



Organization for Security and Co-operation in Europe

Speech by

OSCE High Commissioner on National Minorities

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at the

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Delegates,

Ladies and Gentlemen,

It is a pleasure for me to address this meeting.

I would like to review some of the issues that I have been dealing with over the past year and look ahead to some future challenges.

Integration

One issue that cuts across almost all of my work is the question of integration in society. When accepting that multi-ethnic States are the norm in our Europe after the Second World War we have accepted that efforts to promote a pure ethnic agenda are divisive (even destructive) and that we therefore need to find ways to accommodate cultural diversity. We have to build on the common ground, not choosing either the way of assimilation or of separation.

Social integration leads to social development. A society that is integrated and at peace with itself is a society that will build on common interests and become more prosperous. Also, as we move towards closer integration between States it is vital that we have integration within States.

Integration is an issue in States with historic minorities, States which have witnessed population transfers, and States with immigrant populations. In all cases there must be an appreciation of the cultural diversity of society, a vision for how different groups could live together while safeguarding and stimulating their diversity and a strategy of how to achieve that vision.

In my experience as High Commissioner on National Minorities, key elements for integration in multi-ethnic States include participation of minorities in public life, education, language, and cultural policy.

Latvia and Estonia are two examples where successive Governments have embraced the merits of an integration strategy. Georgia and Moldova are currently considering such an approach. I am also exploring ways to promote the further integration of minorities into public life in some states in Central Asia. I have already developed a number of projects, particularly in Kyrgyzstan, which are designed to improve inter-ethnic relations in the context of the further democratization of society.

A central component of integration strategies is State language training for minorities, especially if language testing is part of the naturalization process. As the Hague Recommendations Regarding the Education Rights of National Minorities make clear, "the right of persons belonging to national minorities to maintain their identity can only be fully realized if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to

integrate into the wider national society through the acquisition of proper knowledge of the State language.” That is why in Estonia, Georgia, Latvia, Macedonia and Moldova I am supporting projects to assist minorities to improve their knowledge of the State language.

It is important to overcome a minority’s sense of isolation in order to reduce feelings of exclusion and distrust that may have divisive effects. This feeling of isolation may be geographical, in the sense that particular regions may feel remote from civic structures. That is why in the ethnic Armenian-populated enclave of Samtskhe-Javakheti in Georgia I am working with minority and Government officials to see how bonds between the region and the central government can be strengthened. In Moldova, I have also been following the OSCE Mission’s monitoring of developments in Gagauzia to ensure that there is no breakdown of relations between that region and the Moldovan central authorities.

Social cohesion may also require a degree of *re-integration*. In the case of refugees or formerly deported peoples it is important to either create conditions where they can return to their homelands or integrate them into their host State under conditions of security where their full rights will be observed. This involves sensitivity to a range of issues from public participation to housing, land and tenancy rights. I am currently involved in such issues with Serbs in Croatia, Crimean Tatars in Ukraine and Meshketians in Georgia.

Paradoxically, integration may be best achieved through a certain degree of decentralization. Public administration reform which devolves certain responsibilities to regional and local authorities may be the most expedient way to allow for the flourishing of cultural specificities and regional identities. Central governments in the United Kingdom and Italy have recently devolved some powers. The Federal Republic of Yugoslavia is taking important steps towards decentralization - for example in the South Serbian municipalities of Preshovo, Bujanovac and Medvedja, in Sandzak and in Vojvodina – which may better serve minority integration and strengthen self-government. The type of local self-administration foreseen in the Ohrid Agreement may be a useful means of increasing minority participation in public life in Macedonia.

Decentralization can be particularly useful in facilitating the local use of minority languages. When minorities make up a sizeable proportion of a community, it seems only logical that they could have official use of their languages along side the State language. In line with the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages more and more OSCE States are creating greater possibilities for the use of minority languages. The former Yugoslav Republic of Macedonia, Romania, and the Slovak Republic are three notable examples.

Greater self-administration may also allow for a certain degree of flexibility in minority education. However, one must be careful that national standards are not eroded in the process. I remain concerned about obstruction by local authorities in Transdnistria who continue to make life difficult for those parents, teachers and students who are trying to learn the State language in the Latin script according to their own wishes and in line with the policy of the Moldovan State.

Integration also relates to the sense of security and fairness which individuals should feel by being equal members of society. In this context I would like to say a few words about the importance of anti-discrimination legislation and institutions.

Anti-discrimination

A social order built on the principle of equality, protecting against discrimination, engenders public confidence that there will not be arbitrariness in distribution of public goods, including in access to education, employment opportunities, and social benefits. In that respect it is worth recalling Paragraph 5.9 of the 1990 Copenhagen Document which states that: “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.”

Guaranteeing anti-discrimination may be done on a law-by-law basis or through a comprehensive law on anti-discrimination. In either case, in order to be effective, such legislation should, in my view, include creation of an independent and impartial national institution for the supervision and implementation of the law, for example by means of a specialised Ombudsman or Ombudsman-like institution, an “equality commission” or commissioner, or similar institution. Such institutions should be mandated to be pro-active in implementing the law, not only in terms of receiving complaints, but of initiating action including legislative reform as may be necessary. Of course, these institutions must become publicly well-known and accessible to merit and build public confidence, and so they will evidently require the provision of adequate human and material resources.

Such legislation would be in line with Protocol 12 to the European Convention on Human Rights along with EU Directive 43/2000 (the so-called Race Directive) which are of special relevance to member States of the Council of Europe and the European Union. In this regard, I encourage all Council of Europe Member States to ratify Additional Protocol 12, and EU member and candidate States also to comply with the Race Directive.

In every case, I hope all OSCE States will redouble their efforts to protect against discrimination in society, both in terms of legislative guarantees and their full implementation.

This is the bottom line when it comes to our efforts to combat extremism and intolerance.

Combating Extremism

Extremism raised its ugly head in the Balkans in the 1990s. It has also been evident in parts of the former Soviet Union. But the tone of recent election campaigns in Western Europe and the persistence of terrorist attacks and sectarian violence in a number of OSCE States demonstrate that aggressive nationalism, racism and xenophobia are not bi-products of post-Communist transition. They are a scourge that affects us all.

I am concerned about the persistence of extreme nationalism in some OSCE States and its increase in others.

I would like to recall that at the Rome Ministerial meeting in 1993, OSCE Foreign Ministers issued a Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism. One of their observations was that the OSCE must play an important role in combatting these forces. They agreed, and I quote, “the clear standards of behaviour reflected in [O]SCE commitments include active support for the equal rights of all individuals in accordance with international law and for the protection of national minorities.” That is why I have underlined the importance of anti-discrimination legislation and mechanisms. The Rome declaration also invited the High Commissioner to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism. I take this point to heart and am currently looking at how my mandate and expertise can best address this potentially dangerous trend.

Responsibility

A basic consideration is that States should do more to ensure the protection of minority rights on their sovereign territory. I am encouraged that more Governments are bringing their minority legislation into line with international standards, either through minority provisions in a cluster of laws or through comprehensive framework laws. I have recently shared my views on such laws with the Governments of Croatia, Moldova and Bosnia and Herzegovina. I also provided advice to the Yugoslav authorities on a Federal Law on the Protection of National Minorities which was adopted last February. I hope that the Croatian draft law will soon be implemented and that minority rights will find an appropriate place in the new draft Constitutional Charter of Serbia and Montenegro. I am also working with the Governments of Ukraine and Kyrgyzstan to see what approach is most suitable for ensuring that their minority-related legislation reflects local conditions while meeting international standards.

I must stress that protection of minority rights is the obligation of the State where the minority resides. History shows that when States take unilateral steps on the basis of national kinship to protect national minorities living outside of the jurisdiction of the State, this sometimes leads to tensions and frictions, even violent conflict. That is why I have warned about initiatives designed to protect so-called “minorities abroad” which do not have the support of the State where such initiatives would have effects. Although a State with a titular majority population may have an interest in persons of the same ethnicity living abroad, this does not entitle or imply, in any way, a right under international law to exercise jurisdiction over these persons. At the same time it does not preclude a State from granting certain preferences within its jurisdiction, on a non-discriminatory basis. Nor does it preclude persons belonging to a national minority from maintaining unimpeded contacts across frontiers with citizens of other States with whom they share common ethnic or national origins. We must not unravel the commitments that have been the bedrock of minority protection and good-neighborly relations since the end of the Second World War.

Minorities and the media

The international standards on how States can protect and promote minority interests are well codified. There are also guidelines, like the Hague, Oslo and Lund Recommendations, designed to assist Governments to put these standards into practice.

One area that I believe could benefit from further clarification – both in terms of standards and practice – is minorities and the electronic media. The media is a powerful tool, for better and for worse. In terms of inter-ethnic relations, it can be a means of educating groups about each other's cultural diversity, it can be a tool for linguistic education and cultural reproduction, and it can raise awareness about the importance of tolerance and social integration. Conversely, it can be a disseminator of hatred and propaganda, its limitation or control can stunt pluralism and free speech, and it can be manipulated as a messenger of ethnic myopia. We need to be wary of the media and the message.

I recall that during the OSCE Supplementary Human Dimension Meeting in March 2001 a number of participating States expressed an interest in issues concerning minorities and the media. Later that month, a number of delegations requested the High Commissioner to address this issue.

In co-operation with the Representative on Freedom of the Media, I have begun work on the issue of the use of minority languages in the electronic media. The objective is to establish existing State practice and to clarify relevant international standards. On my request, independent experts are currently carrying out a survey of State practice and clarifying international standards. I am also in contact with inter-governmental institutions and non-governmental organizations which have expertise in this field.

Conclusion: Diversity and Cohesion

In conclusion, I would like to highlight that because no society in the OSCE area is mono-ethnic, we all – to varying degrees – face challenges relating to accommodating multi-ethnicity. Integrating diversity, whether it be in societies with historic minorities or immigrant populations, is a question of good governance and maintaining social harmony.

Experience shows the importance of honoring human dimension commitments and pursuing policies that allow for the protection and promotion of cultural diversity. At the same time, States must ensure that there are enough common institutions and obligations to bond society together. This should reduce the likelihood of cultural, ethnic, religious and linguistic differences becoming the source of conflict.