



Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

“THE PROTECTION OF MINORITIES IN THE OSCE REGION”

Address by

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to the

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NEW RISKS AND CHALLENGES: MINORITIES IN THE 21st CENTURY

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[CHECK AGAINST DELIVERY]

Madame President

Mr. Speaker,

Excellencies, Parliamentarians,

Ladies and Gentlemen

Permit me to begin by congratulating the organisers of this Seminar for having chosen the subject of minorities. This is not an easy subject to address, either in terms of concepts or in terms of political sensitivities. Indeed, it raises complex and delicate issues which touch upon our senses of ourselves as individuals and as members of social and political communities. The subject of minorities holds the key to matters of identity, and for stability and security in our region. So, while complex and sensitive, the subject is also vitally important and, therefore, unavoidable — especially if we wish to live in genuinely open and democratic societies based upon general freedom and mutual respect.

I am pleased to address you today. I do so as a former parliamentarian, government minister, and diplomat, and in my present capacity as a servant of all OSCE participating States. In this last capacity, I have had the privilege and honour to spend over seven years endeavouring to prevent inter-ethnic conflict and instability in Europe by acting at a very early stage, and with discretion, to resolve disputes before they get out of hand. In my work in over a dozen countries, I have greatly benefitted from the confidence of governmental officials, parliamentarians, representatives of minorities, leaders of civil society, independent experts and others who have generally been receptive to my assistance and, in the full spirit of the OSCE, co-operative.

I know there are common interests among OSCE participating States which underpin my mandate and work. But, these are not always so evident to every actor in specific

situations. Nor do they always enjoy the necessary attention or priority. It is, therefore, often a matter of foresight and some courage that political leaders take steps to enter into a certain dialogue and commit themselves to find solutions for existing problems. For those who are prepared to take such steps, it is also essential that they remain realistic and, respecting each other's rights and common interests, seek to find solutions within the framework of the State. Since the Helsinki Final Act of August 1975, the OSCE has been committed to respect the territorial integrity of all participating States. The OSCE rejects secession on a unilateral and violent basis. There must be no doubt about this. At the same time, OSCE participating States are committed to respect the human rights of everyone, including persons belonging to minorities, within each State.

As confirmed by the 1991 Moscow Document on the Human Dimension, respect for human rights is a matter of common and mutual interest for all OSCE participating States and is not merely a matter of the internal affairs of the State. To facilitate treatment of these matters, we have developed in the OSCE various standards and instruments. We recognise the legitimate interests of all States, but also, first and foremost, the interests of our citizenry. Of course, it goes without saying that processes addressing minority rights must be pursued through peaceful means according to the rule of law.

It is asserted by OSCE participating States, and it is my personal experience, that our common security requires a comprehensive assessment and approach. There is no real or lasting security in political or military terms unless there is security in economic terms and, above all, in terms of fundamental rights. We know that each of us values not only our own physical security, but also our social and economic development. In particular, it was long ago observed that man does not live by bread alone: human dignity is at least as important, and sometimes more important, than mere existence or even material wealth. We also know,

with increasingly emphatic expressions in contemporary European experience, that it is critical for human dignity to respond adequately to the human desire to maintain and develop one's identity. In Europe, identity is often expressed in national, ethnic, linguistic or religious terms. While these may not be exclusive and may well be multiple, they remain essentially important. Even more clearly, the limitation or denial of aspects of identity is frustrating, humiliating, and sometimes infuriating — which increases the chance of strong reactions.

Madame President,

It is in none of our interests that we should come to such a point of conflict. It is socially undesirable and, simply, too costly in both human and material terms. Where conflict has occurred, we must find ways to build bridges of confidence and resolve the root causes of conflict. We see the terrible losses and tremendous challenges this has meant in the former Yugoslavia. We also see how difficult a process of reconciliation and peace-building can be. We will have to intensify our efforts to prevent the recurrence of such dramas. We must try to avoid the mistakes of the past. One of the lessons we must learn is that efforts to prevent an outburst of violence have a much better chance of success if they are undertaken at an early stage of incipient conflict.

In the last decades, the risk of inter-State conflict in Europe has receded, but at the same time there have been several instances of intra-State violence, usually in the form of inter-ethnic conflict. Sceptics consider these conflicts to be inevitable. I strongly disagree. There are many inter-ethnic societies where there might from time to time be some friction, but not of such a nature that peace and stability might be in danger. The risk of violent conflict within inter-ethnic societies can be avoided if both sides refrain from trying to impose their will on the other, and if they do not disregard the vital interests of the other side.

The minority has to respect the sovereignty and the territorial integrity of the State. The State, and the majority within the State, must show its willingness to accept and implement the basic principles regarding the treatment of persons belonging to national minorities as laid down in the OSCE Copenhagen Document of 1990, such as their full equality before the law and their right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture.

I am aware of the fear that support for such a degree of diversity within the State will lead to its dis-integration. I am convinced that those who argue along these lines are wrong. A minority that has the opportunity to fully develop its identity is more likely to remain loyal to the State than a minority which is denied its identity. The OSCE Copenhagen Document has underlined this by declaring that respect for the rights of persons belonging to national minorities, as part of universally recognised human rights, is an essential factor for peace, justice, stability and democracy in the participating States.

Especially in Europe, we have largely articulated a blue-print for accommodating and integrating diversity. Principally, this has been accomplished through developed regimes for the protection of human rights and fundamental freedoms within the Council of Europe, the OSCE, and sub-regional organisations such as the Central European Initiative. Increasingly, respect for human rights, including minority rights, is of central concern within the European Union. Human rights have also been affirmed in a number of bilateral treaties. Essential elements of these regimes are the principles of equality, dignity and freedom. It is of fundamental importance that people must be free to hold any belief or opinion and to express themselves freely, in any language, both in private and in public. These and other rights and

freedoms are expressed in the Universal Declaration of Human Rights, the two Covenants of the United Nations, and the European Convention on Human Rights.

Minority rights form an essential part of human rights. They serve to add to fundamental protections some important additional rights for persons belonging to minorities in matters connected with their identity. They aim to achieve equal respect for everyone's identity — that is, everyone's dignity. The catalogue of minority rights is expressed in a variety of international instruments, such as the Council of Europe's Framework Convention for the Protection of National Minorities, the OSCE's Copenhagen Document on the Human Dimension, and the Central European Initiative's Minority Rights Instrument. The European Union has also stipulated in its 1993 Copenhagen Criteria that candidates for membership must achieve "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". The international standards respond to issues such as the use of language before public authorities, educational curricula and administration, political participation, and so forth. No State has been forced to accept these standards. Rather, they have been elaborated and accepted with the full participation and free consent of participating States. Overall, they constitute an expression of the fundamental values of European morality and are pillars of the contemporary European social and political order. For a State to be European in this sense, it is simply expected and required that it respect these standards.

The essence of minority rights is succinctly expressed in Article 27 of the International Covenant on Civil and Political Rights, which provides that persons belonging to minorities "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." This basic idea has been given more detailed expression in the OSCE's

Copenhagen Document and the Council of Europe's Framework Convention. Important among these specific rights, persons belonging to minorities must have the opportunity to learn their own language — which does not mean instead of, at the expense of, the State language. Simply, they should have the chance to learn both. Minority language use should also be possible not only in private affairs, but in the public domain... among the press and in broadcasts, and, in certain circumstances, even before public authorities. Equally important, persons belonging to minorities should have adequate opportunities for participation in public decision-making, especially with regard to matters specifically affecting them. This follows not only from the basic idea of democracy, but it seems an obvious requirement for good governance. At a minimum, it implies that there must be some form of dialogue which is open and free. While the exact way in which these rights would be implemented depends on varying factors in each situation, the essential standards remain binding on virtually all OSCE participating States. It may be noted, for example, that the overwhelming majority of Council of Europe member States are party to the Framework Convention.

In my experience over seven years, the foresight of the drafters of the international instruments has been matched almost perfectly by the real issues in dispute in a variety of situations. While each situation is unique in its specific elements and actors, there remain common issues and an essential similarity in their concern for matters of identity and dignity. The international standards are sufficiently flexible to inform policy- and law-makers about the range of possibilities within which the State can respect the rights of persons belonging to minorities while maintaining the State's full political and territorial integrity.

There are many positive examples of such arrangements. I have surveyed the practice of OSCE participating States with the aim of discovering the variety of such arrangements in relation to the linguistic rights of minorities, and I would hope that parliamentarians would

take the opportunity to study my report on this subject to see what might be useful in their own situation. I have also, just last week, issued a report examining the situation of the Roma and Sinti in the OSCE region with a view to encouraging improvements in their most troubling conditions. No doubt, there remains much to do in almost every State and, as is all too clear in some cases, certain States have yet really to begin to address the basic problems.

In my experience, recurring issues concerning minorities include especially matters of language use, education, political participation, cultural expression through the arts and sport, and, in certain cases, citizenship. A review of my publicly available written recommendations in specific situations details how these matters manifest themselves and may be resolved in varying situations. In Europe, issues involving national minorities principally concern language and education. Language is not only a vehicle of communication, but also an important aspect of culture. As such, language has both functional and cultural significance — even spiritual significance — for its users. The choice of language in and of education, together with cultural content, is also a main point of concern. This is because education is the means by which a language and culture is transmitted from one generation to the next. There should be no doubt that the use of language, and the content of education, must not run contrary to the legitimate public interests of public order, public health or morals, respect for the rights of others, or national security. In addition, the use of a minority language and its teaching need not be at the expense of, or instead of, the use or teaching of a State language. Both are possible. Indeed, the State can only assure equal opportunity for all its citizenry if it prescribes a language for public administration, the courts, democratic institutions and general education. Minority language use and education are, therefore, to be additional to the use and teaching of the State language. But, within these limitations, there is a great deal of room for the free use, in public and in private and in education, of minority languages. There is abundant European

experience in how to get the mix right in varying situations. What is clear is that opportunities should exist and that denial is unacceptable. It is also clear from European experience, both past and present, that States remain strong, free and stable when they respect human rights, including minority rights. I dare say that it is an essential aspect of European civilisation.

Of course, in open societies enjoying democratic governance respecting human rights under the rule of law, a basic constitutional framework is essential. Beyond a founding instrument of the State which accords with relevant international standards, there must be consistent legislation, adequate political representation and processes, and opportunities for social and economic development equally available for everyone. Seeking to assure and facilitate equal freedom in matters of identity, for example in cultural or educational spheres, should not be conceived as a step towards dis-integration of the State. To the contrary, it is clear that the enjoyment of opportunities within the State inspires social integration, confidence and, indeed, loyalty towards the State. To be sure, guarantees of fundamental rights and freedoms such as speech, the press, association and assembly, without discrimination and exercised under the rule of law, are irreplaceable. More particularly, their suppression not only inhibits integration and development, but undermines confidence in the State both among the citizenry and other States. Respect for human rights, including minority rights, is, therefore, the hallmark of truly European society — of a just, stable and forward-looking Europe in the 21st century.

Madame President,

In addressing these matters, there can be no doubt that Parliamentarians have a special role and responsibility. You must take up the task of legislation, represent the interests and rights of your citizenry and assure the responsible behaviour of government and administration. I do not suggest that these are easy tasks. But I am confident that they can be accomplished well on the basis of firm commitment and energetic pursuit. I am confident in the future of European society and I am confident that our Parliamentarians can lead us to that future of peace, stability and prosperity for all.

Thank you for your attention.