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**Organization for Security and Co-operation in Europe
Secretariat**

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Conference Services

At the request of the Slovenian Chairmanship please find attached the contribution by the OSCE High Commissioner on National Minorities, Ambassador Rolf EKEUS, OSCE focal point for issues of national minorities, for the 551st (Special) Meeting of the Permanent Council - Joint Meeting between the Committee of Ministers of the Council of Europe and the Permanent Council of the OSCE to be held in Strasbourg on 18 April 2005.



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

The Hague, 19 April 2005

Contribution by Ambassador Rolf EKEUS

**– OSCE High Commissioner on National Minorities –
the OSCE focal point for issues of national minorities**

[Agenda Item 2:]

"Practical measures to enhance co-operation between the Council of Europe and the OSCE in the four priority areas, on the basis of the preliminary ideas put forward by the focal points appointed by the Council of Europe and the OSCE in each area"

- Issues concerning national minorities **continue to be a priority area within the OSCE** as a whole and most notably in the activities of the High Commissioner on National Minorities. Ethnic tensions continue to be among the major causes of internal and international disturbances and conflicts. This makes co-operation between the Council of Europe and the OSCE an ever more important objective.
- The involvement of the High Commissioner on National Minorities as the OSCE focal point in the process of co-operation with the Council of Europe implies that **account is duly taken of different mandates and roles** played by numerous structures and institutions of the OSCE, including field missions. This is particularly important to bear in mind in this context that the High Commissioner focuses on minority-related issues with security implications since he is an instrument of conflict prevention rather than a human dimension arrangement.
- Within the CoE-OSCE co-operation, there is a need for **broader approach** to embrace not only protection of persons belonging to national minorities but equally promotion of their rights and prevention of their violations as well as, more broadly and comprehensively, prevention of ethnic-based tensions that might endanger peace, stability and friendly relations between the Participating States. Thus it is proposed that the term '*national minority issues*' be applied to integrate all the above aspects and components concerning national minorities.
- From the OSCE/HCNM perspective of national minority issues the **space for enhanced co-operation** has been identified within the following Council of Europe arrangements:
 - intergovernmental co-operation,
 - treaty-based monitoring bodies, and
 - other bodies.

- As far as the **intergovernmental co-operation** is concerned traditional ways and methods of co-operation include regular exchange of information and documents, including information on further programmes of activities. A more advanced stage has been reached with increasing coordination in the field of providing legislative assistance to states concerned with the aim of avoiding unnecessary duplication of work and elaborating a coherent position on the most essential issues to be regulated in new domestic legislation. This dimension of co-operation and coordination should further be encouraged and extended. Furthermore, on his own initiative and within his mandate to promote availability of 'democratic means and international instruments' (para. 6 of the 1992 Helsinki Mandate), the High Commissioner has been vigorously promoting ratification of relevant instruments, in particular of the Framework Convention for the Protection of National Minorities and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. Further discussion about potentials for improving co-operation in this respect may be welcome.
- A new arrangement has recently been established - the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) as a committee subordinate to the Steering Committee for Human Rights (CDDH). Terms of reference of DH-MIN has referred to its role as of "a forum for the exchange of information, views and experience on policies and good practices for the protection of national minorities" (para. 4 i. of 'Specific Terms of Reference). Commendably, participation by a representative of the High Commissioner was envisaged to observe the work of this promising new tool for further discussion of national minority issues.
- The second level of the CoE-OSCE co-operation has been developed around the activities of **treaty-based monitoring bodies**, in particular the Advisory Committee set up under the Framework Convention for the Protection of National Minorities. Regular exchange of documents and information at the level of respective secretariats is fruitful and mutually beneficial in the course of reporting procedure. New area for enhanced co-operation is opening up with the gradual development by the Advisory Committee of thematic comments and interpretations on specific provisions of the Framework Convention.
- The desirable area for enhancing co-operation is the work of the Committee of Experts established under the European Charter for Regional or Minority Languages. The importance of this area stems from the crucial and increasing role of languages for the effective implementation of integration of minorities into a multi-ethnic and multicultural society.
- Within the **third level** of the CoE-OSCE co-operation one should note regular contacts, consultations and exchange of information with the Council of Europe Commissioner for Human Rights, the European Commission for Democracy through Law (the Venice Commission) and the European Commission against Racism and Intolerance on the issues regarding minorities.
- Although it is outside the terms of reference of the enhanced co-operation, the High Commissioner does see a role for further contacts and consultations with the Parliamentary Assembly of the Council of Europe. This allows for exchange of information with the Assembly's committees, notably the Committee on Legal Affairs

and Human Rights as well as the Committee on the Honouring of Obligations and Commitments by members states of the Council of Europe (the Monitoring Committee).

- In conclusion, the co-operation between the Council of Europe and the OSCE in the field of national minority issues has been largely satisfactory and encouraging. In some areas however it should be extended and developed (e.g. on thematic issues) and in others the co-operation needs to be instituted (e.g. use of languages). Above all, the focus of the enhanced co-operation on national minority issues should go far beyond standards and their implementation and embrace the achievement of integration of minorities while respecting their diversities. As for the forms and methods of the enhancement of co-operation, all of them which are applied have proved their usefulness while respecting divergent roles of the OSCE structures and institutions.