



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

STATEMENT

by
Rolf Ekéus

OSCE High Commissioner on National Minorities

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Mr. Chairman,

Since my last visit to the Permanent Council, I would like to report on some of my activities.

In early November, I travelled to **Turkmenistan** and I was able to visit the Dashoguz region in the north of the country and also to meet representatives from non-governmental organisations. This visit was a further step in my on-going dialogue with the authorities in Ashgabad about the nature of the nation building programme being conducted in the country and, in particular, the impact of this programme on majority-minority relations. During my visit I had the opportunity to examine in greater detail the Government's policies in the area of education, the promotion of the State language and also the proposed programme of resettlement for some members of communities located in northern border areas.

I am of the opinion, Mr. Chairman, that closer attention to the ways in which the rights of persons belonging to national minorities could be integrated with the needs of the majority, *inter alia* in the areas of education and language, would help to alleviate potential tensions that might be created by the programme of nation building. I discussed this with the Turkmen Foreign Minister in Maastricht last week, and I look forward to having the opportunity to return to Turkmenistan early in 2004 to continue my discussions with the authorities there.

In November I also organised an international conference in Bishkek in **Kyrgyzstan**, together with the Ministry of Education and the Assembly of the People of Kyrgyzstan, devoted to examining ways in which education can be used as a means of integration in multiethnic societies. H. E. President Akayev provided the opening address at the event. Following the conference, a Working Group has been established which is composed of representatives of the Government, national minorities, non-governmental organisations and educational experts. This Working Group will elaborate, under my guidance, a set of practical recommendations to promote national integration through the medium of education in Kyrgyzstan.

The conference in Bishkek and the creation of the Working Group represent a part of my commitment to deepen my engagement in the issue of education as a means of national integration in the multiethnic States of Central Asia. These recent activities build upon my support earlier this year for a roundtable on mother tongue and multilingual education held in

the city of Osh. Further, in order to promote the deeper integration of the Uzbek-speaking population of southern Kazakhstan into Kazakhstani society, I am supporting an initiative designed to enhance knowledge of the Kazakh and the Russian languages among final year students at Uzbek language schools in the region. In this way, the ability of Uzbek-speaking students to achieve the grades necessary to pass the State Examination for entry into institutions of higher education in Kazakhstan, which is conducted exclusively in the Kazakh and Russian languages, will be considerably enhanced.

It is my belief, Mr. Chairman, that increased attention to and investment in education can play a vital role in promoting national integration, and thereby help to foster long-term stability, prosperity and security in the States of Central Asia. At the same time, in order to achieve these aims the appropriate educational policies must be carefully elaborated so that increased resources can be carefully directed to bring together the diverse ethnic communities of each country. I, therefore, welcome the firm commitment made by the authorities of Kyrgyzstan to the goal of fostering greater national integration through educational policies and, at the same time, I look forward to working with other governments in the region and with the new Chairmanship to promote this approach to education.

In July I travelled to Dushanbe for my first visit to **Tajikistan**. The main focus of the visit was to learn more about the situation in the country and to discuss Tajikistan's plans in the area of legislation with a bearing on the national minority communities. Following the end of conflict within Tajikistan, there have been significant efforts to build a common national identity. Further steps to increase the national cohesion of the country will be needed to help to overcome the legacy of the civil strife of the 1990s. In my discussions with the President and other senior officials, I stressed the importance of including all of Tajikistan's different ethnic communities in nation building efforts. I look forward to working with the authorities in Dushanbe to enhance existing legislation and to co-operate on future legislation in the area of inter-ethnic relations.

Mr. Chairman, it is now more than a decade since the Meskhetians were forced to flee Central Asia. Most have successfully integrated into the societies that offered them a home, at the same time, there is still a desire amongst some to move to Georgia. While the majority of Meskhetians in the **Russian Federation** have received citizenship and integrated into Russian society, the community in the region of Krasnodar has continued to face difficulties.

Currently only a minority of Meskhetians in this region have received Russian citizenship. A tense situation has also developed between the Meskhetians, the regional authorities and parts of the local community.

In October, two of my advisors participated in a joint expert mission, composed of representatives of the United Nations High Commissioner on Refugees, the Council of Europe, and the International Organisation for Migration, to southern Russia. The mission was accompanied by representatives from the Government of the Russian Federation. Officials from the Government of the United States of America also joined the mission. The mission visited the two regions of Krasnodar and Rostov to investigate the situation of the Meskhetian populations in these areas, with a particular focus on the challenges that face the community in the Krasnodar region, notably in the area of citizenship.

As I have noted in this forum on a previous occasion, Mr. Chairman, it is my belief that the issue of the Meskhetians can only be resolved with a multifaceted approach. Those Meskhetians who wish to move to Georgia should be able to do so on a voluntary basis and in the context of a proper and comprehensive legislative framework for return. Any such return should be a managed process, supported by appropriate international assistance, with the Meskhetians encouraged to resettle at locations across the country. At the same time, those Meskhetians, including in the Krasnodar region, who choose to remain in their current host state should be guaranteed their human rights in terms of the legislation of their host country and in conformity with international agreements. Further, on the basis of their rights as citizens, support should be provided to ensure the integration of Meskhetians into their host society in conditions of peace and security.

I understand that there is currently discussion about the possibility that some of the Meskhetians in the Krasnodar region may be granted the opportunity to move to a third state. I would welcome this humanitarian gesture, recognising that such an initiative should be based upon the principle of free choice and that one particular choice should not, where possible, curtail the opportunities of Meskhetians wishing to exercise a different choice.

I am, along with other international organisations, currently engaged in a dialogue with Governments about the Meskhetian issue, *inter alia* the population in the Krasnodar region. I believe that I can be of assistance to the Russian authorities in finding ways to promote

integration and dialogue within the Krasnodar region. Such assistance could, in my view, help those Meskhetians who wish to stay in Krasnodar to achieve their full rights, including that of citizenship, and to integrate into the local community on the basis of the protections and obligations afforded by Russian laws and in conditions of peace and security. I also look forward to working with the authorities in Tbilisi in the near future to advance my dialogue on the issue of return for those Meskhetians who wish to move to Georgia.

Mr. Chairman, in **Georgia** I continue the implementation of a multi-sector Conflict Prevention and Integration Programme, supporting better integration into mainstream Georgian society of the region and population of Samtskhe-Javakheti, located in the south of Georgia and predominately inhabited by ethnic Armenians. Through various projects I am promoting media development, legal education and management of interethnic relations, as well as I am supporting the information flows between the region and the centre. My Office is also providing assistance to the Government to improve the Georgian-language education in the region. Nine out of a total of eleven projects, which together comprise the Programme, are in the process of implementation.

My Office has also supported the legislation and democratic processes in Georgia. National minorities of the country, through a project funded by my Office got increased access to legislation and election materials during Parliamentary elections of 2 November 2003.

I am concerned that the tensions between the Georgian authorities in Tbilisi and those of the Autonomous Republic of Ajaria, might have direct implications for other regions of the country, which are predominately inhabited by ethnic minorities. Therefore, Mr. Chairman, I intend to visit Tbilisi and Batumi hopefully before Christmas to discuss with all the parties involved, the ways that tensions might be decreased.

Mr. Chairman, as reported during my presentation in July, I continue to follow the domestic and international discussion of the reform on secondary minority education in **Latvia**. As you may recall, the Government adopted secondary legislation, which guarantees that up to 40% of instruction would be offered in minority languages once the transition process to the Latvian language as main language of instruction has been completed. In the meantime the Parliament amended the Education Law with a view to eliminate contradictions between the Law and secondary legislation.

My position is, and has been that while I am supporting the right of the Government to conduct this reform, I continue to encourage the authorities to support the transition process by providing qualified teachers and additional education material so that the quality of education will be maintained. Additionally, all the necessary steps have to be taken to protect the right, as established in the OSCE documents, of the minority to have education in their mother tongue.

To my mind, there is still room for improvement of the dialogue between the state authorities and the opponents of the reform. I encourage the interested parties to intensify this dialogue with a view to resolve their differences.

In a recent discussion with the Latvian Foreign Minister in Maastricht, I also raised the issue of ratification of the Council of Europe Framework Convention on National Minorities and received again assurances from the authorities that this issue will be tackled in the foreseeable future. I intend to continue this dialogue when I will visit Latvia early next year.

On the project activities, I continue to co-operate with the Latvian authorities, especially the Minister for Social Integration Affairs and the Naturalisation Board, on a project in support of social integration. I hope to organise another seminar in Riga in early 2004 with a view to facilitate the exchange of experience on the integration process and its implementation in the different regions of Latvia. My office is also co-operating with the State Language Centre within the framework of the project to draft a manual for State language inspectors and will provide, possibly with the assistance of the State Administration School, legal training to the inspectors.

My Office has continued to work closely with **Serbian and Montenegrin** authorities, in particular the State Union Ministry for Human and Minority Rights, especially on implementation of the Law on the Protection of National Minorities. In this respect, a full-time professional staff person has been working in Belgrade for the last year with a view to improving the assistance I can render to the Government. The HCNM Liaison Officer is also responsible for monitoring political and social developments regarding minority issues in Serbia and Montenegro. My Office has maintained regular contacts with representatives of

various minorities in Serbia and Montenegro and conducted a number of field visits to assess the possible conflict potentials.

In Montenegro a draft law on national minorities has been under preparation. I have been closely engaged in the drafting process, *inter alia* organising consultations in Vienna on 10-11 October 2003 with the members of the Montenegrin Expert Group. The ultimate aim is to harmonize Montenegrin legislation with "union" legislation, in particular the Constitutional Charter, as well as with international and national standards regarding minority rights protection. Once the draft is ready the High Commissioner will provide his comments.

Mr. Chairman, the final results of the census of the population and households in the Former Republic of Macedonia, which was conducted between 1 and 15 November 2002, were released on 1 December 2003. My Office has been involved through participation in a Steering Committee to oversee and to give political guidance regarding the process of international monitoring of the operation. The census, a vitally important element of the Framework Agreement, represents an accurate statistical picture of Macedonia and has been fully endorsed by the representatives of the international community in Skopje and the Steering Committee.

When it comes to the work on **Roma and Sinti**, I would like to express my congratulations to Nicolae Gheorghe and to the Working Group on Roma and Sinti who, under the guidance of the Romanian Chair, Ambassador Bota, have carefully developed the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. I am committed to continue to support the work of the Contact Point on Roma and Sinti Issues and to carry out my own tasks and responsibilities as articulated under the Action Plan. Mr. Chairman, as I mentioned at the Roma and Sinti Press-conference in Maastricht, I will continue to follow developments related to Roma and Sinti in general and to raise issues, within the context of my mandate, as I see fit.

Mr. Chairman, over the past two and half years I have regularly briefed the PC on developments concerning the Law on **Hungarians** Living in Neighbouring Countries. As I said during my last visit to the Permanent Council in July, the Hungarian Law was amended in June 2003.

It has to be noted that in September 2003, the Governments of Hungary and Romania signed the Agreement upon conditions with regard to implementing the Law on Hungarians Living in Neighbouring Countries. Mr. Chairman, I am using this opportunity to congratulate both Governments in taking prudent decisions on what has been, for them, a difficult sensitive issue.

I would like also to encourage the Government of Hungary and Slovakia in their bilateral discussions regarding the Draft Agreement concerning mutual support in the fields of education and culture. As far as I understand, the Draft Agreement is strongly based on the 1995 Slovak-Hungarian Treaty on Good and friendly Co-operation.

I am standing ready to support both Governments in the positive process of the re-enforcement of the importance of bilateral instruments and mechanisms, in resolving sensitive national minority issues. Mr. Chairman, when discussing this Agreement with representatives in Maastricht, both Governments have expressed a serious will to sign the Agreement before Christmas this year.

Mr. Chairman, a thematic issue that has been of concern to my predecessor and I for some time, is the regulation of the use of language as a vehicle of communication in the **broadcast media**. Notwithstanding the technological possibilities to use several languages in this field, and to varying degrees which can satisfy large and small, concentrated and dispersed linguistic communities across any State, disputes have arisen in a number of countries where regulation effectively limits, and sometimes practically excludes, the availability of minority language radio and television broadcasting. But in my examination of these situations, it became apparent that insufficient knowledge existed about the State practice in this field and about a consistent understanding of existing international standards. To remedy these gaps, I followed a two-pronged approach.

First, Mr. Chairman, I commissioned the Programme in Comparative Media Law and Policy at Wolfson College, Oxford University, and the Institute of Information Law at the University of Amsterdam to conduct the first ever OSCE-wide survey of State practice, covering mainly constitutional and legislative provisions. At about the same time, I invited a group of internationally recognised independent experts to consider existing international standards and to propose a set of practical guidelines which could assist States in elaborating

appropriate policies and laws, consistent with their international obligations and commitments, which would ensure sufficient space for minority language broadcasting. These efforts culminated this autumn in the publication of a 500 page book on Minority-Language Related Broadcasting and Legislation in the OSCE together with *Guidelines on the Use of Minority Languages in the Broadcast Media*. These were discussed at an international conference I hosted in Baden, Austria, together with the Representative on Freedom of the Media with whom I had co-operated in this work. Copies of both the book and Guidelines have been circulated among participating States, and are being disseminated by my office to others in various forms and languages. It is my hope that OSCE States will consider these materials as valuable references in their own approach to this important subject, and it is my intention to refer to these materials in my contacts with States and others when these issues arise.