



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

STATEMENT

by
Knut Vollebaek

OSCE High Commissioner on National Minorities

to the
888th Plenary Meeting of the OSCE Permanent Council

[Check against delivery]

Vienna, Austria – 17 November 2011

Chairperson, Excellencies,
Ladies and Gentlemen

Preventing conflicts is the sole *raison d'être* of my Institution. Based upon the experiences gained during the existence of the OSCE High Commissioner on National Minorities, I have come to believe that the ability and willingness of a State to fulfil its responsibilities towards its citizens is a key to effective conflict prevention. Sovereignty comes with responsibilities, among which is the responsibility to protect human and minority rights. At the core of the OSCE commitments is a conviction that protection of rights and human dignity is a precondition for peace and stability. The understanding that sovereignty is not absolute and the awareness of a link between human rights and security have been increasingly recognized within the UN. These concepts underpin the emerging norm of the Responsibility to Protect, or R2P as it is often called. In July of this year, I had the opportunity to take part in a meeting in New York organized by the UN Secretary General on "The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect".

As you are no doubt aware, the R2P has three main pillars: the responsibility to prevent; the responsibility to protect, if necessary through intervention; and the responsibility to rebuild. As the discussion at the UN General Assembly demonstrated, this is a controversial issue, not only because of the dangers of abuse, but also because of the questions it raises with regard to motives, legitimacy and authority. These objections have to be taken seriously. This is essential if we are to minimize the risk of misinterpretation and misapplication of the R2P in practice. At the same time, a consensus is emerging within the international community around the need for prevention. From my perspective, the best way to implement the emerging norm of R2P is through international involvement aimed at strengthening State institutions and their capacity to handle tensions in a peaceful and democratic way.

My institution is, in many ways, an embodiment of such international involvement. This is not surprising. The OSCE has been at the forefront of emphasizing the importance of prevention, not least in the context of interethnic tensions. If we translate the R2P into the OSCE discourse, we will be talking about prevention, early warning and early action.

In my intervention at the UN, I underlined the OSCE's considerable contribution towards developing an innovative approach to the relationship between prevention, human and

minority rights, and security. I also highlighted the OSCE's multidimensional approach to the understanding of security. Since the adoption of the Moscow Document in 1991, OSCE participating States have not been free to invoke the principles of sovereignty and non-intervention to avoid discussions of human rights issues within their borders. I believe this is why the OSCE was conceived not only as a "community of values", but also as a "community of responsibility". This entails much more than criticizing other participating States for their human rights records. It bestows upon participating States a responsibility to assist each other to solve specific problems related to human rights, and to help build the capacity of every participating State to fulfil its domestic obligations towards its citizens and its commitments towards the international community.

Chairperson, Excellencies,
Ladies and Gentlemen,

The legal link between an individual and a State is established through citizenship. When a person has no such link to any State, this hampers integration and may draw the protection of the person's rights, dignity and basic security into question. This year the UNHCR celebrates the 50th anniversary of the Convention on the Reduction of Statelessness. Unfortunately, the problem of statelessness has not been resolved throughout the world, and neither within the OSCE area. In parts of Eastern and South-Eastern Europe it has been caused by the dissolution of the former Yugoslavia and Soviet Union, and by the displacement of people as a result of the conflicts in the 1990s. A considerable number of people have been left in a legal limbo, where they are recognized only partially, or sometimes not at all, by the new States in which they live. Such groups could potentially become a factor for instability.

In co-operation with the UNHCR and the EU, I organized a conference in Zagreb last month regarding the provision of civil documentation and registration in South-Eastern Europe. The purpose of this meeting was to assist the authorities in the region to deal effectively with the lack of registration and civil documents. This problem affects the Roma people disproportionately due to their way of life and the recent history of the region. This conference marked the beginning of a concerted, regional effort to identify and help people at risk of statelessness, and especially those who lack civil documentation or need to be registered in a civil registry.

This conference resulted in what is now known as the Zagreb Declaration. The Declaration calls upon participants to remove all obstacles to documentation and registration of vulnerable people. It aims to increase regional co-operation by ensuring regular exchange of information among responsible authorities. Moreover, it seeks to develop co-operation with institutions outside the region to address issues related to people originating from within it. Roma and other vulnerable groups should be involved throughout the entire process. The Zagreb Declaration also foresees the development of benchmarks to assess progress. The first opportunity to take stock will be a meeting of the Roma Decade in Skopje in March, which will focus on access to civil registration and evaluate the progress made in implementing the recommendations of the Zagreb conference.

I would like to thank all the States in the region that have become part of this process for their commitment, and let me also say that I have high expectations for their efforts to follow up in the time ahead of us.

Immediately after the Zagreb conference, I visited the town of Bujanovac in south Serbia to attend the opening of a department of economics and marketing of the Faculty of Economics of Subotica. The creation of this genuinely multi-ethnic and multilingual institution of higher education in south Serbia has long been a priority for me, and it was a pleasure to see its doors open to a diverse group of students. I trust that this institution will provide them with an opportunity to study close to home and in their own language, yet with a common curriculum and in a common space. I commend the Serbian Government for its efforts to establish this department, and particularly for doing so in close co-operation with the Albanian National Minority Council and local authorities in the south. This is a joint achievement that should serve to improve relations between ethnic groups in the region and between local and central authorities.

Chairperson, Excellencies,
Ladies and Gentlemen,

I now want to draw your attention to one area where the risk of conflict, in my opinion, has risen significantly since I last reported to the Permanent Council, namely Kosovo. I made a comprehensive visit to Kosovo in July, including to Mitrovica in the north, to the towns of Prizren and Deçan/Decani and to several Serb-populated areas in eastern Kosovo. During my

visit, I noted the increased participation in public life of ethnic Serbs living south of the river Ibar. This is largely due to the decentralization process that allows local communities to govern their own affairs. I welcome this process, as long as decentralized self-governance does not lead to isolation or hamper social cohesion. A comprehensive and ambitious legal framework to guarantee substantial community rights has been put in place, but its implementation so far leaves much to be desired. I have called upon the authorities in Priština/Prishtinë to address the challenges in language policy, education and transitional justice, and I have offered my support.

However, all these positive steps could be in vain if the tense situation in the north escalates and spills over to the areas south of the river Ibar. I have closely followed the developments on both sides of the river since my visit, and I am deeply concerned by the increasing number of incidents that have a clear inter-communal dimension. Several people have lost their lives already. I believe it is essential that crimes of an interethnic nature are investigated swiftly and effectively, and the perpetrators brought to justice. A sense of impunity could, in current circumstances, exacerbate the tensions and in itself become a threat to a fragile peace. For Kosovo to be a society where ethnic diversity is recognized and respected, all ethnic communities and their property must be adequately protected.

My task is to provide early warning. Now is the time to be vigilant. Past events have shown how even a minor incident can trigger major reactions. Instability in the north could potentially jeopardize interethnic peace across Kosovo. This should not be allowed to happen. The population of Kosovo, irrespective of their ethnic identity, should have a chance to live in a secure environment governed by the rule of law, and not by fear. As always, local communities need to be heard in decisions that concern them. In turn, all sides should engage in dialogue and be prepared to compromise. Such a dialogue should start with all parties renouncing unilateral actions and violence as legitimate means to change or preserve the status quo.

Chairperson, Excellencies,
Ladies and Gentlemen,

On many occasions, I have raised my concern that we see a tendency towards increased separation of societies along ethnic lines in the Balkans. This trend became the focus also of

this year's Max van der Stoel award. At the award ceremony, which was held in The Hague last month, the Nansen Dialogue Centre Skopje was awarded the prize for its efforts to promote integrated education. Let me thank the Dutch Government for having established the Award and for its continued generosity in providing 50,000 euros to the winner.

During my visit to Skopje earlier in October, I saw an inspiring example of the Centre's efforts to facilitate integrated education when I attended the opening of the "Rajko Zinzifov" Primary School in the Čair municipality outside Skopje. In this new integrated school, ethnic Albanian and Macedonian pupils in their first year will have the chance to have common activities and be exposed to each other's languages and cultures. This example and the Award should both serve to remind us that relentless efforts do pay off. The Nansen Dialogue Centre has faced strong opposition to its projects at times, but today it enjoys broad support for its model of integrated education among parents and from local authorities across the political spectrum. This pilot project proves that integrated education can work in the local context, and that efforts should now be intensified to replicate this success around the country.

This was my first visit to Skopje after the parliamentary elections in June. The aim was to continue my dialogue with the new Government on the integrated education strategy that was adopted last year. I was pleased to learn that the strategy enjoys overall support at the central level and is backed by the international community. At the same time, I am acutely aware that the language component of the strategy remains contested and divisive. I believe that this is, to some degree, due to misunderstandings about the real content of the new policy, which have triggered fears that the level of minority protection achieved through the Ohrid Framework Agreement will be diluted. In fact, the policy aims to support these achievements while facilitating increased interaction between students from different ethnic backgrounds.

I am hopeful that these problems can be overcome. The ends and means need to be better communicated to the public, and we need to move away from the zero sum approach that has characterized education reform so far. I had very open and frank discussions on this with the authorities, and we concluded that local understanding and endorsement of the policy is the key to its success. I will travel back to Skopje at the end of this month to resume my discussions and to assist the authorities in finding a way to end the controversies and begin effectively implementing the policy for the benefit of all, irrespective of their ethnicity.

Even though education plays a pivotal role in ensuring long-term stability and social cohesion, education reform alone is not enough. It must be part of a wider strategy of integration and consolidation of a multi-ethnic State. The tensions that have emerged from the now halted census illustrate the distrust that still prevails between the two main communities. It also showed how easily technical issues can become politicized.

This summer we celebrated the tenth anniversary of the Ohrid Framework Agreement. A decade has passed since peace was restored and the difficult process of rebuilding relations based on trust, recognition and mutual respect began. Now the biggest challenge for the country is to move beyond an antagonistic discourse based on ethnic divisions and to find a way to integrate its multi-ethnic society.

Chairperson, Excellencies,
Ladies and Gentlemen,

We often let ourselves be too much bound by the past as we try to move forward. Sometimes, however, it is necessary to deal with past injustices in order to secure a stable future. My Institution has long been involved with the challenges faced by formerly deported people. One particular issue that I have raised in all of my Statements to the Permanent Council is that of the repatriation of the Meskhetians, who were deported from Georgia by the Stalinist regime in the 1940s. In my past Statements, I welcomed the adoption of the Law on Repatriation in 2007 and the extension of the deadline for applications following the conflict in 2008. Together with the UNHCR, my Institution has financed employees to help facilitate the application process. However, today, more than four years after the adoption of the Law and two years after the deadline for applications, I am compelled to express real concerns that the implementation of this Law appears to have stalled. Very few applications for return have been granted and not a single deportee seems to have returned to Georgia on the basis of this Law. In addition to missing the deadline for completion of the repatriation process by the end of 2011, an obligation that Georgia took upon itself when it joined the Council of Europe in 1999, I am deeply concerned that with the passage of time, the opportunity to restore some small measure of historic justice to these people deported from Georgia and their descendants will be lost. I therefore call upon the Georgian Government to intensify its efforts to accelerate the assessment of applications for return and to make full use of the assistance provided by my office, the Council of Europe, the EU and the UNHCR to ensure that the

repatriation process is carefully planned and implemented, that it promotes the full integration of repatriates and does not cause additional tensions.

Georgia is not alone in facing such challenges. I also travelled to Ukraine recently to continue my dialogue with the authorities in support of their efforts to promote stability and interethnic integration. As with previous visits to Ukraine, much of my attention was focused on the situation in Crimea and legislation concerning formerly deported people. The latest draft Law on the Restoration of Rights of Persons Deported on Ethnic Grounds is, unfortunately, still awaiting discussion by the Verkhovna Rada. In my meeting with Chairman Lytvyn, I reiterated my view that such legislation should be a priority for Ukraine's Crimea strategy. During my meetings in both Kyiv and Simferopol, I discussed the inadequate legal regulation of land allocation and possession, including the long-standing problem of illegal land seizure in Crimea by different ethnic groups. In this context, I was also invited by the local authorities and minority representatives to visit a number of squatting sites around Simferopol, which highlighted the urgency of the problem. While encouraging the local authorities to continue their efforts to find solutions to the land seizure problem, I stressed the need for Ukraine to adopt a comprehensive approach to land regulation and ownership in Crimea. If the new Law on the Land Market, which is expected to enter into force in the near future, does not take into account the situation in Crimea, it could further aggravate these tensions. Given the specific situation of the Crimean Tatars with regard to land ownership as a consequence of the deportations, such tensions could acquire an interethnic tint. This, in my opinion, makes the adoption of legislation on formerly deported people, which should include provisions on the restoration of rights and property, even more pressing.

While in Crimea, I also had the opportunity to meet with a number of representatives of smaller minorities, and raised some of their concerns with the Crimean authorities.

I continued my consultations on language policy in Ukraine with a variety of stakeholders. The latest draft Law on Languages submitted to the Verkhovna Rada in August was a major topic of my discussions. I provided a detailed assessment of the previous draft last year, and will now do so again, upon request by the Ukrainian Parliament. Since the language issue is of fundamental importance to Ukrainian society, I was encouraged by the comments of the Chairman of the Verkhovna Rada that this draft legislation would undergo comprehensive debate and consultations before being considered for adoption. This is in line with my

previous recommendations. To bring Ukraine's outdated legislative framework concerning minority rights and language into line with the international commitments the country has signed up to, comprehensive reform is needed. I believe the process should include broad and transparent consultation involving national minorities, the different linguistic communities, and civil society at large. This is essential to find a reasonable compromise and to ensure that the interests of both the State and all communities are taken into account.

Finally, I discussed Ukraine's bilateral relations with neighbouring countries on minority issues, with particular emphasis on the stalled Ukrainian-Romanian monitoring. I made clear to the authorities that I remain ready to render assistance in monitoring the situation, and several options to facilitate agreement between the respective capitals can be considered.

Chairperson, Excellencies,
Ladies and Gentlemen,

Central Asia remains a priority for my Institution, and I paid three visits to the region since my last report. I will continue promoting consultations within the framework of the Inter-State Dialogue on Social Integration and National Minority Education, which was started in Tashkent in 2006. I am convinced that work on this framework can help pave the way for co-operation among the States in the region on national minority issues.

I visited Tajikistan in July. The main objective of my visit was to reinvigorate the discussion on the implementation of the Language Law and to further engage the Tajik authorities in consultations on education related issues. The State Language Law, which came into force in 2009, pursues a legitimate aim, namely to strengthen the position of the State language. Some parts of the Law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities. I am glad that the Government of Tajikistan is continuing a dialogue with me concerning the implementation of the Law. Together with the Tajik authorities, I am currently finalizing the detailed implementing guidelines to ensure that the Law is interpreted and implemented in a way that does not compromise international standards and infringe the right of ethnic communities to preserve and promote minority languages.

In September, I visited Turkmenistan, where I discussed a broad range of issues with the country's leadership. In particular, the talks focused on national minority education and citizenship. Some aspects of the country's multilingual education could be of interest also for other countries in the region, and the Turkmen authorities welcomed my proposal to study this at expert level. For the same reason, I have asked the Turkmen authorities to re-engage in my regional dialogue on education issues. I had several interesting encounters during my visit, including discussions with teachers and pupils in two schools in the Dazhoguz region. I am ready to further support Turkmenistan in developing education policies that facilitate genuine social integration.

Last week I was in Kazakhstan to follow up on a number of issues I have been involved in over the years, and to agree on several concrete avenues for co-operation with the authorities. I was pleased to note the authorities' stated intent to consolidate an inclusive, tolerant, multilingual and multi-ethnic society.

However, news about draft legislation related to language policy recently sparked a heated debate within society regarding the respective roles of the State language, Kazakh, and the Russian language. According to Kazakhstan's constitution, Russian is used on an equal basis with the State language in public bodies. The fear that this parity will be done away with has caused increasing tensions in society, even leading some minority representatives to question their future in Kazakhstan. I was assured by the head of the Ministry of Culture's Language Committee, which is co-ordinating the drafting process of the new Language Law, that the process would include due consultation and dialogue, including with minority groups affected by it. At the request of the Language Committee, I agreed to provide comments on the draft. I received a similar request from the Ministry of Information and Communication with respect to the new draft Broadcasting Law, which is currently awaiting discussion in Parliament. I hope this debate will also be an opportunity to address the issues of broadcasting in minority languages and on minority issues, particularly in light of President Nazarbaev's recent call for the creation of a special television service for this purpose.

Chairperson, Excellencies,
Ladies and Gentlemen,

There is still a lot of work for my Institution to do, and I dare say we operate at full capacity. We will continue to do so in the time ahead. I am especially looking forward to the Ministerial meeting in Vilnius, which I hope will prove fruitful. Since this is probably my last appearance in the Permanent Council under the Lithuanian Chairmanship, I want to thank you, Mr. Chairperson, for the excellent co-operation my Institution has enjoyed with you, your Delegation and your Ministry. I particularly would like to thank you personally, Renatas, for your efforts and understanding, and I look forward to an equally beneficial co-operation under next year's Irish leadership.

Thank you very much for your attention.