



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

STATEMENT

by
Knut Vollebaek

OSCE High Commissioner on National Minorities

to the
742nd Plenary Meeting of the OSCE Permanent Council

CHECK AGAINST DELIVERY

Vienna, Austria – 27 November 2008

Mr. Chairman, Distinguished Ambassadors, Members of Delegations,

It gives me great pleasure to be back at the Permanent Council. I met many of you in The Hague recently when we celebrated the HCNM's 15th anniversary. I am most grateful to those of you who found time to attend. Contact with the Permanent Delegations is of the utmost importance to me. I take the great turnout in The Hague as proof of your interest in HCNM activities and that the prevention of inter-ethnic conflict remains one of the key priorities of our Organization.

My address today will cover the activities of the HCNM during the past five months.

Let me begin my statement by commenting on the war that erupted in Georgia in August. It shocked and saddened all of us. In September, I travelled to Georgia and witnessed the destruction first hand. I met families that had lost their loved ones. I talked to people who were forced to leave their homes and possessions.

This war has made us think about the role of the OSCE. What could we have done to prevent the bloodshed? What are the lessons we all need to learn from this conflict? How can we, those of us commissioned to prevent conflicts, fulfil our mandate?

First of all, there is no such thing as a "frozen conflict." Only the conflict resolution process can be frozen. We must therefore redouble – or for that matter triple – our efforts to find a solution to the unresolved conflicts in the OSCE area. I remain convinced that the accumulated experience of the HCNM on inter-ethnic issues can be of great use in settling some of these unresolved conflicts. I will come back to this point.

Allow me to recall the statement I issued on minorities in inter-State relations on 25 August this year. It was borne out of a deep concern that the armed conflict in the Caucasus could set a dangerous precedent. It was a statement of principle in response to a number of voices endorsing the right to protect kin minorities with force. In particular, there are three key messages in my August statement that I would like to reiterate:

First, one of the bedrocks of international law is that the protection of human rights, including minority rights, is primarily the responsibility of the States where minorities reside. This also holds true in the case of minorities holding dual citizenship.

Second, it is true that the protection of minority rights is also the responsibility of the international community, including so-called "kin-States." This, however, does not entitle or imply the right under international law to exercise jurisdiction over people residing on the territory of another State. In addition, States should refrain from conferring citizenship en masse to residents of other states, which is in violation of the principles of sovereignty and good neighbourly relations. Most importantly, the presence of one's citizens or "ethnic kin" abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States.

Third, I stressed that "when human rights, including minority rights, are violated on a large scale as in cases of ethnic cleansing, mass expulsion and acts of terror, the international community has a duty to intervene. The purpose, legitimacy and effectiveness of such intervention are best assured through multilateral operations. If unilateral steps are taken,

particularly by neighbouring States, the motives and credibility of their actions may be brought into question.”

We should and can prevent inter-State conflict over national minority issues.

How it should be done is precisely the question that is addressed in the new set of “Recommendations on National Minorities in Inter-State Relations” that I presented to you when I last appeared before the Permanent Council in June. These recommendations now bear the name of Bolzano/Bozen – the city where they were officially launched with the help of the European Academy in October of this year.

The Recommendations provide a range of options and policy choices for governments to pursue in their efforts to support minorities abroad without jeopardizing friendly, inter-State relations. I intend to take these recommendations to various regions in the coming year in order to discuss in greater detail their implementation and applicability in specific, regional contexts. The first such round table is scheduled to take place in Ljubljana in March of next year, and I am grateful for the valuable support of the Slovenian authorities in this matter. I am also grateful to a number of other participating States that have expressed interest in hosting similar regional meetings and I look forward to co-operating with them.

I would now like to share with you some assessments from my various country visits since my last address to the Permanent Council on 26 June 2008. Allow me to start with Georgia.

As I mentioned earlier, I visited **Georgia**, including Abkhazia, on 14 - 20 September 2008. I intended to travel to both Abkhazia and South Ossetia in order to assess the inter-ethnic situation in these regions and to investigate how the recent war and military action had affected the ethnic communities. Unfortunately, I was prevented from entering South Ossetia. I was therefore unable to obtain as comprehensive a first-hand picture of the situation on the ground as I had hoped for. These travel restrictions are in grave violation of my mandate that allows me to travel and communicate freely.

I did however have detailed interviews in Tbilisi and Gori with internally displaced persons (IDPs) who had fled Abkhazia and South Ossetia. Their stories made a great impact on me. I would like to appeal to the authorities concerned that the rights of all residents must be respected and that those who have been forced to leave the two regions must be allowed to return to their former places of residence and receive the necessary assistance to rebuild their homes.

In Abkhazia, I again expressed my concern about the human rights situation in the Gali district, where the vast majority of the population is ethnic Georgian. I called upon the de facto Abkhazian authorities to allow ethnic Georgian students in the region to study in the Georgian language. This is something the students had clearly expressed they wanted to do, in accordance with their rights. I also emphasized that the decision of the de facto leadership to tighten the administrative boundary between Abkhazia and Georgia should not lead to the alienation of the ethnic Georgian population in the Gali District from the rest of Georgia.

At the request of the Chairman-in-Office, three members of my staff participated in the joint ODIHR-HCNM expert team to Georgia to assess the human rights and minority situation in the areas affected by the recent armed conflict, including Abkhazia and South Ossetia. In Tbilisi, Sukhumi and Tskhinvali the team met with representatives of international

organizations, international and local NGOs, government and local authorities at different levels and individuals affected by the conflict, mainly internally-displaced persons (IDPs) in “collective centres”, as well as returnees. I would like to point out that the team of experts was not allowed to access South Ossetia from the south, which caused unnecessary delays in the fulfilment of its mission.

While Abkhazia and South Ossetia continue to be at the centre of our attention, we should not turn a blind eye to the inter-ethnic situation in other parts of Georgia. I will continue to monitor the situation and assist the Georgian Government in the integration of national minority communities in the Armenian-populated region of Samtskhe-Javakheti and the Azeri-populated region of Kvemo-Kartli.

The issue of the return of Meskhetians should not slip off our agenda either. As you know, Georgia's legal framework set 31 December 2008 as the deadline for the submission of applications by all those wishing to return. The armed conflict in the Caucasus has clearly affected the plans of many Meskhetians who are considering returning. I have therefore proposed to the government to extend the deadline beyond the end of this year. At the same time, stateless Meskhetians residing in other participating States must be given the option of integration and naturalization in their host state if they so wish.

Earlier this month I visited **Ukraine**, including the Autonomous Republic of Crimea. My main objective was to present and discuss the HCNM "Recommendations on Policing in Multi-Ethnic Societies" during a conference in Simferopol on 6 November, organized jointly with the Ukrainian Ministry of Interior and a local NGO. In addition, I participated in a conference on “Models of Inter-Ethnic Relations in Ukraine and Europe” in Kyiv. I also used the visit to follow up on the issues covered in my last visit to Ukraine and to discuss recent developments in Ukraine’s minority and language policy as well as problems related to inter-ethnic integration in Crimea.

I am grateful to the Interior Ministry which has supported my initiative to begin a dialogue in Crimea on international standards and best practices in the area of policing. The deliberations during the Simferopol conference confirmed my belief that a number of elements of the HCNM Policing Recommendations can be of benefit to the Ukrainian authorities in their efforts to develop and reform the law-enforcement bodies. With the help of international experts, I intend to prepare a programme, which will provide practical assistance to these efforts in the multi-ethnic context of Crimea.

In Kyiv, I discussed the need for a comprehensive reform of the legislative framework concerning minority issues to bring it in line with international human and minority rights. I also raised issues regarding language use in the media and the educational sphere. My general position is that it is fully legitimate for Ukraine to strengthen and promote Ukrainian as the sole State language, but policies should be guided by a spirit of respect for freedom of expression and the protection of cultural and linguistic identity especially in areas of education, local administration and the media. It is my experience that in the area of media regulation, for example, voluntary methods based on incentives are more effective than rigid language requirements enforced with fines and other penalties. Furthermore, language policies should not be pursued in isolation of policies to preserve and strengthen minority rights.

With regard to legislation on formerly deported people, a recent draft law submitted to the

Verkhovna Rada of Ukraine has revived the debates in Kyiv and Crimea. The positions of the political forces involved remain divergent. I regard such a law as essential for the integration of Crimean Tatars and other groups and for the overall stability of the region. For these reasons, I advise the authorities to address the issue as a matter of priority and on the basis of an effective consultation process with all parties concerned.

I also travelled to **Belgrade** and **Pristina** in September. This was my second official visit to Belgrade and my fourth official visit to Pristina. During the visit to Belgrade, I discussed the general situation of national minorities in Serbia, including in Vojvodina and southern Serbia. I strongly encouraged the authorities to take a proactive stance on issues affecting national minorities. In particular in the area of higher education, as this would only help to consolidate the progress achieved. In light of the recently published HCNM “Recommendations on National Minorities in Inter-State Relations”, I also raised the importance of ensuring that negotiations between States with respect to dual citizenship are done in a way that takes into account the best interests of both States and does not jeopardize good neighbourly relations. This is particularly relevant to Serbia in view of its negotiations with Montenegro on regulating dual citizenship. Finally, I discussed the very good work that is being done on the legislative agenda in relation to national minorities. Such laws must be the result of inclusive processes and must meet the highest international standards. I believe that Serbia is making important strides to ensure that this is the case.

While in Pristina, I addressed a public conference on the need for the improved implementation of the rights of all communities. I also took the opportunity to raise my concerns regarding the situation of Kosovo’s non-Albanian communities. As I have previously stated to the Permanent Council and to my interlocutors in Kosovo, Kosovo has very high standards in terms of its legislation. Implementation of this legislation, however, must be improved. I highlighted the problem concerning the rights of non-Albanian communities to access mother tongue education. Implementation in this area is inconsistent, with some communities having few problems, while others, in particular the Gorani community, face difficulties. I received positive responses from my interlocutors that such problems will be addressed and I will follow up with the authorities to ensure that they fulfil their commitments. Finally, I brought up the situation of Roma, Ashkali and Egyptians in Kosovo and focused specifically on the lack of official registration. It should be noted that this is not only a problem in Kosovo, but a European-wide problem. My institution is now looking at ways to address this matter through a regional approach. I hope to be able to return to this in more detail in my next address to the Permanent Council.

Just last week, I made an official visit to **Croatia**, including Zagreb and Vukovar, where I raised several issues that my predecessors and I have closely followed for many years, in key areas relating to national minorities. These include Croatia’s implementation of the Constitutional Law on National Minorities, including provisions on equitable representation of national minorities in the public sector, and the need to use education as a tool to promote improved inter-ethnic relations, tolerance and, ultimately, reconciliation between groups. Integrated education is particularly important in this regard. There has been good progress in Croatia. I encouraged my interlocutors to continue their efforts and offered my institution’s assistance.

Immediately after my last address to the Permanent Council in June, I visited **Kazakhstan**. As well as addressing the annual session of the OSCE Parliamentary Assembly in Astana, I discussed with the President, the State Secretary, the Foreign Minister and other policy

makers a broad range of issues that have an impact on inter-ethnic relations. I greatly appreciated the openness and constructive attitude shown by the Government of Kazakhstan during my visit.

Various aspects of the language issue continue to dominate the agenda when it comes to majority-minority relations in the country. I support the efforts of the Kazakh Government aimed at advancing the role of the Kazakh language as a means of integration into their society. In particular, I work with the Committee on Languages of the Ministry of Information and Culture on sharing modern language teaching methodologies with the staff of their State language learning centres. Another dimension of this work is similar support for numerically smaller linguistic minorities who have the opportunity to learn their mother tongue in the country's "Sunday" schools.

I am pleased that my partners in Kazakhstan do not regard the language issue as a zero-sum game and do not intend to allow the heightened role of the Kazakh language to translate into the loss of other languages. In particular, the Kazakh authorities have taken up my recommendation to broadcast news bulletins with subtitles. This will ensure that minority communities have access to news about their country in their native language. The positive spinoff of this will be that the minorities will learn the Kazakh language. I think this is a worthy example that should be followed by other participating States.

My work in Kazakhstan over the past few months has also focused on minority-related electoral legislation, which I have pursued in close consultation with ODIHR. Last year, Kazakhstan took an innovative step by introducing reserved seats for minorities in the parliament. I welcomed this, but also pointed to the serious deficiencies of the existing mechanism of choosing deputies for these seats. In October, I sent a series of recommendations to the Kazakh authorities on how their undertaking could be brought in line with their OSCE commitments. I am looking forward to continuing my co-operation with the Kazakh authorities on this issue.

While visiting **Turkmenistan** in May, I was invited by the President and other officials to submit my views concerning constitutional amendments. In my subsequent correspondence, I recommended that the new Constitution put emphasis on the principles of equality and non-discrimination and provide strong guarantees for the rights of national minorities, including the use of minority languages in education and in dealing with the administrative authorities. While none of my proposals have been taken up, I remain open to further dialogue with the Turkmen authorities on how to bring their legislative framework and policy practice relating to national minorities in line with Turkmenistan's international obligations.

In September, I was host to the Education and Science Minister of **Kyrgyzstan** in The Hague. As well as coming for discussions she spoke at the opening of the HCNM's "Colours of Friendship" exhibition, featuring drawings by Kyrgyz school-children and promoting multicultural education. I am pleased to report that the Minister reiterated Kyrgyzstan's commitment to advancing integrated education with full respect for the rights of national minorities. I voiced my particular support for the newly adopted "Concept of Multicultural and Multilingual Education in the Kyrgyz Republic", which names a multicultural and multilingual approach among the priorities for educational policy and practice in Kyrgyzstan. I offered further assistance to the Minister regarding her plans to develop a State Programme of Multilingual Education.

I was also pleased to note that Kyrgyzstan organized a **regional seminar** on multilingual and multicultural education at Issyk-Kul on 1-4 November. All States in the region participated. This is a concrete follow-up to a decision resulting from the Inter-State Dialogue on Social Integration and National Minority Education in Central Asia sponsored by the HCNM. During the last few months, my office has been preparing the ground for a conference to review the Inter-State Dialogue, which I have suggested organized with the five Central Asian participating States in the spring of next year.

In concluding this part of my report, I would like to draw your attention to two more important events taking place next year.

In May 2009, the HCNM together with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law will organize an event in the Swedish city of Lund marking the 10th anniversary of the **Lund Recommendations on the Effective Participation of National Minorities in Public Life**. I hope that many of you will be able to attend this conference, which will review the achievements of the first ten years and identify the remaining challenges in this important area of the HCNM's work.

In October 2009, the **Max van der Stoep Award** will be presented for the fourth time. This prestigious prize was established in 2001 by the Dutch Ministry of Foreign Affairs in honour of my distinguished predecessor.

The Award, a prize worth €50,000, is presented every two years to a person, a group or an institution for extraordinary and outstanding achievements in improving the situation of national minorities in the OSCE participating States.

My office manages the selection process on the basis of nominations put forward by OSCE Missions, Institutions and participating States. Details of the award will be circulated to all Delegations, Missions and Institutions early next year and I look forward in due course to receiving your nominations for the 2009 award.

Mr. Chairman,

Allow me now, as mentioned in my opening, to come back to the point about the supporting role the HCNM can play in settling unresolved conflicts.

After completing my official visit to Ukraine earlier this month, I travelled to Odesa where, in close co-operation with the OSCE Mission in Chisinau, I organized a round table for the negotiators of the Transnistrian settlement in the 5+2 format. The goal of the round table was to discuss various models used for the settlement of other territorial disputes that exist throughout the OSCE area and compare and contrast them with some of the proposals put forward for settling of the Transnistrian conflict.

My intention was to assist the OSCE Mission to Moldova in its efforts to bring the Transnistrian settlement process forward. As agreed with the Mission, the HCNM is providing some expertise on issues concerning community relations and power-sharing arrangements in the form of territorial self-government. Given the potentially positive developments in the search for a lasting solution to the conflict in the Transnistrian region and a declared commitment from both sides to undertake confidence-building measures, I believe this was an opportune moment to host such a round table. I hope that this event has

provided an impetus for the resumption of a dialogue between the sides in the 5+2 format negotiations and will assist the parties in making informed decisions with regard to possible power-sharing arrangements between Chisinau and Tiraspol.

In conclusion, I would like to address another issue that is on everybody's mind these days, namely, the financial crisis and the global economic slowdown that has affected the majority of participating States. In the early 1990s, we witnessed the collapse of the centrally planned economies of the former Soviet Union and Yugoslavia. This was accompanied by fear and insecurity and created circumstances susceptible to ethno-national strife, with devastating effects. When States fail to provide basic social security for their citizens, people are forced to rely on other mechanisms, kin and family, for support and survival. This in turn tends to deepen existing divisions within societies along the lines of ethnicity and identity and gives rise to radical nationalism. Nationalism is an opportunistic and dangerous way to deal with the insecurity, discontent and social tensions that tend to accompany economic downturn.

More generally, worsening economic conditions may challenge the very foundations of our societies by creating a fertile ground for extremism and intolerance. History has shown us that it is often minorities that are the targets and victims of such extremism. At the same time, economic difficulties may be rightly or wrongly perceived by minorities as affecting them more than others and these difficulties are often perceived as an expression of ethnic discrimination. I would like, therefore, to draw your attention to the fact that at times of crisis and economic hardship we must be particularly vigilant in safeguarding values upon which the peace and stability of our societies are based. This includes respect for human rights, non-discrimination and protection of those who are most vulnerable.

Mr. Chairman,

As I mentioned at the outset of my statement today, we face numerous questions in the aftermath of the armed conflict in the Caucasus. Why did the OSCE fail to halt the war? What is the role of the OSCE?

Certainly the OSCE could have done more. We could have been more persistent in advocating peace between the various parties. We could have been more critical of – and more vocal about – the military build-up in the area of conflict. We could have been more proactive in developing possible solutions for the parties involved in the conflict. A main lesson is that when conflicts remain unresolved for too long, chances are high that they will reignite.

To those who claim that the OSCE failed, I would like to submit that the OSCE can be effective only as long as its participating States have a sense of common purpose and share common values. The OSCE can be effective only as long as its participating States exercise peer pressure and support the work of its Institutions. The OSCE can be effective only as long as its participating States invest their political, financial and human capital in our common Organization.

Regrettably, in recent years, there has been a downward trend on all these fronts. But the challenges are mounting and we can only tackle them if we pull together. I hope that the participating States will return to the spirit of co-operation. We must remain united behind a common purpose – the prevention of conflict.

In order to achieve this goal, I for my part, as High Commissioner on National Minorities, will continue to support the participating States in an impartial, honest and balanced way.

I thank you for your attention.