



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

**INTEGRATION WITH RESPECT FOR DIVERSITY:
A PREREQUISITE FOR A NATION'S PROGRESS**

Opening Address
by
Knut Vollebaek

OSCE High Commissioner on National Minorities

to the
Conference on Ukrainian Ethnic Policy
organized by
the State Committee on Nationalities and Religion

Check Against Delivery!

Kyiv, Ukraine – 5 November 2008

Mr. Chairman, Members of the State Committee, Ladies and Gentlemen,

It gives me great pleasure to be with you today in Kyiv. I am grateful to the State Committee on Nationalities and Religion for their kind invitation. Chairman Sagan, we have something in common. We both took up our assignments in 2007. I am convinced we can achieve successful co-operation and forge a long partnership between our institutions in the years ahead. This is my sincere wish.

The OSCE High Commissioner on National Minorities, or HCNM, has had a longstanding engagement in Ukraine. My predecessors, Minister of State Max van der Stoep and Ambassador Rolf Ekéus, have been frequent visitors to your country. While I have only just completed my first year in the job, this is already my second trip to Ukraine. This shows the openness of your leadership to dialogue, to outside advice and to multilateralism. It also shows that we, in the OSCE, are committed to Ukraine. We want to see your country prosper and at peace with itself; a true member of Europe. This is why you can always count on our genuine help.

Today, I will talk about why minority rights are important. First, I will argue for accommodating diversity and protecting minority rights. Second, I will address the question of how Ukraine can strike an effective balance between the need for integration and the need to respect the rights of different linguistic, ethnic and religious groups. In doing so, I will address particular challenges that Ukraine faces in education, language policies and the media. Finally, I will conclude with a few concrete recommendations on how Ukraine, as an aspiring modern and stable democracy, can implement human and minority rights in the best interests of everyone who lives here.

Let me start by outlining why minority rights matter. All societies in the modern world are multi-ethnic or multinational. Our societies in Europe – both East and West, and, beyond – are struggling to find answers to the many questions posed by this increasing diversity.

Ukraine is no different. Your country has a rich national heritage. Many different groups have contributed to this heritage throughout the centuries, and, indeed, continue to do so. At the

same time, Ukraine, like most other States, is struggling to come to terms with certain aspects of its internal diversity. This process is further complicated by your difficult history as well as by existing domestic divisions.

However complex these challenges may be, they cannot be ignored. If Ukraine is to create a stable, peaceful and prosperous society, you need to find new, better ways to embrace your country's linguistic, cultural and religious diversity. There are several concrete reasons for this. I will only mention two of them here:

First, history teaches us that frictions between majority and minorities are the main source of international conflicts and instability within States. Inter-ethnic tensions, if left unaddressed, can easily become a source of unrest. It is stating the obvious that Ukraine neither needs nor wants any further tensions or divisions. Inter-ethnic harmony is what Ukraine needs if it is to develop itself economically and politically, attract investments and forge mutually beneficial ties with its international partners. Respecting and securing the rights of minority groups in society is a prerequisite for such prosperity. And as such, makes good business sense.

Second, the international community is keeping an eye on how Ukraine deals with its linguistic, cultural and linguistic diversity. The way that a government treats its own people is a good indicator of how it will behave towards its neighbours and the international community. This point is closely monitored by the European Union when considering new members. The European Union demands respect for human and minority rights from current and prospective members alike.

In other words, Ukraine's European aspirations are closely linked to its ability to preserve and integrate its ethnic diversity.

Mr. Chairman,

This brings me to the second part of my speech. What is the best way for Ukraine to deal with its own diversity? As High Commissioner, I advocate an approach of *"integration with respect for diversity"*. The state has an obligation to protect the rights of the different groups who do not form part of the majority. It has the obligation to help members of these groups to preserve their identity. Furthermore, minorities have the right to participate in the public,

economic and social life of the state on a basis of equality and non-discrimination. At the same time, minorities have their responsibilities too. They are expected to make an effort to integrate and co-operate with legitimate integration policies.

This balanced approach of rights and responsibilities is particularly relevant but also full of challenges for Ukraine.

I fully understand how painful this issue is for all Ukrainians. Your country inherited a terrible language legacy from the Soviet Union. The Ukrainian language was downgraded. The Communist authorities deprived millions of Ukrainians of the opportunity to study, to speak and to write in Ukrainian. Ukrainian speakers were scorned, laughed at and sometimes jailed on trumped-up charges. I have been told of hundreds of Ukrainian-language schools literally being closed overnight.

But minorities suffered too. They were not taught Ukrainian. No effort was made to integrate them into Ukrainian society. The Soviet regime deliberately marginalized them in their home country.

While your linguistic legacy is complex, the language situation must not remain undressed. Majorities sometime feel that too much protection for minority languages will create a fragile state in which different groups slowly drift apart and lose touch. Moreover, majorities, as in your case, may have a strong interest in strengthening their language because it has been suppressed in the past. Minorities, on the other hand, fear that strengthening the State language will lead to assimilation, that their own languages and perhaps other aspects of their identity will in turn be suppressed.

International law rejects both views. On the one hand, it recognizes the sovereign right of Ukraine to strengthen the State language in public administration and in other domains. And on the other, recognizes that national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language. This linguistic knowledge will promote the economic prospects of national minorities, their possibilities to exercise civil and political rights.

I therefore support Ukraine's efforts to strengthen and promote Ukrainian as the sole State language.

At the same time, I believe the best way to strengthen the State language – in education, the media and public and cultural life – is to adopt a positive approach. Negative measures designed to restrict the use of minority languages or to impose burdens upon speakers of minority languages will create nothing but tension. I have arrived at this conclusion on the basis of my experience in many different geographic, linguistic and historic contexts.

Language policy is not a zero sum game. The State language cannot be promoted by suppressing minority languages. In the area of media regulation, for example, voluntary methods based on incentives are more effective than rigid language requirements enforced with fines and other penalties. Furthermore, language policies should not be pursued in isolation. Policies to preserve and strengthen minority rights must also be taken into consideration. In short, any state policy should be guided by a spirit of respect for freedom of expression and the protection of cultural and linguistic identity. Such policies would not only be in line with Ukraine's international obligations but also be accepted by minorities because they respect their rights and interests and foster a sense of ownership.

Mr. Chairman,

I have not only outlined the importance of the approach of "integration respecting diversity" but also its fundamental principles. Allow me to conclude with two specific recommendations on the development of a human and minority rights framework in Ukraine.

First, a modern legal system is indispensable. Although Ukraine's legal framework addresses the rights of national minorities and various aspects of language policy, it is however outdated and lacks consistency. Fundamental elements, such as the 1989 Law on Languages in the Ukrainian SSR, the 1992 Law on Minorities and the Constitution, as well as more recent language and education laws, are often unclear or contradict each other.

I would therefore propose that the Ukrainian Government considers a comprehensive reform of the legislative framework concerning minority issues. It requires modernization in respect

to international human and minority rights. The international instruments to which Ukraine has become a party over the last 10 years could provide a good starting point. First and foremost, the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages, in combination with the findings of the relevant expert bodies.

My second recommendation concerns the need for effective consultation with minorities on all policies that directly concern them. Government authorities and minority representative bodies should pursue an inclusive, transparent and accountable process of consultation. Inter-ethnic tensions often stem from a lack of communication. Through dialogue common ground can be found and seemingly contradictory positions can be reconciled.

Mr. Chairman,

Political solutions require compromise. Change takes time. All sides need to realize this. But one thing remains constant, human rights cannot be compromised. They are the bedrock of minority protection.

This year the HCNM reached the age of 15. We have a recognized track record in helping States in good faith and with impartiality. Our role is not just instructive. We are constructive. We know how to listen and to respect specific situations. I look forward to working with you and making a contribution to your dream of a flourishing, multi-ethnic Ukraine.

I thank you for your attention and, above all, I wish you every success in your important work.