

“Cyprus and the Framework Convention for the Protection of National Minorities: Avoiding the Pitfalls of Other Countries”

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It is 15 years since the Framework Convention for the Protection of National Minorities was adopted, 12 years since it entered into force. Time flies! It is surely a testament to recent times, an indicator of the extent to which Europe, besides the international community more generally, has been distracted by other matters this past decade, if one reflects, by contrast, on the decade following the fall of the Berlin Wall, when minority rights rose like a phoenix from the ashes and took centre stage on Europe's agenda. That sense of self-confidence in western Europe during the early 1990s, with one half of the continent flushed by the failure and failings of 'New Europe' has now passed. No longer today just an intellectual migration of human rights standards from west to east – whether concerning citizenship in the Baltic states; assertions of the right to self-determination in the Caucasus; language rights in Slovakia; or participation in the public sector, such as in Croatia. Rather, the western liberal democratic half has come to experience its own moment of crisis.

We remain preoccupied by all forms of terrorism, nuclear proliferation and a sustained economic crisis, but minority rights are in the news again. The latter part of the summer has been dominated by the plight of thousands of Romanian and Bulgarian Roma (Gypsy) migrants being expelled from France. Despite the illegal presence of those expelled, the actions of the French government (accused of having singled out the Roma) provoked the EU Justice Commissioner, Viviane Reding into remarking that this was “a situation... [she] thought Europe would not have to witness again after the Second World War”. Sadly, those with their own particular prejudice towards the French President should not enjoy his moment under the international spotlight too much, because this is about much more than the Roma.

When economic times are good, a country's indigenous population working and able to afford certain preferred luxuries in life, matters not of direct concern to any individual or family can be passed over or overlooked. It is when times become difficult, with all that flows from this, that government and governed look for distractions and someone else to blame; and, this is precisely what we have observed in western Europe in recent years. Consider: the election of two members of the British National Party to the European Parliament in 2009; a new coalition government in the Netherlands formed with the backing of the anti-Islamist Freedom Party of Geert Wilders; dramatic advances for the far-right Sweden Democrats, entering parliament for the first time, following the country's elections last month; and, only last week, the far-right Swiss People's Party, the largest single political party in parliament and forming part of Switzerland's ruling coalition government, admitted to being behind an advertising campaign likening Roma migrants and Italians to 'rats'. Of course, picking on often poor, marginalised and politically weak communities is so much easier than taking a long hard stare at oneself in the mirror.

Multiculturalism is under grave threat. Europeans have grown tired again of being tolerant. However ugly they may choose to appear, many are withdrawing into their own 'secure' majoritarian consciousness, comforted by their own symbols, contented by the simplicity of their truth. Islam is insulted. As a student of the Koran, it is hard to convey the blasphemy, (a word much used today, its meaning, though, long-since lost) that pictorial representations (such as cartoons) of the Prophet Mohammed bear upon any Muslim. If I was to tender a Christian equivalent, I could make you gasp. Yet, such monstrosities are chewed over by our media, as if things so personal could be matters for debate and reason. Migrant workers from central Europe have been allowed to settle with their families in countries like my own (the United Kingdom), doing work that the locals do not want to do, because it is beneath them to do it; only for people like that 'bigoted woman', Gillian Duffy, as Gordon Brown so famously called her, during this year's election campaign, to complain about towns like Rochdale in the north of England being swamped by immigrants. What chance, therefore, has that most marginalised community in Europe, the Roma got?

Thankfully, Cyprus has managed to avoid this decline. The island has in recent years not only absorbed but adapted well to the inward migration of foreign labour, retirees and those wishing to accompany themselves with their money. Of course, Cyprus does not have the luxury of time to dwell on such matters as the above. For the government, the imperative is to reconcile and finally secure a lasting settlement between both communities that it has remained committed to these past three and a half decades. This does not mean that there are not competing visions, nor that on some occasions there may be discordant and disappointed voices (for which I would include myself in that category), but the sincerity in the desire for lasting peace cannot be doubted.

Does this mean that minority rights are themselves a luxury in Cyprus? If stark realities would appear to suggest such, reality itself has not borne out such a possibility. Many of you here today may not have lived in Cyprus as long as I have, but I *can* vouchsafe to you, indeed I must, that minority rights have always been observed on this island. Both established and more recently established communities have been given a sense of security and well-being which has ensured that when it comes to maintaining and developing their culture, preserving the essential elements of their identity, namely their religion, language, traditions and cultural heritage, Cyprus has been a country whose name has been absent from the attention of the international news media. Of course, this is not to suggest that all is perfect (life isn't); nor is this a time for complacency; but, at least when it comes to minority rights Cyprus is at the head of the pack; with the opportunity for further improvement(?), certainly; but, in a position to reflect from the outside upon the lessons (often harsh) of others, instead of the other way round.

The Framework Convention has proved to be one of the most successful Conventions of the Council of Europe. Sadly, some member countries still remain outside, having not yet become parties to it. Amongst these leading names like France and Turkey; which have historically struggled to accept even the very existence of minorities in their country. Identity is such a private and individual matter today. Scratch the surface and we each bear many identities, often very personal to ourselves. Greek Cypriot, Armenian Cypriot, Maronite. Christian, Orthodox Christian, Roman Catholic. Atheist. Turk. Married, single. Straight, bisexual, gay. Apoel, Omonia, Arsenal. Left-handed, blue-eyed, blonde. We have nothing to fear from such ascriptions. Surely, nation states are stronger than all of these? And if they *are* so fearful, what does this say about their supposed power and majesty? Difference, and pride in such difference, does not denote disloyalty, but a more highly-developed understanding of the self; a desire to attain one's greater fulfilment in a multitude of different ways, participating and/or communing in countless micro-societies. Identity cannot be nationalised. Yet, this is precisely what some nations attempt to do. Result: artificiality.

A Turk can be a Christian, a Greek a Muslim, an Armenian a Roman Catholic. No person or government has the right to presume what you are. Take me as an example. I am a British national, with a French heritage and name, living in Cyprus. I was christened and confirmed into the Church of England, but continue my own very personal journey towards conversion into the Roman Catholic Church. Surely a not dissimilar picture must apply to many of you here. It is wrong, therefore, to require us to decide. What is a community? Must anyone decide? What is a minority? Do I have to decide? Who am I? What right have you, government or neighbour, friend or relative, colleague or customer to tell me, or, just as importantly, any of you? Self-identification is a right. There are few more personal rights. It must be nurtured. No citizen, resident or visitor must suffer prejudice or estrangement for having the courage (often) to say "thank you, but no thank you."

Minority rights are rights that are enjoyed by individuals, not by groups (they are individual rights, not group rights). During the past two decades, the term "national minorities" has come to dominate international legal and scholarly discourse on the subject. However, this is not to suggest that constitutionally state parties to the Convention may not rely on other terminology. As has previously been indicated, any person belonging to a minority may possess one or more features that may entitle that individual to identify him/herself as belonging to an ethnic, linguistic or religious minority. In Cyprus, the Armenian, Maronite and Latin communities have been, under the 1960 Constitution, classified as "religious groups". Constitutionally at least they are not viewed as minorities – a correction they each desire to have made, but which has been retarded due to the failure of both the Greek and Turkish Cypriot communities

to secure a lasting settlement to the continued division of the island. Indeed, this comment should not be regarded as a criticism of the Republic of Cyprus; the government having, in recent years, also become convinced of the need to apply the now internationally-accepted classifications and terminology. *Here, though, I would like to pause with a parenthesis. We must be fair to history. Minority rights were not highly developed in 1960, and the extent to which they were, by 1960, they had gone very much out of fashion.* The Annan Plan, rejected in the referendum of 2004, had upgraded the status of the three religious groups to that of “religious minorities”. Whilst this was welcome, it *must* be acknowledged – myself, Anthony and Patrick having worked together on this matter at the time – that there were differences in preference amongst the three minorities. Personally, I still do not regard the Armenians as a “religious minority” but either as an “ethnic” or “linguistic minority”. I understand that the Maronites have always preferred the term “national minority” and I respect the fact that the Latins favour “religious minority”. Perhaps, as I have recommended in my book *A Functional Cyprus Settlement: the Constitutional Dimension* (of 2007), the simple term “minorities” should be used; it not being objectionable to any of the three.

I have lived in Cyprus since 1997, so long that when people ask me ‘how long’ I now find myself having to pause and think. Once upon a time I didn’t have to do that. I first visited the island, though, in 1994, and have observed, during this period, its further changes and development. The main towns and villages appear to have doubled in size; the island has become expensive (this was not always the case); and, of course, tens of thousands of persons from the United Kingdom and other western European countries, Russia and other eastern European countries, and guest workers from developing countries, have moved here (some temporarily, but most permanently). Minority rights are not the preserve of persons belonging to traditional and more established communities, but persons belonging to new communities also. One of the challenges for all parties to the Framework Convention, not only Cyprus, is to avoid what might be described as the ossification of minority rights-holders. Certainly, thinking of Slovakia in the context of minority rights one would definitely include ethnic Hungarians in any picture; likewise, Greeks in Albania and Poles in Lithuania; *but*, we should not overlook the fact that in each of these countries there are countless smaller communities whose members, under the Framework Convention, are largely entitled to the exact same rights as of those the larger communities mentioned. Minority rights are not the preserve of a country’s citizens, neither is there a residence qualification, nor does there have to be a minimum number (whether concentrated or dispersed) for them to apply. Therefore, one of the challenges for Cyprus, when a political agreement is finally reached, will be to satisfy the needs not only of the Armenians, Maronites and Latins, but also the British, Russians and Vietnamese (to cite just three examples). The entitlements do not have to be the same; the State may desire to provide privileges to some; but it should not stand in the way of communities that may wish to provide for themselves privately: blending, if you will, the new with the old in order to help create a dynamic, adaptive and diverse society of benefit and fulfilment for all.

State funding for elementary school education in a minority language, tax relief for the foundation of a cultural centre for a minority community or the granting of permission to construct a place of worship for a minority religious community should not become a matter of concern for central and/or local government. One of the key challenges facing liberal democracy during the past 50 years has been how to achieve the integration of minorities into wider society, whilst avoiding their assimilation. The competition for limited (government) resources is intense even at the best of times. Demagogues find it easy to single out politically vulnerable groups in their slogans that ‘local people’ or ‘indigenous communities’ are suffering from a form of inverted racism. This can be aggravated during difficult economic times, when the authorities are anxious to be seen not to be pandering to this dialogue or even victimising a particular community because of wider, sometimes unanticipated, ills. Local communities may petition local authorities to prevent a minority community from establishing a local presence, even if only to serve a local population, in order to prevent members of that minority community ‘lowering the value’ of their neighbourhood. A person’s faith (for instance) can be one of the most important things in his/her life, invariably with love at its centre, but this love can give rise to some of the most horrible manifestations of chauvinism in human nature. The temptation (and even result) for government, under such circumstances, is to allow itself to be influenced by that which is popular, in order to avoid alienating certain constituencies, with the excuse that national unity matters most. This is how marginalisation of

communities occurs, the costs to society (including the public purse) being, in the end, much more than a reasonable level of provision for minority communities would ever have been.

A truly successful society can be measured by the loyalty of its citizens, not by the language a family speaks at home, the television stations any satellite system is programmed to provide or the place of worship where prayers are made. Denial or undue restriction fosters resentment, which causes a decline in the integrity of societies, generating social antagonism and/or unrest: result, collapse. Although Greek and Turkish Cypriots have yet to reach their own mutual accommodation, at least as far as the Armenians, Maronites and Latins are concerned, an almost ideal outcome has emerged in the provision of state-funded education, representation in the national parliament and respect for doctrinal and aesthetic plurality. Integration works and it continues to work here in Cyprus.

So far this morning and until now in my speech also, discussion has centred only on the rights of minorities. I appreciate that it is this important subject that is the cause of us all being together here today, but majorities matter also. Europe and Cyprus must be careful to avoid generating, via such fundamental instruments as the Framework Convention, selfishness on the part of minority communities. It is wrong to demand equal rights for one's members, but to expect special and separate treatment when their effects may be uncomfortable on a given matter; for we must never forget that persons belonging to majority communities do not have such an 'escape clause'. Participation in any civil society (either as a citizen or something else) gives rise to responsibilities as well as rights. Privileges can be tolerated. Indeed, they can be enjoyed by all and not on account of any of the identities I have mentioned so far, but majorities should not be made to feel that they are somehow the problem, secondary and overlooked. A happy and, therefore, peaceful nation is one where all its members (again, citizen or something else) believe that they can expect to be treated reasonably and fairly, where the State in some fashion belongs to them, a part of it being represented in their conduct, gestures or movements. It is when a nation disconnects itself from these that resentment grows and scapegoats are looked for.

Here lies the challenge for Europe during the coming decade, Cyprus included. Recover economically, by continuing to trade freely with the world and not by withdrawing inwards. Protect those for whom one is responsible from terror and war (whether conventional or unconventional). Fight all attempts by those with hate in their hearts to divide peoples, races and religions.

Tolerance, understanding and forgiveness are much harder things to embrace and sustain, but they represent our only future. By the end of the 20th century, mankind had begun to learn some lessons, stricken by the wreckage of the recent past. Our generation has been luckier than most, much that is required to keep us in a condition of peace is in place (the standards are there): we must not (now) throw them away. Minority rights constitute an important spoke in our own self-willed 'wheel of fortune'. They are not a panacea for society's ills, but they each have their contribution to make. The fact that we are here today is a good sign. It suggests that we *do* care: but after today let us be judged by our actions and not mere presence alone. Minority rights and the Framework Convention must be both our today and tomorrow, because yesterday has passed.