to that belief. The common values proclaimed by signers of the Final Act and its principles offer hope that the CSCE can promote the eradication of an ancient evil from the New World Order. This issue, Mr. Chairman, is a litmus test of our generation's civilization.

Statement by David M. Evans
U.S. Delegation to the Geneva CSCE Meeting
on National Minorities
SWB-B

July 11, 1991

Mr. Chairman, in the 1990 U.S. census of our population, there was a dramatic increase in the number of Native Americans. This increase could not be explained simply by demographic statistics such as birth rates or life expectancy, and some of the greatest percentage increases occurred in states where the Native American population is relatively small. Researchers found that a major factor producing this result was a growing pride in American Indian heritage. More and more U.S. citizens, some of whom may have previously worried about discrimination, today are willing to declare themselves for the purposes of the census as Native Americans.

I mention this here today in order to make the point that national or ethnic identity is, first and foremost, an expression or statement of individual self-identification. Self-identification is important to everyone, but it is perhaps most important to those who belong to a minority group. Some may wish to assimilate themselves into the customs, language and appearance of the majority population, while others may want to retain their own minority culture in every aspect of their life. But the choice should be theirs.

This fact was recognized by the participating States in the Copenhagen document, which states that: "To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice." Thus, each individual, regardless of which State they are a citizen, should have the right to choose whatever national or ethnic group they wish as the one with which they identify themselves, and should not be discriminated against as a result. States which do not honor this right should think again.

Moreover, if individuals happen to declare themselves to be of the same national identity and wish to establish and maintain their own educational, cultural and religious institutions, or to establish or maintain unimpeded contacts across frontiers with others who may share a common ethnic or national origin, these rights are also found in the Copenhagen document, and the participating States have therefore pledged to respect them as well.

Respect for the rights of members of national minorities has improved markedly in recent years, as sometimes brutal campaigns of forced assimilation have been brought to an end. Still, the right of individuals to designate or express their national or ethnic identity, alone or collectively, is even now not universally and fully recognized by some CSCE States.

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In the United States organizations -- ever racial or ethnic ider and ethnically based to bring their conce parties rather than calculate that they c manner.

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For example, the Bulgarian Constitution has banned the registration of political parties or movements formed along ethnic lines, which could limit the activities of the Movement for Rights and Freedoms which was formed by representatives of the Turkish minority, and groups formed by other minorities as well. We understand that a new constitution has just passed the Bulgarian parliament, and we would certainly hope that this restrictive provision has not been retained.

In Romania, language was recently removed from the draft constitution that would have prohibited political parties "founded exclusively on ethnic, religious or language criteria." We hope that the adopted version of the constitution does not include this language.

In the United States, we permit individuals to form groups and organizations -- even political parties if they wish -- based on racial or ethnic identity. We have, in fact, a plethora of racially and ethnically based citizens organizations, which typically prefer to bring their concerns directly to the broadly based political parties rather than field candidates of their own. They evidently calculate that they can better maintain their influence in this manner.

We see ethnically based parties which are willing to function within the framework of a pluralistic democracy, as being consistent with CSCE values and principles. Specifically, such parties would seem to us to be consistent with the Copenhagen commitments regarding "the right of individuals and groups to establish, in full freedom, their own political parties ... and provide such ... parties ... with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities."

We hope, in light of these provisions, that the provincial and local elections in the Serbian republic of Yugoslavia, to which the Yugoslav delegate referred in Monday's plenary, will allow all political parties to participate equally -- and without condition -- in a free and fair election process regardless of any ethnic affiliation they may have.

Permit me to stress again, Mr. Chairman, the importance of citizens being able to proclaim their own national identity as individuals or with others in groups, organizations and associations -- even political parties -- if they wish to do so. Freedoms of choice and association make it possible for concerns regarding national minorities to be addressed and channeled effectively into the democratic political process. Restrictions or denial of such freedoms would, in contrast, serve to alienate citizens from the democratic process and perhaps encourage them to pursue their grievances outside of that process. And that, Mr. Chairman, works to the interests of no one.

Statement by David M. Evans
 U.S. Delegation
 Conference on Security and Cooperation in Europe
 Meeting of Experts on National Minorities
 Friday, July 12, 1991

It is fortuitous and accidental that the United States delegation follows the delegation of Yugoslavia this morning, and that we both address the same problem. May this association and emphasis persuade this assembly that CSCE can and will act in this meeting to deal constructively with that problem.

Madame Chairman, in April of this year, a grocery store owner in the town of St. Anthony, in our state of Minnesota, threw out a group of Bulgarian members of Parliament and journalists who were visiting his store. The owner, concerned about shoplifters, thought that they "looked like gypsies" and became suspicious. According to the U.S. State Department interpreter who was accompanying the Bulgarians, the store owner said, "Put everything down and leave. We don't want your kind of people in this store."

Madame Chairman, this incident, which took place in my own country, betrays a popular prejudice against Roma which exists in many countries. There are Roma communities in many of the states represented at this table, and recently, in a number of these countries, this prejudice has taken a violent turn. In an era that holds so much hope for so many, Roma often continue to be victims of discrimination and even crimes of hate. Yet unlike many of the minorities we have already discussed at this

meeting, Roma have no rights. They are to reside for protection

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And it is my belief that Roma stems from ignorance and culture acknowledgement at the states has been a positive the appropriateness of better addressing minority the distinguished delegation study with interest the rights of Roma.

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meeting, Roma have no homeland or government to advocate their rights. They are totally dependent on the states in which they reside for protection.

In the Copenhagen Document, we committed ourselves to take "measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property." This provision has a particular relevance to Roma.

Unfortunately, Madame Chairman, we still have far to go. And it is my belief that in many instances, prejudice against Roma stems from ignorance and misperceptions about their existence and culture. In that regard, I believe the very acknowledgement at this meeting of Roma communities in our states has been a positive development. And it demonstrates the appropriateness of sharing our experiences in the hopes of better addressing minority problems. We welcome the remarks of the distinguished delegate of Yugoslavia this morning, and will study with interest the proposal submitted by Yugoslavia on the rights of Roma.

In the societies undergoing transition in East Central Europe, intolerance against Roma has taken a variety of forms. A recent comparative survey conducted in the Czech and Slovak Federal Republic, Hungary, and Poland for Freedom House (which the head of our delegation has the honor to chair) and the American Jewish Committee found that nearly 80% of those surveyed openly admitted that they would prefer not to have any Roma move into their neighborhoods. In Bulgaria, many Roma

live in districts where community services are inferior to those provided in Bulgarian districts. Skinhead groups in the Czech and Slovak Federal Republic and Hungary have attacked Roma people in several incidents. Assaults against Roma have also taken place in Poland and Romania.

Earlier this week, the distinguished delegate from Hungary very candidly discussed the plight of Roma in his country. He described the degree to which economic problems in general have affected the Roma community in particular, and the need to deal with that problem. He also pointed out that it is possible to have a situation in which nondiscrimination is an official principle, yet popular discrimination is a social reality.

We all realize that it will take time to change popular attitudes in all of our countries. Yet my delegation believes, Madame Chairman, that when discrimination is exploding in violence, we have no time. In such instances, as the representative from the Netherlands remarked on Monday, proclamations of nondiscrimination are not enough. The forceful condemnation of such violence, the active promotion of tolerance, and the equitable administration of justice are the obligations of responsible governments.

This is particularly important where popular notions of justice threaten to undermine basic concepts of law enforcement. For in many countries, Roma are popularly stereotyped as deviant members of society, and in some, Roma may be publicly perceived as a criminal class -- a social category rather than an ethnic minority. Occasionally, acts of

violence against Roma are especially in cases where to have committed crime separate incidents, do arsonists following the aftermath, some have openly voiced sympathy sentiments. We welcome Romanian delegation request to note that investigation

Madame Chairman, individuals, should be law. Democracy assumes guaranteeing rights. But place in societies governed by aggression in the name toward that goal.

Earlier this week, We suggested that governments by prosecuting the crime, condemning the sentiment prejudice against Roma. consistent demonstration controversial. Leaders others. Having progress communities in our countries rights.

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Occasionally, acts of

violence against Roma are tacitly viewed as justified,
 especially in cases where members of a Roma community are known
 to have committed crimes. In Romania, for example, in two
 separate incidents, dozens of Roma houses were destroyed by
 arsonists following stabbings committed by individual Roms. In
 the aftermath, some journalists and local officials quite
 openly voiced sympathy with the community's anti-Roma
 sentiments. We welcome the information circulated by the
 Romanian delegation regarding these incidents, and are pleased
 to note that investigations are underway.

Madame Chairman, crimes committed by Roma, or any other
 individuals, should be punished to the fullest extent of the
 law. Democracy assumes civic responsibility, as well as
 guaranteeing rights. But mob justice, by definition, has no
 place in societies governed by the rule of law. Spontaneous
 aggression in the name of justice can only undermine progress
 toward that goal.

Earlier this week, my delegation discussed anti-semitism.
 We suggested that governments can curb anti-semitism, not only
 by prosecuting the criminal acts it inspires, but by loudly
 condemning the sentiment itself. The same holds true for
 prejudice against Roma. Leadership demands a bold and
 consistent demonstration of beliefs, especially when they are
 controversial. Leadership demands setting a clear standard for
 others. Having progressed to the point of recognizing Roma
 communities in our countries, let us act to protect their
 rights.

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Mr. Chairman,

Today I would like to talk to individuals belonging to all courses, important to everyone alike. It is a critical time for improving one's standard of personal self-fulfillment.

The importance of education is understandable trend towards ensuring that children learn in their own world. This serves an important purpose. It brings a degree of assimilation. The challenge is to make certain that it is not turning it into a tool for particularly sensitive who are to be educated in their own country.

We all appreciate the efforts of minorities seeking to maintain and promote their own cultural language.

These factors explain the importance of the Act, education of members in CSCE. The Vienna Conference participating States to ensure minorities or regional cultural identity, including their own culture, including transmission to their own cultural identity. The Conference affirming the rights of people to establish and maintain their organizations and associations that they would endeavor to ensure that minorities have adequate access to their mother tongue.

The way in which a people's commitments varies according to the population of the United States, scattered and intermingled with a wide variety of nationalities.

Statement by David M. Evans
U.S. Delegation to the Geneva CSCE Meeting
on National Minorities

SWB-B

July 15, 1991

Mr. Chairman,

Today I would like to remark briefly on education as it applies to individuals belonging to a national minority. Education is, of course, important to everyone in society -- minority and majority alike. It is a critical means for advancement in society and for improving one's standard of living. It is also a crucial aspect of personal self-fulfillment.

The importance of education, however, has brought with it an understandable trend toward standardization. Governments wish to ensure that children learn what they need to know in a modern world. This serves an important educational function but also brings a degree of assimilation into the mainstream of society. The challenge is to make certain that States do not abuse education by turning it into a tool for forced assimilation. This challenge is particularly sensitive when two or more distinct national or ethnic groups are to be educated within the educational system of one country.

We all appreciate that education is of critical importance to minorities seeking to maintain, provide greater understanding of, and promote their own cultures, including the preservation of their own language.

These factors explain why, beginning with the Helsinki Final Act, education of members of national minorities has been a concern in CSCE. The Vienna Concluding Document, for example, committed the participating States to ensure that persons belonging to national minorities or regional cultures can give and receive instruction in their own culture, including instruction through parental transmission to their own children of language, religion and cultural identity. The Copenhagen document went further by affirming the rights of persons belonging to national minorities to establish and maintain their own educational institutions, organizations and associations. The participating States also said that they would endeavor to ensure that people belonging to national minorities have adequate opportunities for instruction of or in their mother tongue.

The way in which a participating State implements these commitments varies according to specific circumstances. The population of the United States, for example, includes people, scattered and intermingled throughout the country, representing a wide variety of nationalities or ethnic groups from all around the

world. This has made public education as it relates to minorities in the United States unique in many respects and a field for considerable experiment and debate. An example of this is the current debate over what American educators commonly call "multi-culturalism" -- the teaching of history from the perspective of different ethnic and racial groups.

Education in the United States is controlled at the state and local levels and not by the Federal Government. Our school districts adopt programs which they believe serve their specific needs. All school districts must, however, meet the goal of providing equal educational opportunity to all students. The U.S. Federal Government does provide some funding for education through a voluntary Bilingual Education Program, most of which goes to prepare non-English speaking students to enter mainstream English-language classes. In other words, the purpose of such education is to place non-native English speakers in a position of equality -- not to protect linguistic identity per se.

In addition, and perhaps most relevant to CSCE provisions, minority groups in the United States can and often do establish their own, private, supplemental school programs, where they can seek to improve the minority-language skills of their children as well as to provide classes on the history and culture of the minority group.

The political changes which began in the Soviet Union and especially in East-Central Europe in the late 1980's have allowed the concerns of nationalities and minority groups to be addressed. Often threatened with involuntary assimilation and having many of their educational institutions closed against their will in the past, more members of the many ethnic groups which have inhabited the region as distinct groups for centuries can now send their children to schools where classes are held in their native languages. To an increasing extent, associations and organizations formed by representatives of a particular minority group can now also teach the language, heritage and culture of the group, without fear of persecution or harassment by the authorities.

Take, for example, the situation in the Soviet Union. In the past, the centrally controlled educational system favored the Russian-language at the expense of all other languages, and history texts minimized or passed over in silence the historical and cultural achievements of nationalities and minorities, to glorify communism and praise the Russian contribution to the civilization of non-Russian peoples. Today, the non-Russian republics have much more leeway to expand native-language instruction and to write their history from their own perspective.

In East-Central Europe, significant progress has also taken place in countries where major difficulties were still encountered only one or two years ago. This is particularly true of Bulgaria and Czechoslovakia and to an extent of Romania as well.

Frequently, however, representative countries assert that their concerns can be fully met and that some new interests.

Differences regarding education current ethnic conflicts in the importance and sensitivities of minorities, addressing minority on an ongoing basis can help tensions between majority and minority.

In Yugoslavia, we find the a more serious one. The situation republic to republic within the within a republic. Only a few, for Albanians in Kosovo was relief. Yugoslavia has already asserted, the general deterioration in the today many Albanian-language schools to the imposition of a Serbian-Albanian teachers do not want to have been reserved at the University and Montenegrins have gone unfilled applications for study were never representation of the Albanian majority of the neighboring republic of Montenegro. Instead, it seems that whatever existed so far is being curtailed.

Finally, we hope that Albanian process of democratization in the situation for the education of them to live there.

In conclusion, with few exceptions significantly improved regarding We hope that the same increased rights of members of national minorities convene this meeting will also mean willingness at home to hear the groups regarding educational matters appropriate and necessary. Doing larger problems from arising in the future.

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Frequently, however, representatives of minority groups in these countries assert that their concerns regarding education have yet to be fully met and that some new policies may be detrimental to their interests.

Differences regarding education are not the root cause for current ethnic conflicts in these countries, but, given the importance and sensitivities which surround the education of minorities, addressing minority concerns in this respect fairly and on an ongoing basis can help significantly in the reduction of tensions between majority and minority groups.

In Yugoslavia, we find the problem of minority education to be a more serious one. The situation there, of course, varies from republic to republic within the country and, to an extent, even within a republic. Only a few years ago, the educational situation for Albanians in Kosovo was relatively good, as the delegate of Yugoslavia has already asserted. Unfortunately, in parallel with the general deterioration in the human rights situation in Kosovo, today many Albanian-language schools have been forced to close due to the imposition of a Serbian-oriented curriculum, which ethnic Albanian teachers do not want to use. In addition, some slots that have been reserved at the University of Pristina for ethnic Serbs and Montenegrins have gone unfilled, while additional Albanian applications for study were nevertheless rejected. The increased representation of the Albanian minority in the multi-party assembly of the neighboring republic of Macedonia had created hopes that the educational concerns of that minority might be better addressed, but instead, it seems that whatever Albanian-language schooling has existed so far is being curtailed.

Finally, we hope that Albania's membership in CSCE and the process of democratization in that country will lead to an improved situation for the education of the Greek and other minorities who live there.

In conclusion, with few exceptions, the picture has significantly improved regarding minority concerns about education. We hope that the same increased concern of CSCE States for the rights of members of national minorities which led to agreement to convene this meeting will also manifest itself in a greater willingness at home to hear the concerns and complaints of minority groups regarding educational matters, and to address them as appropriate and necessary. Doing this now may help to prevent larger problems from arising in the future.

CLOSING STATEMENT BY MAX M. KAMPELMAN
HEAD OF THE U.S. DELEGATION
TO THE
GENEVA MEETING OF THE CONFERENCE ON NATIONAL MINORITIES
PLENARY, JULY 19, 1991

Mr. Chairman:

We are at the end of our sessions here in Geneva. We began our meeting on July 1 conscious of the storm clouds of violence in Yugoslavia that hung over our proceedings. It has clearly affected our work.

Our task was to address the status of national minorities in our midst, fully aware that the tensions surrounding that issue presented the most serious existing challenge to security and stability in Europe. Our deliberations in Copenhagen last June had produced one of the most far-reaching documents in modern international human rights commitments. Its profound significance to our assignment was in the assertion that the protection of minority rights was an indispensable prerequisite for European cooperation, and could best be attained through the establishment of democracy in all our states. Respect for

individual human rights, pluralism, and the rule of law for European security. That protection is determined to identify what we could do to our commitments. We welcome which to address the

Today, after only endless hours of work on each hand. We welcome its profound sense of achievement for each and everyone of us cooperatively and successfully.

This moment must be heroically strenuous. Our coordinator, Ambassador, has been impressed by the highly-skilled delegates who forged them into a document to discuss in full detail, making it possible for

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individual human rights through free elections, political pluralism, and the rule of law important on their own merits for European Security and Cooperation were integral parts of that protection. Our delegation came to this meeting determined to identify where we could go beyond Copenhagen and what we could do to strengthen and implement the Copenhagen commitments. We were conscious that we only had a few days in which to address these vital questions.

Today, after only 14 scheduled working days and nights and endless hours of deliberation, we stand with a document in hand. We welcome its unanimous adoption at this meeting with a profound sense of appreciation for the constructive efforts of each and everyone of us. We have seen here a Europe cooperatively and successfully at work.

This moment must not pass without acknowledgment of the heroically strenuous efforts of the Swiss delegation, headed by our coordinator, Ambassador Jean-Pierre Ritter. We have all been impressed by the immense patience and perseverance of this highly-skilled delegation, which took a myriad of proposals and forged them into a document which required us to face and discuss in full details the ramifications of our topic, thus making it possible for us ultimately to achieve consensus. My

delegation also wishes to express appreciation to the government of Switzerland for performing so efficiently and graciously their role as host. I particularly note the warm and gracious spirit of Ambassador Franz Birrer, our Executive Secretary. The facilities made available to us were excellent, not only for our delegates, but for the press and for representatives of the non-governmental organizations as well.

All our delegations faced our responsibilities honestly, openly, and directly. The troublesome issue of the Baltic States' desire to regain their independence was discussed in this official forum and in corridors. Our delegation and others supported that aspiration and expressed the hope that through peaceful dialogue and negotiation with the Soviet Union, the States of Estonia, Lithuania and Latvia could someday join as full participants in CSCE.

We discussed the troublesome problems faced by Hungarians in Romania; the unsatisfactory treatment of Albanians in Kosovo; the hopeful developments for the condition of Turkish people in Bulgaria. We explained conditions in many of our own countries, on occasion refreshingly acknowledging shortcomings. For all of us, a review of how the Copenhagen document was being implemented was integral to the success of our process. My own delegation did so with specificity.

We built on Copenhagen's shameful issues of discrimination against Jews out of the dark daylight of recognition and attention by all of our

We regrettably did not follow the procedure which will hopefully we have set forth at our September meeting. Its good offices proposed

Our delegation discussed as how we are attempting to solve problems through our decisions, and administrative decisions. We discussed our own development

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We built on Copenhagen and took the distasteful and shameful issues of discrimination and prejudice against Roma and Jews out of the dark closet of silence and into the daylight of recognition, so that they can receive constructive attention by all of our states.

We regrettably did not fulfill our task to forge a procedure which will permit CSCE to implement the plans and hopes we have set forth in words. We intend to do so in Moscow at our September meeting. Our delegation intends to introduce its good offices proposal which was so well received here.

Our delegation discussed racism in our own country, as well as how we are attempting to deal with it and related minority problems through our Constitution, statutes, judicial decisions, and administrative practices. In that context, we discussed our own developing version of federalism.

The United States has historically been guided by a principle established by one of our first Presidents, James Madison. His idea was that of the "extended republic," a state in which the authority to govern is shared between central and local authority. This sharing of laws and administration based on the rights of individuals tends to soften the clash of

interests. I suggest that this example is worthy of emulation by others. This is particularly true in this era of complex international relationships where fragmentation can become a formula for economic disaster.

Mr. Chairman, the people and government of the U.S. are convinced that freedom works. We must not permit our vision of freedom to be distorted by immediate and short-term outbreaks of irrationality. Photographers tell us that there is a narrow focus of the camera that shows a form of reality that is close up and detailed. It is real, but there is a difference between that reality and that of the wide angle focus that shows perspective, relationships, and a comprehensive view of the whole. The narrow focus, I suggest, is absent perspective. And those of us who have assumed the responsibility of governing must be guided by broad perspective.

The brilliant French historian, Alexis de Tocqueville, who wrote so incisively about American democracy, noted in his introduction that he saw democracy as being part of a world historic development toward greater freedom and equality. Development is not always smooth or direct. At any moment, the flash of the camera may capture the narrow focus, the temporary blemish. But it would be an egregious error of judgment to

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Let me in that connection, Mr. Chairman, say that in my country, assimilation is not a bad word. Indeed, in many ways it is an integral part of why we have developed and strengthened ourselves. Forced assimilation is bad. We believe that states must respect the rights of persons belonging to minorities, not necessarily encourage people to remain tied to identifications that they may freely wish to separate themselves from.

Let me not leave this subject of minorities or close my final contribution to this meeting without saying a word about a related concept which is being increasingly noted in international dialogue. I refer to the principle of "self-determination of peoples." In this brief intervention, I simply want to inject the notation for further consideration and discussion that the right of self-determination does not include within it the right of secession for minority groups within a State. They are separate issues. The framers of the concept within the Helsinki Final Act had no intention of legitimizing actions which could lead to the destabilization of Europe. Indeed, the Helsinki Final Act emphasized the stability that comes from respect of existing boundaries. There are states within the CSCE which provide in their laws for the right of secession for sub-state entities. That is for

them to decide requiring born peacefully and to be made state, but that self-determination negotiation and

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them to decide. Now tensions may arise or conditions change requiring border adjustments. These can be determined peacefully and by negotiation. There may or may not be a case to be made for the secession of a particular group from a state, but that result is not guaranteed by the right of self-determination. It can only be achieved by dialogue and negotiation and peaceful agreement.

Mr. Chairman, I close by recalling that our meeting was not mandated in the regular course of events by the Vienna Concluding Document. It was added to the CSCE schedule by our Heads of State in Paris almost two years later. During the interval, our mood shifted from euphoria after the fall of the Berlin Wall to a somber realization that resurgent nationalism and old animosities might well again split a continent we thought finally reunited by the end of the Cold War. The eruption of inter-ethnic violence brought back unpleasant memories of an age not forgotten, but, we hoped, overcome. We were called back to help deal with that problem.

With the successful completion of our work in Geneva, Mr. Chairman, we have fulfilled the task assigned us to choose the path of rational discourse and the constructive cooperative search for solutions. That is the path to full democracy and full participation in the earthly blessings for all of our people.

Statement
Dennis Deconcini
 Hearing
 Geneva Meeting on National Minorities
 and Moscow Meeting on the Human Dimension
July 31, 1991

Let me join the Chairman in welcoming our distinguished witness, Ambassador Max Kampelman, whose long involvement in the CSCE process and experience in multilateral negotiations was a key factor in the adoption of a final document at the Geneva Meeting. Ambassador Kampelman will be leading the U.S. Delegation to the Moscow Human Dimension Meeting and the Commission looks forward to working with him closely in preparing for this important meeting.

I would like to focus my opening statement on an area that I feel has been somewhat neglected within the CSCE as of late. Amidst the euphoria of the last few years, grounded as it is in the rapid lessening of East-West tensions and the general improvements in human rights, it is perhaps all too easy to lose sight of the problems that persist.

The CSCE is a community of states with the common purpose of achieving and maintaining lasting peace and stability. The pursuit of these goals is rooted in respect for fundamental human rights, the rule of law, democracy and self-determination. Without these, peace and stability are ultimately rendered meaningless. We have made progress - some might even say unbelievable progress -- within the CSCE over the course of the last few years. But we must not let the progress made to date mute an essential element of the work of the CSCE, which is to focus on the difficult issues that remain. These are the problems that, even now, act as barriers among states as well as barriers within states.

The strength of the CSCE has been the ability to squarely, honestly and publicly address issues concerning compliance. This strength has not rested in putting difficult issues aside, or in leaving them exclusively to the preserve of quiet diplomacy, but in constructively voicing concerns during implementation reviews at CSCE meetings. CSCE's vitality has been the international political pressure it has brought to bear on participating states to honor their CSCE commitments.

It is tempting now to refrain from raising violations publicly at CSCE meetings, especially in light of the progress that all of us have witnessed. However, just as the participating States should welcome and encourage the very real improvements in implementation, so should we address directly the persistent problems blocking the ongoing path to genuine stability.

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For example:

- In the Soviet Union, Interior Ministry troops continue to attack customs posts in the Baltics. Just this very morning, at least six Lithuanians were reported killed during an attack on a Lithuanian customs outpost on the Byelorussian border;
- Outstanding human contacts cases, including long-term refusenik cases, still exist: in agreeing to the Vienna Concluding Document the Soviet Union committed to resolve outstanding human contacts cases within six months of the conclusion of that meeting. Two-and-a-half years later, at least 50 of these cases remain unresolved;
- And just recently, we learned that the Soviet Cabinet of Ministers has increased the fee for a foreign travel passport from 200 rubles to 1,000 rubles and doubled exit visas to 200 rubles, in contravention of the Madrid Concluding Document, which calls upon the CSCE states to bring emigration related fees to "... a moderate level in relation to the average monthly income in the respective State." I would note that the average monthly wage in the Soviet Union is about 370 rubles;
- Can CSCE in good conscience remain silent when violent actions continue against Armenians in Azerbaidzhan by Soviet special forces, including expulsions, abductions and beatings?; other Soviet Internal Ministry troop actions include the recent assault on the hotel room of Ukrainian People's Deputy Stepan Khmara in downtown Kiev, where Khmara's supporters were brutally beaten.

Problems continue in other CSCE states as well:

- In Yugoslavia, we cannot remain silent regarding the ruthless repression of Albanians in Kosovo and clear signs of increasing discrimination against Albanians in Macedonia. These violations give us serious cause for concern. The rights of all people in Yugoslavia must be equally and fully protected, regardless of what the future political framework of that country may be;
- In Romania, the apparent continuation of harassment and intimidation of individuals, which the government seems unwilling or unable to prevent;
- In Turkey, although a solid friend and ally, serious human rights problems persist and recent anti-terror legislation which was heralded as advancing human rights may prove to be even more restrictive than previous laws;

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No signatory state is without its shortcomings; none have attained the ideals envisioned in the Helsinki Final Act. In our own nation, for instance, even with our highly developed human rights protection mechanisms, the recent focus on police brutality reveals that thousands of complaints are leveled against police officials every year.

The success of Moscow and future CSCE meetings depends on our ability to address problems that threaten to thwart the fulfillment by all participating states of their CSCE commitments and undermine their goals of peace and security. In order to come to terms with the realities of the new Europe, we need to confront existing problems in a straightforward manner as well as confront rapidly emerging issues such as self-determination. To do so, recognizing shortcomings as well as the substantial progress that has been made, we stand the best chance of overcoming these problems and ensuring that the CSCE process continues to move forward.

31 July 1991

Sen

CSCE Hearin

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Mr. Chairman:

I want to commend
for scheduling today's
just concluded Geneva
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31 July 1991

Senator Alfonse D'Amato

Opening Statement

CSCE Hearing on the Geneva Meeting and
the Moscow Human Dimension Meeting

Mr. Chairman:

I want to commend you and our distinguished Co-Chairman for scheduling today's hearing to review the results of the just concluded Geneva Meeting of Experts on National Minorities and to preview the forthcoming Moscow Human Dimension Meeting. I am particularly pleased to see Ambassador Kampelman, our old friend and colleague, appearing before us again to present the results of the Geneva meeting.

The issue of national minorities, and the question of how the issue will be resolved in states ranging from the Soviet Union to Yugoslavia, Romania, and even Turkey, has resumed its old prominence as a threat to peace. Deciding what rights national minorities have and how they may be exercised can be a path toward realization of the full spectrum of human rights we've worked so hard through the Helsinki Process to achieve and advance, or it can be a path toward internal violence and bloodshed and an invitation to both civil and international war.

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Ambassador Kampelman headed the U.S. delegation to the Geneva meeting at a critical time. As the CSCE delegations were meeting, minorities in Yugoslavia were, as they still are, shooting at each other and talking to each other about their respective futures. In the Soviet Union, national minorities in the Baltics and the Caucasus were driving for independence, while KGB and Interior Ministry forces attempted to blunt these drives. Hungarians in Romania and Kurds in Turkey, among many other national minorities in various CSCE countries, were seeking better to define their place in their respective societies.

While the results of Geneva did not represent a great advance over the Copenhagen concluding document, nonetheless, Geneva was a success for achievement of even limited advances. I look forward to hearing Ambassador Kampelman's report on what happened at Geneva, and what he expects to see happen in Moscow.

Clearly, the Moscow Human Dimension meeting will be more important than even we thought it would be when it was mandated at the end of the Vienna Review Meeting. Change has been rapid and wide-spread in the Soviet Union.

But it is clear that the Soviet Union, while it appears substantially to have met the requirements the U.S. set forth for participation in the Moscow meeting, has a significant

way to go before attaining in the human rights area. Commission's Chairman and detailed letter to the meeting setting forth the Soviets to meet with non-governmental organizations shows the depths of our this meeting.

In addition, Soviet and other restive areas sincerity of some of the that they still don't use word on human rights even

Some long-term result fact, the old problems will allow persons who haven't service obligations to

I understand the problems leaders face. They are the best routes to solving agreements the Soviets have member states. It is clear that even in the deepest

way to go before attaining an acceptable level of performance in the human rights area. The mere fact that the Commission's Chairman and Co-Chairman were forced to write a detailed letter to the Executive Secretary of the Moscow meeting setting forth explicitly the requirements we expect the Soviets to meet concerning the reception and treatment of non-governmental organizations (NGOs) and private individuals shows the depths of our concerns about the arrangements for this meeting.

In addition, Soviet conduct in the Baltics, the Caucasus and other restive areas raises real questions about the sincerity of some of their human rights promises. It appears that they still don't understand that they must keep their word on human rights even when it's not convenient.

Some long-term refusnik cases remain unresolved. In fact, the old problems with state secrets and refusal to allow persons who haven't met their compulsory military service obligations to leave still persist.

I understand the problems the Soviet Union and its leaders face. They are undeniably great. However, one of the best routes to solving these problems is charted by the agreements the Soviets have signed with their fellow CSCE-member states. It is critical for the Soviets to realize that even in the deepest despair and difficulty, they must

continue to respect human rights. If they don't, if they choose to resort to violent repression, they will pick a path leading to civil war and great suffering for themselves and their neighbors.

I look forward to hearing Ambassador Kampelman's views on the prospects for the Moscow meeting and for the Soviet Union's future.

Thank you.

JOHN EDW
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JOHN EDWARD PORTER
10TH DISTRICT OF ILLINOIS
COMMITTEE:
APPROPRIATIONS
SUBCOMMITTEES:
FOREIGN OPERATIONS
LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION
LEGISLATIVE BRANCH
SELECT COMMITTEE ON AGING
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
MEMBER
CONGRESSIONAL HUMAN RIGHTS CAUCUS
CO CHAIRMAN



Congress of the United States
House of Representatives
Washington, DC 20515

Opening Statement of
Congressman John Edward Porter

before the

Commission on Security and Cooperation in Europe

Wednesday, July 31, 1991

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It is a pleasure to be here today to discuss the Geneva Meeting on National Minorities held this past June and the upcoming Conference on the Human Dimension to be held in Moscow this September. I commend Ambassador Max Kampelman for his outstanding work representing the United States at these meetings and at his continuing efforts to keep human rights a focal point at the Commission on Security and Cooperation in Europe's meetings.

I understand that many critical issues were discussed at the Geneva meeting including issues surrounding Hungarians in Romania, Turks in Bulgaria, the independence movement in the Baltics, Jews, minority issues in our own country and the problems of the Gypsies, whose troubles cross many boundaries.

Minorities issues are one of the most critical problems facing the world today, affecting nearly every country around the world. As the tide of democracy washes over Eastern Europe, individuals have been accorded more and more freedoms. Ethnic groups that had once been silenced have now found their voices again and they are speaking out on long-felt persecution. The unfortunate consequence of this new-found freedom has been more frequent clashes between minorities and central governments, often leading to bloodshed.

As the Geneva meeting was convening, the clearest example of ethnic strife was dramatically unfolding in Yugoslavia as centuries-old ethnic hatred rose to the surface. The international community must come to a consensus on how to handle minority issues such as this and how to suppress the violence that often ensues. I strongly believe that we are all a part of the human family and the rights of everyone must be equally respected.

Page Two

Cong

I have several concerns about the upcoming Meeting on the Human Dimension in Moscow. There seems to be a current tendency by the United States to not engage in public confrontation with the Soviet Union on human rights issues. I understand that it is not necessarily in our interest to take a confrontational approach with the Soviet Union. But it is possible to discuss their adherence to human rights standards as outlined in the Helsinki and Vienna documents.

In order to balance out the current trend to focus on economic and military cooperation, I hope that it will be possible to bring human rights back into the public arena at the upcoming Moscow conference.

In addition, I have heard reports that the non-governmental organizations (NGOs) and the press will have very limited access to the country delegates at the upcoming Moscow meeting. It seems to me that open dialogue between the NGOs and the country delegates is the most critical environment in which to discuss human rights.

Thank you again, Ambassador Kampelman for so ably representing the United States at these meetings. I look forward to hearing your testimony.

President George Bush
The White House
Washington, DC 20500

Dear Mr. President:

We are encouraged th
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lengthy, unjustified separation.

Thank you for your cor


Frank R. Wolf, M.C.

Page Two

Congress of the United States
House of Representatives
Washington, DC 20515

July 25, 1991

President George Bush
 The White House
 Washington, DC 20500

Dear Mr. President:

We are encouraged that you will soon meet with Mr. Gorbachev regarding an array of issues which affect U.S.-Soviet relations. Certainly we are hopeful that high on the agenda is the matter of human rights in the Soviet Union, and we write to ask that a particular family reunification case be raised with Mr. Gorbachev.

Galina Barats was permitted to emigrate to Canada in May 1990, but her husband Vasili continues to be denied this basic human right. Waiting for approval, he is obliged to live in Moscow.

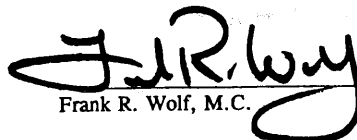
Vasili Barats has been denied the right to emigrate since 1977 when he renounced his Communist Party membership and applied to emigrate. Vasili and Galina founded and were quite active in a human rights group in the Soviet Union which pressed for the right of free emigration and freedom of religious practice. In 1983, both were sentenced to strict-regime labor camp for "anti-Soviet agitation." After much international attention and pressure Vasili and Galina were released from prison under a Supreme Soviet decree in 1987, but they continued to face unrelenting harassment by Soviet authorities.

Subsequent applications to emigrate were denied because of Vasili's alleged access to military secrets while in the Soviet army in the early 1970s. In December 1988, President Reagan presented the Barats' case to Mr. Gorbachev in New York. We appreciate your placing this case at the top of your list of high-interest cases presented to Mr. Gorbachev at the Malta meeting in 1989. Such inquiries effected the emigration of Galina to Canada.

We respectfully ask that you again make this family reunification case "number one" on your individual cases list for Mr. Gorbachev. Vasili and Galina should not have to face this lengthy, unjustified separation.

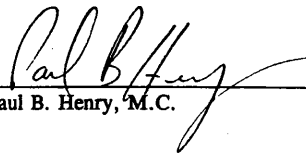
Thank you for your consideration of this human rights concern.

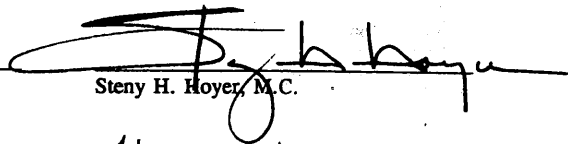
Sincerely,


 Frank R. Wolf, M.C.

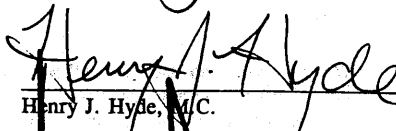

 Christopher H. Smith, M.C.

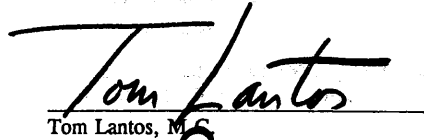
President George Bush
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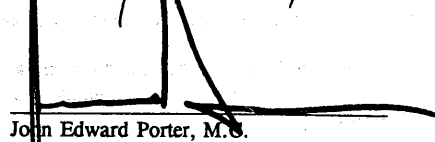

Paul B. Henry, M.C.

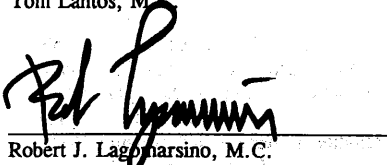

Steny H. Hoyer, M.C.

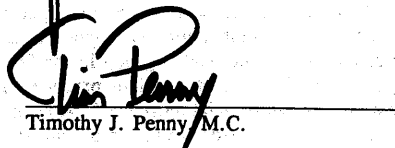

Benjamin A. Gilman, M.C.

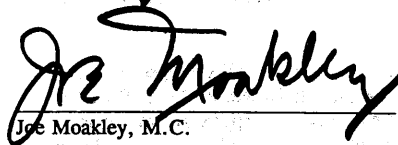

Henry J. Hyde, M.C.

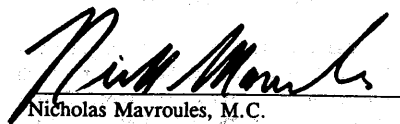

Tom Lantos, M.C.

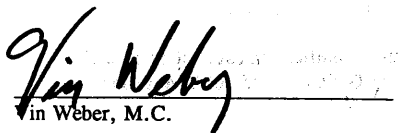

John Edward Porter, M.C.

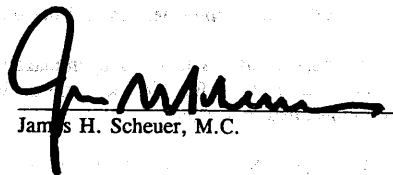

Robert J. Lagomarsino, M.C.

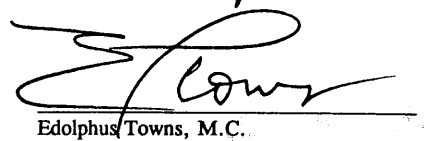

Timothy J. Penny, M.C.



Joe Moakley, M.C.


Nicholas Mavroules, M.C.

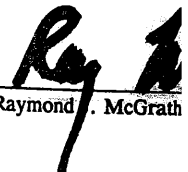

Vin Weber, M.C.


James H. Scheuer, M.C.

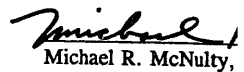

Edolphus Towns, M.C.

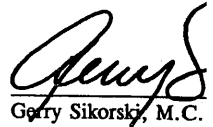

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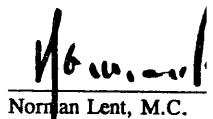
President George Bush
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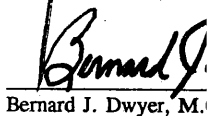

Raymond J. McGrath


C. Christopher Cox,


Michael R. McNulty,


Gerry Sikorski, M.C.


Norman Lent, M.C.


Bernard J. Dwyer, M.


Frank Horton, M.C.

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Norman Lent
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Bernard J. Dwyer
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Frank Horton
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Ben Cardin
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Nita M. Lowey
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Matthew J. Rinaldo
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Jim Lightfoot
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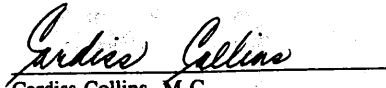
Joe Kolter
Joe Kolter, M.C.


Robert K. Dornan
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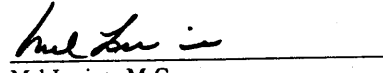
Bill Archer
Bill Archer, M.C.

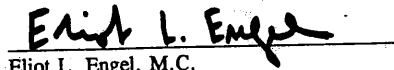
President George Bush
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Sam Johnson, M.C.


Cardiss Collins, M.C.


Ronald D. Coleman, M.C.


Mel Levine, M.C.


Eliot L. Engel, M.C.