



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

KEYNOTE SPEECH

address by
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to the
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The OSCE as an organization and the OSCE area as such are today confronted with critical questions. One of the most serious is how to ensure respect for the commitments undertaken by the participating States in the Helsinki Final Act and elaborated throughout the years.

Increasing aggressive nationalism that we thought had faded away with the new century is a serious concern, especially for my Institution, which is mandated to prevent conflicts involving minorities. In my view, there is more talk about “us and them”. Such a way of defining our society endangers the coexistence of different groups, be they ethnic, linguistic, cultural or religious. It also hampers the successful integration of diverse societies.

There are symptoms of a retreat from multilateralism in favour of unilateral action in the area of minority protection. In one way or another, States attempt to “protect” their ethnic “kin” abroad, but sometimes fail to protect minorities within their own jurisdiction. Manipulation of the real or perceived rights and interests of minorities is counterproductive. Such actions treat minorities as instruments in a wider international political game and thus weaken the international regime for protecting minority rights. Unfortunately, we see radical nationalist forces that have gained influence and are preaching this approach.

Why should we be concerned about the excessive bilateralization of minority issues? Bilateral treaties have a valuable role to play in managing inter-ethnic issues between States, but they cannot replace the multilateral approach. Our recent history has shown us time and again that concerns for minorities abroad can have a detrimental effect on inter-State relations. This can all too easily lead to minority issues becoming conflict issues. This is precisely why the international community has worked hard over the past 20 years to strengthen

the international framework for the protection of national minorities and to create forums to address inter-ethnic tensions through dialogue.

The Human Dimension Implementation Meeting is an opportunity to remember that States should follow the rules and principles established in international human rights documents when dealing with the protection of persons belonging to national minorities abroad. States should involve and support multilateral instruments and mechanisms, which have been created to support the implementation of standards and commitments relating to minorities. States should make good and fair use of all available international instruments to peacefully and effectively address possible disputes and to avert conflicts over minority issues.

This is precisely why the High Commissioner on National Minorities was established in 1992 at the Helsinki Summit.

The Institution has consistently drawn participating States' attention to the potential negative consequences of the politicization of minority issues in inter-State relations. As you know, we have been actively involved in formulating guidance for States on the issue of minorities in inter-State relations. The main principles of the 2008 *Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* state:

- First, the respect for and protection of minority rights is primarily the responsibility of the State where the minority resides;
- Second, human rights, including minority rights, are a matter of legitimate concern to the international community; and

- Third, there is a broad range of international and bilateral instruments that participating States can use to address such concerns, which they should do with full respect for the principles of sovereignty, territorial integrity and good neighbourly relations.

Although a State may have a legitimate interest to support persons of a shared ethnicity living abroad, this does not entitle or imply, in any way, a right under international law to exercise jurisdiction over these persons.

At the same time, it does not preclude a State from granting certain benefits to its kin residing abroad, but this assistance should comply with the principles of sovereignty, territorial integrity and good neighbourly relations. It should be done in consultation and with the agreement of the State in which the minority resides. The intention should not be to fuel separatist tendencies.

I have seen many fruitful discussions and efforts in line with good neighbourly relations related to the provision of textbooks and teacher training to name a few. These agreements can help a State to provide for the rights of a minority. On the other hand, the principle of non-discrimination requires that, for example, scholarships and study opportunities offered to another country should not be restricted to a specific ethnic, linguistic or regional group.

Dear friends,

The protection of human rights, including minority rights, is a matter of legitimate concern to the international community. States should address their concerns for persons or situations with other States through international co-operation and the conduct of friendly relations. This includes full support by States of the international human rights standards and commitments and their

agreed international monitoring mechanisms. Regrettably, the situation is not entirely satisfactory in this respect, even for my Institution.

The experience of my Institution shows that human rights, including minority rights, are essential tools for conflict prevention. Ignoring minority and human rights in conflict resolution may be the source of future conflicts. This is why the topics on the agenda for this special day are highly relevant to my conflict-prevention mandate. They are also inter-connected and mutually reinforcing.

Full and effective participation for persons belonging to national minorities is one of the keys to prevent tensions and conflicts. Education is crucial for conflict prevention but also as a way to increase the possibilities for participation, both by the majority and the minority. When education and participation are harmoniously at play, a society stands a better chance of achieving progress and social cohesion. In this way, a society can truly benefit from its diversity and minorities can be a bridge between States instead of being an obstacle for improved inter-State co-operation.

Ladies and gentlemen,

Education has been high on the HCNM agenda ever since the establishment of this Institution in 1992. In 1996, *The Hague Recommendations regarding the Education Rights of Minorities* were published. Education has a critical role to play in promoting the integration of society. Its important role in preserving and fostering minority cultures was one of the cornerstones of these Recommendations. They also provide guidance on how instruction of, and instruction in, minority languages can be integrated into the education process.

Unfortunately, education can also be misused to pursue a divisive nationalistic agenda, reflected in politicized curricula. We have seen textbooks riddled with stereotypes and prejudices. We witness divisive history and identity politics being entrenched in the education system.

This instrumentalization of education can be particularly acute in post-conflict and democratic-consolidation phases of societies. These are the situations where we see strong ethnic mobilization, polarized media and weak shared institutions that undermine efforts to manage diversity. In the absence of shared institutions, values and human interaction and contacts, parallel societies are being built. There is a danger that society may break apart in the long-term.

Let me be clear. I am not against separate education institutions for minorities set up by governments, communities or private entities to provide for the education rights of minorities. Studying in such institutions should be a matter of choice. What concerns me is the detrimental effect that the deliberate division of school children along ethnic lines will have on social cohesion if there is no other interaction between groups and if there are not enough efforts to have a shared language or languages. In some countries, Roma children are still being placed in special schools for no reason other than their ethnicity. The long-term costs of separation, whether motivated by ethnic partisan politics or discrimination, are too high to be ignored.

Building upon the Hague Recommendations, the 2012 *Ljubljana Guidelines on Integration of Diverse Societies* include recommendations on integrating diversity in education systems. They suggest that policies are developed with the support of all key stakeholders, including communities, parents and teachers. Education should be a platform for communication across and between ethnic, cultural and linguistic groups. The Ljubljana Guidelines

emphasize that schools should hire multi-ethnic staff; share curriculum activities, including through multilingual education; allow students from different communities to mingle through extra-curricular activities; and ensure that teaching staff and teaching materials appreciate all communities' contributions to the shared society.

Long-term commitment to creating an education system that promotes integration is urgently needed. Reforms should be evolutionary and not revolutionary, and developed in close consultation with minority communities, so that their concerns and needs are addressed.

Over the years, we have focused on the languages that education is provided in. We have been concerned with the right of minorities to study and be educated in their mother tongue, while recognizing the need for persons belonging to national minorities to learn the official language. We have supported many participating States in their efforts to balance the preservation and development of minority culture and identity with the need for minorities to be fluent in the official language or languages in order for them to be fully engaged in public life and realize their potential in the society in which they live.

The overall approach, based on the Hague Recommendations, has been to recommend a progressive approach. Minority children should be taught in their own language in the first years of education, and the State language should be introduced gradually. Unsurprisingly, the challenges and tensions arise in the way this principle is put into practice. Solutions are always country specific. The position of the minority language, the numbers of minority students, historical entitlements, parents' involvement in decisions about the language of schooling, teacher education and the availability of textbooks are just a few variables that influence practices.

In this regard, a word of caution should be uttered in relation to multilingual education. Although I wholeheartedly support and promote such initiatives, they should not result in any neglect of the right to mother-tongue teaching. In my view, the goal of multilingual education is to enhance mother-tongue education and complement it with language skills in other languages.

I invite those participating States that have introduced such models to share their experiences.

This brings me to the second topic of our agenda for today's special day: the right of persons belonging to national minorities to full and effective participation in public affairs.

I have just spoken about the importance of involving minority parents in decisions affecting the education of their children. This is actually a good illustration of one facet of the right of persons belonging to national minorities to full and effective participation in public affairs. This right entails a positive obligation for the State to facilitate the inclusion of minorities, thereby also enhancing good governance. Inaction by the State is not an adequate approach.

Since we are talking about a right, it is important to clarify what we mean by exercising this right. The 1999 *Lund Recommendations on the Effective Participation of National Minorities in Public Life* articulated minorities' right to participation, outlining different types of arrangements at local, regional and central levels to ensure that minorities' voices are heard. Consultative arrangements can take different forms and shapes. I am looking forward to hearing the experiences of participating States in this respect.

In the field of electoral processes, as we know, there are a variety of mechanisms for translating minority votes into seats, whether this implies electoral designs that are minority friendly or that provide for special measures for minorities, such as lower thresholds, reserved seats or dual voting. Factors such as geographical distribution of minorities, and their numerical weight and historic traditions, will influence the selection of one or the other solution. States have a considerable margin of appreciation in this respect. What really matters, though, is that this participation is full and effective, and not just symbolic. Efforts to redraw electoral districts to favour one group to the detriment of another are unacceptable, also in the context of minority protection.

In this respect, I am pleased to announce that, together with ODIHR, my office has just launched a *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes*. This provides an overview of the OSCE's approach to observing and promoting the participation of national minorities in electoral processes.

At the same time, as we know, political representation of minorities alone is not sufficient for advancing the full and effective participation of minorities in all aspects of public life. One should also look at the economic, social and cultural position of minorities in society. For example, the "Commentary on Participation of the Advisory Committee on the Framework Convention for the Protection of National Minorities" makes the important link between participation in public affairs and participation in economic and social life. In this respect, it perfectly complements the Lund Recommendations.

Finally, allow me one comment on trust in public institutions: one cannot expect any citizens, whether they have a minority background or not, to fully

participate if they are not treated fairly and with dignity. A fair representation can be an important step to build confidence in a post-conflict situation. Our attention also continues to be drawn to the situation of Roma and Sinti communities, who often encounter social marginalization, deprivation and stigmatization. They face significant challenges in having their concerns heard outside electoral periods, whether by mainstream political parties or their ethnic parties.

Ladies and Gentlemen,

Let me remind you that diversity – whether ethnic, linguistic, cultural or religious – is a reality of our time. It is a matter of fact, not of definition. Indeed, most of the world's countries are multi-ethnic or becoming multi-ethnic and diverse in all senses of the word. Diversity is not new and it does not need to be problematic. But we live in a time that tests the capacity and willingness of our governments to accommodate ethnic diversity.

How we manage our increasingly diverse societies will determine our future and indeed our collective security. In this respect, I should highlight once more the responsibility of the State towards its own population and as an actor in the international community. Just as at the beginning of the 1990s, there is a pressing need for States to strengthen security instruments in a holistic way, including in the area of minority rights. The holistic way to look at security is at the heart of both my Institution and the OSCE as a whole.

Finally, I would like to use this opportunity to extend an invitation to attend a side event organized this evening by my office, which will highlight a number of participating States' experiences in addressing multi-ethnic and linguistic diversity in education.