



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

STATEMENT

by
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to the
868th Plenary Meeting of the OSCE Permanent Council

CHECK AGAINST DELIVERY

Vienna, Austria – 16 June 2011

Mr. Chairperson, Distinguished Ambassadors, Members of Delegations,

Conflicts resulting from interethnic tensions continue to be a threat to the stability of our societies. They inevitably provide political analysts and historians with questions to explore for years after the actual events took place. At what point does the wind change? Where is the tipping point for simmering tensions and discontent to transform into mass protests or to end in violence?

These are just two questions that challenge those in the conflict prevention business, no less the OSCE. The Chairmanship has been leading discussions on how to strengthen the role and capabilities of the OSCE in addressing the conflict cycle, and in particular how we can do a better job of providing early conflict warning.

I welcome such a discussion in light of my specific mandate to serve as an instrument of conflict prevention at the earliest possible stage. While my mandate provides a mechanism for alerting the Chairperson-in-Office in the form of a formal early warning, I am also engaged in early warning in a broad sense and on a continuous basis through my monitoring and analysing of situations and by alerting the States and other relevant parties concerned. Based on my assessments, I develop a range of early actions to address a situation before it moves further into the conflict cycle.

We can always do a better job: a better job of gathering targeted information, a better job of analysing the information we have and a better job of sharing it with those who need to know. At the same time, I believe that the accumulated experience of the HCNM does serve us well today in identifying sources of simmering tensions and developing tailored strategies to respond to them.

Strategies, however, are of no use if they cannot be implemented. To do this we need the support of the participating States. The Chairmanship-led discussions on the conflict cycle have highlighted the essential element of political will, without which even the best early warning mechanism becomes an academic exercise. Predicting the precise trigger event that escalates a conflict may be difficult, but we often have enough information to be more proactive than we generally are.

We all know that protection of rights and respect for one's culture, identity and human dignity is closely connected with the preservation of peace and stability. Security is fragile if minorities feel alienated from mainstream society and do not have a stake in the State where they reside. This is why integration that respects diversity of cultures and opinions is so important from the conflict prevention point of view. This is why I stress the importance of a dual policy of, on the one hand, minority protection and, on the other, integration and social cohesion in the majority of States where I am involved.

Let me now share with you some specific observations from my country visits since my last statement to the Permanent Council in November. A year has passed since the tragic events in southern **Kyrgyzstan**. One year later, Kyrgyzstani society is still struggling to heal, to find justice and to achieve cohesion after the turmoil.

President Otunbayeva of the Kyrgyz Republic addressed you on 9 June, rightly underscoring the challenges facing her country. I share most of her concerns.

Since I last appeared before the Permanent Council I have visited Kyrgyzstan twice. I returned from Bishkek and Osh on 1 June. Compared with my previous visit in March of this year, the situation in the South appears to be – on the surface – more stable, but this stability is fragile. The central authorities should be given credit for their reconstruction of destroyed homes, their payment of compensation to victims of the violence and their resolve to mitigate tensions involving the distribution of land. However, the negative tendencies I highlighted in my previous PC statement persist, albeit to a somewhat lesser extent. The pervasive nationalist rhetoric is of greatest concern to me. Some, mainly Kyrgyz-language media outlets, continue promoting extreme nationalist views with impunity. Some politicians are trying to boost their popularity by invoking nationalist rhetoric and rejecting any criticism regarding the handling of last June's events. The Parliament's reaction to the report of the Kyrgyzstan Inquiry Commission, including its resolution banning Mr. Kiljunen's entry into the country and its call to hold accountable those who provided allegedly false information to the Inquiry team, contradicts the President's announcement of an open investigation.

I would like to stress that this is particularly worrying in light of the upcoming Presidential elections. Different political forces could play the ethnic card in their bid to gain office. Against this alarming backdrop, I believe the international community, and the OSCE in

particular, should step up the assistance to all efforts that counter nationalist tendencies and contribute to improving interethnic relations in the country.

I commend the President for her decision to set up a commission on the implementation of recommendations put forward as a result of various investigations into the June 2010 events.

I also believe that the “Concept on Ethnic Policy and Consolidation of the Kyrgyzstani Society” drafted by the President’s administration, is a step in the right direction. In the coming days, a congress convened by the Assembly of the Peoples of Kyrgyzstan will discuss the Concept in Bishkek. I have supported the development of the Concept from the outset. Implementation of concrete measures promoting adequate representation and participation of all ethnic communities, as well as balanced and inclusive education and language policies, will serve as proof of the Government’s commitment to create a cohesive Kyrgyzstani society. I therefore call on the Permanent Council to consider supporting the work of the commission on implementing recommendations and to provide assistance in realizing the Concept on Ethnic Policy and Consolidation of Kyrgyzstani Society. Close engagement is needed not only with the President’s administration but also with members of the Government and Parliament.

Security of ethnic minorities in the south of Kyrgyzstan remains a concern. I still receive information about arbitrary detention, torture, extortion and raids on businesses primarily belonging to ethnic-Uzbeks. Most perpetrators of violence have not been held accountable and ethnic-Uzbeks have been disproportionately prosecuted in cases related to the June violence. All efforts aimed at reconciliation between ethnic communities will remain futile unless these problems are tackled properly. I would like to echo the President’s message of last week: drastic reforms of law enforcement are urgently needed. The international community should prioritize assistance to Kyrgyzstan in this area.

The OSCE Community Security Initiative (CSI) could become one of the components of a comprehensive law enforcement effort. CSI officials in the south of Kyrgyzstan are working in a very difficult environment. The CSI should be further supported and if possible expanded. The experience of international police officers in working in multi-ethnic environments could be instrumental in changing attitudes and methods used by local law enforcement. However, the CSI on its own is insufficient; therefore a comprehensive reform

of law enforcement is essential for restoring accord between ethnic communities and bringing lasting peace and security to Kyrgyzstan.

Another country where I continue to be involved is **Georgia**, including Abkhazia and South Ossetia. The main goal of my visit last month was to assess the situation of the remaining ethnic-Georgian community in the Gali and the Akhgori Districts, to evaluate the Meskhetian repatriation process and to discuss the issue of the integration of national minorities in Georgia. My engagement with the ethnic-Armenians in Samtskhe-Javakheti and the ethnic-Azeris in Kvemo-Kartli will also continue.

I warmly welcome President Mikheil Saakashvili's recent initiative to try to integrate society more effectively by strengthening the national minorities' knowledge of the State language. This initiative gives support to the key areas in which I work and will continue to work in the field of education in Georgia.

Combined with other encouraging measures, such as a national quota system for minorities in higher education institutions and the training of local civil servants with minority backgrounds in the Zurab Zhvania School of Public Administration in Kutaisi, this initiative could strengthen integration and increase the cohesiveness of Georgian society. The Government, however, still needs to support this initiative with more substantive content and a sustainable financial commitment.

I have for the last three years encouraged the Georgian Government to tackle the repatriation of the forcefully deported Meskhetians in order for it not to become a future cause of interethnic tension. I warmly welcome the recent setting up of the Inter-Agency Governmental Council to deal with the repatriation and reintegration issues. Although the Law on Repatriation was adopted in 2007, no applicants have yet been granted the right to return. I therefore urge the Georgian authorities to ensure that the deported Meskhetian families who have already submitted an application, be permitted to complete the application process and be granted repatriate status before the end of this year.

I remain deeply concerned about the general situation in Abkhazia and South Ossetia and particularly that of ethnic-Georgians because of the continued nationalist rhetoric and the actions of the *de facto* authorities. According to my assessment the situation is not improving.

There has been a decrease in the opportunities to obtain mother-tongue education in the Georgian language in the Gali District, where the majority of the population is ethnic-Georgian. Increasingly Abkhaz *de facto* passports are required for most societal activities. At the same time the authorities are imposing restrictions on ethnic-Georgians when they do apply for *de facto* passports. I did not obtain a clear answer when I was in Sokhumi about what will happen to those ethnic-Georgians who refuse to take or are refused Abkhaz *de facto* passports. Unfortunately, one cannot rule out a future wave of Internally Displaced Persons (IDPs) from the Gali District. I urged the *de facto* authorities in Sokhumi to refrain from putting additional pressure on the remaining Georgian population in the Gali District. A new wave of IDPs must be prevented.

As the Abkhaz language also seems to be under threat, I have offered to support the *de facto* authorities in Sokhumi in efforts to maintain and further strengthen the knowledge and development of the Abkhaz language.

The situation is even more difficult for the few remaining Georgians in the Akhagori District in South Ossetia. This miniscule community is under a lot of pressure, including restrictions on freedom of movement and violations of other fundamental rights. Mr. Kokoity's decree of 7 December 2010 depriving the remaining Georgian community, IDPs and refugees of their property rights could force them to leave the area. I urge the *de facto* authorities and the Georgian Government to give the Georgians remaining in the Akhagori District every possible support, including being allowed to cross the ABL unhindered. Having regard for the ongoing tensions and possibility of more incidents, I firmly believe that a greater international presence, especially of the OSCE, is needed in Georgia. The ultimate goal of both the Georgian Government and international community should be not to isolate the people who live in Abkhazia and South Ossetia, but to engage with them as much as possible. I also urge the *de facto* authorities both in Abkhazia and in South Ossetia to fully respect human rights and comply with international standards. I intend to continue to monitor the situation and remain involved in Georgia, including Abkhazia and South Ossetia.

Over the past few months, I also visited a number of States in South-Eastern Europe, where challenges of integration are of concern to me. I have paid particular attention to education, which, I believe, holds the key to sustainable integration of multi-ethnic societies.

I visited **Serbia** in May. While I have closely followed developments relating to the overall minority situation, my engagement has focused on the establishment of a genuinely multi-ethnic and multilingual higher educational institution that would increase the opportunities for ethnic-Albanians to access higher education. The process gained momentum last year when the Serbian authorities endorsed the recommendation of the Inter-Ministerial Working Group on Higher Education, which includes representatives of the Albanian national minority, to open a department of economics with teaching partially in the Albanian language. I was also pleased to note that the Government allocated specific funding for this purpose. A number of obstacles relating to establishment of this faculty have caused worrying delays and confusion. I called upon the Serbian authorities to ensure that a solution is found quickly in order for this department to operate in a way that secures the continuous involvement of the Albanian community. I intend to follow future developments closely.

In March, I visited **Skopje** to follow up on my long-standing engagement to reverse trends to separate pupils along ethnic lines. As you may recall, these efforts bore fruit initially in October last year when the Government adopted a Strategy on Integrated Education, paving the way for comprehensive and structural educational reforms in key areas such as language acquisition, curricula, textbooks, joint activities, teacher training and school management. It is clear that the implementation of such wide-ranging education reforms cannot be achieved overnight. While the Government has taken some initial steps towards co-ordinating action and building up implementation capacity, progress in the implementation has been slow and was adversely affected by the pre-electoral atmosphere leading up to the early parliamentary elections of 5 June. In my dialogue with all stakeholders in the country, I have consistently emphasized that education reforms need to be protected from political interference and that efforts should be geared towards obtaining a broad societal consensus for reform. I am therefore concerned that the central authorities have endorsed the demands of local authorities in Kicevo to split the Mirko Maleski secondary school along ethnic lines.

During the election campaign the Albanian parties' campaign platforms have prominently featured proposals to revise some aspects of the Ohrid Agreement, which marks its tenth anniversary this year. Smaller communities have drawn attention to their position in what they see as an increasingly binational State. Since a new government is to be formed as a result of the June 5 elections, I believe that it is essential that a broad and inclusive political

dialogue is launched as soon as possible in Skopje. This holds the key to the necessary reforms in the country and deserves the attention of international stakeholders.

Sixteen years after the Dayton Agreement, **Bosnia-Herzegovina** has never been so divided. Since my visit in February my concerns have increased in view of the political and legal disagreement that persisted for nine months after the elections. Political tensions have been rising in recent months and I have closely followed the renewed attacks on the Dayton Agreement and moves aimed at strengthening ethnic territorial divisions. These pose serious threats to the territorial integrity of the State and carry the risk of reigniting conflict. While the European Union has taken important steps to avert a crisis, challenges to state building remain a key issue for Bosnia and the international community. How to integrate the ethnically diverse society in post-war Bosnia remains an unanswered question. Most observers note that constitutional reforms have stalled, with little prospect of reaching a breakthrough in the current political context. These issues must be addressed in order to ensure a democratically functioning multi-ethnic Bosnia and to secure regional stability.

Building a cohesive and stable society in Bosnia also requires addressing the divisive elements of the education system. As I highlighted during my visit, education reform in Bosnia has not received the political attention it warrants. Despite the international community's valuable initiatives, the education system remains highly divided along ethnic lines. The political elite has no incentive or mechanism to address the root causes of the existing divisions through systemic reforms. In post-Dayton Bosnia, where peace has never been so fragile, allowing education to be shaped according to nationalistic values promoted by local leaders, raises security concerns that the international community should address through joint action.

In March, I visited **Moldova**. It was my first visit to the country since the last elections. There is a clear openness as well as determination on the part of the authorities to embark on a far-reaching reform process. At the same time, old challenges persist and require continuous attention. These include the resolution of the conflict in Transdniestria, the promotion of the integration of Moldovan society by engaging with national minorities and refining and clarifying the legal framework so that Gagauz autonomy can function properly. The most immediate challenge, however, is finding a legitimate and democratic solution to the constitutional impasse, which has been impeding the work of the Moldovan Government.

My main objective is to assist the authorities in developing and eventually implementing a civic integration strategy. This could serve as an important basis for the consolidation of the Moldovan State and as a foundation for sustainable peace. Much remains to be done to promote the knowledge of the State language among national minorities in Moldova, to encourage their effective participation in public life and to create adequate opportunities for the preservation of their cultures and identities. All this can best be achieved through a systemic approach to integration designed and carried out with the direct involvement of persons belonging to national minorities. It is also essential that the goals of integration policy are clearly communicated to the public and to representatives of minority communities. During my visit I received the Government's firm commitment to the promotion of civic integration and to co-operation with my office in elaborating the strategy.

In Tiraspol I met with the *de facto* leader Mr. Smirnov and other local officials. As I usually do on my visits to Transdniestria, I visited one of the Latin script schools as well as the Ukrainian Lyceum. I continue to be both moved and impressed by the dedication of teachers, parents and children of the Latin script schools who are determined to keep their language and identity alive. Nevertheless, it is obvious that the *de facto* authorities of Transdnistria create conditions that impede the normal functioning of these schools. Uncertainty about their future persists and with every new academic year the number of students continues to drop substantially. Education is without doubt one of the areas where very little co-operation is taking place between Chisinau and the *de facto* authorities in Tiraspol. I will continue to engage on this matter since I believe no effort should be spared in promoting genuinely multilingual education in a multi-ethnic region such as Transdniestria. Co-operation between Chisinau and Tiraspol in the field of education would benefit everyone and could also serve as a confidence building measure.

Last week I visited **Estonia**. I was generally satisfied with the evidence indicating the increasing cohesion of Estonian society. Importantly, the State approach to integration emphasizes that integration involves active efforts by the majority as well as national minorities. The monitoring of the implementation of the State integration programme points to positive tendencies, including improved contacts between communities and a growing language proficiency among national minorities, particularly young people.

The education reform, which provides that the transition to 60 per cent instruction in Estonian in upper secondary schools should be fulfilled in order to start the new school year starting in September, has led to concerns among national minorities about the future of minority-language education and the impact on the quality of education in minority-language schools. I met with the education authorities as well as with citizen groups and the director and staff of a school in Narva. Despite significant preparations for the reform, some schools and teachers will have difficulties making the transition. I encouraged the authorities to find pragmatic solutions that take into account the wishes of parents and the practical obstacles faced in some schools.

While I fully support the goal of increasing State language proficiency among national minorities, I reminded the Estonian authorities of the obligation to provide adequate opportunities for education in and of minority languages. I recommended that they engage further in dialogue with the stakeholders in the reform process. I also urged them to address concerns about the quality of education and to develop monitoring mechanisms to ensure that there is no negative impact on pupils in minority-language schools as the transition proceeds.

Despite commendable efforts to reduce the number of non-citizens in Estonia, non-citizens still make up about eight per cent of the population. I repeated the recommendation I made on my last visit in 2009 to provide citizenship for the children whose parents are non-citizens, unless those parents opt out within a reasonable time period. Numerous international institutions and Estonia's own Chancellor of Justice support this position.

Given the secure position of the Estonian language, I recommended that the authorities take a more constructive approach to the implementation of the State language policy. Unfortunately, the new Language Act adopted in February retains a system of punitive mechanisms. I learned during my visit that the number of fines is not large, and the language inspectors are more likely to issue a warning than a sanction. Nevertheless, I question the effectiveness of this approach compared to one with more positive incentives such as allocating additional resources for free language training programmes. I am equally concerned about the excessive regulation of language use in the private sector.

Citizenship, language and education issues also featured prominently in my discussions in **Latvia** during my visit in February. I was encouraged to hear of progress in the integration

process, particularly in the acquisition of the State language among national minorities. The education reform, which increased the amount of Latvian instruction in minority-language schools while preserving the right of national minorities to receive instruction in their own languages, has achieved one of its key goals. At Russian and Polish schools in Daugavpils, it was evident that pupils face fewer language barriers because of their good knowledge of the State language. Vigorous monitoring should be maintained to ensure that all pupils receive the high-quality education they deserve, both in the State and in minority languages.

The increasingly strong position of the Latvian language and the extent to which national minorities embrace the need to learn it, throw into question the need to use inspections and sanctions to enforce the language policy. Positive measures for learning the State language, such as meeting the high demand for free or low-cost Latvian language training, would better serve the goal of increasing proficiency. The Language Inspectorate's enforcement methods and the gradual expansion of requirements and the level of fines fuel unnecessary resentment. Language requirements for the private sector, which in Latvia extend to more than 1,000 professions, should be pursued only in specific cases involving public health and safety.

As the Government develops its new integration strategy, I recommended an inclusive approach that recognizes the contribution of national minorities to society. The still significant number of non-citizens is an ongoing challenge to the integration of society. While the number of non-citizens has decreased, the naturalization rate is low. Campaigns encouraging citizenship and the extension of voting rights in local elections to non-citizens would send them a positive message. As during my previous visit, I encouraged Latvian lawmakers to ensure citizenship for newborn children of non-citizens unless the parents opt out, as President Zatlers proposed to the Parliament shortly before my visit. In fact citizenship should be granted to all children born in Latvia to non-citizen parents after 1991. Such a step is critical in halting the perpetuation of the problem of statelessness in the future.

In January I paid an official visit to **Romania**, where I discussed the recently approved education law, Romania's relations with neighbouring States, including Moldova and Ukraine, and the situation of Roma. Romania has made considerable progress in the protection of minority rights and the accommodation of minority interests. Representatives of the Hungarian minority are represented in the Government and participate in many decisions on minority-related issues. Relations with Moldova have improved considerably and, on the

whole, the Romanian Government co-operates with the authorities of neighbouring States on matters related to national minorities. I urged Bucharest to resume joint Romanian-Ukrainian monitoring, which could not only strengthen bilateral ties between the two States, but also improve the situation of national minorities on the ground.

The biggest challenge for the Government in Romania, however, is the situation of **Roma**. I had a number of meetings with officials directly responsible for the improvement of the situation of Roma as well as with representatives of civil society who are working on Roma-related matters. This visit made it clear to me that the problem faced by the Roma community is not so much the lack of strategies or action plans, but rather the poor implementation of such strategies and plans.

During my visit to Bucharest, I had the opportunity to go to one of the Roma-populated districts of the city to gain a first-hand impression of the dire social, economic and environmental conditions in which many among the Roma live.

One of the common challenges facing many Roma, not only in Romania but also in other OSCE participating States, is the lack of identity papers. These are essential for accessing basic services, including education, health and employment, which the majority of Roma today are denied. The lack of registration and up-to-date identity papers puts many Roma at risk of becoming stateless, contributing to one of the most pressing humanitarian problems in modern-day Europe. Addressing Roma registration requires co-ordinated action on the part of the relevant governments and the international community.

Again this reinforces the point raised in the ongoing dialogue on the conflict cycle. Political will on the part of States and other international actors to take action is as important as gathering and analysing information about a problem.

The first High Commissioner, Max van der Stoel, was a champion of the idea that States must act to defend the human rights principles to which they have committed. Sadly Mr. van der Stoel passed away on the twenty-third of April. As the tenacious “quiet diplomat,” he shaped the institution of the HCNM and I experience his legacy constantly as I travel throughout the OSCE area in the course of my work. I am proud to carry on the work that first began under his vision and leadership.

In 2003 the Dutch Foreign Ministry created the Max van der Stoel Award, which is presented every two years to a person or an organization that has shown extraordinary achievements in improving the position of national minorities in the OSCE area. I encourage delegations to nominate outstanding individuals or institutions for this honour by the end of the month.

While the world around us has certainly changed since Mr. van der Stoel took up his position as High Commissioner in 1993, the mandate of the HCNM is just as relevant. I urge you to heed his warning that we must remain vigilant in addressing the threats of ethnic conflict and extreme nationalism. As he put it, “[w]e cannot simply hope that when there are clouds on the horizon they will disperse.” That is why an institution like the HCNM is still needed. That is why your political will to act is needed more than ever.

Thank you for your attention.