

Mechanisms for Inter-ethnic Dialogue in Estonia and Russia

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Interethnic dialogue through various forms of relevant mechanisms pursues at least two goals. Primarily, its objective is to promote the right to effective participation of persons belonging to national minorities in public affairs. In this regard minority consultative mechanisms play a particularly important role, especially in countries where minorities lack direct representation in the Parliament and/or in governmental bodies. Another important goal of such mechanisms is to reduce tensions, to prevent deterioration of relations and aggravation of confrontation by establishing fora for dialogue and mutual understanding between authorities and minorities in the country concerned.

The general need for effective participation of minorities in public life is relatively well established in various international documents. At the universal level, this right is presented in the United Nations *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (Article 2, para. 3.). At the European level, the *Framework Convention for the Protection of National Minorities* is the first international instrument that introduces this right in hard law terms. The official *Explanatory Report* attached to the *Framework Convention*, provide detailed guidance on how effective participation (as it is formulated in Article 15 of the Convention) can be achieved through minority consultative mechanisms and their mandate and functions. The significance of the issue of national minority consultative mechanisms has been reflected in the activity and recommendations of the Advisory Committee of the Framework Convention, which devoted attention to a proper legal status of such mechanisms, their mandate, representative membership and effective functioning. The role of inter-ethnic mechanisms in conflict prevention and good governance was stressed in the framework of the OSCE (the Copenhagen Document of the Conference on the Human Dimension of 1990).

This approach was further expanded in detail in the *Lund Recommendations for the Effective Participation of National Minorities in Public Life* of 1999 (Section 12): States should establish advisory or consultative bodies within appropriate institutional frameworks to serve as channels

for dialogue between governmental authorities and national minorities¹. One of the principal authors of the *Lund Recommendations*, John Packer, notes: “The fundamental logic of the Lund recommendations is drawn from the evolving notion of ‘good governance’ and the principle of subsidiarity. Specifically, the notion of good governance may be summarised in the idea that government should reflect ‘the will of the people’ – meaning the whole population so far as practicable”. He continues further: “This general notion of governance is to be guided by the principle of subsidiarity which requires that decisions be taken as close as possible to those directly affected, preferably by themselves”.²

Certain *conceptual notes* have to be done before I describe my practical experience in detail.

First, dialogue between representatives of civil society and the authorities is insufficient in most of recently established democracies. There is often lack of consultative/co-ordination mechanisms, such as public councils, roundtables, or centres for ethnic accord both at the national and federal level and in the regions. Second, local public institutions lack awareness of interethnic minority issues. Integration policies are uncommon and/or seldom implemented, especially at local level. Finally, the capacity of ethnic minority NGOs in negotiation skills, conflict prevention and resolution is often insufficient, and the same is true with regard to public administration.

Nevertheless, common ground for mutual cooperation can be found. As a rule, all the sides (majority and minority members; officials and NGOs; ethnic leaders; etc) declare their adherence to build up a democratic civil society. Let us assume, without prejudice, that in most cases this aspiration is sincere. Thus we could identify, at least, one common goal, and even common value, which is shared by everybody. This in itself is a sufficient starting point for a dialogue. Therefore, we may presume that the source of conflict (or, in softer terms – for disharmony and mistrust) is the different understanding of the nature of ways toward achieving this aim.

First of all, it refers to the understanding of what *is* democracy. As a rule, particularly in newly established nation-states and respective societies, it associates with majority rule, through the legitimization of majority interests. Minority opinions and interests are usually ignored. Naturally, such situation leads to spontaneous protest from minority side, and is perceived by

¹ The Lund Recommendations were prepared by the group of outstanding experts in the field of minority rights by the initiative of the OSCE High Commissioner on National Minorities (HCNM)

² J. Packer, ‘The origin and nature of the Lund Recommendations’, in *Helsinki Monitor*, 2000, no. 4, p.39.

minorities as the tyranny of the majority. Minority members, most likely by intuition, strive for the realization of a modern model of democracy rule, i.e. democracy of participation.

Another possible reason for mutual misunderstanding is inadequate realization of interests, both interests of “others” (“alien group”) but also of one’s own interests. The most common case is when majority interests are perceived as interests of the State or society as a whole, whilst legitimate interests of other groups are not taken into consideration. Similarly, minority leaders often incline to pursue the immediate satisfaction of their group interests (as they understand them) while ignore the general political situation and/or public readiness to accept their demands. Another common case is when minority groups and its leaders pursue situational aims; strive for local goals, thus overlook substantial problems of the society and strategic objectives of minority groups.

Presidential Roundtable on Minorities, Estonia

In 1993 upon the initiative of the Representative Assembly (the umbrella organization of Russian NGOs), and after several months of intensive informal meetings and disputes, the President of Estonia finally convened a Roundtable on Minorities on 10 July 1993 (hereafter- RT). The OSCE Mission to Estonia also took an active part in drafting the statutes of the RT. According to the Statutes, the RT would be a standing conference of representatives of ethnic minorities and stateless persons residing in Estonia and of political parties. Its goal would be to promote stability, dialogue and mutual understanding between different population groups. Initially the RT was comprised of three sides: 1) five members of Estonian Parliament; 2) five members of the Representative Assembly; and 3) five representatives of the Nationalities Forum (also the umbrella organization of smaller minorities’ culture associations). The OSCE Mission was invited to participate at the RT sessions as an observer. Embassies of the EU states in Estonia also expressed strong support for the Body and even provided significant financial assistance.

During the next years the RT tried to expand on this achievement. The RT developed additional recommendations concerning more specific issues, as well as invited observers and experts from different ethnic and social groups of the society to attend its meeting. The working atmosphere of the RT has also gradually improved, from one characterised by mostly declarative statements and lack of mutual understanding towards creating more constructive and even friendly environment. Most of the RT decisions and recommendations were adopted by consensus.

Gradually, however, the RT began to face problems, which might be considered typical for such advisory bodies. The RT achieved legitimacy and reputation through its own efforts and through the skills and dedication of its key supporters. However, being primarily a forum for dialogue, the RT by definition could not solve any problem; this could only be done outside the session room. So the question whether the RT was able to reach its main purpose – to improve governance and legislative policy – remains open. While at international fora Estonian government officials referred to the RT as a proof of the existence of successful mechanism for the resolution of minority problems, in Estonian domestic political life this mechanism was, frankly speaking, under-utilised. Both branches of power, the government and the Parliament, accept the RT's recommendations only occasionally, if ever.

In 2006, the new President, Toomas Hendrik Ilves, came to the office. One could hardly mention minority-majority substantive dialogue in his political agenda. And one of his first steps after inauguration was a decision not to continue cooperation with the RT. Symptomatically, members of the RT received this notification signed by one of the president's advisors, and without any expression of gratitude for long-termed collaboration. Next year, when sharp disputes around the so-called "Bronze soldier" arose, the urgent necessity of such dialogue mechanism became evident. Individual attempts to create *ad hoc* roundtables made by various actors, including Tallinn City Council, had the character of improvisation and could not be successful. The process ended up with mass protests by Russian public, police brutality and street riots.

Roundtable and Inter-Ethnic Council in Russian regions (Tacis project)

Tacis project "Promotion of tolerance and improving inter-ethnic relations, Russia" was implemented in two so-called "pilot regions" – Chuvash Republic and Stavropol *Krai* in the North Caucasus. For technical reasons, in Stavropol *Krai* the RT had to be established in one special region, Kavkazskie Mineralnye Vody (KMV), which had clear spatial locality and was ethnically highly heterogeneous. During consultations with interested parties, the decision was made to start the process by organizing two local workshops. These events, titled "Stability through dialogue", were held consecutively in both pilot regions. Ethnic minority leaders, representatives of the President of Chuvash Republic and Administration of KMV region, as well as of municipal administrations and independent experts/scholars participated in these events. The principal objective of the meetings was to present advantages of stable standing dialogue mechanisms against sporadic and infrequent events and to determine principles of cooperation between ethnic and human rights NGOs and the administration of different levels, as

well as forms and methods of such cooperation. In both regions it was decided that initiative groups would make appropriate appeals to the President/Governor and to propose that a Roundtable/Council be convened.

Still, several officials in both regions expressed quite similar cautious approach toward a proposed new mechanism. Primarily in the sense that such new body should not substitute for, or even duplicate already existing forms of interethnic collaboration – in particular, interethnic councils at local/municipal level, or councils of elders (*soviet stareishin*). Another apprehension expressed by some officials related to their attitude that open and direct discussion on interethnic problems others than pure “folklore” issues would lead to mutual misunderstanding in the society and to the growth of tension, thus creating problems instead of resolving them.

However, quite often the main obstacle for a dialogue was not the stand of governmental bodies, but rather relative weakness and poor organizational capacity of civil society in the region. NGOs and ethno-cultural societies needed support and assistance in order to develop a process of self-organisation and become a reliable partner for public authorities. In the opinion of many participants, the setting up of a Roundtable on interethnic issues might represent a major step in this direction.

Be that as it may, the process developed successfully. The constituent meetings of the RT on interethnic relations were held in Pyatigorsk (KMV) on 24 November 2003 and in Cheboksary (Chuvash Republic) on 27 November 2003. After long and vivid discussion, the great majority of participants voted for the decision to establish RTs. The working groups were founded for further elaboration of the Statute to include the comments and amendments made at the meeting, and for the preparation of the procedural code of RTs.

The organizational efforts and negotiations with officials continued for several months, and the formal orders were signed in February 2004 in both regions. The Chuvash Interethnic Council would conduct its activity under Presidential Administration (as was planned from the very beginning) and Pyatigorsk Roundtable under regional (KMV) administration respectively. This option has obviously improved the prestige and public significance of the Bodies.

Practical observations and conclusions

Attitudes toward RTs (and toward dialogue in general) from the side of officials is determined by a number of factors and circumstances. The presence of political will is evident; but this will, for its part, may be caused by various factors, and positive attitude may not be fully internalised. In Estonia, the decision to create a RT and take part in its activity was made under strong international influence (first of all, by the OSCE Mission), as well as by the desire of the Estonian political elite to demonstrate its adherence to European values and readiness to follow European “rules of the game”. Such factors played a crucial role particularly in 1995-2004, i.e. in the process of joining European structures. Perhaps it is not surprisingly that after successful acceding the EU the interest of Estonian officials in the dialogue with minorities (and accordingly in the RT) has obviously decreased.

In Russian regions such motives were less important. Local authorities, however, were motivated to answer the appeal by President Putin “to pay attention” to the needs of civil society and to include public representatives in the discussion on vital society problems. This approach was realised through the establishment of the so-called “Public Chamber”. However, the power system in Russia remained highly centralised, and hence these authorities had certain concerns that the establishment of permanent mechanisms on interethnic cooperation could decrease their level of authority and power, their responsibility.

The reluctance of public administration is another problem. For some officials, a mere fact of creation of a consultative body makes them to think that they have fulfilled their duties to the minority population.

With regard to Estonian Presidential RT and respective councils in Russia, officials' participation was similarly problematic. They tended to avoid discussion on substantial and vital problems; during the discussion they preferred to reiterate official arguments and positions (“to follow the general line” in old good Soviet style). Often, it was extremely difficult to provide their mere presence at the session: They were permanently “busy”, they had another “urgent” work to do, another “important” meetings, etc.

Defining clear legal basis for a forum for dialogue is a specific problem as well. Independent advisory bodies, whose recommendations and resolutions have non-binding character, are quite uncommon in the post-totalitarian world, and this is a problem for Russia as well as for Estonia or, say, Latvia. There is no visible bureaucratic profit from the participation in a dialogue activity; neither this is an exact obligation of an official to be well prepared for discussions. The

value of dialogue is still not widely accepted, and culture of public deliberation is underdeveloped. At the same time, a RT or council certainly has more official “weight” and influence than a “genuine” NGO.

An indeterminate role of an advisory body in the eyes of officials leads to vagueness of its legal status. Such situation could be partly compensated for and even overcome when a forum for dialogue proves its efficiency, as in the case of the Estonian RT. However, such solution could be only temporary, and the experience of Estonian body also proved that. If and when we expect a RT to have bigger impact on policy, that is, to move from a “talk-shop” to a catalyst of effective participation, we need to make the next step. Consultative bodies, particularly those that already have proved their efficiency, should be officially recognised and obtain relevant status – ideally, the veto power regarding matters that directly affect minority members. The “good practice” of most advanced European countries in this regard (like the Netherlands) may become not simply a “pattern” but the norm for all EU Member States.

In most relatively successful cases the main positive effect of such roundtables is transformation of potential, or latent, conflicts – even if temporary. The *objectives* of the parties become more realistic and less confrontational. The main contradictory problems that at the beginning are considered as having symbolic or even existential value are replaced with more practical matters appropriate for negotiations, procedures and readiness for compromise. *Attitudes* toward dialogue become more positive. Mutually incompatible goals, unacceptable or unrealisable, disappear from the public discourse. Finally, political *behaviour* remains free from danger of open confrontation or violence – at least, until the mechanisms for deliberation continue to function. As a whole, in practical sense consultative mechanisms proved to be a quite successful tool for minorities’ effective participation in public affairs both in Estonia and in Russia.

Political dialogue is a permanently developing democratic process where even small advance in promoting confidence and understanding between authorities representing the majority of the population and minorities signifies a result in itself, despite certain periodic disappointments and failed expectations. And international cooperation and direct assistance, which include resource providing, experience sharing, and expertise, shall not be underestimated.