



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

STATEMENT

by
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to the
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Madam Chairperson, Distinguished Ambassadors, Members of Delegations,

I am pleased to be back before the Permanent Council with an overview of my activities since June 2009. In the past few months, I commented extensively on the State language laws in a number of OSCE participating States. Before I go into details of my country engagements, allow me a few remarks on the language issue.

The OSCE High Commissioner on National Minorities favours a strong position for the State or official language. I believe the State or official language has a vital role to play. It is usually a fundamental component of the majority's identity, which States may legitimately protect and promote. Furthermore, it helps lubricate the machinery of each and every society. It is a means of communication between the majority and minorities, and a common denominator that brings our societies together and fosters social cohesion.

Minority rights encompass not only the need to maintain and develop minority linguistic identity. They also envisage the State obligation to make sure that every person is given an opportunity to master the State or official language in secondary school, at university, or later in life. Proficiency in the State language is a must for everyone. It is a prerequisite for genuine equality.

Having said this, I believe that any measures to enhance the State or official language should be balanced. They should not be undertaken at the expense of minority languages. Furthermore, States need to respect the scope of their regulatory authority. While they enjoy wide discretion in the public sphere, their authority remains restricted in the private domain.

As I have stated on numerous occasions, linguistic policy is not a zero-sum game. Efforts to promote the State or official language need not necessarily translate into the decline of minority languages. Let me illustrate a few win-win approaches.

Bilingual or multilingual education equips children with an adequate knowledge of both their mother tongue and the State language. Subtitling, rather than the dubbing of news bulletins, movies, talk shows and other broadcasts, meets multiple linguistic needs. Ballot papers and election materials distributed in both the State and minority languages increase turnout and, ultimately, election legitimacy. Public services in minority languages, particularly at the local level, enhance the sense of belonging amongst minorities. A simple greeting in a minority language by a police officer can make friends and improve community safety.

The list of innovative and balanced approaches to the linguistics question is a long one. The actual policies are often short-sighted. Cheap politicking on the language issue usually results

in high costs for the whole of society. It increases antagonism and generates resistance amongst minority communities. Linguistic mismanagement in multi-ethnic societies is a sure sign of impending conflict. Policymakers, civil society and international organizations need to be aware of this when they design measures to enhance the State or official language.

These are a few general remarks relevant for all members of the OSCE family.

Madam Chairperson,
Ladies and Gentlemen,

As I have previously informed the Council, in June 2009 I visited Tajikistan for the first time. My meetings with the President, high officials and minority activists focussed on a range of issues, including a new Language Law.

I made it clear that I fully understand the wish of the Government to give a more prominent role to Tajik as the State language in different spheres of life. At the same time, I voiced a series of reservations with regard to the proposed amendments and their impact on the interethnic situation in Tajikistan. I further reflected my concerns in a confidential communication to the Tajik Government and underlined the need to address the anxiety among minorities about Tajikistan's commitment to promoting and preserving minority languages.

To my regret, the Government of Tajikistan has so far chosen not to enter into dialogue with me concerning the draft Law. I nevertheless remain open to any future discussions with the Tajik authorities on this matter, in particular, on how to implement the new Law, which could determine its eventual impact on interethnic relations. I intend to ask the Tajik authorities to receive members of my staff in the next couple of weeks in order to discuss how the HCNM and Tajikistan can work together to strengthen the State language in a balanced way.

Another issue that has attracted much attention lately is the amendments to the State Language Law adopted by the Slovak Republic on 30 June 2009. The amended Law entered into force on 1 September and has caused considerable tensions both within Slovakia and between Slovakia and Hungary.

The objective of my involvement in this case is two-fold: first, to ensure that the implementation of the amended State Language Law does not negatively affect persons belonging to national minorities; and second, to facilitate dialogue between Hungary and Slovakia in order to reduce tensions in their bilateral relations.

The adopted amendments to the State Language Law pursue a legitimate aim, namely, to strengthen the position of the State language, and, overall, are in line with international standards. Some parts of the law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities. If this does turn out to be the case, the Law's compatibility with international standards and with the Slovak Constitution will be brought into question. For this reason I am working closely with the Slovak authorities to develop detailed implementing guidelines and to ensure that the amendments are interpreted and implemented in a way that does not compromise international standards and the existing minority legislation in Slovakia.

I had several meetings with delegations and representatives from both Slovakia and Hungary, which helped to facilitate dialogue between the two countries. Dialogue has progressed in a friendly and constructive way. I had the chance to witness this first-hand at the meeting of the bilateral joint commission on minority issues.

I will continue to follow this issue and I am confident that it will be resolved in a way that can serve as a good example of constructive co-operation in addressing sensitive minority-related issues. I also commend the two countries for approaching the HCNM.

Madam Chairperson,
Ladies and Gentlemen,

Less than two weeks ago, the HCNM, with the help of the German Government, organized the third round table on the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations. This time the round table focused on the region of Central Asia. Because many of the States in the region are actively implementing policies to support their kin-minorities abroad, discussions revealed a lot of interest in the Bolzano/Bozen Recommendations. The round table also provided a platform to discuss national minority issues in individual countries. I am grateful to the German Government and to the participants for their attendance and active involvement.

Once further regional round tables have taken place, it is my intention to organize a final review conference on the Bolzano/Bozen Recommendations in 2010. This event will allow us to discuss how to build on all the round-table discussions and to make wider use of the Recommendations in the OSCE area.

The next item in my statement is directly connected to the Bolzano/Bozen Recommendations. As I advised the Council on previous occasions, I planned to initiate a study earlier this year on the educational situation of ethnic Russians in Ukraine and ethnic Ukrainians in Russia.

My aim was to provide both States with an objective and impartial assessment and to feed it into their bilateral dialogue.

Following my last statement to the Permanent Council in June, I travelled to Russia and Ukraine in order to present my findings and recommendations to both Governments. The study focused on a broad spectrum of issues, including

- the external school-leavers' exam;
- the teaching of languages in the school curricula;
- ways to establish parental demands for minority-language tuition;
- how to design an intercultural curriculum;
- how to inform minorities of their rights; and
- other pedagogical issues.

To my great satisfaction, both the Russian and Ukrainian authorities have already replied to my report and recommendations in a positive way. I will now share the Ukrainian part of the study and the Ukrainian Government's response with Russia and the Russian part of the study and the Russian Government's response with Ukraine.

Recent events have demonstrated that the treatment of Russians in Ukraine and Ukrainians in Russia continues to be of considerable interest to the public in both countries. It is important to take advantage of this interest and to use it to enhance the relationship between the two States. Dialogue between the education authorities of the two countries would help avoid misperceptions and misunderstandings. It would also help the States tackle often similar challenges in reshaping post-Soviet education. As High Commissioner, I am ready to facilitate such a dialogue, and I am looking forward to hosting trilateral consultations on my findings and recommendations in the near future.

In July, I hosted a round table in Ukraine on the legislation concerning the rights of formerly deported peoples, with the participation of the Presidential Secretariat, the Ukrainian Government, the *Verkhovna Rada*, the European Union, the Council of Europe, UNHCR and representatives of the formerly deported communities. By means of this round table, I addressed a number of concrete recommendations to the Ukrainian authorities, which could serve as the basis for legislation in conformity with international standards and best practices. A comprehensive strategy is needed to deal with the tensions on the Crimean peninsula, including a sound legal framework regulating the reintegration of formerly deported persons. To this end, I recommended the establishment of an interagency working group composed of representatives of the Government, the President and the *Verkhovna Rada* as well as

representatives of formerly deported peoples. I stand ready to provide any advice and assistance that may be required during this process.

My ongoing engagement in Crimea takes the form of several projects. A long-term programme of training courses for civil servants aimed to assist the regional authorities in managing interethnic diversity and effectively dealing with the challenges resulting from the return of formerly deported peoples. Another project I continue to support consists of a locally developed course for schools entitled “Culture of Good Neighbourhood”, which aims at promoting tolerance and interethnic co-operation among the younger generation. I am also pleased to report that two weeks ago the fourth Max van der Stoep Award was presented to the Integration and Development Centre for Information and Research (IDC) from Crimea for its outstanding achievements aimed at facilitating genuine integration and participation of all ethnic communities in the region.

Madam Chairperson,
Ladies and Gentlemen,

In September 2009, I visited Kazakhstan, including Almaty and the South Kazakhstan region. I continued my dialogue with the authorities on the issue of effective minority participation. I believe a wider involvement of minority representatives in all aspects of public life will benefit interethnic relations in the country. In particular, I focussed on the role of the Assembly of the People of Kazakhstan – a consultative body attached to the office of the President of Kazakhstan. At a joint seminar with the Assembly we discussed the various forms and roles of consultative bodies, and ways to make them democratic and accountable. Special emphasis was placed on ways to directly elect the members of such bodies.

During the visit I also examined the educational situation of the Uighur community in the city of Almaty and in the Almaty region, and the Uzbek community in the South Kazakhstan region. In my dialogue with the Ministry of Education and Science, I suggested ways to further integrate these schools into the common educational space of Kazakhstan. I also agreed with the Ministry to co-sponsor the monitoring of the educational situation of the Uighur community by gathering objective information on quality and standards in the Uighur-language schools in the city of Almaty and in the Almaty region.

In Almaty, I was also advised of the fact that one Uzbek- and one Uighur-language school would now be included in the nationwide trilingual education pilot programme. Previously, some 30 schools, exclusively Russian or Kazakh, had been selected to introduce trilingual teaching in Kazakh, Russian and English into the curriculum. I had therefore recommended

during my previous visits to expand the pilot scheme to include other deserving minority-language schools. I am pleased to say that this recommendation has now been taken up.

In general, the authorities of Kazakhstan are paying close attention to further enhancing interethnic relations in the country. Their positive attitude was demonstrated again on 20 October 2009 in a speech by the Secretary of State and Minister of Foreign Affairs, Kanat Saudabayev. I warmly welcome his unambiguous statement that the promotion of the State language will not be done at the expense of other languages spoken in the country, and will continue to assist Kazakhstan in shaping its language policy.

As I have reported on several occasions over the past two years, I have followed in my predecessor's footsteps to bring the issue of transitional justice to the fore of the political agenda in Kosovo. The public launch this summer of the paper, *Transitional Justice in Kosovo*, was well attended and received plenty of media coverage.

The paper presents to the public the numerous questions surrounding transitional justice, the various mechanisms used to promote it and how these can be looked at in the specific context of Kosovo. I have often argued that if Kosovo is to move ahead, it must deal with the past. I have also pointed out that dealing with the past must be done by everyone in Kosovo, including all the ethnic communities and the authorities. Viewing the inter- and intraethnic difficulties through the prism of transitional justice could have a beneficial effect on building a more secure society, where levels of trust between all the ethnic communities will grow and prosper.

I hope that the public now will have a better understanding of what is meant by transitional justice and be open to looking at some of the ways Kosovo can make it a part of their social structure. Now that the paper has been launched, it is essential that local actors play a more meaningful role in moving this process forward.

During my visit to Kosovo in July, I also raised with relevant actors the issue of Gorani education and the development of the Serbian curriculum in order to assess progress and to remind them of the importance I attach to this issue. As you will know from the reports of the OSCE Mission in Kosovo, the 2009–2010 school year started without the attendance of all Gorani children in Dragash/Dragas. During my talks with the sides to try to find a lasting solution to this problem, I repeatedly call on them to ensure that the best interests of the Gorani children are taken into account so that they are able to return to school immediately in a quiet and non-controversial way.

As I informed you earlier this year, during my visit to Skopje in January, I agreed with the authorities that further efforts are needed to promote education as a tool to better advance integration and to move away from the current trend towards separated education for the country's ethnic communities. Working closely with the Ministry of Education and Science, other relevant authorities and the OSCE Mission's excellent Education Team, my office has developed a Policy Paper providing a concise analysis of the current state of education. More importantly, the Policy Paper offers a number of practical approaches aimed at improving the situation of education on several fronts. These include

- democratic school governance in a decentralized environment;
- introduction of joint curricular and extra-curricular activities;
- improved methodology for language acquisition;
- regular and relevant in-service training for teachers; and
- revision and monitoring of textbooks.

I can report here that the Policy Paper was launched on 8 October in Skopje during my latest visit to the country. Both the Prime Minister and the United States Ambassador spoke at the event, strongly supporting the document and its strategy for integrated education. The two Deputy Prime Ministers and the Minister of Education also attended the event. It is envisioned that the Government will adopt this Policy Paper and implement its proposed measures in close co-operation with the donor community. I should state that I am very encouraged by the Government's strong commitment to address this issue and I intend to remain involved over the longer term in order to provide expertise where needed.

Finally, I would like to inform the Permanent Council that on the margins of the seventh round of the Geneva discussions on Georgia, on 18 September 2009, I met with the members of the Ossetian delegation. We discussed the latest developments relating to national minorities in the region, in particular the situation in the Akhalkalaki district. I plan to visit the region at the beginning of next year.

Madam Chairperson,
Ladies and Gentlemen,

Tensions over national minority issues within and between States are a reality. It is naïve to expect that centuries-old prejudices, grievances and stereotypes will disappear overnight. As I have recently mentioned in my presentation within the framework of the Corfu Process, national minority issues must remain a priority of our Organization if we are to avoid a repetition of the ethnic strife and inter-State hostilities of the early 1990s. To tackle minority-

related tensions, we need dialogue between the States and their co-operation with the HCNM and other international institutions dealing with minority issues.

I count on your support in advancing our common goal, namely, integration with respect for diversity within our States and friendly relations between them.

Thank you for your attention.