

Remarks of OSCE High Commissioner

Rolf Ekeus

at a panel discussion during the

Eleventh Annual Session

of the

OSCE Parliamentary Assembly

Berlin, 6 July 2002

Mr. President, Members of the Parliamentary Assembly, Mr. Chairman-in-Office,

I would like to draw your attention to two specific developments which during the past year have been of relevance to my task as OSCE High Commissioner on National Minorities:

First, the threat of **terrorism** has been in the forefront of our minds since the attacks on the United States of last September. The OSCE has responded by drawing up a roadmap on how to deal with issues relating to terrorism.

My mandate explicitly says that I can not be active in situations involving organized acts of terrorism.

That being said, I believe that identifying and reducing inter-ethnic tensions and friction is part of our collective effort to diminish the risk of violent conflict. If we can deal with the causes of disillusionment, disparity, exclusion, and despair, then we can dry up the environments where terrorism breeds. The OSCE, including the Parliamentary Assembly, should develop a comprehensive policy of structural conflict prevention and terrorism

prevention. My contribution as High Commissioner on National Minorities is to identify potential flash points involving minority-majority relations, to reduce tensions and to work with all concerned parties to eliminate causes of conflict.

A second and related issue which has been high on the agenda during the past year is the rise of **extreme nationalism** in parts of the OSCE area. This is not a new phenomenon – national populism often bubbles to the surface, particularly during election times. But what is disconcerting is that xenophobic rhetoric is increasingly moving from the margins of society to the mainstream. I would like to recall that the Rome Council meeting of December 1993 made a “Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism” which warned against the consequences of these phenomena and called on participating States to stem the tide. In the Rome declaration, the High Commissioner was invited to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

My mandate and my office are components of the security dimension of the OSCE. It was created to be a conflict prevention instrument designed to reduce tensions involving national minority issues, which have the potential to affect peace, stability or relations between participating States. There are therefore limits to how and where the High Commissioner can be most effective.

But I believe that action *can and must* be taken across the OSCE area to combat intolerance, hate and prejudice against people of other cultures and faiths.

In that respect, I would like to recommend a renewed emphasis on **anti-discrimination legislation and practice** in terms of protecting and promoting the rights of all members of society, including persons belonging to national minorities.

International human rights standards, including OSCE documents, highlight the importance of the principle of equality including the prohibition of discrimination.

A social order built on the principle of equality, protecting against discrimination, engenders public confidence that there will not be arbitrariness in distribution of public goods, including in access to education, employment opportunities, and social benefits. Guaranteeing anti-discrimination may be done on a law-by-law basis or through a comprehensive law on anti-discrimination. In either case, in order to be effective, such legislation should, in my view, include the creation of an independent and impartial national institution for the supervision and implementation of the law, for example by means of a specialised Ombudsman or Ombudsman-like institution, an “equality commission” or commissioner, or a similar institution.

Such institutions should be mandated to be pro-active in implementing the law, not only in terms of receiving complaints, but of initiating action including legislative reform as may be necessary. They also require public confidence which can only be built through effective use, and this necessitates the provision of adequate human and material resources.

I hope all OSCE states will redouble their efforts to protect against discrimination in society, both in terms of legislative guarantees and their full implementation.

Myself and my office stand ready to assist in and give advice to efforts to draft legislation to this effect.

Thirdly, international standards which have been developed since the Second World War make it clear that the protection of human rights and fundamental freedoms, including for persons belonging to national minorities, **is the responsibility of the State having jurisdiction with regard to the persons concerned**. This is not only a cornerstone of contemporary international law, a requisite for peace and vital element of good neighbourly relations, it is necessary for good governance, particularly in multi-ethnic States.

This does not mean it is illegitimate for neighboring states – especially those with large majority populations sharing the same ethnicity as national minorities – to express interests for, or wish to develop better relations with, national minority communities.

This is natural and permissible within the terms of international law and friendly relations. But, in the first place, it is the obligation of every State to protect and promote fully the rights and interests of minorities living within its jurisdiction.

This involves creating legal frameworks that protect minority rights, having mechanisms that enable majority-minority dialogue, creating opportunities for minority expression

and cultural reproduction, and taking initiatives to ensure the effective participation of minorities in public life.

This should neither result in forced assimilation nor ethnic isolation or separation. Rather, the aim should be to **integrate diversity**. To the extent this is achieved, the concerns of neighboring States should be reduced friendly relations enhanced. Working with Governments and minorities to achieve this end is a central part of my work and goes to the heart of our OSCE philosophy of co-operative security.

I would like to raise a fourth and final issue that I have been involved in during the past year and that is **population transfers and returnees**. In a number of countries I feel as though I am engaged, with others, in mopping up after the failed policies of dictatorial regimes that felt that nationalities issues could be solved through literally removing the problem.

For example, the effect of deportation in the early 1940s of people like the Meskhetians and Crimean Tatars, expulsions or population transfers after the two world wars, and ethnic cleansing during the Yugoslav wars are still with us. Such acts - which are carried out in the name of national purity – uproot whole communities and destroy the delicate balance of inter-ethnic relations.

They are anathema to all those who seek to develop tolerant and integrated societies which, in fact, predominate across the OSCE.

As to the dealing with the results of such past wrongs and even crimes, the key is integration. For a number of reasons, not all deportees want to return to where they came from. In such cases they should be encouraged to integrate into the communities where they live in order that they are not excluded or cut off. This also applies to national groups who have lived in a particular community for a long period of time but which have had borders change around them. For those deportees who want to return home, Governments should remove obstacles for their return and ensure their security and integration once they get there. In both cases there is also an obligation of the minority community to integrate into the wider society in order that they do not ghettoize themselves. I fully appreciate that this is a tall order with many hurdles to overcome, but a careful approach in this direction seems the only solution.

These are some of the broad issues that I have been dealing with over the past year since becoming High Commissioner. There are of course other issues and several specific situations which engage me daily. I assure you I will continue to direct my own efforts and full capacity of my Office to resolving them in the spirit of OSCE values and standards. To this end, I trust that I can count on the support of all the deputies of the OSCE Parliamentary Assembly.

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