



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

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STATEMENT

by

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CHECK AGAINST DELIVERY

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Mr. Chairperson, Distinguished Ambassadors, Members of Delegations,

The most dramatic situation in the OSCE-region today is taking place in Kyrgyzstan. I addressed Kyrgyzstan last Monday during the extraordinary Permanent Council called by the Chairperson-in-Office, following my early warning issued on 12 June.

The situation in Kyrgyzstan is still far from stable and my assessment and recommendations are still valid. There can be no doubt that Kyrgyzstan still requires international assistance in order to stabilise the situation. In my view, this can best be carried out under a United Nations mandate.

In addition to re-establishing law and order, which is a prerequisite for any long-term stability, there is a continuous need for humanitarian assistance. This also goes for the many people that have taken refuge in neighbouring Uzbekistan.

I commend Uzbekistan's responsible behaviour, and I appeal to the Government of Uzbekistan to keep its borders open, and, to the international community to generously come to the assistance of Uzbekistan in this most difficult situation as it tries to accommodate tens of thousands of refugees.

In order to move forward and re-establish trust between the inhabitants of Kyrgyzstan, there has to be a thorough investigation into what has been happening in the south of the country. This will require an independent, international Commission.

Meanwhile, it is important to have free and open reporting and documentation of the violence. I would therefore strongly urge the Kyrgyz authorities to refrain from putting any obstacles in the way of journalists and members of civil society who are engaged in documenting the ongoing perpetrations of violence.

As I informed the Council in October last year, I have engaged in dialogue with a number of participating States on the implementation of recently adopted language laws. I am pleased to report that both Slovakia and Tajikistan have co-operated constructively with me. The implementing guidelines for the “Slovak State Language Act” were approved in December 2009, while the work on the implementation guidelines for the “Tajik State Language Act” is about to be completed. I am now monitoring and will continue to monitor the actual implementation of these two pieces of new linguistic legislation.

There is one aspect of many language laws in the OSCE area – not just in the case of Slovakia and Tajikistan – that I would like to touch upon today. This is the question of fines for non-compliance with the linguistic legislation.

Fines for the violation of language laws are not illegal. Their effectiveness is, however, questionable. They alienate minorities, rather than promote their acquisition of the State language. Language fines undermine a sense of fairness in a multi-ethnic society, create resentment and detrimentally affect a sense of belonging. I believe there are better means of implementing State language laws, for example encouraging minority attendance at free language classes and organizing youth exchange programmes that help students learn the State language in a given context. Knowledge of the State language could also be financially

encouraged. Minorities mastering the State language could be promoted to posts of responsibility in the Government. Fines have to be a means of last resort.

I am a firm believer in language acquisition at primary and secondary school level. During my visits to the OSCE participating States I have seen many positive examples of children mastering two or three languages. It is astounding how young people's abilities flourish with the proper educational planning and methodology, coupled with encouragement from the State.

In this regard, I am eagerly anticipating the forthcoming Supplementary Human Dimension Implementation Meeting slated for late July and devoted to the promotion of integration and equal opportunities through education. This meeting will offer a unique opportunity for educationalists and minority leaders as well as policymakers from OSCE capitals to discuss how to build upon achievements in this area and how to tackle outstanding challenges. It is not very often that the OSCE holds a human dimension meeting on national minority issues. I therefore appeal to you to nominate participants from the educational authorities, policy-making bodies in the area of minority integration and civil society leaders who have the expertise to debate the topic and offer us advice on how to move forward.

Mr. Chairperson,

Ladies and Gentlemen,

Let me now turn to Georgia, which I visited twice this year. I am pleased to report that during my February visit, I was able to travel without any obstacles throughout Abkhazia. This trip included

the lower Gali district, which lies along the Cease Fire Line (CFL) and is mainly populated by Georgians. Furthermore, I had the opportunity to go to the Gagra district, where approximately 40 per cent of the population are ethnic Armenians.

I believe the Georgian community in Abkhazia's Gali district continues to find itself in a very difficult situation. The population in this district is becoming increasingly isolated from both the Zugdidi region and from the rest of Abkhazia, and suffers from inadequate access to social services, including healthcare and education. The measures of the *de facto* authorities to restrict freedom of movement across the administrative border with Zugdidi are of great concern to the local population.

While in Sukhumi, I once again urged the Abkhaz leadership to respect the rights of the Georgian community, including the right to full education in their mother tongue. This is in line with the principle that any authority in effective control of a territory is obliged to respect and to promote the human rights of its population. Moreover, I expressed my concern that the restriction of movement experienced by the ethnic Georgians in the Gali district, combined with the restriction of their right to education in their mother tongue, might further increase tensions in the region.

During my visit to the Gagra district, home to a large Armenian community, I witnessed first-hand how the *de facto* authorities make a differentiation in their treatment of the Armenian and the Georgian communities. The Armenian community is well represented in the public sector and enjoys full educational rights in their own language. Of the 32 Armenian schools in Abkhazia, ten are located in the Gagra district. In contrast to the Georgian community's situation, these schools have an Armenian curriculum and have the possibility to import textbooks from Armenia. I made it clear to the *de facto* authorities that such unequal treatment is unacceptable.

In spite of the problems and concerns already described, the *de facto* Abkhaz authorities expressed interest in co-operating with my office in order to find solutions to improve the integration of the ethnic Georgian community and to strengthen the Abkhaz language.

In Tbilisi, I discussed my conflict prevention and integration activities in the regions of Samtskhe-Javakheti and Kvemo-Kartli as well as Georgia's policy on Meskhetian repatriation with the Georgian Government. I expressed my readiness to contract an expert to provide the Georgian Government with advice and assistance in the elaboration of a State Strategy on the implementation of the “Law on Repatriation”. I am currently – together with the UNHCR – funding 11 extra staff at the Ministry of Refugees and Accommodation in order to process the applications in a timely manner.

It is my firm conviction that in order to avoid creating additional tension in Georgia, the repatriation process of Meskhetians should be carefully prepared beforehand. Repatriates should be helped to integrate into Georgian society. In order to achieve this, courses in the Georgian language and culture should be made available, as well as assistance for housing and employment. It is crucial that the repatriation process is carried out in an organized way because experience shows that Meskhetians who have repatriated spontaneously, outside the framework of the Law on Repatriation, have failed to integrate and have created tension in the local communities where they have taken up residence.

Mr. Chairperson,

Ladies and Gentlemen,

I continued my involvement in Ukraine through projects aimed at the promotion of tolerance and interethnic co-operation in the region of Crimea, Ukraine. While I have not yet paid an official visit to Ukraine since the new leadership assumed office earlier this year, I have noticed both encouraging and worrying trends concerning interethnic tensions in Crimea.

President Yanukovich's initiative to revive the work of the "Council of Representatives of the Crimean Tatar People" could go some way in helping to foster dialogue and co-operation. At the same time, recent reports on a number of incidents of racism and hate speech directed against the Crimean Tatars demonstrate how fragile the interethnic situation still is.

In April, the Chairman of the Crimean Tatar *Mejlis* visited my office. Our discussions focused on recent developments, at both regional and central level, affecting the interethnic situation in Crimea. One of my priorities with regard to this situation is to continue to lobby for Ukraine to adopt a law regulating the status and rights of persons who were deported on ethnic grounds. At the request of the committee responsible for such matters in the *Verkhovna Rada*, I will provide an Opinion on the latest legislative draft currently under consideration in the Ukrainian Parliament.

I am also continuing to follow developments in Ukraine's general legal framework on minority rights and language regulations. I have noted with interest the Ukrainian President's expressed intention to strive for the modernization of this framework.

In February, I paid a visit to Moldova with the main aim of resuming my dialogue with the authorities after a period of political turmoil and instability throughout much of 2009. The visit enabled me to have a constructive exchange of views with the new Moldovan

Government on the issue of integration of national minorities. I commended the Government on its efforts to draft a programme on linguistic integration. Currently, I am facilitating the deployment of an international expert to Moldova for a specific period of time, in order to assist the authorities in elaborating both this programme and a more comprehensive integration strategy.

During my visit I also examined ways to continue my project involvement with regard to language teaching for national minorities. Furthermore, I discussed Moldova's language policy, in particular the issue of language regulation in the cinema sphere. Minority leaders expressed concern over the planned amendment of the "Cinema Law" aimed at strengthening the State language through the provision of dubbing or subtitling. The Moldovan Government requested my opinion on this draft amendment, which I provided shortly after my visit.

Another issue I addressed was the education situation in Transdnistria. In Tiraspol, I urged the Transdnistrian leaders to respect the human rights of everyone, including those of persons belonging to different ethnic communities and of children who wish to study in their mother tongue using the Latin script. Discussions also covered intercultural and tolerance education and I offered my advice and assistance in this regard to the regional authorities.

Mr. Chairperson,

Ladies and Gentlemen,

Last week I visited Skopje. There I attended a conference hosted by the Minister of Foreign Affairs as part of the country's Chairmanship of the Council of Europe's Council of Ministers. The conference on the effective participation of national minorities in public life provided a

good opportunity for the host country to highlight many of its own good practices in this area. Clearly, these are of wider relevance, especially in the region of South-Eastern Europe.

I also used this visit to discuss the status of a Policy Paper, entitled “Steps Towards an Integrated Education System”, which, you may recall, was drafted by my office in cooperation with the OSCE Mission and the Government. As I have reported to you previously, this paper was publicly presented last October, with the presence and support of the Prime Minister, the Deputy Prime Minister and the Minister of Education and Science. At that time, the Government expressed a strong commitment to adopt this Policy Paper as an official document as quickly as possible.

Although this policy framework has not yet been adopted, I am encouraged that the authorities continue to debate the matter with a view of adopting it in the coming weeks. I urged my interlocutors to find solutions to the outstanding issues. I trust that they will shortly agree on a framework that will lead to a comprehensive, integrated education policy. This would no doubt greatly benefit the cohesion of the society as a whole. I have assured the authorities that I will remain engaged and assist them in the implementation of the policy.

I visited Belgrade in March, where I participated in the public presentation of a Serbian Government commissioned feasibility study on the creation of a multi-ethnic higher educational institution in the southern Serbian municipalities of Bujanovac and Presevo. At the outset of the study, the authorities invited my office to participate, and members of my staff have worked closely with the Serbian Government and members of the local civil society. It is important to provide access to mother-tongue higher education to national minorities where appropriate. I firmly believe that education, and no less higher education,

also plays a key role in promoting integration. A multi-ethnic higher educational institution will help ensure that the ethnic communities living in southern Serbia will be able to study together. For this reason, I attach high priority to working on the issue with the Serbian authorities and look forward to helping them see this realized at an early date.

The feasibility study has already built up some momentum, and I hope to see that continue with concrete action. In this context, I encouraged the Serbian authorities to create the necessary governmental bodies to discuss the findings, both interdepartmentally and with key local stakeholders. I have also encouraged the ethnic Albanian community to continue to play an active role in these discussions, as was the case during the drafting of the feasibility study. I intend to visit Serbia again soon in order to assess the progress made in the consultative process and in the authorities' plans to implement the feasibility study's findings.

On the occasion of International Roma Day, 8 April, I released a joint statement with the Director of ODIHR confirming our institutions' commitment to assist participating States in combating discrimination and violence against Roma and Sinti, and in meeting the challenges linked to their sustainable integration. In this respect, I have recently begun a project in Kosovo aimed at increasing the sensitivity to the rights, needs and interests of the Roma, Ashkalia and Egyptian communities within the school learning environment, which would directly involve teachers, school directors, civil society representatives and parents.

In Montenegro, the Speaker of the Parliament requested me to assess the impact, on the rights of persons belonging to national minorities, of the "Draft Law on the Amendments and Supplements to the Law on Election of Councillors". This request ties in with an established practice of constructive co-operation between the authorities of Montenegro and my office.

The amendment to this Law represents an important step in the ongoing process initiated by the Montenegrin authorities to bring all minority-related legislation in line with the Constitution.

Mr. Chairperson,

Ladies and Gentlemen,

As I mentioned earlier in this presentation, I have continued my engagement with Slovakia, visiting Bratislava as well as Budapest in February. The amendments to the “Slovak State Language Law” have been a cause of controversy both within Slovakia and between Slovakia and Hungary. On my advice, the Slovak Government has elaborated a detailed set of guidelines for the implementation of the amended State Language Law. The guidelines have been adopted by the Government and the priority is now to monitor and assess the implementation of the Law. My staff will travel to Slovakia sometime at the end of July to conduct such an assessment, and I will communicate the findings of this field visit to the authorities shortly thereafter.

At the same time, I have advised the Slovak authorities to look into the existing legislation regulating the use of minority languages and to make amendments to them in a way that will restore the balance between the need to strengthen the State language, on the one hand, and to protect minority languages, on the other. I understand that this was not possible before the parliamentary elections in Slovakia. However, I expect the incoming Government to take up my recommendations and to engage in a dialogue aimed at further improving State-minority relations in Slovakia, as well as the bilateral relations between Slovakia and Hungary.

I am concerned at the ongoing deterioration of relations between Hungary and Slovakia – two member States of the European Union and NATO, and close partners in a number of regional and international organizations, not least the OSCE. It is not unusual for neighbouring States and close allies to have disagreements from time to time and to engage in discussions over contested issues. It is worrisome, however, when available mechanisms for dialogue are not being utilized, when bilateral communication breaks down and when tensions increase. I am afraid there has been an unwelcome degree of escalation of tensions between Hungary and Slovakia, provoked most recently by the amendments to Hungary’s “Citizenship Law”.

In general, the decision to confer citizenship is considered to fall within the exclusive jurisdiction of each individual State, and may be based on preferred linguistic competences as well as on cultural, historical or familial ties. Nonetheless, principles of good neighbourliness and friendly relations between States should be taken into account when pursuing policies affecting citizens of another State. As noted in the HCNM “Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations”, contested claims or competing attempts by the States concerned to exercise jurisdiction over their citizens, irrespective of the place of residence, have the potential to create tensions. Granting citizenship *en masse* could have a destabilizing effect and should be discouraged. In all other cases, however, bilateral consultations are encouraged. This is particularly true for Hungary and Slovakia who, as I have said, are partner States in several regional organizations and have both signed bilateral treaties. Such consultations would be in the spirit of the European Union as well as in accordance with friendly and good neighbourly relations.

Mr. Chairperson,

Ladies and Gentlemen,

The ongoing discussions over citizenship and over the support of minorities abroad once again point to the relevance and importance of the Bolzano/Bozen Recommendations. I have continued holding regional round tables on the applicability and implementation of the Recommendations. The two most recent round tables covered Central and Eastern Europe, and Western Europe, and were held in Vienna and London respectively. The forthcoming and final round table will cover the Black Sea region and the South Caucasus, and will take place in The Hague at Clingendael – the Netherlands Institute of International Relations – on 5 July. In addition to these meetings, as you know, I came to Vienna earlier this spring to discuss the political and legal aspects of the Bolzano/Bozen Recommendations and to take your questions.

Given the relevance of the Recommendations for European security, some OSCE participating States have proposed endorsing the document as an OSCE-wide political commitment. This could be an important development for the OSCE, which has been at the forefront of setting standards in the field of minority protection. While some States promote this idea, I am aware that others are more sceptical, and question why these and not other HCNM Recommendations should be put forward for endorsement. I believe there are valid reasons for focusing on the Bolzano/Bozen Recommendations. First of all, previous HCNM Recommendations that deal with minority rights in the areas of education, language and participation have become basic, internationally recognized standards of minority protection that are not only advisable, but also binding through international instruments such as the Council of Europe's Framework Convention for National Minorities (FCNM). A predominant majority of the OSCE participating States have ratified the FCNM and are therefore bound by the principles underpinning The Hague, Oslo and Lund Recommendations of the HCNM.

Secondly, the Bolzano/Bozen Recommendations also differ from the previous documents in that they focus on inter-State relations and directly address the international dimension of the minority question.

The behaviour of States in relation to persons belonging to national minorities at home is well regulated and clear, while the role and responsibilities of States in relation to minorities abroad is much more of a grey area. This is despite the fact that most States today are both home-States and kin-States pursuing policies not only with respect to minorities under their jurisdiction but also with respect to minorities abroad. The Bolzano/Bozen Recommendations aim to reduce normative ambiguity in this highly sensitive area and, by doing so, minimize the risk of conflict between States over minority issues. For this reason I see a lot of merit in the participating States' political endorsement of the Bolzano/Bozen Recommendations.

Thank you for your attention.