



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

**LINGUISTIC RIGHTS IN THE WORK OF THE HCNM:
NEW AND OLD CHALLENGES
IN PROMOTING COMPREHENSIVE SECURITY**

opening address by
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to the
**Conference on
Linguistic Rights of National Minorities:
Ten Years after the Oslo Recommendations and Beyond**

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Mr. Chairman,
Ladies and Gentlemen,
Dear friends,

Welcome to Norway, to Oslo and to this conference on the occasion of the 10th anniversary of the Oslo Recommendations on Linguistic Rights of National Minorities.

It is great to see you all here. I take this crowded room as a sign that many of you have found the Recommendations, launched ten years ago, to be useful and that you are interested in discussing how they can also serve the purpose of integration in the years to come.

Yesterday Norway celebrated the 200th anniversary of the birth of Henrik Wergeland, a theologian, poet and political activist, who during the first half of the 19th century actively used his language skills to fight for greater tolerance and integration in Norwegian society. He was particularly concerned about the discrimination against Jews in Norway's Constitution of 1814, and fought to have the Constitution amended in order that Jews might settle in Norway. His efforts were crowned with success.

There are many forms of discrimination and likewise, fortunately, many tools that can be used to promote integration. Language can serve both a negative and a positive purpose.

I could have chosen to welcome you and to deliver my speech in Norwegian. I would have been able to express myself better than I do in English. But since most of you would not have understood me, my message would not have reached you would have felt excluded rather than included. You would have rightly questioned my judgment, maybe even my mental state.

Nevertheless, my ability to use Norwegian is important for me because I can express myself with more sophistication and with more nuances than in any other language. My language is no doubt part of my identity. To have a home, a place, where I am understood in my mother tongue is essential for me. At the same time it is equally essential that I somehow master English since my working environment is English-speaking. Many people find themselves in the same dualistic situation without having chosen to work abroad like myself. New borders

have been drawn because of wars and new countries have emerged as a result of the collapse of old ones, and numerous people find themselves faced with new linguistic challenges, in addition to many others.

Linguistic management is a complex business. I visited Bolzano/Bozen yesterday, which is a perfect example of this and a successful one too. While linguistic management is not taught in business schools, policy makers are expected to navigate a myriad of language-related legal instruments and political commitments that have emerged during recent decades. Ten years ago the life of governments became somewhat easier when the Oslo Recommendations regarding the Linguistic Rights of National Minorities came into being. Today, however, I am pleased to be celebrating here in Oslo not only the first ten years of this important document but also, and perhaps even more importantly, to be inviting you to discuss its next ten years.

I would like to thank the Norwegian Institute of Human Rights for co-organizing this event, which hopefully will contribute to the debate on how we can deal better with languages in our societies in such a way that both ethnic majorities and minorities feel secure and respected.

The Norwegian Ministry of Foreign Affairs too deserves our gratitude for supporting this conference financially and thus for making this important debate possible.

Linguistic rights are the quintessence of minority rights. We all know that human rights, including minority rights, are universal, indivisible and interconnected. If, however, one had to single out just one minority right, it would have to be the right to use one's own language. This right is, indeed, not only the fundamental right to express and further develop one's personal identity, but it is also the precondition for the proper enjoyment of other minority rights.

Minority rights are intimately linked to the respect for and the development of any culture. And language is one of the most important vehicles through which most cultures are expressed. This is why the protection of the linguistic rights of persons belonging to national minorities is a necessary precondition for the creation of an integrated society, respectful of diversity and – ultimately – also a precondition for peace and stability.

The prevention of inter-ethnic conflicts goes hand in hand with the establishment of an adequate system of protection for linguistic rights. This is easily said, but not easily done, as linguistic rights – perhaps even more so than other minority rights – are used by political entrepreneurs to incite extreme nationalism, among the majority as well as among minorities. As the famous Yiddish linguist Max Weinrich pointed out, “A shprakh iz a dialect mit an army un flot.” (A language is a dialect with an army and a navy). My work does not consist of defining what a language is and what it is not; rather, I intervene when the rules on the use of language become contentious and detrimental to overall, peaceful societal integration.

It is important to urge both majority and minority communities not to approach language issues in “zero-sum” terms, whereby one language is promoted at the expense of others. Such thinking is harmful not just to minorities but also to majorities. Governments can win the trust and support of minorities only by respecting linguistic diversity. At the same time, if minorities want to be successful in the society in which they live, it is in their best interests to learn the State or official language (or languages) properly. This ultimately contributes to the cultural and economic enrichment of the society and prevents minority separation and alienation.

In the field of linguistic rights, state authorities and minorities have to understand and respect their mutual positions, something which is at times difficult to reconcile. It has to be recognized that language can be an essential tool for social organization but also a source of potential tensions. Policies to promote the use of the State language need to be guided by the “do no harm” principle and should not disproportionately restrict the use of minority languages. Not least, all involved parties should acknowledge that effective linguistic policies, respectful of the rights of persons belonging to national minorities, can not be set in stone and are not for ever; they must be continually reviewed and adapted in order to maintain the right balance. In other words, time and patience are ingredients for success.

Ten years ago it became clear that guidelines were needed in this sensitive field. The first High Commissioner, Minister Max van der Stoep, sought the views of a group of international experts on an appropriate and coherent application of the linguistic rights of persons belonging to national minorities in the OSCE region. I am glad to see some of these experts here today. The resulting Recommendations, launched in Oslo ten years ago, have become a fundamental tool in my daily work in addressing ethnic conflicts in the OSCE area. When

discussing linguistic issues with governments and minority representatives, it is helpful not only to rely on the principles and standards of international law but also to be able to refer to more specific guidelines, anchored in these principles, which go one step further and provide examples of best comparative practices.

The OSCE is a political organization based on consensus. This makes our task more challenging and sometimes more complex, compared to other international organizations. When it comes to the prevention of conflicts through the accommodation of cultural differences, however, the “soft” nature of my Institution has many positive aspects.

By its very nature, the accommodation of differences is always a work in progress. Society and the internal dynamics of the respective groups within society are in a state of flux, therefore solutions and instruments need to be continually rebalanced, adapted and reconsidered. This makes “one-size-fits-all” and “once and for all” solutions virtually impossible and even counterproductive, as each case is different. In conflict prevention, soft law can be more efficient than prescriptive norms. This is why, as a general rule, soft law instruments play an increasingly important role in today’s world.

When a majority demands mindless obedience and submission from a minority, this is usually regarded as subjugation and increases the chances of that majority not being respected. Therefore the more pluralistic a society, the greater the need for tolerance and persuasion instead of suppression and coercion. These “mild” laws reflecting a pluralist attitude protect fundamental and individual rights, and at the same time facilitate procedures that lead to negotiated choices, choices that are not predetermined or imposed, but made in full autonomy.

This is why soft law instruments such as the Oslo Recommendations are particularly helpful in my daily work. They give further substance to the provisions of international law in which they are grounded, facilitating the implementation of international commitments. As one of the main drafters of the Oslo Recommendations, Professor Asbjørn Eide once wrote that the objective of the Recommendations is to “make it possible to find the appropriate balance

between the legitimate concerns of the State and the majority on the one hand and the concerns and requirements of the minority on the other”¹.

Achieving such a balance within the OSCE family is a formidable task indeed. However, the principles and approaches enshrined in the Oslo Recommendations make this undertaking somewhat easier. I hope that our conference will both highlight how the Recommendations have already helped tackle linguistic challenges and how we can address the challenges ahead of us. With this hope, let me again welcome you and wish us all success in our deliberations.

Thank you for your attention.

¹ A. Eide, *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities: An Overview*, in *International Journal on Minority and Group Rights*, 1999, 6, p. 325.