



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

STATEMENT

by
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Mr. Chairman, Distinguished Ambassadors, Members of Delegations,

Exactly 360 years ago the Peace of Westphalia made minority rights a subject of international concern and debate. Ever since the establishment of the nation-state system, the situation of minority communities in one State has tended to engage the interest of another, often a neighbouring State. With the ever-growing globalization of our world over recent decades, States are becoming increasingly multinational and ethno-cultural and political borders seldom overlap. Thus, there is no reason to believe that this interest will decrease in the years to come.

This interest is not only understandable, but also justified because the protection of human rights, including minority rights, is the concern of the entire international community as enshrined in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of our Organization. Precisely because cultural and political borders are not congruent, persons belonging to national minorities should be able to establish free and peaceful contacts across State frontiers and develop cultural and economic links. These minority communities often serve as a bridge between States, contributing to prosperity and good neighbourly relations and fostering a climate of dialogue and tolerance. Transfrontier ties, therefore, can enhance mutual understanding, contribute to regional development and encourage bilateral co-operation between the States.

However, the legitimacy of the interest of States in the well-being of national minorities abroad is undermined if these States take unilateral measures to protect, defend and support groups of people outside their sovereign jurisdiction and do so without due consultation. States have a dual responsibility: first, to protect and promote the rights of persons belonging to national minorities under their jurisdiction and second, to act as responsible members of the international community with respect to minorities under the jurisdiction of another State. This dual responsibility implies that in making their policy choices, States should be guided by basic principles of international law such as territorial integrity, sovereignty and friendly, including good neighbourly, relations.

National minority issues in inter-State relations are, in many ways, the HCNM's *raison d'être*. Indeed, since the establishment of the Institution in 1992 my predecessors and I have shuttled

back and forth between participating States in an effort to ease tensions concerning the treatment of national minorities.

I am glad to note that in many cases difficulties between States have been resolved amicably, culminating in the signing of bilateral treaties and providing positive experiences for others to follow. It is important to reflect on and analyse lessons learned from these past examples and translate them into practical guidance for the future. It is for this reason that I decided to initiate the **Recommendations on National Minorities in Inter-State Relations**, which I am proud to present to you today.

As you know, it has become a well-established tradition of the High Commissioner to elaborate sets of general recommendations on those issues that are the subject of his attention in States where he is engaged. Matters related to minority education, participation, use of minority languages, access to media and policing in multi-ethnic societies have all been covered by previous Recommendations. Each of these sets of Recommendations is a living document and can, and should, be adapted, updated and adjusted to the changing needs and realities on the ground. Last week I was in Norway, where we revisited the Oslo Recommendations Regarding the Linguistic Rights of National Minorities while marking the 10th anniversary of their adoption. I hope similar discussions will take place around this new set of Recommendations so that we all can benefit from different insights and perspectives as we assess their relevance. Later this year I intend to organize a launching conference for the new Recommendations on National Minorities in Inter-State Relations in Bolzano/Bozen, Italy – a place that for many symbolizes co-operation between States on issues related to national minorities. I also intend to hold regional consultations with representatives of participating States to discuss how these Recommendations can be put to good use and made operational for the benefit of national minorities, on the one hand, and friendly, inter-State relations, on the other.

Mr. Chairman,

Since my last report to the Council in November last year, I have had the privilege to travel to a number of participating States and am pleased to share with this distinguished audience my impressions of these visits.

As I mentioned in my previous statement, I have made my engagement in South-Eastern Europe a priority.

In January I visited **Kosovo** for almost a whole week, going to several Kosovo Serb enclaves as well as visiting areas inhabited by Kosovo's Roma population. During all my visits to Kosovo I have underlined that I am status neutral and that the question of equal rights for all communities can and should be addressed whatever status Kosovo has. Despite the public commitments and many positive statements made by Kosovo's central authorities to improve the situation, it is often at the local level that Kosovo Serbs and other smaller communities face problems. This must be addressed. A constant refrain during my visit was the need for the implementation of Kosovo's quite progressive legal framework in areas such as language, property rights and non-discrimination. In my meetings with several high-level officials, I reminded them, as I always do, that they must work to translate this legislative framework into deeds and to build trust. I also saw first-hand the important role that the international community, including the OSCE, plays in Kosovo. A continuing and strong international presence – again including the OSCE – is, I believe, necessary.

I made another visit to **Kosovo** just last month, making this the third since September 2007. I delivered a public speech on Transitional Justice in Kosovo at the Kosovo Institute for Journalism and Communications, which aimed to launch a public dialogue promoting a process of reconciliation. This, I argued, is not only in the best interests of Kosovo and the integration of Kosovo's communities, but an obligation under its legislative framework. I also pointed out to officials the need to reach out, in a very public way, to all of Kosovo's communities to try and build good will. Finally, I highlighted my concerns about the lack of clarity as to which bodies will be responsible – and accountable – for the implementation of Kosovo's laws that particularly impact on its minority communities.

In January, I also visited **Skopje**, where I discussed a number of issues relating to improved inter-ethnic relations in the former Yugoslav Republic of Macedonia. While there has been progress in the country, the inter-ethnic relations would no doubt benefit from a resolution of some of the outstanding issues, such as language usage and the use of flags and symbols for all communities. However, the area that I focused on the most during the visit was secondary education, where an alarming trend of separation along ethnic lines can be seen. This has even resulted in violence in some instances. I argued that the authorities must do more to stop

this current trend and prevent any further separation. I also presented a set of country-specific *Recommendations on Integration through Education* to the Minister of Education.

As I stated to the PC during my last appearance: efforts must be made to ensure that there are no setbacks to progress in the area of inter-ethnic relations, only concrete steps forward. Inter-ethnic relations should be built on a solid foundation that promotes integration rather than separation. Education is a key to building such a foundation.

I look forward to visiting **Croatia, Montenegro and Bosnia and Herzegovina** in the autumn. I continue to follow the situation in these countries closely and I believe that my office has much to offer as they strive to consolidate their progress in the area of minority rights.

Mr. Chairman,

During my appearance before the Permanent Council last year I also undertook to devote considerable attention to **Central Asia**, and I am grateful for the good co-operation I have received from the participating States in the region. I visited Uzbekistan and Turkmenistan in April and May, respectively, where I met with members of both countries' governments and various minority community representatives.

One of the key priorities in the region is – and will remain – education. I will continue to support individual States in their efforts to use education as a means of integration in their multi-ethnic societies by providing advice and initiating projects. Similarly, further support will be rendered to the **Inter-State Dialogue on Social Integration and National Minority Education**, initiated by the States of Central Asia in November 2006. In my view, the Dialogue is another good example of how neighbours can co-operate over national minority issues in a constructive and pragmatic way.

I am grateful to the Uzbek and Turkmen authorities for hosting the third and fourth working groups within the framework of the Dialogue. These expert meetings focussed on the important topics of textbooks and curricula as well as information technology and distance learning. They allowed the States to develop concrete joint initiatives, including the exchange of textbooks and authors across borders, the sharing and pooling of knowledge in the

development of new textbooks and curricula, and the establishment of joint online resources to facilitate learning from each other's experience in all areas of education. I intend, together with the Central Asian participating States, to organize a high-level review conference early next year to discuss progress made and the challenges that remain to be met.

During my visit to **Uzbekistan** last March, my discussions with the country's leadership and national minority communities touched on a broad range of issues, and I shall continue my dialogue with the government, in particular on questions concerning national minority education.

In **Turkmenistan**, my meetings, including one with President Berdymukhamedov, focussed on the challenges in the area of constitutional and education reform and how the HCNM can render assistance to the country in this regard. I had many interesting encounters, including discussions with teachers and pupils in a number of schools in the Lebap region. I noted some important developments in the area of education, which have been welcomed by the people with whom I spoke. Naturally, I stand ready to support Turkmenistan further.

During the reporting period I have continued my close co-operation with the leadership of **Kazakhstan** on reform-related questions, in particular on the participation of minorities in election processes. I am looking forward to the Annual Session of the OSCE PA taking place in Astana, where I hope to continue discussions in the margins with Kazakh officials and minority representatives. In May this year my office organized, together with the Kazakh Committee of Languages, a seminar on the possible subtitling of the news broadcasts in Almaty into minority languages. It is my hope that this pioneering initiative, supported by the Kazakh leadership, will be taken up by Kazakhstan's TV channels.

Mr. Chairman,

In early April I visited **Georgia**, including the "Autonomous Republic of Abkhazia". In Tbilisi, I discussed my co-operation with the Georgian Government, in particular my conflict prevention and civil integration activities in the country targeted at the regions of Samtskhe-Javakheti and Kvemo-Kartli. I also brought up the subject of the Meskhetian Repatriation Process.

In July 2007, the Georgian parliament adopted the so-called "Law on Meskhetian Repatriation". I welcomed the adoption of this Law and I expressed my readiness to assist the Georgian Government in its implementation. The adopted law does, however, have numerous deficiencies, making it difficult to implement. I have offered to work with the Georgian authorities to find ways to overcome these shortcomings.

In Sukhumi, in the Autonomous Republic of Abkhazia, I conveyed my concerns to the *de facto* Abkhaz authorities about the situation of Georgian schools in the Gali district, where the *de facto* authorities have banned education in the Georgian language. I emphasized that international norms and standards require that any authority that exercises jurisdiction over population and territory, even if not recognized by the international community, must respect the human rights of everyone, including those of persons belonging to national minorities. I urged the *de facto* Abkhaz authorities to allow Georgian students in the Gali district of Abkhazia to study in Georgian. At the same time, I discussed ways to assist the *de facto* leadership in their endeavour to strengthen the Abkhaz identity in the region, including the strengthening of the teaching of the Abkhaz language in the education system.

Another issue I discussed with my interlocutors in Sukhumi was the alleged attempts by the *de facto* Abkhaz authorities to force Georgians in the Gali district to take Abkhaz "citizenship" and at the same time "renounce" their Georgian citizenship. I am concerned that such attempts by the *de facto* authorities to impose citizenship on these particular residents, which is unlawful in itself, may further increase tensions in the conflict zone. This may force many Georgians to leave the region, not only because of the unrest but in order to avoid other coercive measures. I urged the *de facto* leadership to reconsider the enforcement of such a divisive policy.

In April I also visited **Latvia**. The aim of my visit was to update myself on the key issues relating to inter-ethnic relations in the country, in particular the implementation of education reform and the naturalization process.

During my visit, I noted a significant improvement in the socio-economic situation in the country, compared with the reports of my predecessor. Important progress has been made also in the areas of social integration, democratization, education and naturalization. My interlocutors, including the representatives of the Russian community, emphasized that inter-

ethnic relations in the country have significantly improved recently, and that the Government is trying hard to promote an inclusive and non-discriminatory policy towards its minorities. However, the issues of naturalization and education reform remain widely debated in the society at large.

In spite of the fact that the Government continues to encourage non-citizens to naturalize, the naturalization process remains slow: 6,000 to 7,000 individuals per year, and the number of non-citizens remains high: approximately 372,000 people.

I made a concrete recommendation to the Government to speed up the naturalization process by automatically granting citizenship to all children born in Latvia after 1991 and to the newly-born children of the families of non-citizens. Furthermore, I advised the Latvian authorities to grant resident non-citizens the right to vote in local elections.

I was pleased to learn that the education reform shows good signs of achieving its initial objectives; namely, a bilingual school system. I advised the Government to regularly monitor progress, in particular the quality of the education, and to address all shortcomings reported by professionals in the field, as well as by pupils and parents. Strengthening the participation of parents in the consultation and decision-making process concerning education reforms was also suggested.

Last January I had fruitful talks with policy makers in the **Russian Federation** on the issues related to national minority communities in Russia and the situation of ethnic Russians abroad. My discussions focused on, among other things, the implications of the ongoing federative reform for national minority communities, the situation of Meskhetians and the legislative plans of the Russian Federation in the field of inter-ethnic relations. A number of my interlocutors expressed concern about the rise of xenophobic attacks in some parts of the country and their implications for inter-ethnic relations. I will be discussing with the Russian authorities ways to address this tendency, particularly through the work of law enforcement agencies. Generally, I am grateful to everyone in Moscow for the open and candid exchange of views and look forward to expanding my dialogue with the Russian Federation. In this regard, I warmly thank the Russian Government for the invitation to take part in the Fifth World Congress of Finno-Ugric Peoples, which will start in Khanty-Mansiysk tomorrow. My

presence at the Congress will allow me to take a closer look at Russia's accomplishments in the area of ethnic policy and at the challenges remaining in this area.

In February I visited **Romania** to continue what has been a fruitful co-operation between the HCNM and the Romanian Government. I had meetings with senior government officials and discussed issues such as legislative initiatives concerning national minorities, minority participation and continued representation in the governing structures of the country. Minority language education, particularly at the tertiary level, as well as Romania's relations with neighbouring States in the context of minority protection, were also items on the agenda. I was pleased to note that Romania has come a long way in terms of protection and promotion of minority rights and has made significant improvements in its legislative framework. However, it goes without saying that one can never set a ceiling when it comes to minority rights. Therefore my main message to the Romanian authorities was that minority protection is a process not an end result, and this process needs to be nurtured through continuous dialogue in order to reflect and adapt to changes in requirements and realities on the ground.

As part of my programme, I travelled to Cluj-Napoca and visited the Babes-Bolyai University (BBU), which has long been a subject of interest for the HCNM. BBU is a multicultural university that provides higher education in the State language as well as in minority languages, namely Hungarian and German. I have on numerous occasions pointed to BBU as an institution that could serve as an example for other countries and communities. The model of a multicultural-multilingual university can be particularly useful in the context of our increasingly diverse societies. It can serve as “a meeting place” where members of different communities share knowledge and learn how to respect the diversity of cultures and the plurality of views. Much work still needs to be done to reach this ideal. I am, however, hopeful that this will happen and I am personally committed to making it happen with the help of the Romanian Government, the minority communities and the university administration.

I continued to support the Romanian-Ukrainian initiative to jointly monitor the situation of Romanians in Ukraine and Ukrainians in Romania. Regrettably, the joint monitoring mission to the Odessa region of Ukraine, which took place in May, was disrupted due to

disagreements between the two delegations. I encourage the two sides to resolve the outstanding issues and continue the monitoring as an exercise in co-operation and dialogue.

In late March this year I visited **Ukraine**, including the Autonomous Republic of Crimea. My aim was to familiarize myself with the general situation and to offer assistance to Ukraine in its efforts to achieve its longer-term goal of creating a stable and democratic state. I had constructive and substantive talks with the President and other officials as well as experts and national minority leaders.

The primary focus of my visit was inter-ethnic relations in Crimea and the integration of Crimean Tatars into Ukrainian society. I welcome the importance that the Ukrainian and Crimean authorities attach to the problems of the region, notably to the land rights problem. However, a number of issues still require further work in order to build confidence and prevent inter-ethnic tensions in Crimea from increasing.

I discussed with the authorities the draft legislation concerning the status and rights of formerly deported people. Virtually everyone agrees that such a law – which was passed by the Ukrainian parliament in 2004 but vetoed by the former President and therefore never enforced – would help establishing clear and transparent rules and procedures for resolving some of the pressing problems in Crimea, including the land disputes. I intend to support Ukraine in achieving a compromise on this legislation.

The Ukrainian authorities expressed their full support for my proposals to expand my involvement in Crimea. Among other things, I intend to continue my projects in the area of tolerance and multicultural education, to initiate a dialogue in Crimea in the area of policing and to become engaged in the matter of Crimean Tatar and Ukrainian language education.

In Kyiv, I also discussed developments with regard to legislation and policies concerning national minorities and language use in Ukraine. In particular I raised the amendment of the 1992 Law on National Minorities, which has been pending for several years. A number of other legislative acts are also currently being prepared, including those concerning State and minority language use. The Ukrainian authorities requested my assistance with expert opinions on relevant draft legislation issues and I will furnish recommendations on receipt of such draft laws.

In March, I visited **Hungary** to confirm my ongoing interest in Hungary's policies towards Hungarian minorities in neighbouring States and to discuss, among other things, international developments that may have an impact on current minority protection standards. Hungary is one of those countries that actively supports and promotes minority rights in the international arena, and I consider the authorities in Hungary to be important partners in identifying matters that are of relevance to national minorities in the context of inter-State relations.

I also familiarized myself during my Budapest visit with the situation of the Roma minority and the efforts of the Hungarian Government to tackle numerous problems facing Roma, not only in Hungary but also all over Europe. I called on the European Roma Rights Centre to discuss the situation of Roma in more detail with all interested parties in order to share their wide knowledge and first-hand experience in this field.

I continue to believe that my engagement in **Roma and Sinti** issues can be of benefit to these populations. In the course of my official visits to Romania, Kosovo and the Russian Federation I have been advocating that Roma-related issues be given more attention, including the drafting and implementation of national Roma strategies, measures to combat discrimination, and the effective participation of Roma in the national structures, including the police service.

I also intend to work together with the ODIHR and the Council of Europe's Commissioner for Human Rights on a report about the new migration movements of Roma in Europe. A preliminary draft of the report should be published by the end of 2008 and it aims to assess the change in Roma migration since the enlargement of the EU, the implications of such migration and what the policy responses by governments have been. Recent migration of Roma from Central and Eastern Europe to other European countries is being monitored by the HCNM.

Mr. Chairman,

As I near the end of my first year as High Commissioner, I am more than ever convinced that my Institution, which this year celebrates 15 years of activities, is as relevant as ever. However, I can only achieve the ambitious goals of conflict prevention set out for the HCNM

through close co-operation with the participating States. I would like to take this opportunity to thank the Chairman-in-Office for his continuous and steadfast support of my work and all the members of the Permanent Council for the interest and open attitude they have shown here in Vienna.

I thank you for your attention.