



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

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OPENING REMARKS

by

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at the

**HCNM Round Table on Legislation Regulating the Rights
and Status of Persons Deported on Ethnic Grounds**

Hotel Riviera on Podol

[Check Against Delivery]

Kyiv, Ukraine – 8 July 2009

Ladies and Gentlemen,

Sixty-five years ago thousands of people – Crimean Tatars, Greeks, Armenians, Bulgarians and others – were thrown into cattle trucks and forcefully resettled. They travelled for weeks with little food, no sanitation and no knowledge of what would happen to them. While for some this is purely an historical event, for most of the survivors of this atrocity the sense of injustice and pain is ever present.

Dealing with such a legacy is a tremendous challenge for any society. However, ignoring such a difficult past would be a grave mistake. The failure to restore dignity to victims can easily generate new resentment and tensions. In order to re-establish the trust between communities, the society in question must publicly acknowledge and redress the abuses which have taken place.

This is why dialogue on legislation regarding the Restoration of Rights of Formerly Deported People is extremely important for the future of Ukraine and its Crimean region. I am therefore grateful to all of you for agreeing to take part in this important endeavour today. I understand that the drafting process has been fraught with many difficulties and pitfalls. No doubt this is a complex piece of legislation. It is, however, my firm conviction that with the necessary political will and your knowledge and expertise, discussions such as these today will bear fruit and help Ukraine to adopt legislation that will meet the requirements and needs of all communities.

Ladies and Gentlemen,

Why do I, as OSCE High Commissioner on National Minorities, take such a keen interest in this issue?

To answer the question, let me say a few words about my Institution. I have been given a unique mandate of conflict prevention by the 56 OSCE participating States, including Ukraine. It tasks me to provide early warning and take early action in situations involving national minorities that in my judgement have the potential to develop into a conflict. The

experience of the HCNM accumulated throughout the OSCE region over the past 16 years has shown that the key to conflict prevention in the longer term is the integration of all communities into the society. Integration should be based on the rule of law and should respect the minorities' right to maintain their identity, including their religion, language, traditions and cultural heritage. This is particularly important in States that have gone through a rapid economic and political transition, even more so when this is combined with a historical legacy of serious human rights violations such as the collective deportations that took place in the former Soviet Union.

This is why the HCNM is a familiar face in the Autonomous Republic of Crimea. Although decades have passed since the deportations of the 1940s, the consequences of those crimes are still visible today. More specifically, Ukraine still faces the challenges of the reintegration of the formerly deported and their descendants. Since 1989, about 300,000 persons have been allowed to return and have once again made Crimea their home. I commend the Ukrainian Government for its attempts to facilitate the process of repatriation and for the steps it has taken to help with the reintegration process. At the same time, important challenges remain. The need to redress past injustices is as acute today as ever. If we do not do this today, tomorrow we may witness renewed tensions and, ultimately, conflict on the Crimean peninsula.

To date, no conclusive legal act has been adopted by the Ukrainian Parliament recognizing the deportations or regulating the status of formerly deported persons. This creates a legal vacuum that complicates the reintegration process and deprives the formerly deported of their rights to formal recognition, compensation and restitution. I am convinced that only a law regulating the status and rights of formerly deported persons and their families can address this situation. It would establish clear and transparent procedures for resolving some of the most pressing problems in Crimea, including disputes over land, property and cultural rights. The adoption of such a legislative framework is not only in the interest of the formerly deported themselves. It would benefit the authorities – at the centre and in Crimea – because such a law would provide more clarity about entitlements and, more importantly, eliminate one of the key risks to stability in the country.

Over the years the *Verkhovna Rada* has already considered numerous drafts of such a law. One version was adopted with a wide majority in 2004, but was subsequently vetoed by the then President, Leonid Kuchma. Since then, the Ukrainian Government has been working on a new draft, which was submitted to Parliament last year. Unfortunately, this new draft has raised considerable concerns among representatives of formerly deported groups, some of whom are present here today. Based on the experience from the HCNM's long-standing work in Crimea, I share some of these concerns.

A key prerequisite for the success of such sensitive legislation is the full involvement of all parties concerned, first and foremost representatives of the formerly deported. No adequate solution can be found without their participation. The acceptance, implementation and legitimacy of the law would be compromised if the process is not perceived as inclusive. A law that is not acceptable to those concerned would only exacerbate the situation.

Having said this, I believe all parties involved need to demonstrate a considerable degree of flexibility, realism and willingness to compromise.

Ladies and Gentlemen,

Ukraine does not have to face these challenges alone. The international community can support the process through consultations, facilitation of a dialogue and the sharing of relevant international experience. The involvement of the UNHCR, the Council of Europe and the OSCE as well as the interest shown by the EU in today's event, bears testimony to our concerns and commitment and our desire to assist Ukraine. The international community attaches the utmost importance to the adoption of an effective law on the restoration of rights of formerly deported people.

Today's round table is a golden opportunity to move closer to this goal. It has brought a number of key stakeholders together for a free and frank discussion on three key dilemmas, namely the problems of recognition, of making restitution or providing compensation and of addressing the collective and cultural dimension. However, I am realistic. We will not adequately solve all three issues today. More discussions will be needed. But I am hopeful

that we will reach an agreement on some of the fundamental principles underpinning any future settlement.

Last week I visited Kosovo and spoke to many people who also are trying to grapple with their past. Like you, they have to come to grips with their past in order to build a future. However, it is my conviction that any effective settlement should not look to the past alone. Ultimately, a law on the restoration of the rights of formerly deported persons is not just about crimes that took place 60 years ago. It is also about the future. It is about creating a stable, peaceful and prosperous society for all of Crimea's inhabitants. It has to do with finding new and better ways of embracing its linguistic, cultural and religious diversity, about uniting communities in Ukraine in the common goal of building a home where no one is treated as a second-class citizen.

I wish us all success and perseverance in our endeavours to this end today.

Ladies and Gentlemen,

Today's discussion features several difficult and sensitive issues such as compensation, restitution and recognition. Let me remind you that this round table is held under the confidentiality rule of my mandate as HCNM. We should follow the so-called "Chatham House rules". There will be no public statement or press conference during or after the meeting. It is important that everyone present is able to speak freely and express views that are or, as the case may be, are not those of their organization. Therefore, please feel free to speak your mind. The discussion will only benefit from openness. But, equally, I ask that you respect everyone's right to have their say. I therefore ask you to keep your interventions brief and to the point, otherwise I will exercise my early warning mandate if you run over your allotted speaking time

Thank you for your attention.