



## United States Mission to the OSCE

### Session 12

## **Rights of persons belonging to national minorities, including: National minorities; Preventing aggressive nationalism, racism and chauvinism**

As prepared for delivery by Nida Gelazis, Senior Associate,  
Woodrow Wilson Center  
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An esteemed OSCE institution, the High Commissioner for National Minorities is highly valued by the United States for its objectivity of approach, the thoroughness of its examination of minority situations, and the innovation it brings in finding workable solutions.

High Commissioner Vollebaek, we thank you, not only for maintaining the standard of fine work set by your two predecessors, but also for building upon that foundation with extraordinary judgment, tenacity and effectiveness. Your ability to identify and address new issues and trends that might otherwise escape international attention deserves particular praise. Many potentially negative developments were avoided due to your timely attention. Your focus on minorities in the OSCE region has recognized the effects of migration on what we too often assume to be static, traditional populations. Your emphasis on minorities in inter-state relations highlights not only the potential risks but also situations of genuine concern that arise when state leaders or political parties instigate kin-state activism in order to score political points at home. We look forward to your release of the "Guidelines to Promote Integration in Diverse Societies" that furthers this work. As you complete your sixth and final year as High Commissioner in 2013, you have set a high bar indeed for those who succeed you.

While the situation of those who belong to minority groups has improved in many participating States over the years, we continue to have deep concerns about human rights conditions in others.

Since the June 2010 violence in Osh, the United States has been -- and remains -- concerned about the situation for the minority Uzbek community in Kyrgyzstan. Police abuse must stop immediately, and be replaced by visible, effective, impartial, and immediate measures to enforce law and order fairly. Judicial proceedings must be conducted in a fair and impartial manner, with fair and full respect for human rights by law enforcement officers and fair legal proceedings. The Government of Kyrgyzstan must also do more to promote the participation of persons belonging to minorities in all state structures.

In the occupied regions of Abkhazia and South Ossetia, ethnic Georgians continue to face bleak conditions, the denial of property and other rights. Violent incidents have taken place and tensions are high in these regions, making a strong OSCE presence a continued necessity.

How a state treats minority populations has become a key factor in assessing its viability as a modern state. Although Kosovo does not yet sit at the OSCE table, the United States believes the Government of Kosovo should adhere to OSCE commitments, including those relating to national minorities. While Kosovo's constitution incorporates some of Europe's broadest protections for the rights of minority communities and their members, the Kosovo Government must continue to address in practice the concerns of Kosovo's Serbs, Roma, and other minority community members. Perceptions and uncertainty of security limit both their return home and freedom of movement in addition to the realities of the discrimination they face in employment and social services. The Government of Kosovo's new Administrative Office in North Mitrovica (MNAO) is a positive step. The international community should continue to support Kosovo's efforts to provide services to the people of northern Kosovo and condemn all threats and violence against MNAO personnel or those taking advantage of its services. The violence that accompanied St. Vitus Day—the Serbian holiday of Vidovdan—in late June is unacceptable. We condemned the attacks on religious pilgrims, and equally on local police, and look to results of the ongoing EULEX and Kosovo police investigations of these incidents. Still more needs to be done by the police to protect minorities and by the courts to prosecute crimes committed against them and foster trust in local authorities.

It is also critical for Serbia, which is here at the table, to end its support for parallel institutions in northern Kosovo. These parallel institutions subvert the rule of law and provide a basis for discord among Kosovo Albanians and others—especially those Serbs who wish to cooperate with legitimate Kosovo institutions. This last year has seen a continuation of the obstruction of lawful authority in northern Kosovo, including violent acts and the inflammatory rhetoric of Serbian officials threatening “reciprocity” for lawful and professional actions taken by peacekeeping forces. This must stop.

An essential element of promoting respect for the human rights of persons belonging to minorities is that dominant ethnic and religious groups should not be privileged by a state's laws or institutions. Yet, the supremacy of ethnic identity in so many aspects of life in Bosnia and Herzegovina and the constitutional protections provided to these groups routinely result in discrimination against those who do not identify themselves as Bosniak, Serb, or Croat. The December 2009 European Court of Human Rights ruling in the Sejdic-Finci case makes clear that the structure of political institutions discriminates against Bosnian citizens who are Romani, Jewish, of mixed heritage, or belong to other groups. This structure needs to be fixed, at minimum, for the purpose of the election of members of the state-level Presidency and House of Peoples, and we would like to see a meaningful result. The proposals the current government has generated for addressing the problem remain discriminatory by introducing a weighted voting system. There are concerns, therefore, that these so-called ‘minimal fixes’ will actually allow ethnically-based parties to have even more control over electoral outcomes, not less. This is not only contrary to democratic principles, but is also contrary to the wishes of many Bosnian citizens who want non-ethnic options that more truly respond to their needs. The United States welcomes efforts by Bosnia's political leaders to resolve these issues themselves, and encourages

them to consider and adopt non-ethnic options that would put the post-conflict compromises behind them.

An additional concern for Bosnia is that next year's census—the first since the 1992-95 conflict dramatically altered the country's demography—will also be used to reinforce ethnic identity in the political life of the country. The citizens of Bosnia need the flexibility and freedom to identify themselves by any characteristic they choose, rather than solely by ethnicity, religion, or language. This principle, of course, should apply to all participating States, and we urge Greece to foster an environment in which all can identify their ethnicity without disadvantage.

In my remaining time, I would like to narrow my focus on one particular challenge for minority groups: education. Participating States should offer members of minority populations the ability to preserve their culture and an equal opportunity to participate in the political, social, and economic life of the country in which they reside. In the U.S. experience, equal opportunity starts with education. If you discriminate against minority children in their education, they are disadvantaged for life and their countries fail to benefit from their full potential.

As we look at the challenges for Romani children in many European states today, Americans cannot help but be struck by the sad similarities to the wrongs we still struggle to correct regarding the equal access of many African- and Native Americans to quality education. From prejudiced assumptions by educators regarding the intelligence and abilities of Romani children, to non-Romani parents who have protested classroom integration of Romani youth with their own children, European states face entrenched obstacles to their initiatives to improve access to education for Romani children. To paraphrase President Lyndon Johnson when he condemned racial violence and advocated the extension of voting rights in my country, let me say that this is not a "Roma problem." Nor is it a problem of just the south or the east of this continent. It is a Europe-wide problem that governments have a responsibility to address in a manner that affirms the human dignity and rights of Romani children.

In Bosnia and Herzegovina and in Macedonia, rather than integrating the children who will become leaders in government, business, the arts and other aspects of society, educational systems divide them. Bosnia's "two schools under one roof" is not only counter-productive to the goal of integration, but also a waste of already scarce resources. Similarly, Macedonia now has a divided generation of young citizens along ethnic lines with little incentive or means to communicate with each other. In both states, this is the result of giving different ethnic groups the breathing space they needed to recover from conflict and violent confrontation, but it is now time to move toward integrated education.

Conflicts over territory have affected education in Moldova and Georgia. In both cases, the central authorities have worked with the High Commissioner and have committed themselves to education that respects the human rights of minorities and fosters integration and the new opportunities that come with it. The United States encourages continued progress in this regard. In Transdniestria, Latin-script schools continue to face challenges, while the occupied regions of Abkhazia and South Ossetia offer few opportunities for education in the Georgian language. This must change, and the OSCE should prioritize the removal of education as a political football in regional disputes. Finding practical solutions on education, as the High Commissioner has

pointed out, would not only help the students but could provide confidence-building measures on the local level.

Protecting members of minorities must extend not only to integration, but also to inclusion. We must work so that persons belonging to minorities can enjoy the same opportunities as the majority, including equal access to the education, political participation, and economic opportunities that are vital to long term stability and prosperity in the region.