



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

**STATEMENT**

by  
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OSCE High Commissioner on National Minorities

to the  
**459th Special Plenary Meeting of the OSCE Permanent Council**

Vienna, 1 July 2003

Mr. Chairman,

I would like to report on my activities since my last visit to the Permanent Council.

I visited **Latvia** in May, mainly to follow up on my earlier recommendations regarding the reform on secondary education. The Latvian Education Law foresees a transition process to the Latvian language as the language of instruction in all minority secondary schools starting from September 2004. While I support the right of the government to conduct this reform, thorough preparations must be assured in order to provide, for example, qualified teachers and education material so that the quality of education will be maintained. Furthermore, the right of children from minority communities to have education in their mother tongue, as established in the OSCE Copenhagen document, must be protected.

In my discussions with the President of Latvia and the Ministers for Education and Integration Affairs, I stressed the need for an improved dialogue between the state authorities and the parts of the population that are especially affected by the reform. During my visit the government adopted secondary legislation, which will guarantee that up to 40% of instruction can be given in minority languages, pending a decision to change the Education law. I intend to remain involved in this contentious issue in order to promote a solution, which will maintain the right and opportunity to use minority language while remaining supportive of the Latvian Government's desire to protect and promote the State language.

In my discussions in Latvia, I also raised the issue of ratification of the Council of Europe's Framework Convention for the Protection of National Minorities and received again assurances from the authorities that this issue will be addressed in the foreseeable future.

On my project activities, I continue to co-operate with the Latvian authorities, especially the Minister for Integration Affairs, on a project to support social integration. I hope to organise a seminar in Riga in the near future in order to encourage the business community to become more involved in the integration process. Concerning another project in Latvia, in June my office held a workshop together with the State Language Centre as part of ongoing co-operation to draft a manual for State language inspectors.

The aim of my visit to **Estonia** in June was to establish contact with members of the new government, to acquaint myself with their envisaged policy vis-à-vis national minorities in the country, and follow up on my earlier recommendations.

On the question of naturalisation, which is still continuing at a slow pace, my interlocutors informed me about recent initiatives to remove possible obstacles to the naturalisation process and how they intend to promote this process financially. During my visit, I welcomed a series of steps planned by the government; including recent amendments to the law on citizenship in parliament, which would reduce the waiting period between submission of the citizenship application and naturalisation. Additionally, the government is seeking budgetary resources to refund fully language courses of all successful naturalisation applicants. I was also informed that the government is contemplating to review the citizenship tests with a view to liberalise them.

With regard to minority education, the new government seems aware of the problems in implementing the reform making Estonian the language of instruction in secondary education as planned from the year 2007 onwards. I have encouraged the Minister of Education to consider the elaboration, together with all parties concerned, 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 still hampered by a lack of teachers who may be able to instruct in the Estonian language. I was also struck by the fact that even when such teacher are available, it seems to be difficult for them to find a position.

The language certificates and their validity is a matter of ongoing discussion between my office and the government. The present legal provision prescribes the expiration of the language certificates by 1 January 2004. While about 30 000 out of 40 000 holders of “old” language certificates have already successfully tested for the “new” certificates, there is a possibility that approximately 10 000 holders of “old” certificates may encounter difficulties in 2004. The new government is aware of the situation and my impression is that it is willing to consider different options to resolve the problem without exposing current holders of “old” certificates to undue penalties.

In the framework of my project activities I am planning to support the implementation of the education reform and the integration programme and to provide further training to the language inspectors who are charged with the application of legislation relating to the State Language in the country.

I will continue to monitor closely the developments especially regarding the further implementation of the naturalisation process, education and language issues and to assist in the promotion of a harmonious development of relations between national minorities and the majority population.

On 23 June the National Assembly of **Hungary** adopted a revised version of the Act on Hungarians Living in Neighbouring Countries. When first adopted in June 2001, this Act faced considerable criticism from a number of neighbouring States and the international community (including the European Commission, the Council of Europe and my office).

Over the past year, the Hungarian Government has been working to amend the law. One of their considerations in doing so was to bring it in line with, at least, minimum international standards. As you will note from the correspondence that I am circulating for the first time today, I worked closely with the Hungarian Government to ensure that such standards were met. Due to frequent contacts between my office and the Hungarian authorities, I believe that the Hungarian Government was aware of my views and that most of these were taken into account.

The reason that I have been engaged so heavily in this issue over the past two years is partly because of the sensitivity of so-called kin-minority issues between Hungary and its neighbours, but also because of the precedent that this Act creates. As I said in my statement on “Sovereignty, Responsibility, and National Minorities” of 26 October 2001, “history shows that when States take unilateral steps on the basis of national kinship to protect national minorities living outside the jurisdiction of the State, this sometimes leads to tensions and frictions, even violent conflict”. I am not concerned that violent conflict would erupt as a result of the Hungarian Status Law, but the precedent could have a negative effect on inter-state relations in the OSCE area.

As I have stressed throughout, the protection of minority rights is the obligation of the State where the minority resides. Furthermore, the obligation of good neighbourly relations is a cornerstone of international law. These are two principles that must be respected in the interest of good inter-ethnic and bilateral relations.

The amended version of the law, adopted on 23 June of this year, is a substantial revision of the June 2001 law and is close to meeting the relevant minimum international standards. By this I mean that it appears to focus on culture and education, and – with one possible exception – does not discriminate on the basis of ethnicity. As I have stressed throughout, there is nothing wrong with a State providing support to citizens of other States with whom they share common ethnic or national origins. But it must be done in conformity with international law, including respect for sovereignty, and bilateral and multilateral instruments. That – as you will see from my recommendations – is the message that I have repeatedly conveyed to the Hungarian government.

Now that the Act has been adopted, we must focus on the next stage since much will depend on secondary legislation and/or bilateral agreements. I discussed these and other issues yesterday in Budapest with Prime Minister Medgyessy and Foreign Minister Kovacs. I welcome the expression of intent that the Hungarian Government has made to negotiate separately with each neighboring State to find a solution that would be suitable and acceptable in every specific case.

This is important because if the so-called “Status Law” or “Preference Law” is to be implemented outside the jurisdiction of Hungary, it will need the support of the States concerned. Although a state with a titular majority population may have an interest in persons of the same ethnicity living abroad, this does not entitle or imply, in any way, a right under international law to exercise jurisdiction over these people. At the same time, the State of territorial jurisdiction should be positively disposed to agree to arrangements within the framework of its obligations to ensure full respect for the rights of persons belonging to national minorities. This is in the spirit of bilateral treaties and international instruments like the Council of Europe’s Framework Convention for the Protection of Persons Belonging to National Minorities.

I recommended to the Hungarian Government that they should revise the so-called “Ethnic Hungarian card”. These certificates, which look like a passport and have the crown of St. Stephan on the cover, have been issued since early 2002 as part of the implementation of the original Act. Their form and content have created concerns. While I understand that pursuant to the new version of the law these cards can now only be used in Hungary, I believe that in the future a more simplified design and content would assuage criticism without detracting from the benefits available to card holders.

I know, through discussions with Slovak authorities – most recently this morning in Bratislava with Prime Minister Dzurinda – that Slovakia believes that bilateral arrangements already exist to accommodate the types of support foreseen by the Status Law. I sympathize with this view and indeed believe that more could have been done at an earlier stage to make better use of bilateral instruments like the Joint Commissions set up pursuant to treaties between Hungary and Romania and Hungary and Slovakia. I urge the parties to use such mechanisms to resolve any outstanding differences and to avoid misunderstandings in the future.

I believe that there is scope to provide support for kin-minorities in a number of creative ways that have the support of all parties involved. This was been demonstrated by the Orban-Nastase agreement of December 2001, and past agreements on education and culture between the governments of Slovakia and Hungary. I urge Hungary to co-operate with its neighbours to provide assistance to Hungarian language and culture in ways that will find support among Hungarian communities and the States where they live. As I have stressed throughout, support to education should be channelled through institutions.

I will continue to work with all parties involved in this issue in order that minority protection will be ensured in a way that does not jeopardize inter-ethnic or bilateral relations. It is my impression, reaffirmed by my recent visits to Budapest and Bratislava, that all sides seek a solution to this issue which has complicated otherwise good relations between Hungary and some of its neighbours for the past two years.

From 14 to 17 April I visited the Republic of **Kyrgyzstan**. This was my third visit to Kyrgyzstan and I also had the opportunity to again visit Osh in the south of the country, where I supported a roundtable entitled "Multilingual Education and Mother Tongue

Education for National Minorities in Kyrgyzstan". The situation in the south of the country remains complex, with a challenging socio-economic environment, frictions along the border, and new and radical forms of religion, among other factors, making it difficult for the government to achieve fully its ambitions of ensuring inter-ethnic stability. I believe that the right education policies, including where appropriate multi-lingual and mother-tongue education, supported by the necessary resources can be an effective means to help to promote the goal of inter-ethnic harmony. I will continue to work with the authorities in Kyrgyzstan, national minority representatives and international organisations to promote education as a means to effect the further integration of the different ethnic communities in Kyrgyzstan.

Following my visit to Kyrgyzstan, I am convinced that appropriate forms of policing can also play an important role in fostering security and stability in multi-ethnic contexts in the country. The OSCE policing initiative, led by the Strategic Police Matters Unit (SPMU), can be an important vehicle for assisting the authorities in Kyrgyzstan to develop forms of policing that correspond to the needs of a democratic and multi-ethnic society and I also look forward to working with the authorities in Kyrgyzstan to develop appropriate approaches to policing multi-ethnic communities.

During my visit to Kyrgyzstan, I also had the opportunity to meet the Ombudsman. I believe that the Ombudsman can play an important role in protecting the rights of persons belonging to national minorities in Kyrgyzstan and that this institution can function, in certain circumstances, as a means to help to defuse conflict situations. In order to enhance the capabilities of the Office of the Ombudsman, my office has recently undertaken a training seminar for the Ombudsman's staff on the legal protection and rights of persons belonging to national minorities.

Reflecting my increased attention to the states of Central Asia, I plan to travel to Kazakhstan and Tajikistan.

After discussions with the Georgian Government and the United Nations I found it appropriate to assess the need for me to become involved in certain aspects of the situation in Abkhazia. To this end, between 24 and 27 March I visited **Georgia**, including the former Autonomous Republic of Abkhazia.

While in Tbilisi my discussions with President Shevardnadze, Foreign Minister Menegarishvili and other senior officials focused on inter-ethnic issues in the context of Georgia's security situation and my conflict prevention activities in the Samtskhe-Javakheti region. In Sukhumi I expressed my concern about the plight of schools in the Gali district that are encountering difficulties in teaching in Georgian. I emphasised that international norms and standards require that any authority controlling territory and people, even if not recognized by the international community, must respect the human rights of everyone, including those of children who wish to study in their mother tongue. I appealed to the Abkhazian leadership to show flexibility regarding the “teaching in the mother-tongue” issue and to ensure that it was resolved in full accordance with international norms. I also expressed my readiness to assist the Abkhazian authorities with concrete projects. I would also like to take this opportunity to again thank the Governments that are supporting my projects aimed at reintegration of Samtskhe-Javakheti into mainstream Georgian society, as well as boosting stability in Georgia. The projects are being implemented successfully and I intend to expand them.

Over the past few months my office has been working with the OSCE Mission to **Moldova** to facilitate a dialogue between education authorities from Chisinau and Tiraspol on the issue of schools teaching in the Latin script in Transdnistria. The status of these schools has been a recurrent source of tension over the past decade, often at the expense of the security of children, teachers and parents. Recently, the situation seems to have improved as authorities from both sides of the Dniestr have met regularly, under OSCE auspices, to see how outstanding differences can be resolved. One of the most complicated issues relates to the registration of the schools. In the past – and as recently as a few weeks ago – threats have been made to close the schools if they fail to register. My office is providing expertise to try to prevent such a situation that, I believe, could affect the welfare of the children involved and lead to frictions in the communities where they go to school.