



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

Address by

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OSCE High Commissioner on National Minorities

to the

**Conference ‘Improving the legal framework and policies: draft law on the protection of national minorities in the Republic of Albania’**

**[Check against delivery]**

Tirana, Albania – 26 October 2016

Your Excellencies,

Ladies and Gentlemen,

As the Director of the OSCE High Commissioner on National Minorities, or the “HCNM” as it is usually called, let me start with a brief explanation. The mandate of former High Commissioner Thors expired earlier this year, and we are presently without a High Commissioner, until the OSCE Chairmanship and the OSCE participating States appoint a replacement. As the Officer-in-Charge of the Institution, in the meantime, I’m delighted to be able to join my distinguished colleagues on the panel this morning in order to offer some encouragement to your discussions, and to share some thoughts with you. My work with the Institution gives me a fairly broad overview of these issues. However, as I am *not* the High Commissioner, my comments should be considered as technical rather than political in nature.

For those of you who are not aware, the HCNM is mandated by OSCE participating States to provide early warning and to take ‘early action’ to prevent tensions involving national minority issues from developing into conflict. This doesn’t mean we only work in places where conflict is likely to happen. Like the Council of Europe, HCNM takes a very long-term perspective and starts from the premise that respect for the rights of persons belonging to national minorities will result in more stable societies, and a more stable Europe.

Whilst the HCNM has not called upon Albania at any point to draft a new law on national minorities, we are broadly supportive of the efforts which the Government of Albania is taking to strengthen its legal framework. We recognize the efforts which the Government is

making, and commend the political will which exists to build upon the solid foundations which already exist.

First of all I would like to recognize the unique situation which we have in Albania. All indicators point towards the conclusion that Albania is a peaceful and tolerant society as regards national minorities. Albanian citizens share a strong civic identity, regardless of whether they identify as ethnic Albanians or as national minorities within Albania. However, in terms of the specification of national minority rights, particularly in placing of the FCNM into law, it is clear that improvements are possible. It is our hope that this exercise will achieve that.

The HCNM seeks to bring a regional perspective to this process. Whatever legal changes are enacted - and this is a matter for Albanians to decide - they must be done so in a way which strengthens the tapestry of national minority identities in Albanian society, but without detracting from the unique cohesiveness of its society.

What are the important factors in this?

It is good to promote national minority languages, and it is good also to recognize the continued importance of all citizens having a command of the official language. It is good to have education which makes special provision for the needs of national minorities, but it is equally important to maintain the unity of the educational system, and regular daily interaction between children of all ethnic and linguistic backgrounds is a core element of a good system in an integrated society.

What is most important is that the law which is drafted is one which is ambitious but implementable, and one which the Institutions of Government have the capacity to implement. Some of this is a question of political will, and the experience of the HCNM is that whilst it is relatively easy to come up with shiny new laws, it is much harder to secure the commitment to back the laws up with adequate staffing, budgetary and other resources. There is no such thing as a budgetary neutral national minorities' law.

The former High Commissioner, Astrid Thors, encouraged the removal of the distinction between national minorities and ethno-linguistic minorities. Albania has clarified that this does not result in any difference of treatment; however the HCNM would nevertheless encourage the removal of this distinction, which may lead to different interpretations given upon legislation for different groups, potentially leading to discrimination. An element of flexibility in the determination of certain groups as national minorities can be a positive factor, however the basis on which this is done should be clear, and should not lead to the exclusion of protection which the FCNM affords on an arbitrary basis.

Education is in many ways at the core of any national minorities' laws. It occupies a space where fundamental issues of equality, and national identity are being negotiated. In the experience of the HCNM, governments and education ministries should analyze and anticipate tensions that may arise from competing demands placed on the education system. This is not simply a matter of language concerns, but runs much deeper, to the different narratives which exist in society regarding the concept of the nation. The HNCM *Hague Recommendations* offer a toolkit for this process, encouraging the involvement of parents and minorities in formulating policies, as well as providing a framework for dialogue that is useful for both the participating States and their national minorities. Discussions during the

recent 20<sup>th</sup> anniversary conference in The Hague focused on reforms of the education sector, language in multilingual or bilingual educational contexts, and respect for diversity and pluralism. The need for teachers to receive adequate training so that they are equipped to manage multilingual and multicultural classrooms was emphasized.

### **Bilateral relations, Bridge-building**

It is clear that it is the responsibility of the State in which persons belonging to national minorities reside to guarantee respect for, and the protection of, minority rights. However, that does not exclude the legitimate concern of neighbouring states for the protection of minority rights.

Every week, the HCNM learns of concern regarding the situation of national minorities in neighbouring states expressed by kin-states. Such concern, depending on how it is expressed, can bring positive change, if it is exercised within limits. The HCNM institution has produced a set of recommendations on exactly this topic, the *Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*.

National Minorities can be a source of strength in promoting the overall stability of participating States, within the diverse OSCE region. We can see a recent example of positive cooperation between Albania and Serbia, for example, in the field of sharing of textbooks for non-controversial subjects, with mutual consent.

The importance of this topic is the reason that the current Chairmanship of the OSCE, Germany, has initiated an OSCE-wide discussion on minorities in international relations. Together with the European Centre on Minority Issues in Flensburg, represented today by my

colleague Tove Malloy, and the European Academy in Bolzano/Bozen, as well as independent researchers, the HCNM is currently collecting experiences and perspectives on this bridge-building issue. We hope that this discussion will be able to feed into your own consultations as this legislative exercise progresses.

I suspect that many of the participants in this conference are themselves bridge builders, whether at the international or local level, and I would wish to encourage you to continue this good work. Please do take the opportunity to share your experiences and good practices during this consultation exercise.

In the experience of the HCNM, national minority councils have been a useful tool to help promote the participation of members of national minorities in having a say over their own cultural and linguistic affairs, and this is something which Albania may wish to give consideration to. Such bodies exist in various permeations across the region, including in Croatia, Hungary, Serbia, Bosnia and Herzegovina. There is no one-size-fits-all, however from our experience effectiveness is increased where there is a clear institutional set up based in legislation. A degree of separation from the Government is necessary, and one possibility is that members are directly chosen by national minority members themselves, through state administered elections. One must accept that no council is ever going to be in a position to represent all its members' views, since within national minorities themselves one can naturally expect the same variation in political views, however one must also have some kind of oversight and accountability mechanisms.

One area to which should be given some clear thought in the legislation is budgeting. Where will the funds come from to run the councils? How will the budget lines be separated between

administrative running costs and funds to be spent on the promotion of cultural and linguistic activities? Will a certain level of budgeting be guaranteed each year by the government? These questions should be thought about during the consultation and drafting process, and not only after the ink has dried on the new legislation.

HCNM experience in Albania has indicated that Roma communities, and those similarly situated, suffer from significant ongoing socio-economic disadvantages. This is true in Albania as it is in other countries in the region. In the subsequent implementation of any law, there may be need of targeted policies and matching funding, which would promote the participation of Roma in the economic, educational, political and cultural fabric of the state.

Your excellencies,

Ladies and Gentlemen,

I would like to thank you for listening, and look forward to informed and frank discussions here, either now or during the breaks. If you have points to raise with panel members, with the government representatives, with your fellow participants, please do make sure that you use this opportunity, either here or in writing as follow-up. That is what such processes of consultation are for, and I would encourage you to make full use of it.