



Organization for Security and Co-operation in Europe

High Commissioner on National Minorities

S T A T E M E N T

by

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National Minorities, Tolerance and Non-Discrimination

Check Against Delivery

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Mr Chairman, Distinguished Delegates,
Ladies and Gentlemen,

It is my great pleasure to address you for the second time today in my new capacity as the High Commissioner on National Minorities (HCNM). In my short introductory speech this morning I underlined the fundamental principles of my mandate and my role *vis-à-vis* the participating States and the international community as a whole. In this first working session dedicated to tolerance and non-discrimination, please allow me to focus on **actions** to be taken and **instruments** to be used for promoting understanding, awareness and the full implementation of minority rights and effective integration of national minorities throughout the OSCE region.

This meeting, the **Human Dimension Implementation Meeting**, is rightly devoted to the effective implementation of all of the OSCE's commitments. In my daily activities, the international legal framework of human and minority rights forms the basis of most of my work. It defines the baseline of each and every action I take in order to prevent the escalation of tensions linked to minorities. In order to achieve this goal it is necessary for the participating States to follow up on their commitment to the full implementation of the international standards devoted to the protection and the integration of minorities. This is in fact the most effective way to prevent conflicts and to guarantee comprehensive security and stability. Only an effective implementation of these instruments can properly address issues like the economic position of minorities, their participation in political life, linguistic and religious freedom and, more generally, discrimination against individuals and mutual tolerance.

Minorities and their **integration** into our complex societies are at the heart of the global issue of security and stability. The OSCE can contribute to this overall goal in different and interconnected ways. The security aspect of the HCNM mandate does not require that I become involved in national minority issues in general but rather that I take action when there are tensions involving minority issues that could potentially develop into a conflict. From the privileged perspective of my office, two working methodologies have proved to be particularly effective in this regard: co-operation with the parties concerned and preventive diplomacy, on the one hand, and assistance to these parties by means of standards and best practices, on the other. In my opening speech this morning I quoted the first High Commissioner, Minister Max van der Stoep. Allow me to quote of him again: "The role of my office is to prevent fires caused by inter-ethnic tensions from breaking out in the first place. If there are signs of smoke, my job is to address the situation and try to put it out or, if that fails, to raise alarm".

Through intensified co-operation with the participating States, with other international actors and with NGOs, we have addressed the challenge of developing a framework which ensures security with particular regard to minority issues. My office has developed over the years considerable experience and expertise in minority issues and it is my firm intention to work with any OSCE participating State and NGO that can benefit from this expertise. The effectiveness of such a dialogue can be enhanced through a process of permanent co-ordination and networking with other relevant international organizations. This is why my predecessors have been working closely with organizations such as the United Nations, the Council of Europe and the European Union. I am committed to continuing and further enhancing this co-operation which helps develop mutual learning, mutual assistance and mutual support in our common endeavour for peace, stability and security. Seen against this background, I can fully appreciate the intention of the European Union to maintain a minority clause in the Reform Treaty, as was so appropriately done under the previous one. The more solid the legal network for protection, non-discrimination and inclusion of minorities, the more effective the co-ordinated action of the international community in promoting security by means of efficient implementation of minority rights, not least since all the Member States of the EU are among the 56 participating States of the OSCE and, thus, committed to its goals.

In addition to ever increasing co-operation with and within States as well as with and within the international community, security and stability through normalized minority relations can be achieved by elaborating standards, guidelines and best practices. These instruments can help States and minorities to work together towards a more effective integration of every section of the population into society, overcoming practices of exclusion that often pave the way to conflicts. In order to lower the risk of tension between different interests and aspirations legitimately competing within a society, we must help the parties involved to effectively integrate diversity, assisting them with diplomatic efforts and providing them with instruments they might use in order to prevent conflicts.

As to my office, the overarching goal of **integration with respect for diversity** has been central to the HCNM since the beginning of his mandate. Like both my predecessors, I am committed to this concept, which provides the overall framework for more specific actions and recommendations.

The need to focus on finding the right balance between integration, on the one hand, and respect for diversity, on the other, has been addressed by my predecessors in numerous speeches, articles and other statements. Let me reiterate the importance of making a

distinction between a balanced integration – both as a concept and in practice – and policies of imposed assimilation or segregation. Integration does not mean creating a single national identity and culture, nor does it mean eliminating the distinctive identities and cultures of minorities. Conversely, a balanced integration among groups cannot be achieved through policies aimed at maintaining and promoting separate identities, cultures and governmental structures for minorities, without participation and interaction between them.

Integration policies can be applied to very different groups, ranging from persons belonging to national minorities to recently arrived migrants. From my perspective, rather than engaging in controversial discussions on definitions, it is important to focus on the "how" of integration rather than on the "who", by devising a set of instruments that might help prevent conflicts within our societies. The OSCE Parliamentary Assembly has made repeated calls for the HCNM to act with regard to the situation of migrant populations in Western Europe, believing that integration respecting diversity is relevant in this context too. In response to these calls, my predecessor commissioned a group of experts to investigate the subject. In the belief that a comprehensive approach to diversity issues can help better address the core business of my mandate, it is my intention to continue the reflection on this area in order to help States to cope with diversity.

A balanced integration has **three fundamental dimensions**. First, it underpins the right of persons belonging to minorities to preserve their identity by respecting their traditions, culture, language and religion; second, it implies the obligation of the States to promote the societal integration of minorities on the basis of the principles of non-discrimination and equality; third, it assumes the responsibility of persons belonging to minorities and such groups to co-operate with the state in pursuing an effective integration, especially by obeying the law and contributing to the overarching goal of security.

To develop these essential dimensions of a balanced integration, principles and standards are needed in all key aspects of their practical implementation, including the participation of minorities in public life, education, language policy and media. The **toolbox** assembled by my office over the last fifteen years is particularly well-stocked in all of these areas. One just has to think of The Hague, Oslo and Lund Recommendations, the Guidelines on the use of Minority Languages in the Broadcast Media and the Recommendations on Policing in Multi-Ethnic Societies. It is my intention to promote the knowledge contained in this toolbox and to further contribute to the development of standards that will become useful terms of reference for those States willing to improve pluralism in their societies. In so doing, my primary concern will be the prevention of conflicts involving national minority issues.

Mr. Chairman, distinguished Delegates,

Please allow me to expand on five crucial and sensitive issues which I believe are among the most essential for the purpose of preventing conflicts by pursuing balanced and effective integration in our societies and thus security in the OSCE area.

1) As part of the implementation of the standards agreed upon in the OSCE region, one essential area in which balanced and effective integration deserves constant attention is **participation** of national minorities in public life.

From the conflict-prevention perspective it needs to be emphasized that effective participation of national minorities in public life constitutes an essential component of democratic governance. The Lund Recommendations and other international instruments provide explicitly that States should ensure that opportunities exist for minorities to have an effective voice, in particular through their representation in elective bodies. This is why electoral systems should facilitate minority representation and influence. In addition to special electoral arrangements for minority representation, mainstream political parties should also assume responsibility for accommodating minority members and minority programmes and interests.

In order to be effective, however, participation and consultation of minorities cannot be confined to elective bodies. In some contexts, minority inclusion could be extended at central, regional and local level and in all branches of government, namely in the administration, including law enforcements institutions and the judiciary. Consultation and participation of minorities can only effectively achieve their integrative goal if they take place at a stage and at a level where they can be influential.

2) Intimately connected to an effective participation of minorities in public life are matters relating to **citizenship** and to the rights of non-citizens. This sensitive issue is attracting growing attention in international fora, such as the UN and the Council of Europe. The issue of citizenship and its related aspects such as loyalty, identity and inclusion, as well as the relations between States concerning their ethnic kin across the border, has a considerable impact on the rights of people belonging to national minorities. As my predecessors have underlined on several occasions, it is important to raise awareness of the fact that the rights of minorities, in order to be fully and effectively protected, may also extend to non-citizens.

At the same time, international practice is increasingly faced with issues arising from domestic legislation or political influence concerning the status of people living abroad. When States take unilateral steps to protect national minorities living outside of their jurisdiction, this sometimes leads to tension and friction. Instead of unilateral extra-territorial jurisdiction, bilateral and multilateral co-operation should be promoted among the States to better pursue the overarching goal to achieve mutual trust and, in so doing, security too. It must be emphasized that protection and implementation of minority rights is the primary obligation of the State where the minority resides. This principle, as an integral part of international standards, derives not least from the fundamental security principle of integrity of the borders laid down in the Helsinki Final Act, and thus it represents one of the foundations of the OSCE's mission. Therefore, although a State may have a legitimate *interest* in supporting persons of the same ethnicity living abroad, this does not confer the *right* to exercise jurisdiction over these persons. This fundamental principle does not preclude States from granting certain preferences within their jurisdiction, nor does it preclude persons belonging to national minorities from maintaining preferential contacts across frontiers with citizens of other States with whom they share common ethnic or national origins.

3) Another crucial instrument for an effective inclusion of minorities in society as a whole is **education**. Increasing attention must be paid to education, both in national legislation and in international law. For minorities, the study of their culture and mother tongue as well as, where appropriate, education in their mother tongue is a precondition for the full enjoyment of many other rights and goals, including the right to participation, expression, association, finding employment, as already outlined in The Hague Recommendations regarding the Education Rights of National Minorities of 1996. At the same time, the education of majorities about the culture of minorities will help raise awareness of the complexity of society and thus establish mutual respect and understanding. Not least, persons belonging to national minorities have a responsibility to contribute to integration by acquiring a proper knowledge of the State language.

Education is therefore crucial both for minorities and for majorities and it represents another area in which it is essential to pursue a balanced integration between majorities and minorities. Against this background, my office has promoted several projects assisting States in developing co-operation with regard to minority education and it will continue to do so.

4) The **media** too can make a decisive contribution to the general aim of integrating minorities into society, not only by simply transmitting information but also by passing on knowledge and positive attitudes and values. In this way the media can play a positive role in

promoting tolerance and understanding, especially by making minorities visible to the majorities. If the media abuses this role, however, this becomes a matter of great concern.

Therefore, constant attention should be paid to the issue of both media in minority languages and the way the mass media in general addresses minority issues. In today's information society, an effective and respectful integration of diversities is inevitable and needs to be visible in the media. Only then can it, especially new media, fulfil its potential as a vehicle for tolerance and mutual understanding.

5) Not least, it must be reiterated that tolerance and non-discrimination cannot be effectively promoted without paying significant attention to factors which lead to **social and economic exclusion**. This form of exclusion notably affects some groups more than others and often degenerates into violent aggression and racism. For this reason since the 1993 Rome Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism, the HCNM has been invited to pay particular attention to these issues. Therefore, within the framework of the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area of 2003, I will continue to devote attention to this front. Indeed, the situation of Roma and Sinti – Europe's largest and most disadvantaged minority – continues to raise concern in this regard as, when seen from the long-term perspective, it has the potential to increase the risk of tension.

It must be emphasized, however, that particularly when promoting social cohesion, the key role will have to be played by the States themselves by instituting effective and comprehensive policies promoting integration.

To **conclude**, let me state the obvious: no society in the OSCE area is mono-ethnic or mono-cultural. Thus, a balanced integration of diversity is not only a question of good governance but also a pre-requisite for maintaining social harmony and thus co-operation and security. The HCNM has a mandate which is flexible enough to adapt and respond to changing realities and needs. As a matter of fact, the work of this institution has evolved over the past fifteen years from primarily dealing with crises in the 1990s – when several States had just established or re-established their sovereignty – to working increasingly on structural aspects of conflict prevention.

Under my mandate, I will continue my efforts to prevent escalation emerging from the ever changing reality by means of mediation, good offices, dialogue and by exercising creative thinking in devising appropriate solutions adapted to different circumstances.

I look forward to working with you all in pursuing this challenging and fundamental task in order to achieve the best results.

Thank you for your attention.