



Organization for Security and Co-operation in Europe

High Commissioner on National Minorities

STATEMENT

by

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Mr. Chairman, Distinguished Delegations,

On 20 August this year I took up my position as OSCE High Commissioner on National Minorities (HCNM), succeeding Ambassador Rolf Ekéus whose term expired on 1 July. In his last report to the Permanent Council on 28 June, Ambassador Ekéus underlined that he was convinced of the continued relevance of the HCNM. Already, after less than three months in my post, I am equally convinced. Today, the number of violent conflicts in the world where the major underlying cause involves ethnicity, culture, religion or language remains extremely high. The vast majority of these types of conflicts concern minority groups; the OSCE region is no exception. However, I can also vouch for the impact made by the High Commissioner on National Minorities through quiet diplomacy at an early stage, in close co-operation both with governments, minority groups and civil society. So, while the challenges remain daunting, there are also positive trends.

Let me express my satisfaction at having this opportunity to report to the Permanent Council so early on in my tenure as HCNM. I look forward to a close and active co-operation with all of you as representatives of the OSCE participating States. I am also joined today by Ambassador Brendan Moran and my Chef de Cabinet, Mr. Odd Magne Ruud. Many of you already know Ambassador Moran from his previous role as Ireland's Permanent Representative to the OSCE; today he is here in his new capacity as the Director at the HCNM.

I take over an institution that has proven its value under the able leadership of my two predecessors, Minister Max van der Stoep and Ambassador Rolf Ekéus. The Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) of 1975 established an inextricable link between human rights and security. When the CSCE Heads of State and Government signed the Charter of Paris for a New Europe, in November 1990, they also affirmed that “the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law”. However, it did not take long before a number of crises rocked the CSCE area. Most of these conflicts were intra-

State rather than inter-State in character and almost all related to ethnicity and nationalism. It was against this backdrop that the Helsinki Document was adopted by the CSCE Summit in July 1992, which included the creation of the post of CSCE High Commissioner on National Minorities as an instrument of conflict prevention. The mandate given to the High Commissioner, and which I have promised to carry out to the best of my ability, is “to provide early warning, and as appropriate, early action at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, ...”

In the past 15 years of implementing the HCNM mandate, the work of my two predecessors has clearly demonstrated the need for "providing early warning and, as appropriate, early action in regard to tensions involving national minority issues". Therefore, I will continue to follow up on and endeavour to strengthen the good work that has already been done.

I will continue to make concrete and practical recommendations to States and national minorities alike. These may include changes in legislation, institutions or policies affecting minorities. Such recommendations and guidelines will continue to be reinforced by targeted programmes and projects to help ensure the implementation of measures to reduce tensions.

This is a task of enormous proportions and one in which the HCNM can only assist the parties involved by applying his approach of "quiet diplomacy". After all, it is the parties themselves who will need to adopt and implement solutions which more often than not will have to reflect a compromise reached or brokered between them. In this context I would like to stress three important points:

First, I view the **participating States** of the OSCE as the most important guarantors for ensuring respect for and the full implementation of minority rights. Without well-functioning, democratic and accountable States, based on the rule of law, the rights of persons belonging to national minorities to enjoy their own culture, to profess and

practise their own religion, or to use their own language are likely to be violated. Furthermore, without the protection of their rights by the State, the minorities become vulnerable and the potential for conflicts will increase. It is for this reason that I dare to say that good governance and well-functioning institutions are first and foremost the best instrument with which to prevent conflicts. The more democratic a system of governance is, the greater the opportunity for a peaceful and stable situation.

Second, States as well as the international community should consider and treat **national minorities** as full partners who need to be included in the process of devising and implementing all policies which affect them, whether these policies are economic, social or cultural in character. My door will always be open to them. My services will always be available. At the same time, I would like to underline that I am the High Commissioner *on* rather than *for* National Minorities. I am not an Ombudsman for National Minorities. Minorities may sometimes have to be cautioned on the need to move away from “maximalist” positions.

Third, the **international community** has a particular responsibility in the prevention of conflicts and in assisting States in implementing the commitments they have undertaken concerning the protection and promotion of the rights of persons belonging to minorities. I therefore intend to pursue close relations with the participating States as well as with international organizations. Like my predecessors, I will continue to expand co-operation, in particular, with the European Union, the Council of Europe (CoE) and the United Nations as well as its respective specialized institutions. Already after my first country visits, I see clearly that only a combined approach by all the relevant institutions can lead to effective results.

In the framework of the programme for Enhanced Co-operation between the OSCE and the Council of Europe (CoE), initiated in 2005, I have also assumed the role as OSCE's 'focal point' on national minorities. In this capacity, I attended the 6th Meeting of the Co-ordination Group in Strasbourg on 19 October 2007. It is my intention to foster vigorously co-operation with the CoE bodies dealing with the rights of persons belonging to national minorities through the exchange of information, mutual consultation and the co-ordination of plans and projects and joint activities. Ultimately, this may not only help in reducing unnecessary duplication, but also

substantially contribute to implementing my conflict-prevention mandate. In this context, allow me to inform you about a modest but significant success story. This summer the first ever joint OSCE-CoE publication was issued, the book entitled "National Minority Standards. A Compilation of OSCE and Council of Europe Texts".

The geographical and thematic priorities of the HCNM might well change depending on political developments, but I do not expect major shifts in the scale and nature of the work that I am mandated to carry out. I will go on monitoring political developments, conducting regular visits to individual participating States and maintaining dialogue with governments and minority representatives. I will continue supporting participating States by providing recommendations and comments on minority-related legislation and minority policies. My visits have also shown me the importance of following up such recommendations with various project activities. They serve both as an implementing tool and as a measurable outcome of HCNM-activities. It is my firm belief that these specific project activities produce results in the form of increased knowledge and awareness of how minority issues can be addressed. The HCNM's engagement in various countries enables us all to exchange views and knowledge on a wide range of issues. I believe that this widened engagement is of utmost importance, especially in achieving tangible results.

Since I took up the position of High Commissioner on National Minorities, I have already travelled to South-Eastern Europe, Central Asia and Georgia. This reflects the high priority that I attach to the situation in these areas. In October, the Max van der Stoep Award was presented to the European Roma Rights Centre in Budapest, which reflects an important thematic field of focus for my office in 2008. I understand this will also be a priority area for the incoming Finnish Chairmanship. These are just a few examples to highlight some of the priorities I intend to concentrate on in my role as HCNM. Let me now be more specific.

As High Commissioner, I intend to devote considerable attention to the region of **Central Asia**. The complex legacy of the Central Asian States has resulted in long-term challenges for these countries in building cohesive societies where both ethnic majorities and minorities feel at home and at peace with each other. I am also

concerned that tensions stemming from inter-ethnic issues in individual States could have a negative impact upon the inter-State relations of the region. It is therefore my intention to work with the governments to support harmonious social integration in their countries with respect for the rights of persons belonging to national minorities and to promote the dialogue between the States on kin-minority issues.

I am grateful to the Governments of Kazakhstan and Kyrgyzstan for receiving me last month. In Almaty and Astana, I had constructive and substantive talks with the officials and national minority leaders on ways in which the HCNM can assist **Kazakhstan** build on its achievements in the field of ethnic policy.

The Government has taken an important initiative with respect to minority representation in the parliament of Kazakhstan. However, during my visit I suggested that the parliamentary selection process should be looked into in order to secure better legitimacy of the representatives. Two experts from my office have just visited Astana at the invitation of the Kazakh Government to assist it in its work. Furthermore, the authorities in Astana and I have agreed to jointly look for ways of addressing such complex issues as enhancing the knowledge and use of the State language of Kazakhstan, while also ensuring the linguistic rights of national minorities. As a result of my talks, a number of practical initiatives have emerged, including the subtitling of news broadcasts, the training of teachers of minority mother tongues and possible expansion of the ongoing joint undertaking that aims at boosting grant-based university enrolment among minority-language school leavers.

In **Kyrgyzstan**, I held discussions with policy makers and minority communities in Bishkek and Osh on the constitutional and electoral reform and the effect of these initiatives on inter-ethnic relations in the country. I welcome the intention of the authorities to increase minority representation in the national legislature by prescribing the use of ethnically mixed candidate lists. The switch to a proportional representation system may also be a way of dealing with the gerrymandering that has hindered minority representation in the past. It is my hope that these new arrangements will assist effective participation of national minorities in the public life of Kyrgyzstan. In my meetings with the Kyrgyz Government, I also reviewed the impact of my existing projects in the field of education, policing and State language

training for civil servants and examined ways in which these initiatives can be augmented.

Last week, I visited **Georgia** where I met senior government officials. I also visited the regions of Samtskhe-Javakheti and Kvemo-Kartli, mainly populated by Armenian and Azerbaijani minorities, where I met local authority and national minority representatives.

In these regions I also assessed the implementation of two HCNM Conflict Prevention Programmes, developed by my predecessor, aimed at promoting the integration of the Armenian and Azerbaijani minorities into Georgian political, social and cultural life. These programmes are progressing successfully and are important for boosting stability in Georgia. Taking into consideration the complex situation in the Samtskhe-Javakheti and Kvemo-Kartli regions, as well as the need for better integration of Georgia's national minorities into Georgian society, I see a great call for the expansion and strengthening of these projects. I would also like to take this opportunity to thank the governments that are supporting my project activities in general, and in Georgia in particular.

Georgia has recently adopted new legislation aimed at protecting the rights of the national minorities of the country. I will continue my dialogue with the Georgian authorities to assist them in the implementation of the new legislation and reforms affecting national minorities. In July 2007 the Georgian parliament adopted a Law on "Meskhetian Repatriation". I welcome the adoption of this law and I have expressed my readiness to assist the Georgian Government in its implementation.

My office remains very active in several parts of **South-Eastern Europe** and I intend to continue to focus on the region during my tenure. In addition to the countries and entities where I am already undertaking regular visits and concrete activities, I intend to explore the possibility of becoming more deeply involved in **other countries** of the region.

In September, I visited **Belgrade** and **Pristina**. This was my first official country visit as High Commissioner and I chose these two cities as a way of highlighting the fact

that I intend to give high priority to South-Eastern Europe as a whole, but in particular in resolving key minority problems in Serbia and Kosovo. The main purpose of my visit was to become better acquainted with the situation, while also delivering some important messages to my interlocutors, including providing offers of assistance, especially on minority-related legislation. I broached the subject of the need for **Serbia** to build on its increasingly positive efforts of furthering minority rights protection and underlined my wish to remain engaged in the process of reconciliation between the communities in Kosovo initiated by my predecessor.

In Belgrade, I discussed the situation in both southern Serbia and the Autonomous Province of Vojvodina, and expressed my desire to become more deeply engaged in those two regions. I also discussed the difficult situation of Kosovo Serbs and the need for measures to be put in place to achieve significant repatriation. This will require constructive engagement on the part of the authorities both in Pristina and in Belgrade. In this context, I have encouraged Kosovo Serbs to participate in the 17 November Kosovo elections.

In **Kosovo**, I expressed my concern about the high level of tension between the various ethnic groups. The main point of discussion was the process of reconciliation that was initiated last year by my predecessor. I am committed to moving this process forward. This was welcomed by all interlocutors, having agreed that Kosovo will have to deal with its difficult past sooner rather than later. I am now exploring how the public can be more broadly engaged, so that a meaningful public debate can take place when the moment is ripe. Another subject I raised while in Pristina is the situation concerning Kosovo's smaller communities. I stressed that whatever the outcome of the status talks, we should aim at securing a multi-ethnic Kosovo in line with the great efforts made by the international community.

In **Montenegro**, I am closely following the adoption process of the new Constitution. In this context, I would like to congratulate Montenegro for having successfully adopted this most important document on 19 October. The HCNM has provided assistance and expertise throughout this long process on a number of issues of relevance to national minorities. Although not all of our comments have been taken into account, I can say that, overall, the new Constitution is generally in line with

what we have suggested and provides a good basis for building a stable and democratic state in which the rights of minorities are protected and promoted. I am now ready to provide the Montenegrin Government with advice and expertise with regard to the implementation of the Constitution and the harmonization of existing legislation, including the law on minority rights and freedoms.

Like my predecessor, I continue to follow the situation in **Croatia** closely and intend to visit the country in early 2008. There continues to be progress in Croatia with regard to the rights and protection of national minorities. Croatia's Constitutional Law on National Minorities (CLNM) serves as an example to the region, while other legislation related to national minorities can also be commended. Concrete steps have been taken to address the concerns of national minorities in a number of areas. However, a number of issues which my predecessor has outlined previously – areas such as proportional representation of minorities and some of those related to returns – still require further work in order to build confidence and deeper trust between national minorities and the authorities. I intend during my future visit to inform the authorities that my office stands ready to provide whatever assistance is needed to address these outstanding issues.

I look forward to visiting **the former Yugoslav Republic of Macedonia** in the very near future. This is a country where my predecessors have invested a tremendous amount of time and energy, and where the institution of the High Commissioner is highly valued. The country has seen some important progress in the area of minority rights. However, efforts must be made to ensure that this progress is not stalled but consistently moves forward, and that inter-ethnic relations are built on a solid foundation, which promotes integration rather than separation. In this context, I follow, among other areas, the situation in the field of both higher education as well as primary and secondary education.

I would also like to inform the Permanent Council that in the coming months I plan to visit **Estonia and Latvia** to assess the educational reforms as well as the naturalization process.

Due to the upcoming elections to the European Parliament, I have not yet visited **Romania**. It is my intention to do so within the next few months, having received an invitation from the Romanian Minister of Foreign Affairs. I am following the developments in this country in various fields, such as the draft law on national minorities, the policy on citizenship, the draft law on Romanians abroad and the situation concerning the multicultural university of Babeş-Bolyai in Cluj-Napoca. The accession of Romania to the EU earlier this year is boosting the country's commitment to the protection of and respect for national minorities. Against this background, my upcoming visit will be an occasion during which to offer the Romanian Government all my assistance and expertise in dealing with national minorities.

I have been closely following the political developments in **Ukraine**, where the parliamentary elections in September provide the country with a new opportunity to build consensus and bridge differences. I am committed to remaining involved in the Autonomous Republic of Crimea, where I am currently implementing two projects to promote inter-ethnic relations. The larger project aims to increase the capacity of civil servants to deal with inter-ethnic issues in a balanced and professional way. The second supports a course on tolerance education that has been developed locally and has been accredited by the Crimean education authorities.

In **Moldova** I am currently working together with the Government and regional authorities to promote integration of national minorities in the wider society. Among other initiatives, I am implementing a project on adult language education for civil servants and I am prepared to continue supporting the Moldovan Government in its commitment to improve knowledge of the State language among persons belonging to national minorities. To promote balanced reporting on minority issues in the media, I have also supported educators at Moldovan journalism schools to introduce a module on diversity reporting in their curricula.

I am committed to building on the successful record of dialogue between the **Russian Federation** and the HCNM achieved under the tenure of my two distinguished predecessors. From my perspective, Russia is of particular importance as it not only boasts rich ethnic diversity but also plays a crucial regional role as a kin-State for

sizable Russian minorities living outside its borders. In this respect, I look forward to my forthcoming visit to Moscow in early 2008.

As my predecessor mentioned to you during his final address last July, the HCNM also continues to work on several thematic issues including the policies of States aimed at the integration of non-traditional minorities and on relations between States concerning national minorities outside their sovereign jurisdiction. I am currently preparing a set of thematic recommendations on the role of States on establishing and maintaining links with minorities abroad, including the question of provision of citizenship and other benefits, and will be discussing them with a group of experts in the months to come. I would be happy to present these recommendations to you when they have been finalized.

It is encouraging to note that currently the plight of the **Roma** is much higher on the public and political agenda than it used to be 10 to 15 years ago. The Action Plan to Improve the Situation of Roma and Sinti within the OSCE Area was a clear sign of this as Ministers of OSCE participating States in Maastricht (2003) saw an urgent need to address the deteriorating situation of Roma and Sinti. At the regional level, other positive initiatives have also emerged. In 2005, nine countries of Central and South-Eastern Europe adopted the Decade for Roma Inclusion, in which they committed themselves to improve the socio-economic status and social inclusion of Roma within a regional framework in the period 2005-2015.

In close co-operation with the OSCE Contact Point for Roma and Sinti Issues, and within the framework of the OSCE Action Plan of 2003 on Improving the Situation of Roma and Sinti within the OSCE Area, I will continue to devote attention to the situation of the Roma. The current situation raises serious concerns, not only from a human rights perspective, but also, when seen from the long-term perspective, its potential to increase the risk of tension. While a European policy on addressing the transnational aspects of the problems of the Roma is essential, there should be no doubt that the primary responsibility to respect and ensure the rights of Roma falls to the governments of the individual OSCE participating States. Roma are their citizens as much as anybody else.

The overarching goal of integration with respect for diversity has been central to the HCNM since the beginning of his mandate. Like both my predecessors, I am committed to this concept, which provides the overall framework for more specific actions and recommendations. The need to focus on finding the right balance between integration, on the one hand, and respect for diversity, on the other, has been addressed by my predecessors in numerous speeches, articles and other statements. Let me reiterate the importance of making a distinction between integration processes which respect diversity – both as a concept and in practice – and policies of imposed assimilation or segregation. Integration does not mean creating a single national identity and culture, nor does it mean eliminating the distinctive identities and cultures of minorities. Conversely, a balanced integration among groups cannot be achieved through policies aimed at maintaining and promoting separate identities, cultures and governmental structures for minorities, without participation and interaction between them.

Integration policies can be applied to very different groups, ranging from persons belonging to national minorities to recently arrived migrants. From my perspective, rather than engaging in controversial discussions on definitions, it is important to focus on the "how" of integration rather than on the "who" by devising a set of instruments that might help prevent conflicts within our societies. The OSCE Parliamentary Assembly has made repeated calls for the HCNM to act with regard to the situation of migrant populations in Western Europe, believing that integration respecting diversity is relevant in this context too. In response to these calls, my predecessor commissioned a group of experts to investigate the subject. In the belief that a comprehensive approach to diversity issues can help better address the core business of my mandate, it is my intention to continue the reflection in this area in order to help States cope with diversity.

My activities could not have had happened at the scale of today if my office was not supported with generous voluntary contributions from various countries. Since I earlier have underlined the importance of project activities, I value these voluntary contributions very highly. I would also like to highlight the excellent cooperation my office has with various OSCE missions, and I am grateful for the invaluable assistance

given to me when I travel in various parts of the OSCE area. Let me also take this opportunity to commend HCNM members of staff for their great skill and dedication.

Minority issues will always exist. Ethnically pure nation states are not the norm and efforts to create them usually cause conflict. Over the years since 1989/90 we have achieved a better understanding of why conflicts erupt and how they can be prevented. Many of the OSCE participating States have institutionalised means of dialogue. National minorities in several OSCE States have seen the merits of dialogue and participation and that compromise may yield better results than confrontation. It is my mandate to assist the parties in these processes and I can assure you that I will do my best.

Thank you