



## Organization for Security and Co-operation in Europe

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Speech by

OSCE High Commissioner on National Minorities

**Max van der Stoep**

at the OSCE Review Conference

Vienna, 20 September 1999

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Mr. Chairman,

At first glance, it is easy to be pessimistic when looking at the implementation of OSCE commitments regarding the protection of persons belonging to national minorities. The decade since the dramatic changes of 1989/90 has witnessed inter-ethnic violence on a scale not seen since the Second World War. Conflicts in Bosnia and Kosovo have again demonstrated that without stable and harmonious inter-ethnic relations there can be no peace, justice, stability and democracy in the OSCE area.

Nevertheless, looking back on almost seven years as High Commissioner on National Minorities, it must be said that OSCE participating States have made great strides in ensuring that persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law. Domestic legislation and international standards have been developed which have gone a long way in protecting and promoting minority rights. Still, there remains much to do. This is most apparent in relation to the Roma. I am in the process of completing a report on the Roma which will look at a wide range of issues including discrimination, access to housing, opportunities for education, and participation in decision-making processes. A synopsis of the report, including recommendations, is being circulated here today.

The plight of the Roma is unique. But at the same time, we must not overlook other minority situations that still require special attention. Two recurrent issues that I have encountered concern respect for the linguistic and educational rights of national minorities.

Paragraph 34 of the 1990 Copenhagen Document makes clear that OSCE participating States will endeavor to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

This year my office published a report on the linguistic rights of persons belonging to national minorities in the OSCE area. It is the result of a two-year comparative study based on official replies to a questionnaire sent to all OSCE States. Even though the report indicates that more progress is necessary, overall it confirms a positive trend in terms of compliance with OSCE standards and reveals a wide breadth of policies and laws among OSCE participating States. I hope that this report will help policy- and law-makers to learn from the variety of practices currently adopted in OSCE States with a view to developing the most appropriate and effective policy for their own situation.

Furthermore, in 1998 I invited a group of experts to draft a set of recommendations regarding the linguistic rights of national minorities. It is gratifying to see that these so-called Oslo Recommendations are increasingly being taken into account by participating States when drawing up policy and law relating to language. Most recently, I welcomed the adoption by the Slovak Parliament in July of this year of a Law on Minority Languages, particularly as regards the use

of minority languages in official communications. I was also encouraged by the attention paid to international standards by President Vike-Freiberga of Latvia when she returned the Latvian State Language Law to Parliament for reconsideration. I am confident that States can organize themselves around, and protect, an official state language (which is typically that of the majority) while at the same time respecting the linguistic rights of minorities. This is important not only to ensure opportunities for the maintenance and development of cultural identities, but also to ensure the free space and openness which is necessary for a well-functioning market economy.

Education is another major theme that is at issue in many of the situations in which I have been engaged. Like the Oslo Recommendations, it is encouraging to see that the Hague Recommendations on the Educational Rights of National Minorities are being considered when States draft legislation. I have noted progress on educational issues in a number of countries that I have been working with. In Romania, the Law on Education approved in June opens new opportunities for the development of multi-cultural education. I am considering ways to help Babes-Bolyai University in Cluj to take full advantage of the possibilities afforded by the Law. In the former Yugoslav Republic of Macedonia I am encouraged by the Government's willingness to compromise on the establishment of a Higher Education Institute in the Albanian Language. I am also hopeful that educational issues in several other States will be resolved through balanced policies in line with OSCE commitments.

Nevertheless, I want to address a sentiment that has implicitly and sometimes explicitly been stated to me on many occasions during my tenure as OSCE High Commissioner on National Minorities. The impression that I have is that some participating States, in living up to their commitments in regard to the protection of persons belonging to national minorities, worry that they are building a Trojan Horse from which the minority will jump out in a few years and make even further demands to the detriment of the integrity of the state as a whole.

Firstly, I want to stress that States should not be of the opinion that in satisfying their commitments vis-à-vis national minorities they are either granting something or giving something away. It is not for States to "give" rights to minorities. Minorities have those rights. It says very clearly in paragraph 31 of the Copenhagen Document that "persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will." Under paragraph 33 of the Copenhagen Document States are committed to protect

*and promote* the identity of national minorities on their territories.

Secondly, developing stable and harmonious inter-ethnic relations can not only be achieved by creating the legal framework for protecting minorities. It is equally important that concrete and long-term structures, mechanisms, and programs must be introduced in an effort to integrate diversity. In a few weeks, the Foundation on Inter-Ethnic Relations – which works very closely with my office – will be publishing the Lund Recommendations on the Effective Participation of National Minorities in Public Life. I regard these recommendations as a useful toolbox for finding a balance between the maintenance of the territorial integrity of States and the aim of national minorities to fully enjoy their rights and identity. This dilemma is one of the most central and pressing questions of our time. The Lund Recommendations aim to facilitate the integration of minorities within the State while enabling them to maintain and develop their own identity and characteristics. They raise and explore interesting and relatively untested possibilities, particularly in regards to non-territorial autonomy, that can promote the good governance and territorial integrity of the State. Across the OSCE area, finding accommodation between Governments and minorities is a challenge that must be addressed at an early stage before positions become polarized and questions of identity and rights become inter-ethnic conflicts. I think that the Lund Recommendations give useful ‘food for thought’ and many alternatives for policy that can work towards this end.

I need hardly state that the failure to assure stable and harmonious relations and to integrate diversity can lead to an accentuation of mutual distrust, fear and even violence. In the early 1990s we may have thought that outbursts of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination were a post-Communist spasm that would dissipate with the spread of democracy. Sadly, these forces are still manifest throughout the OSCE area. It is particularly disturbing when nationalistic sentiment is whipped up and mobilized by political elites to achieve political ends. In most cases the perpetrators of the worst excesses of nationalism are individuals and parties on the political margins, but sometimes they are scarcely opposed by mainstream politicians. Not speaking out against excessive nationalism is tantamount to complicity. We know from a wealth of tragic history – particularly during the last century – that keeping silent in the face of malign and aggressive nationalism comes at the expense of the rights of national minorities. Such nationalism manifests itself by the forceful imposition of the will of one group of people onto another and the failure to respect international standards. This is a breach of human rights and, moreover, can lead to internal instability and even regional insecurity.

I have been fighting against excessive nationalism for several years. In some cases I have registered the impression that my concerns have fallen on deaf ears, or are seen as something of an irritant. But it should not take a Kosovo or a Bosnia to convince us of the need for continuing to seek ways of fostering inter-ethnic harmony and to create societies that protect and promote the needs and identities of all citizens. The basic task is to build civil societies that protect human rights, including minority rights. In such systems, minorities will feel that they have a stake in the society in which they live – that they are full partners. Under these conditions it will be easier for them to realize that they have obligations and not just rights. This will foster a sense of cohesion and co-operation within the State that will benefit the whole of society and, by extension, will increase regional stability and prosperity.

Facilitating this process is the essence of the work of the High Commissioner on National Minorities. In order to fulfil his mandate the High Commissioner needs the consistent support of the OSCE participating States. I am grateful to the Council for having given me this support during the last seven years. May I also take this opportunity to praise and thank the many non-governmental organizations that have supported by activities both directly and indirectly during my tenure. I hope and trust that my successor will be able to count on all of your support in the future.

Thank you for your co-operation and for your attention.