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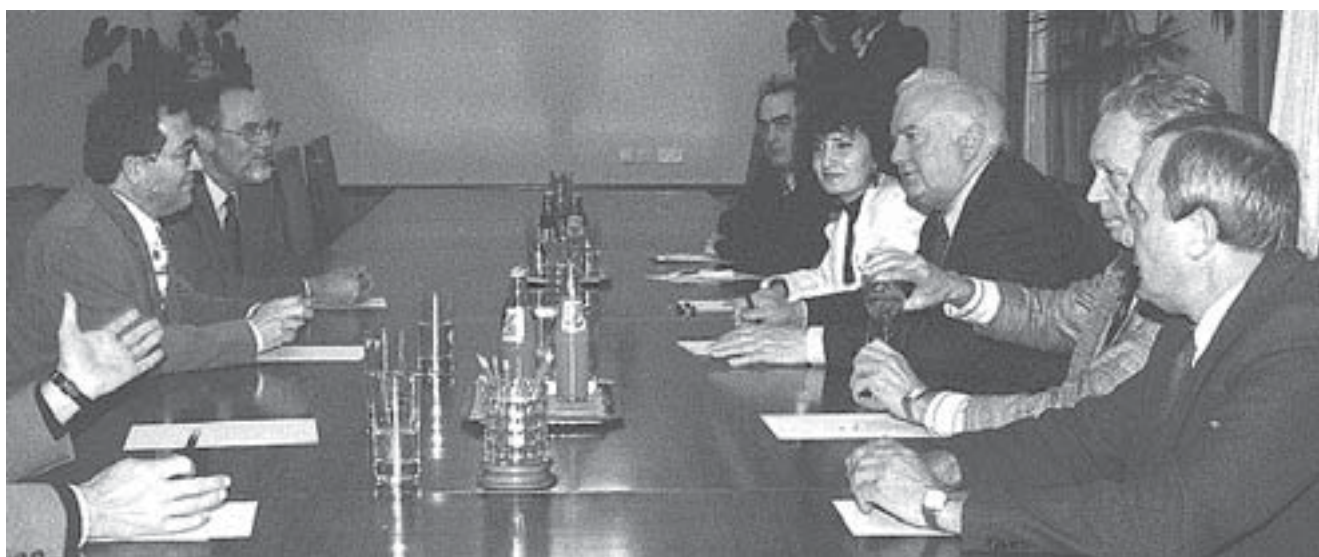
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Federal Union of European Nationalities
Union Fédéraliste des Communautés Ethniques Européennes
Föderalistische Union Europäischer Volksgruppen
Федералистский Союз Европейских Национальных Меньшинств

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Frank Nickelsen
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Internal News:

The FUEN delegation meets the President of Georgia, Eduard Shevardnadze.



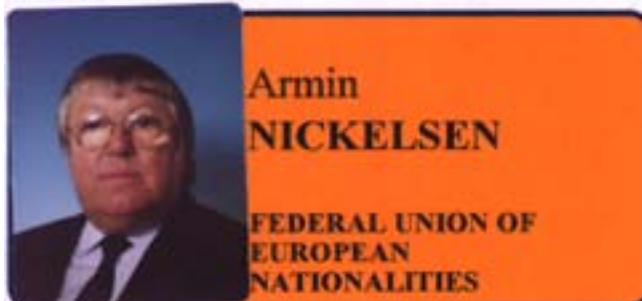
During a so-called fact-finding mission in Russia and Georgia (Caucasus), an FUEN delegation met former Soviet Minister for Foreign Affairs and current President of Georgia, Eduard Shevardnadze. Shown here, are FUEN President Romedi Arquint (l.) and FUEN Vice-President Hans Heinrich Hansen (2nd from l.) speaking to President Eduard Shevardnadze, (3rd from r.), Minister Alexi Gerasimov (2nd from r.) and other representatives of the government. Other FUEN delegates were Prof. Dr Svetlana Tschernowonnaja and teacher Jørn Buch. A comprehensive status report is currently in preparation and will shortly become available.

FUEN-Conference in Conjunction with the OSCE-Conference of Implementation in Warsaw on 5 November 1998

The Presiding Committee of the Federal Union of European Nationalities (FUEN) has resolved to hold seminars for members of national minorities and interested OSCE delegates in connection with important OSCE meetings. The first meeting of this kind took place in Copenhagen in December and encouraged the Presiding Committee to prepare and carry out a similar event for the Warsaw Implementation Meeting. The FUEN President, Rhaeti Romedi Arquint from Switzerland, was pleased to welcome 61 participants in the plenary hall provided by the OSCE. Apart from representatives of international non-governmental organisations, delegates and ambassadors from several OSCE states were present.

In his speech, Prof. Gerhard Bartodziej, former Senator of the Polish state, provided a sober and critical overview of the current situation of national minorities in Poland. Poland is still some distance away from a satisfactory legal and political solution; the emotional climate towards national minorities must be referred to as rather unstable. Representatives of the Lemks, Masurians, Belarusians, Tatars, of the German Social Cultural Society and the German Working Group 'Reconciliation and Future' described their organisations and problems.

The discussions were followed by information on the two conventions of the Council of Europe that take effect this year. The meeting passed a joint declaration, in which the government and parliament of Poland were called upon to give political priority to the ratification of the Convention for the Protection of National Minorities (see p. 5).



FUEN-Secretary General Armin Nickelsen presented the aims of the FUEN

Framework Convention for the Protection of National Minorities

Frank Stekete, Human Rights Dept. of the Council of Europe explains about the Framework Convention

On 10 November 1994 the Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities. Opened for signature on 1 February 1995 the Framework Convention has been signed so far by 36 Member States and non-Member State (Armenia), Romania, Spain, Slovakia, Hungary, Cyprus, Moldova, San Marino, Estonia, »the former Yugoslav Republic of Macedonia«, Germany, Denmark, Finland, Croatia, Italy, Liechtenstein, Czech Republic, the United Kingdom, Ukraine, Malta, Slovenia and Austria, Armenia, the Russian Federation and Switzerland have already ratified it. It came into force on 1 February 1998 last.

Although not the first instrument to be developed within the Council of Europe relevant to the protection of national minorities, the Framework Convention for the Protection of National Minorities is certainly the most comprehensive document in this area. Indeed, the Framework Convention is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general.

Contents of the Framework Convention

By its nature a Framework Convention is different from a »normal« Convention. Whilst a Framework Convention is a Convention in the sense that it is a legally binding instrument under international law, the addition of the word »framework« indicates that the principles contained in the instrument are not directly applicable in the domestic legal orders of the Member States, but will have to be implemented through national legislation and appropriate governmental policies. The specific nature is clearly in evidence in Section II of the Framework Convention where it sets out programme - type provisions.

Apart from the Preamble the Framework Convention has 32 articles and is divided into five sections.

The ad hoc committee, CAHMIN, decided to adopt a pragmatic approach and not to include a definition of the notion of a »national identity« in the Framework Convention as, at this stage, it was impossible to arrive at a definition capable of mustering general support of all Council of Europe Member States.

Section I sets out some general principles including the principle that the protection of



Frank Stekete is acting as Secretary of the Council of Europe Committee of Experts on Issues relating to the Protection of National Minorities.

national minorities and of persons belonging to national minorities is part of the international protection of human rights. It also establishes that every person belonging to a national minority is free to choose to be treated or not to be treated as such, with no disadvantage arising from the choice.

Section II is the main operative part of the Framework Convention as it contains the provision laying down more specific principles. These principles cover a wide range of issues, inter alia: non-discrimination; promotion of effective equality; promotion of the conditions regarding the preservation and development of the culture and preservation of religion, language and traditions; freedom of assembly, association, expression, thought, conscience and religion; access to and use of media; linguistic freedoms; education, transfrontier contacts, international and transfrontier cooperation;

participation in economic, cultural and social life; participation in public life and prohibition of forced assimilation.

A number of these principles are already covered by the European Convention on Human Rights. Their inclusion, besides adding to the comprehensive nature of the document, is particularly important because the Framework Convention will be open to signature by non-Member States at the invitation of the Committee of Ministers.

Section III contains some important provisions on the interpretation of the Framework Convention such as that it may not be construed as containing a right to engage in activities contrary to the territorial integrity and political independence of States and that nothing in the Framework Convention may be construed as limiting higher standards of protection of human rights ensured in other international instruments or under national legislation.

Section IV sets out the provisions on the implementation mechanism which is discussed below. The final provision are Section V of the Convention.

Monitoring of the Framework Convention

The rules which apply to the monitoring of the Framework Convention are to be found in Articles 24-26 of the Framework Convention and in »The rules on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities« (Resolution (97) 10) of the Committee of Ministers of the Council of Europe.

The Framework Convention establishes a system of monitoring based on reports from the Contracting Parties. These reports will first be examined by an Advisory Committee of independent experts. The Advisory Committee is to prepare an opinion which it will send to the Committee of Ministers of the Council of Europe.

The Advisory Committee will be composed of a minimum of twelve and a maximum of 18 ordinary members. The candidates have to meet the qualifications and capacity of

membership:

- to have recognised expertise in the field of protection of national minorities;
- shall serve in their individual capacity, shall be independent and impartial, and shall be available to serve the committee effectively.

Framework Convention distinguishes two kinds of reports: periodic reports and ad hoc reports which can be requested from a Contracting Party by the Committee of Ministers whenever it so decides. The reports will have to contain »full information on the legislative and other measures taken to give effect to the principles set out in this Framework Convention.« The State reports will be made public by the Council of Europe upon receipt from the Contracting party.

The duty of the Advisory Committee is to examine the State reports and prepare an opinion on the measures taken by the Contracting Party. In order to do so, a number of working methods are put at its disposal such as seeking additional information from a Contracting Party, other sources, individuals and NGO's holding meetings with governments and others besides.

The opinion of the Advisory Committee shall as a rule be made public together with the conclusions of the Committee of Ministers. Having received the Opinion of the Advisory Committee, the Committee of Ministers shall take the final decisions (called conclusions) concerning the adequacy of the measures taken by the Contracting Party. Where appropriate, it may also adopt recommendations to the Contracting Party.

The conclusions and recommendations of the Committee of Ministers shall be made public upon their adoption, together with any comments the Contracting Party may have submitted in respect of the Opinion delivered by the Advisory Committee.

The Advisory Committee may be involved by the Committee of Ministers in the monitoring of the follow-up to the conclusions and recommendations

For further details on the Framework Convention:
www.coe.fr/eng/legaltxt/157e.htm
www.coe.fr/txtjur/157fr.htm

Framework Convention for the Protection of National Minorities - from the aspect of those concerned

Romedi Arquint, President of the Federal Union of European Nationalities (FUEN)

History of the Framework Convention

With the Framework Convention on the Protection of National Minorities, the Council of Europe has created the first binding legal instrument that integrates the sovereignty of individual states into a multilateral set of rules. The Convention is the consequence of increasing sensitivity to minority problems that was expressed in ventures of the Parliamentary Assembly of the Council of Europe, in EU resolutions and, chiefly, in the activities of the OSCE, of which the final document of the 1990 conference of Copenhagen and the appointment of a High Commissioner for issues concerning national minorities in 1992 deserve special mention.

However, the framework convention initially raises more questions than it solves. It is not clear what is actually meant by national minorities as there is no definition. How should these be differentiated from the 'new minorities' that have formed for economic or political reasons in Western Europe? With which criteria will these be applied to the violent persecution of peoples and new settlements in the former communist states? While individual states have long restricted themselves to the usual lingual and cultural ethnic groups, others consciously leave the question unanswered. FUEN would definitely have welcomed a precise and sound definition of the element which gives the convention its name.

The rules do not even speak of 'national minorities' although 'members of a national minority' are mentioned throughout; chiefly the centrally organised states are afraid of granting collective rights as well as individual rights;

these states whose recognition of other groups than those of the nation state constitute the essence of how they regard themselves. Behind this, they suspect an erosion and secession potential that could turn against the unity of the nation state.

In contrast, we are convinced that particularly this recognition of such national minorities and their integration into the state will counteract tendencies towards polarisation and secession, will stabilise and normalise state institutions and contribute to promoting the loyalty of all state citizens.

Inborn history: the illusion of the nation state ideology

The conflict between the nation state and the national minorities was already evident in Wilson's 'Fourteen Points' in 1918: the contradiction between defining the state boundaries on the basis of nationality and the fact that this, in reality, applied to hardly one of the European states. Even in the later, new forming of borders, this principle has hardly ever served as a priority criterion.

With the Council of Europe's European Convention on Human Rights, a major step was taken that also benefited the members of national minorities; however, in the subsequent decades of economic prosperity and the East-West conflict, the proposals continually raised

(also by FUEN) to create binding norms to protect national minorities, were consistently ignored. The individual states in Western Europe solved their problems with their ethnic groups, or did not: South Tyrol, Jura, Val d'Aosta, Belgium, Northern Ireland, Corsica and Brittany.

Time passed unexploited: neither were legal multilateral standards developed, nor were there any reflections on what, after two world wars, had been learned for the benefit of how each state sees itself. It was not

stern European community of states was able to offer no other than the conflict-loaded Wilson Model. That a national state model for the new states held more than potential conflict for states, in which whole ethnic groups had been forced to find new roots, in which borders were arbitrary and the economic situation demanded mobility, could be foreseen.

In their search for democratic state models and collective ideas and symbols to nourish their identity, these new states in the Bal-



FUEN-President Romedi Arquint (right) with General Peters (links) from the OSCE-Mission in Vukovar in the frame of a Fact-Finding-Mission in the former Yugoslavia (see list of documentations page 6)

possible to break up the fatal bond between the state and nationality, in such a way that might try to separate the competencies and duties of the state from nationality and, thus, the emotional, historical and cultural identity associated with this.

Revenge for the passivity of the West as regards protection rights for national minorities came in the nineties: when the European states, which had been released from the communist yoke, set off on their way to seek democratic state models, even the We-

kan region and in Central and Eastern Europe found themselves in the principle of the nation state, with one state, one language, one culture, one history and one army (or an already existent state police force). Smooth replacement of the communist state ideology by an excessive dose of nationalism then soon led to escalating hostilities that shocked the international community of states and prompted the Council of Europe to undertake fast political action: the Framework Convention on the Protection of National Minorities was created and

submitted for ratification within only 9 months.

NGOs, like FUEN, the Parliamentary Assembly of the Council of Europe and a number of Foreign Ministers had demanded further measures from the Vienna Summit in 1993; these wished to no avail for a more reliable instrument in the form of a supplementary protocol to the European Convention on Human Rights for the cultural rights of members of national minorities. Incidentally, the dust was not blown off the proposal mentioned at the second summit in Strasbourg in 1997. The Framework Convention for the Protection of National Minorities

What exists today, is a framework that could be signed by countries who are less friendly to minorities. And so it is not surprising that 21 states have ratified the agreement so far. Apart from the absence of a definition, the following aspects are also conspicuous:

The framework convention mainly contains programmatic provisions that are not directly applicable and consequently demand inner-state arrangements.

It contains excerpts from other international legal instruments that are in effect without a framework convention (on freedom of opinion, freedom to use the native language, freedom to form societies, see European Convention on Human Rights, International Pact on Civil and Political Rights). The actual issues of national minorities are expressed in flexible and relative articles.

Examples

Or, to mention another extremely sensitive problem: in regions traditionally settled by substantial numbers of members of national minorities, the parties to the agreement under their constitution [...] endeavour

to put up traditional place names, street names [...], in the minority language, if there is sufficient demand for this. The explanatory text is even more careful in its interpretation.

Most of the other provisions in the Framework Convention can be analysed in a similar way and interpreted in their principal, but rather non-obligatory, statement.

A first step

Despite all the reservations the Framework Convention could be accused of, despite the many unfulfilled wishes on the part of national minorities for a clear and legally binding mechanism to protect national minorities, the fact that the international community of states actually dares to enter this new field must be welcomed. All the same, the Convention contains programmatic principles that, when supported in the appropriate spirit, can lead to constructive rules for democratic and peaceful coexistence.

At least the fundamental issues of national minorities are summarised in one set of rules: these range from fundamental freedom and basic rights (here the provision on the freedom to form societies particularly moves towards collective rights), the free and non-verifiable decision on whether one may declare oneself a member of a national minority, positive discrimination through to the actual areas for private and public use of language, the demand for minority languages in schools, education and research, preservation of culture, presence in the media and the guarantee of international cultural contacts. The principle of mutual understanding, ultimately aimed at the majority population, is also of significance.

Apart from this, the frame the Convention is embedded in, should not be

underestimated. Two aspects dominate:

The observation mechanism.

The publication of conclusions and recommendations.

How national minorities can work with the Framework Convention for the Protection of National Minorities

1. Calling upon the respective state to ratify it.

This can be achieved by various activities:

Cooperation with the other national minorities within the state,
Direct intervention in the government
Lobby work in parliament
Organisation of public events, e.g. with the participation of FUEN,
Ensuring that the national minorities are mentioned in a declaration on ratification

2. When the state has ratified the Framework Convention

Submitting proposals to the government for state representation on expert committees of the Council of Europe (this must be an independent, expert personality of high moral integrity),
Establishing contact with the national experts appointed by the Council of Europe,

Working out proposals on how the national minorities can be actively involved when state reports are compiled for the Council of Europe: by setting up structural elements allowing continual dialogue between the state and the organisations of national minorities (round table, consultative organs, etc.),
Compiling statements for the state as periodical reports on the situation of the national minorities.

3. When the state reports have been submitted to the Council of Europe

In 1999, all states that have ratified the Framework Convention have to submit a first report on the situation of the national minorities to the Council of Europe. For this reason, it is important that the organisations of national minorities:

Compile statements on the state report to the state, the national and international media, FUEN,
Send these statements to the expert committee of the Council of Europe,
If necessary, apply to the expert committee for a visit, hearing and intervention.

PS: In the minutes of the FUEN Congress in 1998 in Prague, there are other ideas on this subject by Catherine Barnes, Minority Rights Group, London, which are well worth reading.

French Prime Minister wishes to ratify the European Charter for Regional or Minority Languages

»The Government will act so that the Council of Europe's Charter for Regional or Minority Languages can be signed and ratified« said Lionel Jospin, to Socialist MPs in a meeting in Tours, on 29 September.
»The respect and promotion of pluralism implies the recognition of the contribution of regional cultures and languages to our national patrimony. (...) The time is over when national unity and the diversity of regional cultures seemed antagonistic«, he added on the occasion of a speech on the modernisation of public life in France.

The Federal Union of European Nationalities welcomes the statement of the French Government, which means a French new way of thinking regarding the protection and promotion of minority languages.

OSCE Implementation Conference in Warsaw in November 1998

Statement by FUEN President Romedi Arquint

Please allow me to briefly introduce FUEN. The organisation I am representing here was founded 49 years ago in Versailles with the aim it still follows today: to call for the rights of national minorities. FUEN's activities and the national work of its member organisations are based on the following fundamental principles:

observation of the constitutional democratic rules, dispensing with violence and respecting state borders, entering into dialogue between state institutions and national minorities.

There have been no major changes to these principles nor to the necessity to improve the legal position of national minorities over the last 50 years. FUEN has continually developed, was able to double its number of members after the fall of the wall and, today, represents the largest and most representative union of national minorities in Europe with over 70 member organisations.

With active interest, FUEN pursues the improvement of international legislation to protect national minorities. In this respect, it expressly welcomes both conventions passed by the Council of Europe that have taken effect this year. These form an initial and historic step in the right direction, although their success will depend on several factors:

Will the legal international standards be implemented with the appropriate spirit, or will the conventions remain a 'dead' alibi on paper?

Will both committees of experts be able to work properly and independently? Will the national minorities be involved as partners or will decisions be made over their heads?

However, FUEN is also convinced that the existing standards and mechanisms for protecting national minorities are still not sufficient. As far as the in-

ternational legal standards are concerned, it calls for resumption of the work on the supplementary protocol for the cultural rights of members of national minorities which was postulated at the meeting of ministers in Vienna in 1993.

FUEN observes with great satisfaction the widely varied OSCE work towards improving the rights of national minorities. It is convinced that the OSCE, particularly in this field, performs well-structured, professional and competent work and that the problems of national minorities have become one of its characteristic issues, the 'quality seal' of the OSCE. FUEN is consequently convinced and expects that the challenge facing national minorities will be understood in a visionary manner in the security model for the 21st century. With Germany, Switzerland has expressed ideas in this respect which are to be taken seriously and which we support with great emphasis.

Apart from preventing conflicts and exercising preventive diplomacy, however, the OSCE must have observance mechanisms at its disposal to secure adherence to the obligations

As an NGO, FUEN would like to particularly underscore the role of civil society as regards national minority problems. It drew up a paper on principles at the OSCE conference last year in Copenhagen. It endorses the demands placed above, but emphasises the role civil society must play in this process:

Other concepts are to be drawn up for problems concerning minorities in the same way as the Hague Documents on education. Minorities are to be included at all social levels of the decision-making process, in particular when decisions on their status and rights are to be made.

In this respect, adapted autonomy models as well as institutional political concepts are to be taken account of.

FUEN, naturally, also has proposals on how national minorities can be better included in international OSCE work.

Every state OSCE delegation should also have an NGO representative in all issues concerning minorities; Representatives of international NGOs should be involved in local activities,

in fact-finding missions and in missions themselves, be this regarding human rights or national minorities. The know-how and the professionalism in their work is still too inadequately exploited by the OSCE.

With consistent and structured cooperation, the OSCE can, in an exemplary way, live out, and not just declaim and demand, the significance of partnership between state representatives and those of civil society.

The situation of the French-speaking population around Brussels

The report investigates the situation of the French-speaking population in the six districts surrounding Brussels which offer a series of relief measures and opportunities. These districts are actually in Flanders, but most, even the majority, of their inhabitants are French-speaking. Due to this situation, they have become a bone of contention in the age-old lingual conflict in Belgium which, this time, seems to have flared up again. This time due to the increasing tendency of the government to restrict these opportunities for the French-speaking inhabitants as far as the laws allow, in order to emphasise the Flemish and Dutch character of the region. This tendency of the Flemish government seems to result from what was originally seen as a 'francification' of the area around Brussels. This term expresses some anxiety, to which a number of leading French-speaking politicians may possibly have contributed.

The report considers that the lingual conflict in Belgium can only be

solved if all concerned (and primarily the politicians responsible) show their good will, openness, tolerance, pragmatism and flexibility towards peaceful coexistence for the various lingual groups, and cease to use these conflicts for political aims or to abuse them. The report advises all parties concerned: the Flemish government, the French-speaking population around Brussels (and particularly its political representatives) and the Belgian government to promote peaceful coexistence of the lingual groups. These proposals include, amongst others, step-by-step introduction of bilingualism in Belgium, the chance to make use of instruments of direct democracy for asking citizens about a possible re-negotiation of the Belgian language compromise and signature and ratification of the European Framework Convention on the Protection of National Minorities.

The Walachs in Northern Bulgaria

Report on a visit to the Walachs in Northern Bulgaria 9ñ12 July 1998 y FUEN Vice-President Bela Tonkovic

On invitation of the Association of Walachs in Bulgaria in Vidin, I visited the 'First Song and Folklore Festival of the Walachs' on behalf of FUEN that took place in Vidin and Rabrovo in Bulgaria.

On the journey to Vidin, I visited the FUEN member organisation, the 'Movement of Walachs and Romanians in Yugoslavia' in Zajecar, Yugoslavia, where, in the afternoon and evening, I held detailed discussions with the representatives of this organisation led by the re-elected President Dimitrije Kracunovic on the situation of the Walachs in Yugoslavia, particularly in Eastern Serbia (on the border to Bulgaria). The major problem the Walachs have is non-recognition of their national minority by the state, total absence of school and educational establishments, mass media and support from the state. They reported that they had resolved at their last congress to discard the name 'Walachs' given to them by outsiders and in future to call themselves solely Romanians. In this respect, they have also changed the name of their organisation to 'Movement of Romanians in Yugoslavia'.

The festival was opened by Mr

Ivan Alexandrov, President of the 'Association of Walachs in Bulgaria' in the city theatre on

Yugoslavia, the Ukraine, Moldavia, Romania and Macedonia.

the laws governing mass media vary greatly from country to country, the idea of a joint periodical was temporarily suspended. It was agreed to aim for cooperation between the editorial boards of their periodicals throughout the world. Out of consideration for the Walachs, the decision to make the name 'Romanian Minority' obligatory for all countries was not made. All organisations showed their interest in closer cooperation with FUEN. Mr Vasiliu has offered the organisations support for this.



F.I.t.r.:Dimitrije Kracunovic, FUEN-Vicepresident Bela Tonkovic and Ivan Alexandrov

The Festival was continued in Rabrovo on 11 July.

Parallel to the Festival, a discussion was held on the needs and possibilities for publishing work, primarily in the media, for Walachs in the countries mentioned. Mr Mugar Vasiliu, Under-Secretary of State in the Romanian Ministry of Information, attended the discussions. As

10 July before 200 participants. The greetings telegram from the Vice-President of Bulgaria was read out. The Romanian ambassador in Bulgaria, Mr Ion Talpes, was present at the opening ceremony. Conspicuous by their absence were representatives of the Bulgarian government and the city administration of Vidin. During the opening celebrations, a seminar was held on the subject of ancient pre-Romanian burial rights of the Walachs in Central Bulgaria. The first part of the Festival was held in the afternoon in the village of Rabrovo (approx. 30 km north-west of Vidin). Performances were given by song and folklore groups from Bulgaria,

Endangered minority cultures in the Ural

The report draws attention to the precarious situation of the languages and cultures in the Ural of Russia. There are more than twenty languages spoken in the north, central and eastern parts of the European and Siberian Ural which are all said to derive from one 6,000-year-old language. Throughout the world, there are over 23 million people who speak the Ural languages. Of these, 3.3 million are Russian and belong to minorities. There is a continual decline of Ural languages in Russia, mainly in the cities and among younger people. Although the Russian constitution and the new language legislation should theoretically benefit

the survival of minority languages, the appropriate provisions cannot be applied as financial means are lacking. In schools in the areas the minorities live, the chief teaching language is Russian and the national languages are only taught for a few hours per week.

The report proposes a series of measures to safeguard the survival of these minority languages. These suggestions mainly concern schools in which lessons are taught in the local languages, the production of teaching materials, teacher education, the use of local languages in the media and school and cultural exchange programmes.



AVAILABLE

STATUS REPORTS

Status reports from Slovakia	1995-09
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Status reports about the Crimean Tartars	1996-10
Status reports from Romania	1997-10
Status reports from the former Yugoslavia	1998-03
Status reports from Georgia	1998-11

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No. 64 Germans in the Czech Republic	1998-05
No. 64 Polish minority in the Czech Republic	1998-05
No. 65 Romanians in the Ukraine	1998-07

DOCUMENTATIONS

41st Congres of Nationalities Timisara/RO	1996
42nd Congres of Nationalities Pörtltschach/A	1997
43rd Congres of Nationalities Prague/CZ	1998
DK - København: Stability or Instability	1997-12
PL - Warszawa: The National Minorities in PL	1998-11

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of the FUEN wish all FUEN-Now Actual readers
a HAPPY NEW YEAR

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