



High Commissioner on National Minorities

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**OSCE Human Dimension Implementation Meeting
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Address by
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It is with pleasure that I will use the opportunity to address you here in Warsaw at this opening session of the Human Dimension Implementation meeting. As the time which has been assigned to my introduction is however relatively short, I have decided to hand out a report on my activities, which addresses in a more comprehensive way the different issues which have been on my agenda over the past year. I also take the liberty to distribute in the pigeon holes my speech at the recently held Locarno conference, a subject to which I shall come back later.

The rights of persons belonging to national minorities are an important, indeed, indispensable part of the standards regarding human rights which have been agreed upon by all states participating in the OSCE in the course of the years. And when the Document of the 1991 OSCE Human Dimension meeting in Moscow stipulates i.a. that issues relating to human rights are not exclusively a matter to be dealt with by the government but that they also constitute a matter of legitimate concern for the OSCE community as a whole, this undoubtedly also applies to the rights of persons belonging to national minorities.

In the last few years, quite a number of governments of OSCE states have become aware of the fact that seeking the solution of problems relating to the specific needs of national minorities is not just in the interest of the minorities themselves, but just as much in the interest of the states. Harmonious interethnic relations strengthen the stability and the cohesion of the state. It is encouraging that the development of constructive minority policies are getting increasing attention in a number of countries. I

want to mention especially one recent positive development. On October 3, the Latvian people decided in a referendum to approve the changes in the Law on Citizenship, which the government had proposed on the basis of my recommendations. By giving this verdict, the Latvian people did more than agree to a number of legislative changes. The historical significance of this referendum is that the people opted for a policy of integration and interethnic understanding.

However, it is necessary to keep in mind that there is still a long way to go before all major questions relating to national minorities in the OSCE area will have been solved in a satisfactory way. Above all we must be aware of the strength of the destructive forces of excessive nationalism. It is this nationalism which lay at the root of the bloody conflicts which erupted during this decade. To give just one example, the drama in Kosovo has its origins in the nationalist policies of President Milosevic who robbed the ethnic Albanians of their autonomous rights in the late eighties.

Ladies and gentlemen, there can be no compromise with the forces of excessive nationalism. There can be no compromise because their external aim is to sweep aside the standards and values, which form the essence of OSCE policies. The OSCE bases itself on the principle of equality of all ethnic groups and respect for their identity. Excessive nationalism is inspired by feelings of racial superiority and does not hesitate to trample on the rights of other groups whenever this is considered desirable. Excessive nationalism opts for conflict instead of compromise; it opts for subservience of other groups instead of integration. A stable and peaceful Europe can only be built when the forces of excessive nationalism have been decisively beaten.

We must ask why do the forces of extreme nationalism have such resonance. Given the considerable uncertainty and insecurity affecting so many people on our continent, the apparently simple solutions of extreme nationalists appear attractive to many people who seek explanations and solutions for their problems. Unscrupulous individuals are all too ready to exploit these weaknesses. We have seen how fast the ethnic card, once played, can create an atmosphere of suspicion, hatred and fear. We have seen how difficult it is to withdraw the ethnic card once played. And we have seen how some are quite prepared to play it to its most bloody and horrific end. We have also seen how people who once lived together as neighbours and joined their families through intermarriages have been driven to inhuman acts against one another. Extreme nationalism profits from the division of societies through the demonisation of "the other" and it attributes guilt by association such that even the most innocent are forced to withdraw to the security of their purported "nation" notwithstanding the absence of strong ties. We know this story in the former Yugoslavia, and we have observed the tendency elsewhere. Responsibility lies with irresponsible leadership, with hate speech, with incitement to racism and acts of violence. But it is our responsibility to recognize these treats at their origin and to root them out as soon as possible.

Ladies and Gentlemen, OSCE was the first international body, which was aware of the need to seek ways to accommodate the interests of National Minorities. OSCE participating States have articulated this in the fourth chapter of the 1990 Copenhagen Document on the Human Dimension. The essence of the Copenhagen Document is that persons belonging to minorities have equally legitimate needs and desires to maintain and develop their identity, that they are not only to be free in this regard, but that they enjoy a legitimate right to certain facilities within the State, in particular in relation to language, education and culture. This document has been agreed even before the signing of the Charter of Paris for a New Europe, which was a remarkable achievement following the progressive development of the Helsinki process. The commitment undertaken in Paris was followed by two significant meetings of experts held in Oslo and Geneva 1991. These meetings succeeded in outlining some practical measures for facilitating integration of groups, including avoidance of over-centralization of decision-making, encouraging participation in consultative State organs and considering some specific approaches in an appropriate democratic manner.

In my work as High Commissioner on National Minorities, I have observed constantly recurring issues regarding the specific needs and desires of particular minorities in various situations. There is a great variety of such situations, and no two are exactly alike. Nonetheless, they display some essential similarities. Most importantly, it is clear that minorities attach a very high importance to the maintenance of their identity and they will often vigorously pursue their interests in this regard. There are all sorts of demands and challenges - perhaps more than we have previously realized. But, I have also come to see that it is quite possible to respond to such needs and to accommodate such desires within the State.

While Governments have their obligations and responsibilities, it is also true that citizens have theirs. If persons belonging to minorities refuse to recognize that they share a common destiny with the majority in the State within which they live, if they constantly seek to isolate themselves from the rest of society and insist on institutional arrangements which would promote such isolation, the reaction on the other side will be increasingly suspicious and negative. This is anything but integrative. Rather, a process of polarisation can develop, which can ultimately lead to confrontation and conflict. On the other hand, the minority can try to follow a policy, which combines efforts to safeguard its identity with the recognition that living together on one territory - and consequently sharing many common interests - inevitably requires a certain degree of integration into wider society. For example, persons belonging to minorities should make a serious effort to learn the official language of the State and participate with the members of other communities in taking responsibilities for public affairs. By rejecting isolation, by recognising that the fates of minority and majority are linked, the minority will also be able to create more understanding for the vital need it feels to maintain its own identity.

As I have already indicated, solutions and full development of the aspirations of persons belonging to minorities should be sought

within the framework of the State itself. Such development need not necessarily require a territorial expression but could well be realized through legislation promoting preservation and development of the minority in various fields, for instance culture, language, education or local government. In such fields, social integration can take place through wider accommodation. Constructive and substantive dialogue between majority and minority as well as effective participation by a minority in public affairs needs to be encouraged. It is clear that education and use of minority language are extremely important elements for the preservation and the deepening of the identity of persons belonging to national minorities in the OSCE region. It is with this in mind that I initiated a series of consultations of internationally recognized experts from various pertinent disciplines with a view to receiving their recommendations on an appropriate and coherent application of the linguistic rights of persons belonging to national minorities in the OSCE region. This initiative resulted in the 1996 'Hague Recommendations' regarding the Educational Rights of National Minorities and, early this year, in the 'Oslo Recommendations' regarding the Linguistic Rights of National Minorities. This last set of recommendations attempt to clarify, in relatively straightforward language, the content of minority language rights generally applicable in the situations in which the HCNM is involved and may be a useful tool in addressing generally the recurring problems for States in devising appropriate policy and legislation in this field.

It has been my experience that an essential and generally applicable approach to help solve minority-related issues is through the development of progressively open and decentralized States where individual choice may lead to the fulfilment of the plurality of interests and desires and through the concept of good governance with effective participation of minorities. There is a lot of room to develop these notions which are rooted in existing OSCE standards. Progress may be achieved by stressing the ideas of common and general interests, the responsibility of governing for the whole population, and the necessity of taking into account in a meaningful way the specific concerns and interests of minorities. It is asserted that overly centralized States tend to serve specific interests in a disproportionate and inflexible manner as uniform policies are forced upon the wider society even when not necessary. Excluded or marginalized groups often react strongly against such policies. Experience shows that alternative approaches which are inclusive and decentralized may well contribute to better overall governance with "win-win" solutions for competing interests, by increasing the productive resources and prosperity of the overall society, of multiplying opportunities and creating greater freedom for all.

Based upon this experience, the Director of the ODIHR and I decided to organize a conference with a view to analyse the content of OSCE undertakings in the light of the range of existing practice and alternative possibilities. This International Conference, called "Governance and Participation: Integrating Diversity", took place on 18-20 October 1998 in Locarno. It was hosted by the Swiss Government and supported by several Governments, including the United States of America, Norway, the Netherlands, Sweden and Switzerland.

The representatives of the OSCE Participating States and leading international experts attended and contributed to the work of the Conference. During the conference, special emphasis was placed on the positive correlation between the principles relating to self-determination and respect for sovereignty, territorial integrity, and the inviolability of internationally recognized borders. These principles are not irreconcilable. "External" self-determination through secession is fraught with the potential for conflict. Instead, it was observed that a great variety of solutions are available to the contemporary State to accommodate the vital interests and aspirations of minorities through the means of "internal" self-determination.

In the discussion at the conference a number of suggestions were made regarding ways to meet the needs and interests of minorities in public decision making especially in matters that concern them through devolution, through electoral processes as well as special mechanisms for structured dialogue, consultation, and advice. States can establish various forms of autonomy, especially on a cultural or functional basis. States can ensure the freedom and opportunities for the use of language and enjoyment of culture of minorities in conditions of equality. States can provide educational regimes which respond to the genuine needs and desires of minorities for the maintenance and development of their identity.

The Chairman's Statement, issued at the end of the Conference, noted that it is desirable for States to explore further and consider for implementation alternative forms of governance and participation of minorities as necessary. Moreover, it pointed to the desirability of concrete follow-up activities with regard to the objectives of the Conference, a follow-up that I intend to undertake very soon.

In order to make these objectives workable, it is necessary that the different methods and forms of integration are based on a foundation of democracy, the rule of law, and human rights, and must be pursued with full respect for them. It will require all of our best efforts. It will also require a greater realization on the part of governments and parliaments that the security and stability of our continent in the next century will depend to a very great extent on their success in dealing with the problems we face. It is inevitably a process requiring considerable investment over a long period of time. Such investment of energy and time will have to include significant investment of financial capital in addition to political capital.

Ladies and Gentlemen,

At the implementation meetings it is not common practice to spell out in great detail the plans for the coming year. I would like to make however one exception, namely concerning the question of the Roma and Sinti. As you may remember, I wrote a report in this issue back in 1993, but I did not pursue my involvement after that period. I am however convinced that much more should be done by the international community and the OSCE in particular to tackle that difficult issue. It is for that reason that, in close contact with the ODIHR, the Council of Europe and other relevant international bodies, I would like soon to initiate an expert

study on the subject. This would not just be an update of my earlier report but in turn should result in a number of specific recommendations from my part around the Autumn of next year. While fully realising the complexity of the problem, I still would like to make a contribution to the international discussion on the situation of those groups which have too often been neglected.

I thank you for your attention.