



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

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**ADDRESS ON**  
**MINORITY RIGHTS IN KOSOVO**

by  
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to the

**Humanitarian Law Centre**  
**Conference on Minority Rights in Practice**

Check against delivery!

Pristina, Kosovo, 11 September 2008

Dear Mr. Deputy-Prime Minister, Organizers, Ladies and Gentlemen,

It gives me great pleasure to be with you today in Pristina and I would like to express my gratitude to the Humanitarian Law Centre for their kind invitation. As the OSCE High Commissioner on National Minorities, I am honored to address you this morning on the subject of minority protection in Kosovo. I also look forward to listening to the other speakers as well as to discussing with you, the participants to this conference. Your ongoing commitment and intensive work in the field of human and minority rights is what ultimately will make the difference in Kosovo, whether your role is that of a government official, an NGO-activist, a teacher, a minority leader or a policeman. In this context I welcome also the presence of the Deputy Prime Minister, Mr. Hajredin Kuqi, and I would like to express my gratitude for the close cooperation I have with the Kosovo authorities.

Kosovo has started a new phase in its history. This brings both significant new opportunities as well as daunting challenges. When I last visited Kosovo in May, I spoke publicly about the need for transitional justice in Kosovo and the nexus between minority rights and improved inter-ethnic relations. Today, the focus of my address will be on the importance of minority rights in a democratic society. In doing so, I would like to, first, highlight the urgency and importance of ensuring that minority rights are protected and implemented in Kosovo's evolving democratic society. Second, I would like to challenge some of the misconceptions and misapprehensions about minority rights. Finally, I will conclude with a few general remarks on how Kosovo as an aspiring multi-ethnic democratic society can best implement human and minority rights in the best interest of everyone who lives here.

Let me start by outlining why minority rights are of cardinal importance for Kosovo. First, all societies in the modern world are multi-ethnic or multi-national, made up of different cultures, languages, religions and traditions. In many cases, they are struggling to find answers to the many questions posed by this increasing diversity. In Kosovo's case, this process is even more complicated due to its turbulent history and the persistent divisions in society. Despite these challenges, I firmly believe that Kosovo, like many other societies, can adapt its institutional and legal frameworks, its political system and its economic, cultural and social policies in order to create a peaceful and prosperous society. In fact, Kosovo, as any other European society, must adapt itself to the multi-cultural reality it confronts.

There are several reasons for this: first, inter-ethnic tensions and divisions that remain unaddressed can easily become a source of new tensions and conflict. It is stating the obvious that Kosovo neither needs nor wants any further tensions, let alone more violence. Instead, stability is paramount if Kosovo is to develop itself economically and politically. Kosovo will only be able to secure long term economic development through investments when it has shown that inter-ethnic conflict is well and truly a thing of the past. Respecting and securing the rights of vulnerable groups in society is a key component of such a policy. In short, minority rights also make business sense.

In addition, the protection of the rights of national minorities is seen as a reflection of a society's and government's willingness and ability to live up to its international commitments. The way that a government and society acts towards its own people is a good indicator of how it will act with its neighbours and in the international community. This point is closely monitored by the European Union when considering who its new members should be. In this context, the European Union constantly insists upon respect for human and minority rights amongst its current and prospective members. I am not here to discuss Kosovo's status today. I would just say this: Kosovo's future European integration is closely linked to its ability to preserve and integrate its manifold diversity.

Ladies and Gentlemen, this is my fourth visit to Kosovo within the past year. During my visits, I have often raised the reasons for implementing a wide range of measures on minority protection. While my interlocutors generally understand the necessity of committing to such protection, they sometimes question the feasibility or desirability of minority protection in certain circumstances. This is particularly so when difficult decisions have to be made. But their reluctance to fully accept the logic or effectiveness of minority protection is often grounded in the following misconceptions.

The first argument which has often been raised is that in a society which has a 90 percent majority of one ethnic group, it would be undemocratic to grant rights to smaller groups on the basis of their language, culture or religion. To this my response is that democracy is more than majority decision making alone. In a number of cases specific protection and certain supplementary rights are necessary. These rights act as a safety net in cases in which minorities are vulnerable to majority decisions that affect their interests, concerns and desires. These rights do not constitute privileges but act to ensure equal respect for members of

different communities, in particular with regard to their identity. These rights serve to bring all members of society to a minimum level of equality in the exercise of human rights. If, however, a society only insists on taking decisions based on the majority without treating minorities with respect, without giving them a say in their own affairs or according them fully the rights which citizens belonging to the majority also have, then one can have doubts about its overall preparedness to abide by the basic rules of democracy. All well-established democracies – regardless of their different social and political structures – find ways to accommodate vulnerable groups. Kosovo can do the same.

The second argument which is used to challenge the feasibility of minority rights is that it is too expensive for an economically developing society such as Kosovo. I firmly believe that while protecting minority rights does require the allocation of sufficient resources, the pay off in the medium to long term is well worth the investment. Ethnic diversity can literally enrich a society as it makes it more attractive, competitive and prosperous. Kosovo has agreed to very advanced norms of minority rights protection. A lot can be done to implement these minority rights in practice without spending substantial financial resources. Trust between groups and gestures of genuine political will can be as important. Minorities are also aware of the economic constraints that Kosovo faces. If minorities see that their government or municipality is willing to address a certain issue in a dignified way, they will become more likely to show patience and understanding. As I see it, Kosovo can also use its rich historic and linguistic legacy to its own advantage by looking for creative solutions in areas such as language policy, education and cultural issues.

The third objection to minority rights is that this concept divides rather than unites societies. In an already divided society such as Kosovo, they argue, protecting minority rights simply does not make sense. I fundamentally disagree with this contention. The basic premise of the work of the HCNM over the last 15 years has always been that of "integration with respect for diversity". In this context, integration does not mean the separation of minorities from the rest of the society, nor does it mean the suppression of differences in policies on assimilation. On the contrary, a middle ground should be found. Integration is a two-way street. It involves a balance of rights and responsibilities on both sides. On the one hand, the authorities must respect the right of minorities to maintain and further develop their identity. On the other hand, members of different minorities have to choose to be part of the society in which they live and make an effort to integrate, for example by learning the common language – or

languages – and by pursuing their objectives through participating in all relevant areas of public life. If minorities constantly seek to isolate themselves from the rest of society and insist on institutional arrangements which would promote such isolation, the reactions from the other groups will be increasingly negative and suspicious. In my experience, effective protection of human and minority rights inevitably requires a certain degree of integration into the wider society. Through such integration and participation minorities will ultimately also create more understanding for their vital need to protect their identities. As such, minority protection strengthens rather than weakens societies.

Ladies and Gentlemen, the final argument with which people sometimes challenge the necessity and feasibility of minority rights in this part of the world is the unique character of Kosovo. They tell me that I should understand that Kosovo is well and truly part of the Balkans and that in the Balkans things work differently. I usually respond to such arguments by confirming that the Balkans are indeed a unique place. But I also add that the same holds true for all of the 20 or so places in which I operate. In all of them people tell me that they are unique and that this means that things work differently. I can only underline that, indeed, the historic, cultural, geographic and economic situations of all of these 20 societies vary tremendously. As a consequence of this, the exact nature of the measures that constitute "integration with respect for diversity" varies from society to society. There is no general recipe or one-size-fits-all mechanism. However, we should be careful not overestimate the importance of our different circumstances or historical legacies. As Winston Churchill accurately observed, long before the violent crisis in Kosovo: "The Balkans produce more history than they can consume".

In response to the horrors of history, distant and more recent, the international community has adopted a comprehensive framework of human and minority rights. While political solutions often require compromise and we cannot ignore the various historical, cultural and religious backgrounds, we cannot compromise on international standards, in particular human rights. We must stick to them – indeed insist on them and not allow for restrictive or relativist policies.

Ladies and Gentlemen, allow me to conclude by making three general remarks on the development of minority rights protection in Kosovo:

First, practical implementation is what really matters. With the entry into force of the Law on the Rights of Communities and several other pieces of legislation, the basic minority rights framework in Kosovo is now in place and generally is of a high standard. The authorities should be complemented on this. At the same time, we cannot look at these laws in isolation. The greatest challenge is to make these standards relevant in every person's ordinary life. In my work, I have witnessed too many situations in which laws remain only pieces of paper and are easily forgotten. Such an attitude only breeds cynicism and erodes the rule of law. Kosovo has only just started the process of implementing the international human and minority rights framework. Three years ago, the independent expert body of the Council of Europe stated that while various advanced norms and plans have been introduced to tackle the key concerns of minority communities, "the reality in Kosovo remains disconcertingly far from these laudable norms and plans." It is up to the authorities together with the society to change this. The only way to do this is to implement the existing standards in relevant fields. Minorities need to see the difference when it comes to the education of their children, the use of their language, their participation in decision-making and the protection against discrimination. This requires a firm commitment, cross party political consensus, expertise and financial resources. Kosovo has made the first steps in the right direction and must now take next steps.

This immediately brings me to my second concluding remark: laws do not implement themselves. We need stable institutions with sufficient knowledge, staff and financial resources to design, implement and monitor the policies in the areas which I already mentioned. Independent institutions such as the Ombudsperson and the judiciary are particularly important in this regard. I would add that the international community also has an obligation to assist the authorities in applying the norms they subscribe to.

Let me conclude my remarks by underlining the crucial role of civil society in this whole process. This morning I have spoken a lot about the responsibilities of the authorities in implementing international standards. But let me assure you that implementing and protecting human and minority rights is impossible without a long lasting and intense contribution by civil society. This includes not only minority groups and leaders themselves but also human rights NGOs, trade unions, journalists, teachers, and many other actors that play a crucial role by voicing their concerns, wishes and ideas, by monitoring the authorities, by training professionals, by alerting the outside world and by building alliances across existing divides.

It is a real privilege to meet so many of you, to be challenged and inspired by your commitment and ideas. I look forward to the discussions during the rest of the day. Above all, though, I wish you good luck in your important work. Kosovo needs you to make minority rights a reality.

Thank you.