



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

KEYNOTE PRESENTATION

by
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OSCE High Commissioner on National Minorities

to the

OSCE Parliamentary Assembly Autumn Meeting

Geneva – 3 October 2014

Dear President, Mr. Kanerva,

Dear excellencies, ladies and gentlemen,

I am very pleased to be able to address you at the OSCE Parliamentary Assembly Autumn meeting here in Geneva. I value the exchanges of views with the OSCE Parliamentary Assembly – and parliamentarians generally – highly. This is also why, during my country visits, I frequently meet with members of the national parliament, usually the foreign affairs committee or members of the OSCE PA delegation. I would also like to express my gratitude to the support you gave my Institution in the resolutions made in Baku in July this year.

The crisis in Ukraine has been a very high priority this year for my Institution, as it has been for the OSCE as a whole. Since October 2013, when I addressed you for the first time, I have made seven visits to Ukraine. This includes trips to the Autonomous Republic of Crimea in March this year and to the regions of Donetsk, Luhansk and Odessa, in addition to the capital Kyiv. My office also conducted a Human Rights Assessment Mission jointly with ODIHR and published a report with recommendations in May. My last visit to Kyiv was in mid-September and I plan more visits before the end of the year.

Dear friends,

As the Chairman-in-Office and Swiss Foreign Minister, Mr. Burkhalter, said in his statement earlier, the Ukraine crisis threatens the foundations of Europe's public order, as confirmed by the Helsinki Final Act and subsequent OSCE commitments. These events also impact on the international system of minority rights protection. We should do our utmost to stop these negative developments.

What should our collective response be? The answer is clear: we need to uphold the commonly agreed rules and principles.

In 2008, my Institution launched *The Bolzano/Bozen Recommendations on Minorities in Inter-State Relations*, which build upon the experiences of the successive High Commissioners since the establishment of the office in 1992. The Bolzano/Bozen Recommendations are relevant to the current crisis in Ukraine, but they are also relevant in

other OSCE participating States. The Bolzano/Bozen Recommendations build on three central principles of fundamental importance:

- First, the respect for and protection of minority rights is primarily the responsibility of the State where the minority resides;
- Second, human rights, including minority rights, are a matter of legitimate concern to the international community; and
- Third, there is a broad range of international and bilateral instruments that participating States can use to address such concerns, which they should do in good faith and with full respect for the principles of sovereignty, territorial integrity and good neighbourly relations.

If the OSCE is to function properly as a security community, these principles need to be fully respected. Peace and stability in the OSCE area and the credibility of this Organization are both at stake here.

Ladies and gentlemen,

The crisis in Ukraine is complex and has several causes that go beyond the issues that my institution would normally address.

As you well know, my mandate is conflict prevention, early warning and early action at the earliest possible stage in relation to ethnic tensions and conflict. Much of the work happens behind the scenes and focuses on long-term structural causes of tensions. This has also been the case in Ukraine, where my Institution has been engaged for more than 20 years.

It is undisputable that long-standing disagreements about the respective roles of the Ukrainian and Russian languages and different interpretations of history in Ukraine have aggravated this crisis. The deliberate politicization of identity issues has reinforced these divisions during the past 20 years and the regional divide in Ukraine has widened as a result. Recent events in Ukraine have clearly shown that the risk of further polarization of Ukrainian society is high.

A Law on the “Special Order of Local Self-government in some areas of Donetsk and Luhansk Oblasts,” adopted two weeks ago, represents an attempt to provide a temporary solution to the issue of decentralization, but many questions as to its implementation remain open.

It is important – however difficult it may be – that the eastern regions of Ukraine and Crimea are represented sufficiently in Parliament following the elections scheduled for 26 October 2014. I have urged the authorities to ensure that the elections are as inclusive and representative as possible.

Language issues have been used in Ukraine time and again to gain political advantage without considering the risk to national unity. In July 2012, my predecessor Knut Vollebaek warned that language legislation, drafted without genuine dialogue, could undermine Ukraine’s very cohesion. Unfortunately, the 2012 Law on the “Principles of State Language Policy” was rushed through without considering any of the amendments suggested by the opposition.

On 23 February this year, a narrow majority in the Verkhovna Rada abruptly decided to cancel this Language Law. I immediately expressed my concern that this hasty action could prompt further unrest and called for restraint, responsibility and dialogue. The acting President at the time quickly vetoed the decision but unfortunately the damage had already been done. Suspicion and growing distrust were the result of this action, and forces inside and outside the country exploited the situation, which contributed to the escalation of tensions.

Tragically, thousands of lives have been lost and the ongoing conflict has resulted in massive displacement and human suffering. Displacement can also cause further tensions. A shaky ceasefire is currently in place, although again in the last days there have been reports of many new civilian victims.

I would like to convey my deepest condolences following the death of the Swiss Red Cross employee killed yesterday in Donetsk.

We also know that our colleagues in the OSCE Special Monitoring Mission – with which we enjoy excellent co-operation – are operating under demanding conditions.

After the violence broke out in Ukraine, my Institution changed its focus to prepare for a time when dialogues and long term actions are once again possible and meaningful. I have taken note of the commendable efforts of the Ukrainian Government to develop a new institutional framework for inter-ethnic and national minority issues and to update the related legislation. I have offered the assistance and expertise of my office in these important reform processes.

Since my intervention in February this year, I have consistently called for a balanced approach to language policies. The policy should promote knowledge of the State language while providing safeguards for minority languages, including the Russian language. It should also strengthen the position of less widely used languages, in line with the principles of the European Charter for Regional or Minority Languages. The need for a balanced approach applies to all other aspects of identity, such as symbols and the commemoration of historical events and persons.

The main focus of my Institution in Ukraine immediately prior to this conflict was on the situation of Crimean Tatars in Crimea. In August 2013, just before I took up the office, my predecessor published a needs assessment on *The Integration of Formerly Deported People in Crimea, Ukraine*. In its introduction, it states – rather ominously – that “its [Crimea’s] history of competing claims for dominance and other contextual factors put it at enhanced risk of inter-ethnic tensions.” A number of recommendations were made to the Government of Ukraine and the Verkhona Rada.

Following the events this spring, the situation in Crimea has become increasingly precarious. I last visited the Autonomous Republic of Crimea in March. Since then, I have not been able to return, but I follow the situation very closely. Based on the information I receive from different sources, I remain deeply concerned about the vulnerable position of both the Crimean Tatar and the Ukrainian-speaking communities on the Crimean peninsula.

Several of the leaders of the Crimean Tatar community have been banned from accessing their homeland. I have been receiving persistent and credible reports about detentions and disappearances, about pressures to renounce Ukrainian citizenship, about intrusive searches in the homes, businesses, and public organizations of Crimean Tatars, including in the premises of the Mejlis. I have received reports about violations of the rights to freedom of

religion of Crimean Tatars and decreasing opportunities for teaching in Ukrainian in Crimea. All these actions have the potential to further escalate tensions in Crimea.

Referring to the Bolzano/Bozen Recommendations, I recall that any authority exercising effective control over a territory is obliged to protect the safety, security and human rights of all those residing on that territory, including persons belonging to national minorities.

Ladies and gentlemen,

In volatile times, we are reminded of the importance of conflict prevention. At the times of conflict, we feel deep sadness and frustration that our efforts have not been sufficient to prevent the conflict. Conflict-prevention mechanisms, like my Institution, have an important role to play in identifying potential triggers of conflict and in recommending ways to defuse and avoid tensions, but they cannot *prevent* conflicts alone.

My Institution cannot deliver its core mandate of “early warning” and “early action” without the support and co-operation of the participating States. We can only be effective when participating States engage in a continuous, open and direct dialogue with us. I believe the parliamentarians have an important role to play also in this regard by keeping the governments accountable.

Finally, I would like to express my gratitude for the co-operation I have enjoyed with the Swiss Chairmanship, the OSCE PA, and the two other independent OSCE Institutions, ODIHR and RFoM, as well as the OSCE SMM in Ukraine.