



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

“The Linguistic and Education Rights of National Minorities and their  
Application in Moldova”

Key-note speech by

Max van der Stoep  
OSCE High Commissioner on National Minorities

Chisinau, Moldova

18 May 2000

Ladies and Gentlemen:

It is a pleasure for me to co-host this seminar on “Language and Educational Issues in the Republic of Moldova”. I would like to take this opportunity to thank Ambassador Hill and his staff in the OSCE Mission for their assistance in the organization of this meeting and Ms. Stoyanova and her team for their co-operation.

It has been several years since I have been in Moldova. Much has changed. New laws have been enacted and new institutions have been established. Yesterday in a range of meetings I became more familiar with some of the institutions dealing with minority issues in Moldova. I welcome the co-operation of the Moldovan Government in looking at what further steps can be taken to protect the rights of persons belonging to national minorities in Moldova, particularly as regards education and linguistic rights. At the same time I am sensitive to the need for taking steps to strengthen the State language. These processes can be complimentary; they are not mutually exclusive. This seminar is designed to look at ways that this can be achieved.

I would like to point out that I am not here to take sides. I am the High Commissioner *on* rather than *for* National Minorities. As an instrument of conflict prevention, my mandate is to look at ways of reducing the risk of inter-ethnic conflict. That means listening to all sides and helping the parties to find solutions to issues of mutual interest, taking into account the available democratic means and international instruments. The goal is not merely short-term conflict prevention. We have to look at longer term ways of solving inter-ethnic differences. After all in multi-ethnic states like Moldova, pluralism and diversity are realities. Legislation and political frameworks should therefore reflect this fact and lay the groundwork for achieving long-term stability.

My office has considerable experience working with OSCE participating States to foster co-operation on minority-related issues. This is partly reflected in the Hague Recommendations Regarding the Education Rights of National Minorities and the Oslo Recommendations on the Linguistic Rights of National Minorities which will be the centre-piece of our discussions during this seminar. These recommendations, drawn up by international experts at my request, are designed to provide a useful reference for the development of State policies and laws which will contribute to an effective implementation of the language and education rights of persons belonging to national minorities. I am glad that we have three experts with us today (Dr. Fernand de Varennes, Senior Lecturer in Law and Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict in Murdoch, Australia; Mr. Gunars Kusins, Head of the Legal Office of the Latvian Parliament; and Mr. John Packer the Director in my office) who can help us to interpret these recommendations in the Moldovan context.

The last time I was here, I was struck by how linguistic and educational issues were at the heart of many inter-ethnic issues in Moldova. I believe that this is still the case, although the conditions for dialogue have much improved. I therefore feel that the time is ripe for a discussion on language and education issues in Moldova, drawing on the Hague and Oslo Recommendations.

An underlying theme to our discussions during this seminar will be the need for integrating diversity. Integration is essential in a multi-ethnic society like Moldova. Logically, the opposite of integration is disintegration. However, integration should not be confused with assimilation. Assimilation does not respect the ethnic, linguistic and cultural identity of a national minority. Integration, on the other hand, is based on the concept of equality of all citizens and respect for the educational and linguistic rights of different identities. Since

language and culture are important elements of identity, and since education is the principle means of transmitting these elements between generations, language and education are important issues in policies of social integration.

Integration is a two-way street. As paragraph 33 of the 1990 Copenhagen Document says: “[OSCE] participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity.” For example, as we will discuss in more detail during this seminar, the Hague Recommendations make clear that “the rights of national minorities to maintain their identity can only be fully realized if they acquire a proper knowledge of their mother tongue during the educational process.” On the other side of this social contract, again using the example of language, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of proper knowledge of the State language. Therefore, on the one hand the State should accommodate cultural diversity. At the same time, it is important for all citizens of Moldova to know the State language. A lack of knowledge of the State language stands in the way of the process of integration. Common knowledge of the State language ensures equal opportunity for all.

Of course, in a state as culturally diverse as Moldova, different regions may have different needs. As the Hague Recommendations make clear, “States should endow regional and local authorities with appropriate competences concerning minority education thereby also facilitating the participation of minorities in the process of policy formation at a regional and/or local level.”

That being said, regional priorities should not undermine the need to know and use the state language. I remain concerned about the difficulties encountered by Moldovan children in the eastern part of Moldova to learn the

Moldovan language – using the Latin script. I want to take this occasion to appeal to the Transdnistrian authorities to put an end to the current practice. Furthermore, authorities should not hinder the enjoyment of the rights of citizens to education in their mother tongue by imposing unduly burdensome legal and administrative requirements regulating the establishment and management of educational institutions, whether private or public.

I am also concerned about over regulation by the State in the private sphere. In economic life, all persons, including persons belonging to national minorities, have the right to operate private enterprises in the language or languages of their choice. According to the International Covenant on Civil and Political Rights and the European Convention on Human Rights (of which Moldova is a party to both) the State may require the additional use of the official language or languages of the State only where a legitimate public interest can be demonstrated, such as interests relating to the protection of workers or consumers, or in dealings between the enterprises and government officials. In this respect I have raised concerns with the Government of Moldova relating to proposed amendments to the Law on Advertisement. Efforts to increase the knowledge and use of the Moldovan language – which I fully support – should not come at the expense of minority rights or the effective development of the free market. The Framework Convention for the Protection of National Minorities, which Moldova has ratified, is also explicit on this point saying in Article 11 (2) that “every person belonging to a national minority has the right to display in his or her minority language, signs, inscriptions and other information of a private nature visible to the public.”

The same holds true for the use of minority languages in the media. As Article 9 paragraph 3 of the Framework Convention makes clear, “Parties to the Convention shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio

and television broadcasting, they shall ensure, as far as possible, . . . that persons belonging to national minorities are granted the possibility of creating and using their own media.” I look forward to our discussion on this issue later today.

The use of minority languages in public administration will also be a focus of our discussions. Where they constitute a significant proportion of the population, persons belonging to national minorities should have adequate possibilities to use their language in official communications and in legal proceedings. As the Oslo Recommendations note, “In regions and localities where persons belonging to a national minority are present in significant numbers, the State shall take measures to ensure that elected members of regional and local governmental bodies can use also the language of the national minority during activities relating to these bodies.” Note, however, the word “also” – the implication being that it is important for persons of all regions, however decentralized, to know and use the State language as well.

I would like to conclude by reiterating that strengthening the State language does not have to come at the expense of the linguistic and educational rights of national minorities and vice versa. Integration means that members of the majority and persons belonging to minorities find ways to work together, motivated by the knowledge that they have many common interests, including a common future. Living within the borders of one state, they have a common interest to ensure that it will be secure and stable, that there is an effective democratic system, an independent judiciary and full respect for human rights, and that the country will enjoy prosperity.

This is the challenge that lies ahead for Moldova. I am aware that this challenge is made greater by economic factors, geo-political considerations and

the legacy of recent history. But at the same time, I believe that the process of integrating multi-ethnic diversity through creating an environment for the flourishing of minority rights will help overcome these other factors. In this way citizens of Moldova, regardless of ethnicity, will be able to enjoy their different identities while concentrating on the interests and problems that they have in common. As a result they may live and prosper harmoniously together.

Thank you for your attention and I look forward to an open and constructive exchange of views during this seminar.