

## Minorities in Western Europe - (Not) a Subject for the OSCE?

There are quite a number of explosive conflicts in Western Europe involving minorities. But, in contrast to the ones in the former socialist states, they do generally not appear on the agenda of the OSCE. Nor do the newspapers often regard them as being worth a title story. It is symptomatic for the way these problems have been dealt with in recent times that it took the spectacular postponement of the horse race at Aintree to make the conflict over Northern Ireland which has claimed thousands of victims into the lead story in a big German daily.<sup>1</sup> But the Northern Ireland conflict demonstrates with particular clarity that even in Western Europe minority disputes can threaten security and stability on the European continent. Thus, the question posed in the title of this article needs to be answered positively - these conflicts certainly ought to be a subject for the OSCE.

Consequently, we must investigate how the OSCE, which seeks to promote security in Europe and beyond, deals with Western European minority problems and why (with the single exception of the Roma issue which is not restricted to Central, Eastern or South-eastern Europe) only minority problems in the former socialist states have been discussed by the CSCE/OSCE. This is all the more surprising because a number of conditions for the CSCE's preoccupying itself with Western European issues appeared to have been met in exemplary fashion. One is forced to this conclusion because this institution always emphasized with particular clarity the close relationship between international security and the protection of minorities and because its documents, unlike those of the established international organizations, had a special political character. Because the traditional channels for dealing with such issues in the United Nations and the Council of Europe could not be used, owing to their rigid procedures, the CSCE, still young at the time, ought to have appeared ideally suited for the job. The reasons why neither the CSCE nor the OSCE dealt with minorities in Western Europe are mainly to be found in the fact that the new-fangled mechanism of the Organization was supposed to serve the purpose of conflict prevention. But the time for early warning about incipient conflicts in Western Europe has already passed. Moreover, the High Commissioner on National Minorities, who has primary responsibility, is prohibited from concerning himself with individual violations of law or with conflicts that include acts of terrorism. Finally, we must proceed in principle on the assumption that states with democratic sys-

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1 Cf. *Süddeutsche Zeitung* of 7 April 1997.

tems have adequate instruments for the effective protection of minority rights. I would now like to take a closer look at these points.

### *The Connection Between Security and Protection of Minorities*

It is not a new insight that there is a connection between the solution of minority conflicts and peace in Europe. On the contrary, the relevant initiatives of the League of Nations were based on this premise.<sup>2</sup> Even so, the failure of this organization and the political abuse to which minorities were subjected before World War II had the fatal consequence that the UN and other relevant organizations at first did not even concern themselves with this matter. Even a value-oriented organization like the Council of Europe (and the protection of minorities is surely one of the values of a democratic society) has not so far brought itself to take effective steps in this field. As a consequence many valuable initiatives have gone no farther than the Parliamentary Assembly.<sup>3</sup> Thus it is without doubt a great merit of the CSCE/OSCE that it has taken account of the obvious relationship between minority problems and European security and by so doing put the protection of minorities at the centre of its work in human rights. To this degree, then, the "comprehensive security concept" of the CSCE, which sees peace, security and prosperity in a direct relationship with human rights, democratic freedoms and market economies, has prevailed. That emerges clearly from the documents that were adopted in the early nineties although it is obvious that the Copenhagen Document of 1990 brought the breakthrough.<sup>4</sup>

The fact that the then CSCE was able to put such emphasis on minority issues is surely above all a result of the special political situation prevailing since the end of the eighties. As a result of perestroika the societies in the East developed a passion for reform which did not exclude this - hitherto taboo - subject. It was correctly noted that the suppression of minorities leads to domestic tensions that make it impossible to establish a civil society. The West, for its part, was unable to adopt a unified position. The Federal Republic of Germany favoured in principle the explicit establishment of minority rights because ever since its founding it had actively supported the rights of German minorities throughout the world. But countries with unacknowledged minority problems such as France

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2 Bartsch has accurately analyzed the internationalization of minority protection as a problem of co-operation between states and has demonstrated that the League of Nations and the CSCE/OSCE approached this problem in a similar way. Cf. Sebastian Bartsch, *Minderheitenschutz in der internationalen Politik* [The Protection of Minorities in International Politics], Opladen 1995, p. 35ff.

3 Cf. Heinrich Klebes, *Der Entwurf eines Minderheitenprotokolls zur EMRK* [Draft of a Minority Protocol on the ECHR], in: *Europäische Grundrechte-Zeitschrift* 1993, p. 148ff.

4 Cf. Alexis Heraclides, *The Human Dimension's Swansong in Helsinki-II: The Normative Aspect with Emphasis on National Minorities*, in: Arie Bloed (Ed.), *The Challenges of Change*, Dordrecht 1994, p. 285.

and Turkey were openly opposed. An agreement was reached despite the fact that the countries with reservations about the issue were more numerous than those favouring action. The reason for this must lie in the special political character of the CSCE/OSCE which permits the development of unique instruments.

### *The Special Character of CSCE/OSCE Instruments*

From the beginning the CSCE was intended as a political process. This gave it great flexibility, particularly in working out documents which were, increasingly, said to be "politically binding". This precluded a legally binding character even though the decisions, especially in the field of minority protection, were occasionally assigned the character of "soft law".<sup>5</sup> Moreover, individual countries of course have the option of agreeing on a legally binding character for these provisions under international law, as was done for example in the Treaties on Good Neighbourly Relations and Co-operation between the Federal Republic of Germany and the former socialist states.<sup>6</sup>

But this "granting of legal character" was not pursued by the CSCE/OSCE. Rather, the "political" approach allowed for relatively quick completion of the work on documents and for putting aside objections by states to individual passages because the instruments were usually passed as a package and contained a carefully worked out balance of political interests. By contrast, the codification of an instrument under international law is substantially more lengthy. An additional factor in the OSCE is that its documents contain no formal enforcement procedures so that the individual countries do not have to fear legal action by their citizens to enforce conformity with their provisions.

The Council of Europe also demonstrates how attractive it can be to create documents that are for the most part not legally binding. The attempt to pass a supplementary protocol on minority protection to the ECHR failed there. The broadly-conceived draft, which aimed at legal enforceability, managed to get through the Parliamentary Assembly but not the Committee of Ministers. Instead, the member states of the Council of Europe decided at their Vienna summit conference in 1993 to work out a Framework Convention on the same subject. In this way they approached the sort of documents that the OSCE passes. This Framework Convention is, to be sure, an international law treaty but all it does is provide a "framework" for legislation of the individual countries. As a

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5 Thus, Ulrich Fastenrath, *The Legal Significance of CSCE/OSCE Documents*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 411-427, here p. 420.

6 Cf. Hans-Joachim Heintze, *Selbstbestimmungsrecht und Minderheitenrechte im Völkerrecht. Herausforderungen an den globalen und regionalen Menschenrechtsschutz* [The Right of Self-Determination and Minority Rights in International Law. Challenges for Global and Regional Protection of Human Rights], Baden-Baden 1994, pp. 174ff.

consequence the provisions of the Framework Convention are not internationally enforceable.<sup>7</sup> As a result of this legally weaker basis, the protection of minorities in the Council of Europe is fundamentally different from the provisions in all other fields of human rights. Still, the juridical form of the Framework Convention is similar to that of the political documents of the OSCE.

The political or international law character of a document does not, however, automatically warrant conclusions about its effectiveness or ineffectiveness. That rather depends on the will of the parties involved in implementing it and on the pressure of public opinion. There is no doubt that at the end of the eighties and the start of the nineties public attention was focused very strongly on the CSCE so that its documents were for the most part observed. But along with these pragmatic considerations there are international law arguments for the creation of political instruments for the protection of minorities. This is the case because universal international law, in Article 27 of the International Covenant on Civil and Political Rights, has only a general standard for the treatment of individuals belonging to ethnic, linguistic and cultural minorities. This provision, which has become widely regarded as customary international law, says nothing about how it is to be implemented. Thus it is not absolutely necessary to pass national laws on minorities. Germany, for example, fulfils its obligations under this Article without having any separate provisions on minorities in the Basic Law.

But the conclusions that states (inimical to minorities) can draw from the imprecision of Article 27 are demonstrated by the position of France. When it joined the Covenant France entered a reservation that Article 27 was inapplicable in view of Article 2 of the Constitution of the French Republic, which assumes the indivisibility of the French nation. The community of states accepted this reservation without contradiction. Only Germany made a statement saying that it regarded Article 27 and the rights anchored in it as especially important and concluding: "It interprets the French declaration as meaning that the Constitution of the French Republic already fully guarantees the individual rights protected by article 27."<sup>8</sup> Germany's objection is entirely justified even though its diplomatic formulation does not clarify the problem that lies behind it. The substance of this problem is that equal rights alone are often not enough to provide for minority protection. Rather, affirmative actions are needed to ensure not just formal equality but actual equality of opportunity and the preservation of the minority's individuality.<sup>9</sup> Consequently, the goal of minority *protection* cannot be fully attained just by ensuring non-discrimination against individual

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7 Cf. Heinrich Klebes, The Council of Europe's Framework Convention for the Protection of National Minorities, in: Stefan Melnik. Friedrich-Naumann-Stiftung (Ed.), Human Rights. Conflict Prevention and Conflict Resolution, p. 119ff.

8 In: Manfred Nowak, CCPR Kommentar [CCPR Commentary], Kehl 1989, p. 802.

9 Thus, appropriately, Gudmundur Alfredsson, Autonomy and Human Rights, in: Lise Lyck (Ed.), Constitutional and Economic Space of the Small Nordic Jurisdictions, Stockholm 1997, p. 35.

persons belonging to minorities but only by granting collective rights to the minority as a group. To be sure, the community of states has not yet been willing to do this. Nor has the CSCE/OSCE, despite its simpler procedures for creating documents, yet gone beyond the (inadequate) approach in general international law of providing individual protection to the separate members of minorities. This may be one reason why the CSCE/OSCE has not concerned itself with Western European minority problems. It is assumed here, as a rule, that there are adequate legal means to ensure the protection and enforceability of individual rights. If the OSCE had decided to view minority rights as collective rights the situation in Western Europe would certainly have become an important issue as well even while the relevant standards were being worked out. With growing institutionalization and the creation of the High Commissioner on National Minorities (HCNM) after the Helsinki Follow-up Meeting of 1992 the OSCE came to view the problem of minorities less as one of individual protection and started to work more intensively on the collective dimension by turning its attention to early warning and conflict prevention. On the face of it the Western European minorities ought to have played a bigger role as a result of this. But it did not come to that because a number of limitations were built into the mandate of the HCNM.<sup>10</sup>

#### *Limits for Taking Action by the High Commissioner on National Minorities*

The HCNM's main responsibility is early warning and conflict prevention. For this purpose, he is supposed to inform the Senior Council about tensions involving national minorities which could affect relations between states and, in direct consultations with the affected parties, promote dialogue, trust and co-operation between them. Thus the mandate is limited to an *inter-state* dimension of the minority problems; and minorities that live entirely within one state do not fall under the protection of the early-warning mechanism. This doubtless represents a narrowing of the HCNM's competencies that was politically desired by the states and inevitably limits the effectiveness of the early warning mechanism. It is open to criticism because the overall development of international law and the practice of the UN Security Council has been moving towards

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10 His mandate has already been described in detail in the OSCE Yearbook. Cf. Rob Zaagman/Arie Bloed, Die Rolle des Hohen Kommissars der OSZE für Nationale Minderheiten bei der Konfliktprävention [The Role of the OSCE High Commissioner on National Minorities in Conflict Prevention], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), OSZE-Jahrbuch [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 225-240.

viewing minority problems *within* a single state as a threat to the peace justifying international involvement.<sup>11</sup>

Another thing that merits criticism is the arrangement whereby the HCNM can only take action when there is a request and a specific mandate from the Senior Council of the OSCE. As a result any OSCE participating State can block activities of the HCNM by refusing to agree to them. And no use can be made of the "consensus-minus-one" procedure in such cases because this would mean that the OSCE had to take action on the territory of the affected state.

#### *Minority Problems, Early Warning and Conflict Prevention*

The way in which the OSCE's responsibilities towards minorities are defined imposes two limitations which make it at least more difficult for the Organization to get involved with Western European minorities. First, the problem must extend over national boundaries; second, there must be a possibility of early warning. These limitations imply a certain focus on Eastern Europe which is understandable from a political point of view. After all, the background for the creation of the HCNM was the awareness "that to some extent historic minority problems in the reform countries of Central and Eastern Europe and also in the successor states to the Soviet Union have re-entered public consciousness".<sup>12</sup> Another crucial influence was obviously the recognition that especially in minority conflicts a solution is hardly possible once violence has occurred on a significant scale. The examples of former Yugoslavia and the Caucasus have shown that if conflicts are to be controlled and solved by peaceful means with any prospect of success, this can only be done in advance of armed hostilities. There appears to be no doubt that the risk of an escalation of ethnic conflicts such as to endanger peace is present in Eastern Europe. For that reason preventive diplomacy efforts which are typical for the OSCE are worth while there. We have seen, for example, that the OSCE was unable to accomplish very much in the Yugoslavia conflict because the problems had escalated beyond the point at which OSCE mechanisms can be effective. This would probably be the case with similar conflicts in the West. Thus, there is little the OSCE can do in connection with the armed hostilities between the Turks and the Kurds because this, too, is no longer an issue of preventive diplomacy.

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11 Cf. Marcus Wenig, *Möglichkeiten und Grenzen der Streitbeilegung ethnischer Konflikte durch die OSZE - dargestellt am Konflikt im ehemaligen Jugoslawien* [Possibilities and Limitations in the Settlement of Ethnic Conflicts by the OSCE - Illustrated by the Conflict in Former Yugoslavia], Berlin 1996, p. 123.

12 Jakob Haselhuber, *Der Hochkommissar für nationale Minderheiten der OSZE* [The OSCE's High Commissioner on National Minorities], in: Erich Reiter (Ed.), *Grenzen des Selbstbestimmungsrechts* [Limits to the Right of Self-Determination], Graz 1996, p. 109 (own translation).

The HCNM's mandate forbids him to enter into contact with any person or organization that practises or publicly condones terror or violence. This provision was put into the document at the instance of Great Britain and Turkey. Their interest is to prevent the HCNM from getting involved in the conflicts in Northern Ireland and in Turkey vis-à-vis the Kurds.<sup>13</sup> This is a high barrier indeed whose actual effect is to make it impossible for the HCNM to deal with minority problems involving violence. Since violence is in fact used in many of these ethnic conflicts a question arises about the legitimacy of the means. There has for a long time been a legal grey area here which played a particularly important role in the decolonization process. That the United Nations viewed armed liberation struggles as legitimate while the Western countries felt that only peaceful means were appropriate makes clear how different the positions were even at that time. The judgement of these matters has not become simpler in the meantime because it is ultimately the individual countries that decide on the legitimacy of minority claims. Resistance against the suppression of minorities then is unceremoniously called terrorism - a description which is all the more difficult to refute because no binding definition of terrorism has yet been agreed upon.<sup>14</sup>

Through this limitation in the HCNM's mandate the OSCE's options for involving itself in minority conflicts are substantially curtailed because entering into contact with the leaders of militant minority movements is prohibited. The problem grows more complicated because the view that respect for human rights is in principle no longer exclusively an internal affair for states has come to be undisputed in the relevant literature. This judgement is supported by the practice of OSCE States which are expressly prepared to permit the Organization's intervention when a participating State has violated its commitments. Thus violations of human rights cannot be characterized as internal affairs and the victims of such offences have an internationally protected right to resist. This legal situation is underscored by general international law which also recognizes the right of the suppressed to resist massive violations of minority rights such as might occur, for example, when they are seriously discriminated against. Some authors even think "that when minority rights are violated a situation can arise which entitles the affected national minority to make use of its right of self-determination".<sup>15</sup> This would undoubtedly be a very extreme conclusion to draw

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13 Cf. Paul Widmer, Europäische Bemühungen zur Lösung von Minderheitenfragen [European Efforts to Solve Minority Problems], in: Europa-Archiv 9/1993, p. 271.

14 Cf. Stefan Sohm, Die Instrumentalisierung des Völkerrechts zur Bekämpfung des internationalen Terrorismus [The Use of International Law in the Fight Against International Terrorism], in: Humanitäres Völkerrecht - Informationsschriften 4/1994, p. 165ff.

15 Thus, Eckart Klein, Das Selbstbestimmungsrecht der Völker und die deutsche Frage [The Right of Self-Determination of Peoples and the German Question], Berlin 1990, p. 62 (own translation).

and it poses the question of how serious a violation of rights has to be to provide proportional justification for a claimed right of secession. This question remains unanswered. In any event, it would certainly have to be a "defence of last resort" that releases the minority from its normal obligation of loyalty.<sup>16</sup> The underlying question of proportionality makes clear how difficult it is to distinguish between a legitimate right of resistance and terrorism. It is understandable, therefore, that the right of decision about a problem that is so complicated in individual cases was not given to the HCNM. In fact early warning and conflict resolution seem scarcely possible in such cases. Even so, this limitation on the mandate can be misused and this ought to be seen as a critical point in the juridical character of the HCNM's office.

#### *No Acceptance of Individual Complaints*

That the office of the HCNM is not a receiver of complaints emerges from its general "early warning" nature. Consequently, persons belonging to national minorities cannot turn to him because of a real or assumed violation of their rights. This may be another reason why the OSCE has so far not concerned itself with minority problems in Western Europe. It is doubtful, though, that this is a disadvantage. It is reasonable to assume, after all, that there are enough international authorities to which the victims of human rights violations can appeal. They are available for the members of national minorities as well. This relates to those OSCE States which are members of the UN Covenant on Human Rights, have entered no reservations about Article 27 and have also ratified the Covenant's Optional Protocol. People on the sovereign territory of these countries, when there has been an actual or assumed violation of their rights as members of a minority, may, once they have exhausted their internal legal options, enter a complaint with the Human Rights Committee. It examines whether there has been a violation of the Covenant and, if the answer is yes, calls upon the member state to stop the violations and make compensation. Although this is not a court proceeding most countries are sufficiently concerned about their international reputation to follow the recommendations of the Human Rights Committee. That was evident, for example, in the Lovelace case which involved a complaint by an Indian woman in Canada. The Committee decided that her rights as a member of a minority had been violated, whereupon Canada changed the relevant legislation.<sup>17</sup>

The European Convention on Human Rights, to which almost all European participating States of the OSCE belong, is probably an even more important op-

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16 Cf. Christian Tomuschat, The protection of minorities under Article 27 of the International Covenant on Civil and Political Rights, in: Rudolf Bernhard et al. (Ed.), *Festschrift Mosler*, Berlin 1986, p. 975.

17 See: Manfred Nowak, UN Covenant on Civil and Political Rights. CCPR Commentary, Kehl 1993, p. 494, margin No. 29.

tion for claiming minority rights. This path to the European Court of Human Rights can be taken, after internal legal means have been exhausted, if there has been a violation of the Convention's very clear prohibition against discrimination. Thus the protection offered by the ECHR is not directly related to national minorities but only indirectly to persons belonging to such minorities when they have been discriminated against. This course of action can be useful for minorities as the case of *Ilhan vs. Turkey* has demonstrated. In that case a Kurdish peasant with Turkish citizenship complained, *inter alia*, that he had been subjected to inhuman acts and massive discrimination because of his ethnic background, and the Commission accepted the complaint.<sup>18</sup> The example shows that the ECHR can be of help in the juridical enforcement of minority rights.

In view of this legal situation it appears reasonable that the mandate of the High Commissioner on National Minorities was not further burdened by the obligation to receive individual complaints. Rather, it is a reasonable thing to concentrate the tasks of early warning and conflict prevention in his office. A consequence of this, however, is that he has not yet dealt with minority problems in Western Europe. The picture would certainly look different if he had been given responsibility for individual complaints because the Western Europeans, accustomed to having legal resources at their disposal and to pursuing complaints, would certainly have made frequent use of the option. Related to that is the issue of the state founded on the rule of law and of the democratic structures in OSCE countries.

#### *Democratic Structures and the Rule of Law*

The OSCE States committed themselves in the Copenhagen Document to set up democratic structures and provide for the rule of law. This has had significant consequences, not least for the protection of minorities. A connection was quite rightly made between the protection of human rights and minorities and the articulation of the people's free will in the form of free elections, thus providing a guideline for the realization of the right of self-determination of peoples in the CSCE participating States. Many experts saw the CSCE as a pathbreaker in getting the principle of democracy embodied in international law.<sup>19</sup> Its contribution to viewing the right of self-determination of peoples as the basis for legitimizing the system of international law certainly should not be overlooked. All the more reason why the OSCE is now committed to respecting the standards it has helped to establish. This means, above all, that it must urge its partic-

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18 See: *Human Rights Law Journal* 16/1995, p. 129. The Court has not yet rendered its decision in the case.

19 The first to make this point was Thomas M. Franck, *The Emerging Right to Democratic Governance*, in: *American Journal of International Law* 1992, p. 46.

ipating States to respect the rule of law and the rules of democracy, not least with regard to minorities. As a practical matter it requires that special attention be given to those societies which are still in the process of building their democratic institutions.<sup>20</sup>

The CSCE process has without doubt contributed much to the peaceful transformation of Eastern European societies. This realization was indeed one of the reasons for the CSCE's institutionalization and for the creation of organs. It is noteworthy that the fields of "democratic institutions" and "minorities" were both given organs of their own. That, however, made it easier to focus on the tasks to be dealt with. It also led to a splitting up of OSCE activities. Protection of minorities is now to some extent viewed in isolation. This is not surprising, however, because the practical problems have become weightier. Following the end of authoritarian rule in the former socialist states, conflicts broke out which had been smouldering for decades unseen. Their having been "swept under the carpet" prevented a solution so that once the time of oppression was over they were discharged in what amounted to an explosion. This led to an unstable situation in a number of Eastern European countries which now find themselves "in a transitional phase between greatly weakened statehood and a democracy that is not yet fully developed".<sup>21</sup> There is always a risk in such societies that the weakest will have to bear the biggest burdens. Among the most vulnerable elements of society, without doubt, are the members of minorities because it is after all characteristic of them, from the standpoint of international law, that minority groups do not exercise political power.

Another problem that has been of particular importance for the HCNM's activity is overcoming the mistrust that has grown up historically between ethnic groups and is characterized by very strong emotions. It has been exacerbated in the aftermath of wars by the drawing of borders whose justification was not accepted by all sides. In addition, there is often interference in minority issues from outside, especially from the titular nations which may try to put themselves in the position of an extraterritorial spokesmen. In such cases the demands for territorial autonomy occasionally raised by minorities can quickly become an explosive bone of contention. No doubt the problems in building democratic institutions and overcoming the consequences of communist rule in the Eastern European countries explain the priority the HCNM gives to this region. Here, early warning and conflict resolution really do seem to be possible. In fully developed democracies, however, there must be instruments available for the protection of minorities which make involvement of the HCNM superfluous.

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20 How complicated this task can be is shown by the article of Hans-Joachim Gießmann, *Democracy as a Creative Undertaking - Challenging or Overburdening the OSCE?*, in: *OSCE Yearbook 1995/1996*, cited above (Note 5), pp. 187-198.

21 Freimut Duve, *Demokratiefrage muß im Zentrum bleiben* [The Democracy Issue Must Stay at Centre Stage], in: *Europäische Sicherheit 4/1997*, p. 7 (own translation).

## *Conclusions*

Minority conflicts in Western Europe are doubtless subject to the same rules as those in Eastern Europe. Common to all such conflicts is that in varying degrees they disturb peaceful relations within and between states. Serious minority conflicts can even jeopardize security and stability in the OSCE area and for that reason the Organization must deal with them.

At the present time there is a tendency to regard such conflicts as exclusively a matter for the HCNM. This fails to do justice to minority problems in their totality, however, because it means that the OSCE is only looking at certain aspects - early warning, conflict prevention and conflict resolution. An added factor is that broad limitations are built into the HCNM's mandate because he is not allowed to concern himself with conflicts within participating States or with those in which terror, violence or public approval of violence play a role. This means that the serious problems of Western countries - such as Turkey with the Kurds or Great Britain with Northern Ireland - are removed from his area of responsibility. Thus the question posed in the title of this article could be answered by saying that minority problems in the West are indeed not (yet) subjects for the OSCE. They might become so in the future, however, if existing mechanisms are strengthened further and the barriers imposed in the past are removed. Nevertheless, we must admit in the OSCE's favour that the minority problems in the East are of course much more substantial in their dimensions and their potential for danger.<sup>22</sup> In this sense, the OSCE is acting in accordance with the proportionality principle when it turns its attention first to the most serious conflicts - ones in which the instruments of early warning and conflict prevention can also be effective.

Still, it is already becoming clear that minority problems in the West cannot be excluded forever from the OSCE's field of activity. The treatment of the Sinti and Roma is reprehensible not only in the East and in various ways does not accord with OSCE standards. Thus it is to be welcomed that the HCNM has taken up this issue which does not concern the East alone. At the same time it is clear that the HCNM is not the only one who is responsible for minorities. On the contrary, they always become an overriding issue for the OSCE when early warning and conflict prevention are no longer possible. This is the case with the Kurds in Turkey, for example. Hence, it seems only reasonable that the Parliamentary Assembly of the OSCE also concerns itself with violations of minority rights.<sup>23</sup> An outstanding example is the despatch of delegations to areas of tension and crisis in order to promote an informal dialogue. These delegations pro-

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22 For example, the more than 280 million former Soviet citizens are made up of well over 100 nationalities. There are 64 million who have minority status and roughly 25 million Russians alone live outside the Russian Federation.

23 Cf. Michael Fuchs/Angelika Pendzich-von Winter, *The OSCE Parliamentary Assembly*, in: *OSCE Yearbook 1995/1996*, cited above (Note 5), pp. 355-364, here p. 361.

duce reports which are then discussed at the annual sessions. The mission to Turkey in May 1995 under the leadership of Willy Wimmer, the German Vice-President of the Parliamentary Assembly, demonstrates that the OSCE will not over the long term be able to avoid coming to grips with the problems of minority protection in Western countries. They are a subject for the OSCE.