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NOTA DE ENVIO

de:	Secretariado
para:	Convenção
Assunto:	Contributo de Jozsef Szajer, membro da Convenção: – "Unidade na diversidade"

O Secretário-Geral da Convenção recebeu de Jozsef Szajer, membro da Convenção, o contributo que figura em anexo.

**Contribution by Mr. József Szájer, member of the Convention,
delegated by the Hungarian National Assembly**

„Unity in diversity”

***Proposal for the representation of national and ethnic minorities in the institutional system of the
European Union
Committee of National and Ethnic Minorities (CONEM)***

Introduction and Arguments

The Charter of Fundamental Rights declares that the respect of the diversity of cultures, languages and traditions of the peoples of Europe is a contribution to the preservation and to the development of the basic common values of the union. (Preamble, Art. 22)

The Charter and the TEC prohibits any discrimination based on ethnic origin or language, membership of national minority, and more generally on grounds of nationality. (Art. 21 Charter; Art. 13 TEC)

Beyond these general – and highly important - declarations no significant legal and institutional protection of national minorities exist within the framework of the European Union.

The Copenhagen criteria of democracy oblige the candidate countries to enforce national minority rights.

There is presently a striking contradiction between the practice of the EU enforcing the protection of minority rights in the accession candidate countries by the Copenhagen criteria, the Europe Agreements and the recommendations made in the framework of the Accession Partnership on one hand and the lack of legal basis in this field for the adoption of the same kind of measures in the Community on the other hand.

The Europe Agreements remaining in force after the first round of enlargement will maintain this controversial „double standard” situation despite the fact that the Charter provides for the non-discrimination of persons on the grounds of their membership in a national minority.

Recently Ambassador Rolf Ekeus High Commissioner for National Minorities drew the attention to this **contradiction between the acquis and the minority protection obligations of the candidate states**. The High Commissioner expressed his well founded fears that accession could diminish the readiness for national minority protection.

National and ethnic minorities, indigenous peoples without statehood exist in great number in Europe both in the territory of the 15 and of the future new member states.

The Eastern and Central European part of the continent, which is about to join the EU brings into the union also a great number of national and ethnic minorities, among them the very specific situation of the roma population. The recent decade in Yugoslavia has demonstrated to us clearly **how significant it is to find a democratic way for the dissolution of ethnic and national conflicts**.

The EU must face this problem: the important number of national or ethnic minorities, most of them having kin-states in the neighbouring countries. Indifferently to the ongoing theoretical debate about nation, national minority, national community, the existence of these millions of people, is a question of fact. The individuals belonging to these minorities do have the right to the free choice of identity and promotion of this identity. Therefore, the EU will have to work on common principles, accepted by those mostly affected, in order to give the right, EU compatible answer to the question these countries in Europe have to confront: how to keep their original identity and language.

The national and ethnic minorities are constitutive elements of our common and united Europe. The EU finally have to face this enduring issue of **promoting ethnic peace and cooperation through democratic institutions**.

The special situation of the minorities in Europe should be reflected also within the institutional structure of the European Union. Therefore I propose to the Convention to consider **setting up the advisory Committee of National and Ethnic Minorities** after the already existing pattern of Economic, Social and Regional Committees.

This new committee should be provided with the advisory **competences in areas which are closely related to the life and the interests of the national and ethnic minorities** like culture, education, cross-border cooperation, employment policy...

The goal is the same for the whole Europe: to promote stability, democratic security, and peace. Cultural diversity, which consists of the different cultures and not just folklore of these **nations, national minorities, national communities constitutes richness for the European Union and is a precondition to ethnic peace and to an ever closer integration in Europe.**

Composition and Competences

The Committee of National and Ethnic Minorities (CONEM) would be set up from the representatives of the national, ethnic minorities and indigenous peoples living in the Member States.

The presence of national minorities in the EU institutional system would reinforce the protection of their rights on an all-European level. It would **add new dimensions to subsidiarity, partnership and proximity in the decision making process of the European Union.**

A close cooperation between the CONEM and the Committee of Regions would promote two dimensions of local-regional and ethnic identity.

The European minorities would get an important new role setting up a representative advisory institution by this. It would make possible the participation of national and ethnic minorities, to get their voice heard, to present their special interests within the EU institutional system, which because of their minority position would be impossible in the majoritarian European Parliament. **Given the large size of European Parliament constituencies national minorities could present themselves only by special measures of positive discrimination in the EU system of institutions.**

The number of representatives and their ethnic proportions would be determined by the Council by unanimous vote based on the statistical information about autochthon minorities living in Europe. **Member State's Governments should nominate representatives** to the CONEM from the members of the respective minorities, which are the citizens of that member state.

The proportions of representation between minorities should be determined according to the **principle of positive discrimination** giving the right to **each minority which amounts to at least 15.000 members in a respective state to have 1 representative.**

The number of representatives **would increase by each 100.000** to an upper ceiling of **maximum 5 representatives** to keep a limit to the size of the CONEM. Given the present minorities in the 15+10 member/candidate states it would not amount to more than a 200 member committee by rough calculation.

It would be desirable to set the ceiling of minority-representatives to 250.

Majority peoples should be provided with the possibility of **being present in the CONEM by 2-2 representative each.** (A national minority which amounts to more than 30% in its respective state

should not be considered a minority from the point of view of delegation to the CONEM).

It would be a new feature of this Committee that member states would not be represented there by their size, but this comes from the **principle of preferential treatment**.

The term of the membership of the CONEM should be **4 years**.

The procedural rights of the CONEM would be identical to the two already existing Committees. (Art. 22, 143, 260, 261, 262, 264, 265 TEC)

There should be a consultation with the CONEM according to the Article 13 TEC.

Competences would be for consultation according to the Articles of TEC:

- 71 (transport systems);
 - 128/2, 129 and 141/3 (employment);
 - 137/1 h)i)j: and 137/3 (social policies);
 - 149 (cultural diversity, language rights, education);
 - 150 (vocational training);
 - 151 (culture);
 - 152 (public health);
 - 154, 156 (trans European networks);
 - 157 (industry);
 - 159, 161, 162 (social cohesion);
 - 175 (environment).
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