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**Speech Delivered by H.E. Mr. Vartan Oskanian,
Minister of Foreign Affairs of the Republic of Armenia,
at the OSCE Conference on Racism, Xenophobia and Discrimination
4 September 2003**

Mr. Chairman,
Distinguished guests,
Excellencies,

It is not only a pleasure and a privilege to address this gathering but it is also a challenge. The challenge of course is that tolerance, intolerance and discrimination, racism and xenophobia are complex phenomena, with legal, ethical, cultural, social and economic dimensions. They are, at the same time, real human experiences, often of pain, suffering and exclusion, of persecution, isolation and ostracism, of the denial of access and opportunity, of the denial of equal protection of the law. At the end then, intolerance from its simplest form to its most complex is a rejection of individuals' human dignity.

For people unfamiliar with the OSCE's history and the foundational principles of the Helsinki Final Act, or unaware of the organization's evolution, of its multidimensional approach to comprehensive and indivisible security, the idea of venturing into the social and political pathologies of racism and xenophobia may appear indulgent or presumptuous. However, at the Porto Ministerial, we collectively stated that we do not believe so. I supported then, and believe still,

that this conference as well as the previous one on Anti-Semitism, are justified, appropriate and timely.

Let us admit at the outset that instilling tolerance – that is, making people more receptive of diversity - is neither easily achieved nor particularly within the competence of states and their governments. Let us also admit that although the pursuit of tolerance as norm and goal is both noble and admirable, unfortunately, it also serves to deflect our attention from reducing or mitigating the real damage caused by intolerance.

Our challenge, as an organization of governments, is to fight the concrete, specific ways in which intolerance manifests itself in laws, practices, activities, policies. These laws encourage discrimination, condone exclusion, leave unpunished xenophobic and racist violence, institutionalize marginalization, help perpetuate or even propagate images and symbols of the outsider. These laws are embedded in fears that the alien, the heretic or the intruder, as subhuman and inferior, threatens the purity or the integrity of the dominant group, ethnicity or religion, race or culture – fears that grip us all, to use the worn out cliché, from Vancouver to Vladivostock. To make matters worse, after having experienced pain and suffering at the hands of others, rather than foreswearing forever such practices themselves, sadly, the opposite happens: victims also victimize, abusers are likely to abuse, the excluded regroup and exclude others, and ghettos keep as many people out, as they keep in.

The names and designations of these “indigestible marginals” are well known to all of us. They are refugees, asylum seekers, migrants, clandestines, Jews, Christians, Muslims and Buddhists. Or they may simply belong to a minority, born and raised in the countries of their residence. They may look different, eat

different or worship different. In answer to all this, spiritual leaders simply say: “Love thy neighbor.”

For us, as representatives of governments and of civil society, the challenge is to figure out what to do when people do not love their neighbor, or when they don’t even want them as neighbors.

In principle, equality before the law is a good place to start, to meet the challenges. However, from principle to applied reality, to a daily, sustained practice, one requires responsible legislation, an independent judiciary, and law enforcement that pursues, and prosecutes.

Let’s look at just one of these: legislation. At its worst, legislation consecrates discrimination and intolerance. The law cannot and should not be used to justify or exonerate selective discrimination, to legitimate abuse, exclusion or the denial of fundamental rights. Yet that is exactly what happens with laws that forbid the use of the others’ language, limit the political rights of certain groups, create uneven or unequal conditions for participation in economic or social activities and formalize exclusionary criteria in education and the media.

Fortunately, such blatant, explicit or formal legal expressions of discrimination, xenophobic and/or racist intent or motivation are becoming rarer in the OSCE area. But they have not disappeared entirely. What has remained is the less blatant, but no less pernicious, deliberate, convenient silence of the law in defining discrimination and prescribing its elimination, when there is every evidence that a society and a political order, are riven with xenophobic and racist practices. We must address the failure of law to explicitly address these issues, to identify unacceptable conduct, to provide for reparative measures, to positively empower

the voiceless stranger or the minority and, to threaten with the full power of the law the practitioners of discrimination.

Silence is not good enough since it can be interpreted as acquiescence or connivance. Silence must also not be allowed to serve as a fig leaf to argue that the absence of anti-discrimination laws is a proof of the absence of discrimination, or at the very least of the absence of its pervasiveness.

What is really needed therefore is positive law everywhere -- against discrimination, explicit, comprehensive, consistent, unambiguous, prescriptive when necessary, dissuasive in intent and in application. There are some models of anti-discriminatory legislation. Though none may be perfect, some are clearly more imperfect than others.

Here at the OSCE we must move towards a common level of legislative standards in this field. Together with the Council of Europe and the EU, the institutions of the OSCE, the ODIHR, the High Commissioner for National Minorities and the Representative on Freedom of the Media, all have a role to play. Their analysis and evaluation of legislation and judicial practices, must explicitly address discrimination as a very specific instance of abuse of human rights. The frustrations, the resentments and the hostilities of victims of xenophobia and racism, should not be underestimated or dismissed. The Security implications of pent-up anger, of daily humiliations and hopelessness cannot be exaggerated. They must concern us all, for reasons of principle as well as enlightened self-interest.

It is OSCE dogma to believe in indivisible security. So many of our activities, projects and mission work are based on the assumption that threats to democracy, rights and freedoms in one member state are of legitimate concern to all. In the same spirit, we can unfortunately assume that xenophobia, racism and anti-

Semitism are not phenomena that afflict some societies exclusively, but not others. No one is immune, it is only the profile of the outsider, the inferior, the impure that varies. It is dangerous and unwise therefore to assume that issues of overt and covert discrimination, of subtle and unsubtle ways of silencing, isolating, humiliating, handicapping, even criminalizing the strangers, the newcomers and the minorities, are limited to where fragmented histories, ethnic conflicts and religious diversity have been the recent norm.

No less invidious have been the sources of racism and xenophobia in societies where the last 50 years have been more peaceful and more prosperous. The great and distinguished American writer, James Baldwin said about the complexities of the momentous civil rights struggle in the sixties in the US, that “Northerners seem to feel that because they fought on the right side of the Civil War and won, ... they can ignore what is happening in Northern cities, because what is happening in [the South] (in Little Rock or Birmingham) is worse.”

Of course, my intention is not to reminisce about that struggle, or to singularize it, or to remind us how recent it was. To the contrary, I would like to draw our attention to a common phenomenon. Replace north by West and South by East, and you have already the significance of Baldwin’s insight for all of us here at the OSCE. We have a lot of work to do together, North, South, East and West.