



High Commissioner on National Minorities

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**SPEAKING NOTES
OF
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ATHENS CONFERENCE COMMEMORATING 50th ANNIVERSARY
OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
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It is a great pleasure to participate in the Athens Conference commemorating the 50th anniversary of the Universal Declaration of Human Rights. The experience of my various activities in the field of promotion and protection of human rights in Europe, including also South-Eastern Europe, convinced me about the enormous impact the Universal Declaration and many other UN and European legal and political instruments of human rights protection had and continue to have in the efforts to protect the dignity of individuals, to promote their rights, to help different societies to build their more prosperous future based on democracy and the rule of law and, last but not least, to prevent tensions and conflicts emerging as a result of violations of basic human rights and freedoms.

My intention is to focus on the influence human rights protection can have on efforts to develop modern, democratic, integrated societies, where diversity is seen as an asset and not as liability, and where these diversities are harmonized in such a way that they serve development of the society and of the country as a whole. But before coming to this, I would like to briefly address first

the complex of issues that can be characterized as universality and internationalization of human rights protection seen from the perspective of both their normative foundation and their practical implementation.

Regarding the UN system of human rights protection, the process of its development, started with the signature of the UN Charter followed by the Universal Declaration of Human Rights and by the adoption in 1966 of the International Covenants on Human Rights, resulted in the general acceptance of the fact that this system defines the basic human rights obligations which the Member States of the UN had committed themselves to fulfil. As a consequence, human rights were internationalized and removed from the protective domain of the state as a subject, which was previously considered to be exclusively within the states' domestic jurisdiction. As it was stressed in the 1993 Vienna Declaration on Human Rights, "the promotion and protection of all human rights is a legitimate concern of the international community."

A remarkable development concerning human rights protection took place in my organization, Organization for Security and Co-operation in Europe. The so-called OSCE Human Dimension includes politically binding commitments of all Participating States to promote, protect and develop human rights, democracy and the rule of law. These commitments are enshrined in fundamental OSCE Documents: the Helsinki Final Act, the Paris Charter, Document of the Copenhagen Human Dimension Meeting and Document of the Moscow Human Dimension Meeting. I would like to underline here the two principles which are fundamental to the concept of the OSCE human dimension, constitute the foundation of the OSCE as a community of values and without which the human dimension would be deprived of its significance. First, the commitments and responsibilities undertaken in the field of the human dimension apply in their entirety and equally in each and all of the Participating States. The human dimension is indivisible; there can be no zones of lesser humanity. Second, the human dimension commitments are matters of direct and legitimate concern to all Participating States and do not belong exclusively to the internal affairs of the state concerned. The argument of non-interference in internal affairs with regard to the human dimension is not valid; it never has been. Let me also stress, from the perspective of my experience of recent years, that these principles are of fundamental importance to human dimension aspects of conflict prevention as well.

The fundamental principles of the OSCE Human Dimension reflect the notion that respect for and promotion of human rights are strongly linked to democracy and the rule of law. As it was stressed in the Vienna Declaration on Human Rights, "democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing". That means that the absence of the democratic rule in a state is in itself a violation of the human rights of its population. In such a case, the international community has the right to consider efforts aimed at removing obstacles to the democratic development. At the same time, it should be noted that the existence of democracy and the rule of law does not always make a country concerned totally

immune from cases of non-respect of human rights of individual persons. It is confirmed by the jurisdiction of the European Court of Human Rights, which constitutes the core of another system of human rights protection established under the European Convention of Human Rights. Cases lost in the European Court of Human Rights by states with long traditions of democracy and the rule of law show that the respect for human rights ought to be the subject of constant preoccupation in all states concerned. Jurisdiction of the Court in individual cases can serve as an important source of inspiration in drafting relevant legislation and administrative rules and regulations in the state concerned.

The recognition of the universality of human rights protection in its normative and practical dimension is also closely connected with the notion of the universal character of human rights as such. Let me quote again the Vienna Declaration on Human Rights: “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.” This means rejection of cultural relativism, which has often tried to justify violations of human rights by reference to some special religious, cultural or historical imperatives. This notion clearly indicates how important human rights protection can be for integration of diversities.

Democracy and the rule of law within a state create conditions for using diversities within a society to the benefit of all individuals and of the society as a whole. By diversities I understand basically the existence of different ethnic, linguistic, religious or cultural traditions with which individuals identify themselves and on the basis of which they construct at least part of their social behavior. Integration of them is based on two fundamental principles. On one hand, we have to do here with general freedoms and rights of individuals to maintain and develop their ethnic, linguistic, religious and/or cultural identity and traditions. On the other, this is balanced by the set of duties and responsibilities of these individuals in relation to the rest of the society and to the state they live in and are citizens of.

The aim of the international instruments in the field of human rights protection is generally to secure human dignity. Since there is a subjective character to dignity, international instruments promote and protect freedom. Freedom may be exercised by the individual alone and in community with others. The interest in doing so follows from the fact that the human experience is both individual and social. But freedom for all requires at the same time respect for others, for their specific identities. This raises the fundamental issue of responsibility. For everyone to enjoy freedom, society confers rights but also duties. This is the effective meaning of integration. This formula accommodates interests of various minorities, but avoids thdBy both socially and

economically. In order to achieve that, education, as it was formulated in the Convention on the Rights of the Child, should be directed at the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; and at the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Underlying many human rights violations and tensions developing as a result of these violations are deeply rooted social and economic causes. Poverty, lack of educational resources, economic and political underdevelopment are but few factors that contribute to violations of human rights, including rights of members of various minorities. Solutions to these problems have to include, in addition to political capital, significant investments of financial capital. Efforts to develop economic and transport infrastructure, educational facilities and local capabilities to deal with various local problems are of great importance for preventing tensions that can emerge as a consequence of underdevelopment. I don't have to add how important these efforts are for the integration of the whole society and for the strengthening among members of minorities living in underdeveloped areas of feelings of loyalty towards the State. At the same time, it should be borne in mind that a special attention for minorities, or regions where they live, should not be at the expense of other groups in the society who might also be in a difficult position. These groups also deserve attention; it should be avoided that they feel neglected. What is important from the point of view of integration is to ensure legal, administrative and practical equality for all in their opportunities and access to what the State is offering.

When I mention the notion of loyalty towards the State, I have in mind an important role members of various minorities play in helping to prevent conflicts. If persons belonging to minorities refuse to recognize that they share a common destiny with the majority in the State within which they live, if they constantly seek to isolate themselves from the rest of the society and insist on institutional arrangements which would promote such isolation, the reaction of the other side might be increasingly suspicious and negative. This is anything but integrative. Rather, a process of polarization can develop, which can ultimately lead to confrontation and conflict. In my opinion, a minority should try to follow a policy which combines efforts to safeguard its identity with the recognition that living together on one territory – and consequently sharing many common interests – inevitably requires a certain degree of integration into the wider society. By rejecting isolation, the minority will also be able to create more understanding for the vital need it feels to maintain its own identity. It goes without saying that integration by no means entails the assimilation of a minority. Careful attention should always be given to measures that foster and develop the identity of minorities. If this is neglected, latent tendencies of self-isolation will be stimulated.

It should be noted, at the same time, that rejection of self-isolation by members of minorities should be encouraged by a proper

policy of the State concerned. Individuals concerned should feel that they are equal members of the society as a whole and that they can contribute their skills and talents to its further development. Sometimes members of minorities have concrete problems in integrating into a wider society – even if they wish to do so. For instance, in some countries stateless residents experience objective difficulties in passing language and other tests required in the process of becoming citizens or are faced with unduly burdensome legal and administrative obstacles in this process. I am convinced that these are not insoluble problems. While undertaking efforts to overcome them, one should always remember that integration cannot occur if whole groups of persons remain excluded from being a legitimate and recognized part of the polity in which they live and on which they most depend for the enjoyment of their human rights.

Let me conclude by stressing that efforts to reduce to the minimum violations of human rights are an inseparable part of any policy aimed at building an integrated, cohesive and prosperous state and at preventing social, economic and political tensions within it. These efforts should be encouraged, not only because the theory of human rights says so and not only because international standards require that. There has to be a clear and deep understanding of practical advantages of such a policy for all individuals and groups of them within the society, for the society as a whole and, ultimately, for the State concerned.
