



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

STATEMENT

by
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Mr. Chairman,

I am scheduled to give my semi-annual presentation to the Permanent Council on 13 May, but have been asked by the Chairman-in-Office already now to report on my activities in some countries, which are of particular interest and which I have visited recently. During my presentation in May I intend to report on all my other activities.

Recent developments in **Kosovo** have drawn our attention back to the Balkan region and underlined that the situation remains volatile and more that efforts have to be made. This, in order to build a stable and prosperous Balkan, where rights of persons belonging to national minorities are fully respected. I have continued my active involvement in South–Eastern Europe focusing mainly on education, the drafting of minority related legislation and on assisting the authorities in its full implementation.

I have noticed that the phenomena of mutual distrust between the various ethnic groups, have been characteristic not only for Kosovo but for significant parts of the region. In addition, I am concerned what impact it might have on the inter-ethnic relations in the Balkans. I am carefully monitoring the situation and focus my attention on the roots of the problems in the region.

In **Montenegro** I have continued my engagement in the process of drafting of the Law on national minorities. Already last year, my experts discussed the main elements of theses for the law with the members of the Montenegrin Working Group of Experts. Once the final draft is ready I am going to submit my recommendations. The priority aim is to harmonise Montenegrin legislation with "union" legislation, in particular the Constitutional Charter, as well as with international and national standards regarding minority rights protection. On this issue I am co-operating closely with the Council of Europe.

In relation to Southern **Serbia** I have focused my attention on working with the Serbian Government on *inter alia* the curriculum reform in Albanian language schools. Now, that the process of formation of the new Serbian Government has been completed, I am looking forward to my upcoming visit to Serbia and Montenegro, both to Belgrade and Podgorica.

In the **F.Y. Republic of Macedonia**, I follow the inter-ethnic issues in primary and secondary schools. Against this background I asked a group of independent, international experts to visit the country and to prepare a special study. I am currently looking at ways to assist the Macedonian authorities, in particular the Ministry of Education, to address the problems.

In mid February I visited **Croatia**, where I met with representatives of the Government and minorities in order to discuss the implementation of the Constitutional Law on the Rights of National Minorities, different aspects of the return of refugees, including repossession of property and reconstruction assistance as well as the reform of judiciary and the prosecution of war crimes. I was encouraged by the improved atmosphere and the hope for progress as regards minority issues expressed by most of my interlocutors, including representatives of national minorities. Real movement towards reform concerning issues important from the point of view of my mandate now seems possible. I look forward to seeing the positive statements and gestures concerning minorities, which I observed develop into concrete action. At the same time the international community should support and encourage the policy outlined by the new Government. In this connection, I intend to follow the situation closely and to return to Croatia in due course.

Mr. Chairman, **Georgia** is another country which my Office has focused actively on lately. In the beginning of March I made my fourth visit to Georgia and I had the opportunity to observe the effects of the new political situation on the national minorities in Georgia after President Shevardnadze's resignation.

All my interlocutors, including Prime-Minister Zhvania and Speaker Burjanadze, expressed full support for my conflict prevention and civil integration activities in Georgia, in particular in the region of Samtskhe-Javakheti. They stressed that the civil integration philosophy of my Office is in full harmony with the policy of the new Government of Georgia with regard to national and religious minorities of the country.

I was pleased to learn that the new Leadership of Georgia considers the ethnic diversity of Georgia not as a weakness but as strength of the country. Prime-Minister Zhvania plans to create in the newly appointed Government, a special department at the PM's Office, which will deal with national minorities' issues. New measures will be taken to facilitate the access

of national minorities to universities in Tbilisi and to other State educational institutions, as well as to support political participation of national minorities. I am continuing my strong engagement in this respect and I am thanking the Government which financially are underwriting my projects activities to that end.

My interlocutors also stressed the need for the elaboration and implementation of a Social Integration Programme for the country. I welcomed this initiative of the Georgian Government and pledged my support to it. I also emphasized the need for the ratification of the Council of Europe's Framework Convention for the Protection of National Minorities.

The new Leadership of Georgia complained, as on earlier visits, that the *de facto* Abkhazian authorities forbid education in the Georgian language at schools in the Gali district and called on the international community in general, and the OSCE in particular, to pay more attention to this issue. They stressed that the ban on Georgian schools in Gali prevents the IDPs from returning to their former place of residence. They expressed satisfaction with my plans for involvement in Abkhazia including my plans to launch concrete projects in the field of education in the region. I indicated to my interlocutors that I would continue the dialogue with the *de facto* authorities of Abkhazia in order to ensure that the "teaching in the mother tongue" issue in Gali District is resolved in full accordance with international norms. Further, I indicated that, in co-operation with UNOMIG, I will continue to advocate the need for the implementation of the recommendations made by the Joint UN-OSCE Assessment Mission to the Gali District of Abkhazia, Georgia (20-24 November 2000), including the need for the opening of a branch of the joint UN-OSCE Human Rights Office, which is currently operating in Sukhumi.

It is clear to me that the policy of the new Government towards minorities, in particular how it will take into consideration their concerns, will be an important factor in determining the future stability of Georgia. The new authorities have voiced good intentions and positive ideas on how to integrate minorities into Georgian society. I will support and encourage them in this ambition. The entire international community, in my judgment, should be encouraged to do the same.

Earlier this year, in the beginning of February, I visited **Uzbekistan**. This visit, my second to Uzbekistan, afforded me the opportunity to deepen my dialogue with the authorities in

Tashkent on a range of issues. During the visit, I discussed questions of regional security, including the issue of how nation and state-building in Central Asia is affecting majority-minority relations across the region. My discussions focused, in particular, on the ways in which the promotion of State languages in Central Asia could be achieved while, at the same time ensuring that persons belonging to national minorities are able to protect and develop minority languages. An area of especial importance for the States of the region, in my view, is education. Uzbekistan has made a significant commitment to ensuring the quality of education for all of its population and to raising standards to meet the challenges of a globalising world. I look forward to developing my co-operation with the Government of Uzbekistan in this vital area.

Following an invitation from the Government of **Turkmenistan**, I intend to travel to Turkmenistan in late April or early May to continue my dialogue with the authorities in Ashgabad.

In the beginning of March I visited the **Russian Federation**. The visit provided an opportunity to learn more about Russia's views on a variety of issues affecting inter-ethnic relations. During the visit, I was informed about the Russian Federation's policies towards – and in involvement with – what are termed Russia's compatriots, including initiatives to support the Russian language and to promote opportunities for education in the Russian language outside the Russian Federation.

My visit to Moscow also provided an opportunity to continue my dialogue with the Russian Government about the issue of the Meskhetians. The difficult situation faced by this community has been a regular subject for my discussions with the authorities in the Russian Federation and in Georgia. Since I last reported in this forum on this matter, the United States Government has initiated a programme of voluntary resettlement to the United States of America for the Meskhetians from the Krasnodar region of southern Russia. A significant percentage of this community is likely to qualify for resettlement.

I welcome this generous and humanitarian gesture by the Government of the United States. This important initiative has, I believe, given a new impetus to finding a comprehensive and durable solution to the issue of the Meskhetians, including those who are not eligible for the US Programme or who choose to stay in the Russian Federation. I will continue to seek a

resolution of this issue within the framework of the approach that I outlined in my previous presentation to the Permanent Council in December of last year. In particular, I intend to intensify my work with Participating-States and with other international organizations to help to ensure that the Meskhetians are able to make an informed and free choice about their future place of residence in conditions of peace and security and with full respect for their human rights.

Mr. Chairman, I have recently visited both **Estonia and Latvia** to continue my dialogue with the authorities in both countries on the social integration process of national minorities and related issues.

As the Permanent Council may recall, the **Latvian** Education Law was on 5 February amended to allow for a curriculum permitting up to 40% of subjects being taught in other languages than Latvian in secondary schools from 1 September 2004. The parliament had earlier adopted in the second reading, a more restrictive wording. This prompted not only demonstrations of pupils and teachers and international protests, especially from the Russian MFA, but also caused the Latvian President to threaten a veto of such a text, if it would be submitted to her for promulgation. Eventually a compromise was found in the committees of the Saeima retaining the threshold of a maximum of 60% of the curriculum being taught in the State language. However, demonstrations of minority pupils and teachers have continued.

My position, as reported earlier, is that while I support the right of the government to conduct this reform, care has to be taken to protect the standard of education by thorough preparations in order to provide e.g. qualified teachers and education material. It is further important to protect the right, as established in the OSCE Copenhagen document, of the minority to have education in their mother tongue. I am concerned that more has to be done on the side of the government in this direction to avoid a growing social tension around the reform, which could undermine the foundations of the important integration process.

To that end, I have offered, inter alia, my assistance in providing minority education experts who may support the authorities in their efforts.

In the past months, following the referendum on accession to the EU, the number of applicants for naturalization has considerably increased. I have encouraged the Latvian

authorities to provide additional resources and funds to strengthen the capabilities of the Naturalization Board to cope with the increased demand, if such a demand would be sustained over a longer period of time. I have also expressed my support for draft amendments to the Citizenship Law which would simplify the granting of citizenship to children born in Latvia after the country regained its independence.

I have also reiterated my recommendation to ratify the Council of Europe's Framework Convention for the Protection of National Minorities as a demonstration of Latvia's determination to apply agreed international standards. Latvia has signed the Convention already in 1995, but not yet ratified the Convention in spite of regular attempts by pro-minority parties to introduce ratification. However, recently initial moves were made by the last government to discuss ratification in parliament. The responsible minister hosted expert consultations between my legal advisers and government lawyers in autumn 2003 and a temporary sub-committee of the Saeima was set up to look into the matter. On 13 February lawyers of my office and the Council of Europe Secretariat have consulted with parliamentarians in Riga. However, my discussions showed that parliamentarians consider ratification to be sensitive and, given certain recent tensions on the education reform, might not want to initiate ratification in the near future.

Furthermore, I have encouraged Latvia to study possibilities to increase the rights of non-citizens, especially the granting of voting rights in municipal elections. Latvia would here follow a trend in the EU whereby the rights of long term residents in member states are being expanded and key concepts of EU policies such as freedom of movement of labour are being facilitated.

As to **Estonia**, the Estonian Education Law foresees that instruction in secondary minority schools will be given in Estonian in up to 60% of the curriculum from 2007 onwards. Minority languages may be used in up to 40% in the curriculum. Schools which feel ill prepared for the transition in 2007 have the option according to the Education Law to ask the municipality (the owners of most schools) for a postponement of the implementation of the Law. The respective municipality may then review the request and forward it to the Ministry of Education for a decision. This flexible approach will help to avoid tensions but there are some practical problems. I had encouraged the Minister of Education during my visit in June 2003 and in a letter of recommendation to consider the elaboration of an action plan to define

a “road map”, including timetables and responsibilities of different actors, leading up to 2007. Such a “road map” should particularly aim at the training of teachers for minority secondary schools and the preparation of teaching materials. Especially in the Ida-Virumaa region in the Northeast of Estonia, the reform appears to be likely to be hampered by a lack of teachers who would be able to instruct in the Estonian language. My impression from this visit was that more should be done to prepare the education reform. I repeated my offer to assist in managing the minority education reform as a key part of the integration programme by providing expert advice.

Though naturalization continues at a slow pace of 3000-4 000 per year, the authorities are trying to ease the process by removing administrative obstacles. The parliament has recently adopted amendments to the law on Citizenship, which reduce the waiting period between submission of the citizenship application and naturalization from 12 months to six months. Additionally, the government has provided budgetary resources to refund fully language courses of all successful naturalization applicants. I have urged the authorities to consider additional steps to facilitate the registration for citizenship of children born in Estonia after the country regained its independence.

In a positive development, the Estonian parliament has decided to give "old" language certificates, which were supposed to expire by 1 January 2004, an indefinite validity. This decision has eased the burden for about 10 000 persons who are holding "old" certificates. About 30 000 people who initially also held the “old” certificates have in the past years, after the introduction of a new testing system and new certificates, passed the exam according to the new system. I had earlier recommended to simply exchange new certificates for "old" ones.

Following the adoption of the amendments to the Aliens Act on 17 December 2003, I addressed the Estonian Foreign Minister expressing my concern that the amendments to the Aliens Act barring military pensioners from receiving permanent residence permits might be inconsistent with the Bilateral Agreement between the Russian Federation and Estonia of 1994 on social guarantees for military pensioners. My view is shared by the OSCE Representative to the Estonian Commission on Military Pensioners, Capt. Mahrenholtz, who had also requested my involvement. Following a further exchange of letters between the Estonian Foreign Minister and me, it appears that there is strong domestic opposition to the

granting of permanent residence permits to Russian military pensioners. Permanent residence permits would allow these pensioners to participate in municipal elections and, more important, to buy and possess real estate in Estonia. It has also to be noted that from the outset and according to established practice, military pensioners have only been issued with temporary residence permits since the Bilateral Agreement entered into force ten years ago.

Allow me, Mr. Chairman, to offer some more general conclusions on the minority issues in the Baltic States;

I welcome the adoption by the governments in both Latvia and Estonia of policies aimed at the integration of the minority communities into their societies. I consider that the adoption of such policies is not only in accordance with the principles of international law, provided they are carried out with full respect for the rights of the minorities, but is also, in the circumstances of these countries, necessary for the preservation of long term stability which is the object of my mandate.

However, the successful implementation of integration policies requires the support and understanding of those mainly affected by them. The low rate of applications for naturalization suggests that the benefits of integration are not yet fully accepted by the minority communities. At the same time I take the recent surge of applications in Latvia following the referendum on EU membership as a sign that attitudes, particularly among the younger generation are changing. I believe that both states need to make more of an effort to gain understanding of the policies. Without such understanding it is difficult to see how they can be successfully implemented. There is also a need to provide for the resources needed, for example for training of teachers.

The introduction of a target for teaching 60% of the curriculum in the state languages in secondary schools is a reasonable measure, as part of the state integration programme. But such a target must be backed up by the necessary resources to ensure that the quality of education does not suffer and must be pursued flexibly. Recent controversies in Latvia have been exacerbated by concerns that the quality of education in minority schools would be lowered as a result of the introduction of changes without sufficient preparation or resources. I hope that the authorities will take these concerns seriously and respond to them.

The process of naturalization is an important component of the integration programme. I am hopeful that following EU membership, interest in the minority community in naturalization will increase. But I encourage the authorities to make further moves to speed up and simplify the process.

Governments can only move in the directions I am advocating if they can overcome internal concerns based on historical factors. Interference from outside can only complicate integration policies and weaken the interest in speeding up naturalization. It is important that criticism levelled from abroad does not feed similar concerns and is not allowed to slow down the process of integration. The international community can best assist the process by encouragement and material support.

In conclusion Mr. Chairman let me emphasize that, despite current problems which I do not underestimate, I believe that Latvia and Estonia are set on the right course in the handling of their minorities and that given space by the international community as well as support, their aim of harmonious integration will be achieved.

These are the matters that I wanted to report on to the Permanent Council. Thank you, Mr. Chairman.