



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

OPENING ADDRESS

by
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to the

**Assembly of the People of Kazakhstan & HCNM joint seminar on
"Participation of Kazakhstani Ethnicities in Public Life:
Role and Effectiveness of Consultative Bodies, and the Assembly's Experience"**

at the

**Kazakhstani Institute of Strategic Studies
under the President of the Republic of Kazakhstan**

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Almaty, Kazakhstan – 21 September 2009

Director Sultanov,
Deputy Chairman Tugzhanov,
Ladies and Gentlemen,

I am very pleased to be back in Kazakhstan. I am happy to see many familiar faces in the room. I am especially grateful to the Deputy Chairman of the Assembly of the People of Kazakhstan, Mr. Tugzhanov, for leading a high-level delegation to visit me in The Hague in early September and for organizing this seminar. Under your leadership the Assembly's activities have acquired new dynamism.

In Kazakhstan, interethnic issues are not starved of government attention. This is a place where the authorities and minorities meet regularly, exchange views, agree and disagree. I think we need to encourage more of such dialogue also elsewhere in the OSCE.

At this point I would like to pre-empt some possible questions about the word "minority." I know some people in Kazakhstan and in some other States do not like this term because of its negative connotation under Soviet rule. It is, however, an internationally accepted notion, although there is no precise definition in international law. Persons belonging to national minorities may call themselves ethnic communities, ethnicities, nationalities, ethnic groups, and so forth. The essential meaning, however, remains the same. And minority rights apply whatever the name used.

Effective participation of minorities in public life is one such right. It is well-established in international law. It is not a carrot that a government awards to minorities for good behaviour. It is an inalienable right of each and every individual to be listened to and to be heard. This is the essence of participatory democracy.

This right emerged from the realization that the best way to resolve differences is to talk about them together and to resolve important matters together. This is particularly important in multi-ethnic societies. To compartmentalize such societies carries a serious risk. All members of society should, for example, have the opportunity to become a police officer, not only members of the majority. Agriculture should not be the exclusive domain of ethnic minorities; anyone can work on the land. In fragmented societies, minorities feel discriminated against, alienated and marginalized. This is a sure route to conflict.

Talking to each other and deciding together can take various forms. For a start, the minority side has to be represented at all levels. Not only should minorities have a place in parliament or government, in the judiciary or the police service, and in the local administration or the prosecutor's office, their presence there should be seen as normal, particularly in the areas of their geographic concentration. A minority police commissioner or government minister should no longer be paraded as something extraordinary – but rather be considered an ordinary reflection of the country's ethnic diversity.

The design of the electoral system is equally important. It should facilitate minority representation and influence. There is a wide choice on offer when it comes to electoral arrangements, encouraging more minorities in our legislatures. It is, however, important that minority representation is genuine. If minority representatives are chosen without the involvement and support of the minorities themselves, it only causes minority frustration and cynicism about being able to influence the life of their country.

Effective minority participation is closely linked to self-governance. In fact, it is achieved through self-governance. Devolving more power to the grass roots will demonstrate to local communities that they have a stake and a voice in the country they live in. Education, culture, local planning, environment, housing, for example, are areas that benefit most when they are administered locally – either on a territorial or non-territorial basis.

Ladies and Gentlemen,

The topic of our discussion today is yet another form of talking and deciding together: interaction between the authorities and minorities through consultative bodies. What is a consultative body? How do we define it?

Simply speaking, it is an additional channel of communication between governments and, in this case, minorities. Having a few minority MPs may not be sufficient when discussing a housing plan, deciding on a school curriculum or settling a land dispute. It is now generally agreed that it is not enough to have one centralized body in the capital. Consultation and participation at a local level is equally – if not more – important when dealing with specific subjects or regional issues. The Assembly of the People of Kazakhstan is a prime example of a general consultative body with regional outlets.

As you will hear from my staff later in the day, structures and roles of consultative bodies differ. They can be attached to government or parliament and have the powers to review legislation. Such arrangements do not necessarily seek to give minorities the final say in all decisions. Consultative bodies do nevertheless provide a platform for minorities to oppose or to propose legislation or policies.

Consultative bodies may include or exclude government representatives. Minority-exclusive councils can serve as an umbrella lobby group for a number of minorities, or they can represent one particular ethnic community. Either way, they need to have direct access to people vested with the power to take decisions.

Another model is to set up a mixed council under the aegis of a high-ranking official. If that is the case, government officials should not outnumber the other members and dominate proceedings.

The most advanced mechanisms are those where minorities actually govern their own affairs. They are authorized to disburse funds, maintain regular contact with government and take decisions, rather than simply possessing representative powers. I am particularly happy that my fellow countryman, Mr. Rune Fjellheim, Director of the Sami Parliament of Norway, could join us today. I think the Sami Parliament is an excellent example of this form of minority self-governance, even though he may tell you that the Sami are striving for more power to their Parliament.

Ladies and Gentlemen,

What makes a consultative body a success? Four things, I would say: a solid legal framework, a representative and balanced composition, wide-ranging functions, and competencies and good, unconditional financial backing.

A solid legal or even constitutional framework is important. It provides assurances to minorities that a change of national government would not result in a random dismantling of the system. It also gives leverage to these bodies in their relations with governments. Finally, it allows them, over a period of time, to accumulate expertise, capacity and skills to deal competently with interethnic issues.

Another ingredient for success is composition. Consultative bodies will only be effective as long as their membership reflects the wishes and aspirations of minority communities. In order for members of consultative bodies to be genuine representatives of the people, governments must refrain from meddling in the business of the minority associations and NGOs which constitute the membership. We see too often situations where the authorities interfere and push for so-called “loyal” people to take the lead in minority associations. What is the value of such intrusion? What does it achieve? The authorities get a rubber stamping of all their decisions and, in the meantime, frustration among minority communities reaches a boiling point and before long discontent erupts.

Perhaps government officials are concerned that an overly critical minority association will put them on the spot at every opportunity. This may very well be the case. However, such minority associations are unlikely to achieve much. Ill-spirited blame and unfair criticism will alienate potential partners. Eventually, minority communities, seeing the lack of results from such associations, will seek to change the leadership or support a rival organization.

This brings me to my next point. Principles of internal democracy, transparency and accountability are not for parliament or consultative bodies only. They are also binding on minority associations. Imagine a situation where a minority leader runs his or her association with an iron fist, stamps out dissent and is elected uncontested. What credibility does such a person have when demanding democratic participation from a government? Clearly this is an example of the pot calling the kettle black!

Composition also needs to be balanced. Government officials should be welcomed into consultative bodies. This practice does give minorities access to high-ranking officials. would however urge caution, as including too many government officials in consultative bodies runs the risk of turning them into government agencies, in which minorities are just spectators of the decision-making. This is akin to watching a football match, and shouting your comments from the touchline, but not being able to influence the outcome of the game. Ideally a majority of minority representatives is the best option, or at least an equality of representation.

A peculiar situation emerges when two or more organizations represent one particular minority. Who then gets the seat? I would suggest that all minority associations be included. This would ensure a healthy debate within the consultative body. Even better would be not to appoint members of consultative bodies, but to have them directly elected. A fair election will make it clear to governments who it is that really represents a specific minority. Direct elections will reinforce the link between consultative bodies and ethnic communities and will increase the accountability of their members.

Inclusion will also ensure that membership is broad and representative. A minority association should not be excluded on the pretext that it only represents some 30 people. At the same time, such a tiny association should not be allocated the same number of seats as a NGO representing, for example, one forth of the population.

Ladies and Gentlemen,

Consultative councils have to wield power. They do not necessarily have to have the power of veto, although this could also be envisaged as a kind of emergency break, just as where a president can veto a particular bill. It would also be wise for governments to take into account the advice of consultative bodies. Otherwise, the whole process may be regarded as just window dressing by minority communities and would lose its credibility.

Consultative bodies can have a great variety of functions. Above all, they should be consulted on minority-related matters and those which may directly affect them. Apart from contributing to legislation, which I mentioned earlier, they can help build the capacity of minority NGOs, they can liaise with communities in a neighbouring country and they can seek information from state agencies on behalf of a particular minority. Even more important, is their contribution to ethnic policy. This may include the design of government programmes and control over their implementation and the information campaigns to promote them. Again, consultative bodies need to be engaged in as many spheres of public life as possible, including such salient issues as budgeting.

Adequate financing is indeed key. There is a certain perception risk in this exercise. Some may think that “he who pays the piper calls the tune”. When allocating funds to consultative bodies and, through them, to minority NGOs, it would make sense for governments to allocate the whole budget to the consultative body and allow its members to decide how to distribute it.

As you can see, there are many ways to organize consultative bodies. One model may take root in one country, while another approach would be better suited elsewhere. “One man's meat is another man's poison.” There is, however, one common trait that unites all success stories in consultative bodies: the desire and commitment to succeed. Government and the authorities must approach this exercise in all seriousness and good faith. There must be a willingness to extend a hand to the other side. All the rest is just technicalities.

Ladies and Gentlemen,

Having discussed the theory, let us now turn to practice.

At the round table held jointly with the Justice Ministry in Astana in May this year, I said that minority identity is more than a folk song or a lively dance in a colourful traditional costume. To my regret, some interpreted these words as my opinion of the Assembly of the People of Kazakhstan.

I assure you this is not my vision of the Assembly, far from it. The Assembly is an important mechanism of dialogue between the Government and ethnic groups. It played a crucial role in the 1990s, when minority communities were at a loss to know what to expect. It also symbolizes Kazakhstan's commitment to cherish ethnic diversity. And it has an important function today.

All I wanted to convey with my reference to folk songs and dances in traditional costumes is that any consultative body, wherever it may be in the world (the Assembly included), must

also deal with the issues that are the daily bread of the people it represents. The engagement should not stop at the cultural level only.

I am certain that all minority communities are concerned with preserving their culture, traditions and language. It is commendable what Kazakhstan does through the provision of minority-language teaching in regular and so-called Sunday schools. Equally worthy of praise is the Government's efforts to sponsor print media and theatres in minority languages. These are laudable initiatives.

I am, however, concerned that there could be a danger that minorities may come to associate the Assembly with these sort of activities only. Meanwhile, they may be worried about their proficiency in the State language and want help with their studies. They may also be concerned about their weak representation in parliament, local legislatures or the civil service. They may also want to seek assistance in the case of discrimination on linguistic grounds or to influence an education law that affects the future of their children. The Assembly and its constituent members must also be prepared to deal with these kinds of issues.

I would specifically like to underline my reference to constituent members. The credibility of any consultative body is directly related to the quality of the minority associations. If minority associations see their sole purpose as applying and utilizing state grants per se, we are in trouble. The focus must be on quality not quantity: it is the scale of the benefits to the community that is crucial, not the scale of the event itself. One modest but carefully chosen project providing legal counsel to minority communities, for example, can reap immense rewards.

I therefore hope that the authorities will not restrict the funding to cultural activities only. Kazakhstan already has a good record in this regard. Money is allocated for State language courses, for instance. And it is not limited to those associations which only lavish praise on the authorities. This is an excellent approach, and I hope you will continue in this vein.

The diverse composition of the People's Assembly impresses me too. You are wise to have included a number of competing minority organizations in your ranks. As I mentioned earlier, this provides for lively discussion. At the same time, you know that I would like you to go one step further and to make the Assembly an electable body. In my view, this would significantly increase its authority, legitimacy and visibility within Kazakh society.

Your regional outreach is your strength too. Regional Assemblies are your ears and eyes at grass-root level. In addition, they are an invaluable instrument of conflict prevention. Keeping an ear to the ground, they are eminently placed to respond quickly to any tensions or conflict situation, to mediate where necessary and to find acceptable solutions.

Ladies and Gentlemen,

As High Commissioner on National Minorities, I share the Assembly's aims. I hope that the Assembly will continue to be adequately financed. I am confident that it will further diversify its portfolio, dealing with policing, language learning, minority access to jobs, conflict prevention as well as organizing song contests and cultural festivals. I also trust that your membership will remain diverse and not be confined to those who only praise the authorities.

Let me assure you that I am your strongest supporter. I think your institution holds great potential. You are rightly proud of your achievements, but I call on you not to rest on your laurels. The daily work of diversity management sees new developments, new threats and new opportunities emerging all the time. One cannot solve interethnic issues once and for all. No model can be set in stone. This goes for all 56 OSCE participating States.

To sum up, I hope the Assembly's endeavours, which make an indispensable contribution to Kazakhstani society, will continue to make the daily headlines. I look forward to working with you, assisting you and spreading the word about you – about your achievements, but also the challenges you face.

Thank you for your attention.