



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

KEYNOTE SPEECH

address by
Astrid Thors

OSCE High Commissioner on National Minorities

to the
Annual Congress of the Federal Union of European Nationalities (FUEN)

[Check against delivery]

Wrocław, Poland – 19 May 2016

Dear ladies and gentlemen,

Dear friends,

It is a pleasure and an honour for me to open the Annual Congress of the Federal Union of European Nationalities (FUEN), and to share my experience and thoughts on the state of minorities and their protection throughout Europe and in the entire OSCE area.

Let me first say a word about FUEN, and how we at the HCNM see it as a forceful organization working hard to improve the position of national minorities and their political representation and participation. FUEN's interesting initiatives, such as the Forum of European Minorities and the Minority SafePack, enhance both the voice and the visibility of minority actors. FUEN has been able to successfully articulate the common concerns of national minorities across Europe for over half a century.

Since 1949 you have been active in bringing together minority communities to make their voices heard at the international level. The linguistic rights of minorities, their education, and full participation are recurrent topics that my institution has identified as being significant for reducing inter-ethnic tensions and thus mitigating the possibility of tensions escalating into conflict. These are also among FUEN's key areas of interest, which are addressed by this annual congress as well as within projects directed at minority **and** majority communities. FUEN's active engagement in the promotion of Language Diversity and Solidarity with the Roma are just two examples of FUEN's concrete activities. FUEN should therefore be commended for promoting the development of cross-community links and mutually enriching relationships.

But while the areas of interest of FUEN and the HCNM are related, our mandates are very different. Let me mention what my mandate as the High Commissioner on National Minorities is. And what it is not. First of all, it is important to emphasize that I am the High Commissioner *on* –not *for*—National Minorities. This is not merely an issue of semantics. It reflects the essence of my institution; which is not to act as an ombudsperson for minorities but to be an instrument for conflict prevention with a human rights-based approach. I use methods of quiet diplomacy to provide recommendations and expertise to OSCE participating States, to facilitate dialogue and to raise awareness within the international community about

issues or situations that, if left unchecked, have the potential to escalate into violent conflicts in, or between, OSCE's 57 participating states. The HCNM is thus not working in all these states, but in a more limited number. It should also be noted that the institution is not a monitoring body like those of the Council of Europe (CoE).

Linking minority-related tensions to conflict prevention was urgently needed in the early 1990s, when the HCNM was created. However, I think you agree that this is still a necessity today: situations persist when the real or alleged failure to respect the rights of persons belonging to national minorities generates tensions between or within states. The fact that geopolitics is back in world politics has certainly not made the task easier, rather the contrary.

The capacity to handle diversity is still one of the key ingredients for a strong, well-functioning society: it enhances a country's ability to face challenges and resist both internal and external threats. It is exactly the capacity to handle diversity that seems to be backsliding in many countries in the OSCE area; instead we see, hear and read more hate speech, witness the political exploitation of fear of 'the other', and see the rise of increasingly nationalist rhetoric. And I detect a growing tendency to use the politics of identity to win votes. As representatives of national minorities, you have probably witnessed several examples of how accommodating minority needs and concerns can be misrepresented as being harmful for the majority; how minority demands are viewed as potentially dangerous and destabilizing.

Basic values of pluralism, rule of law and good governance seem not to be as well-rooted in the societies of the OSCE as the drafters of the landmark Copenhagen document believed when they drafted it in 1990.

The Copenhagen document of the Conference of the Human Dimension of the then CSCE in 1990 really was a ground-breaking document for subsequent commitments in the OSCE regarding minorities, for the development of legal norms in the Council of Europe, and for the work in the United Nations. Our duty now is to implement and sometimes also adapt those principles even more forcefully. We must clearly try to show that respecting minorities and diversity is in the best interest of every country.

It really requires those of us who share this conviction to make an effort to join forces and to try to showcase good examples of how minority protection has led to better prosperity and security for all.

That is what I also see in the efforts of the present chairmanship of the OSCE, the German Chairmanship that has put an emphasis on how integrated minorities and societies can build bridges.

It is no secret that another Copenhagen document, the so-called Copenhagen criteria for EU accession, has been and is a very strategic document for minorities. As you know, for a country to be able to accede to the EU it has to, among others, have a functioning democracy and respect human rights - including minority rights. These three last words have done a lot of good for the protection of rights of persons belonging to national minorities, although we have to admit that we can observe, however, that when such countries finally become full-fledged members of the European Union, they are sometimes under the impression that they have already met their obligations and tend to forget about the most important part of the process, which is implementation. This lack of implementation can be a source of understandable consternation and discouragement for other countries that are required to adopt stringent minority protection standards when wishing to enter into the EU. And as we all know, this is the real problem with double standards in relations between EU member states and applicant countries. You have already taken action and have received a lot of support from citizens for your work to overcome these double standards.

When States fail to take their responsibility to build inclusive, just societies seriously, this brings dire consequences. National minorities lose faith in the authorities and no longer trust them to protect their interests. They lack a sense of belonging to society and divisions between communities can harden. At this point, internal or external spoilers may find it easier to take advantage of such situations. This is why it is important to state, once again, that it is in the self-interest of States to implement their commitment to respect and guarantee the rights of persons belonging to minorities, to practice good governance, and to create the right conditions for their full participation and inclusion.

Upholding such commitments is even more urgent today, when new challenges are adding to the traditional ones and calling for our immediate attention. I am thinking mainly of the new

waves of migration that we are facing. I would like to distinguish three different situations here that are currently affecting the OSCE participating states with regard to migration:

First, how it affects the condition of minorities in the countries on the mainland route so far, and especially what happened last autumn. Several of the countries positioned along the route from the Eastern Mediterranean face ongoing challenges in terms of integrating their diverse societies and many have a recent history of violent conflict. Some of them still have a significant number of existing refugees and internally displaced persons. The wave of migrants has strained both capacity and tolerance in the countries along this route. We have subsequently observed a clear increase in nationalistic rhetoric, which can further exacerbate tensions within societies and construct a climate of distrust and suspicion between communities and towards minorities. What the next main entry point into Europe will be is very difficult to predict; but we can note that new decisions to close borders have been taken.

Second, we can note that in some countries, even if they are receiving very few migrants, still the fear of migration is used in the rhetoric against minorities residing in the country; playing different groups against each other. This can have a very negative effect on some minorities and decrease the respect for diversity.

Thirdly, and finally, we have the countries where the newly arrived will stay and where there is an urgent need to modernize integration policies, to make them efficient, and to enhance the intercultural dialogue between communities. I firmly believe that *The Ljubljana Guidelines on Integration of Diverse Societies* elaborated by my predecessor in 2012 regarding national minorities can provide both inspiration and a solid foundation for such strategies.

Integration policies based on good governance and a respect for human rights, including socio-economic participation, are a prerequisite for lasting peace and security in multi-ethnic States. Economic and employment opportunities of course play a fundamental role in this.

Certainly we are aware of the fact that there are many concepts of what integration entails – for some it is assimilation, for others it is communities living in parallel realities without interaction. For the HCNM it is neither; it is a two-stream policy, a policy that concerns majorities and minorities alike, because the underlying rationale of *The Ljubljana Guidelines* is integration with respect for diversity.

This has been the main source of guidance for my work. I have therefore been pleased to note that a comparable notion - the concept of inclusiveness - is gaining more ground. Notably, the UN Sustainable Development Goals and Agenda 2030, which were agreed last year, reflect the idea that development will not be sustainable unless it reaches all members of society and all sectors – in a word, it needs to be ‘inclusive’. And certainly we have learned that it was often the minorities that were left behind during the Millennium development goals.

The new Sustainable Development Goals, which are to be implemented by all UN member states, certainly cover a lot of ground in terms of inclusive development. They set the overarching goal to empower and promote social, economic and political inclusion for everyone by 2030.

To accomplish this, they call for inclusive education, access to justice for all, and inclusive societies with inclusive institutions to be built at all levels. It is very interesting to note the emphasis on institutions, as minorities will seldom get their voice heard without functioning institutions. In this sense, the situation of minorities serves well as a benchmark for measuring whether the Sustainable Development Goals actually work. More generally, we can say that the condition of minorities, and the degree to which their rights are respected, is an indicator of good governance at large. But I would also urge all states and regional organizations to provide disaggregated data so that it is possible to follow how the goals are being implemented in all sectors of society. It is not yet clear how countries are going to produce the data needed for the follow-up, but it is an area where progress and lobbying is needed.

These are, in my view, some of the main lines defining the condition of minorities in general in Europe today, as well as determining and shaping my engagement.

I would like to turn now to the **thematic work of my institution**. The thematic work is a fundamental way for us to address specific topics that are relevant to minority and majority relations.

On 20 and 21 April, we celebrated the twentieth anniversary of my institution’s launch of *The Hague Recommendations Regarding the Education Rights of National Minorities*. This was

the first set of recommendations produced by the HCNM and they reflect the importance attached to the issue of education in conflict prevention and the protection of minority rights. We avoided having a purely celebratory anniversary and instead used the opportunity of this occasion to have frank and productive discussions about where we stand today on this issue and to prepare the way for sound future policies in the field of education, conflict prevention and peace-making. We gathered government representatives, experts, teachers, education professionals, non-governmental actors and other local and international stakeholders and I can confirm that we achieved our goal.

Education is in many ways the space where issues of equality, national identity and the concept of nationhood are being negotiated. It is therefore crucial that governments and education ministries alike analyse and anticipate tensions that may arise from competing demands placed on the education system, such as questions on the language of instruction, which often reflect the widespread societal debates about the place of national minorities as a whole. *The Hague Recommendations* offer a toolkit for preservation, inspiration and dialogue, 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 anniversary focused on reforms of the education sector, language in multilingual or bilingual educational contexts, and respect for diversity and pluralism. Participants agreed on the need to continue to share best practices, promote broader engagement, and adapt to changing environments. The need for teachers to receive adequate training so that they are equipped to manage multilingual and multicultural classrooms was also emphasized. Finally, as I am sure you will agree, the foundation of an education system needs to be solid enough to handle adversity, particularly when this comes in the shape of budget cuts and extensive reforms.

The follow-up to the Conference on the 20th Anniversary of *The Hague Recommendations Regarding the Education Rights of National Minorities* that will be published in due course is hopefully going to be a useful tool for all of you, in your daily work and life, helping to improve the quality of education and diffuse tensions in each specific context.

Another area that we are currently addressing is ‘access to justice’. We aim to draft a new set of recommendations for this. In most countries, access to justice is addressed satisfactorily at a legal and regulatory level. There are few constitutions that would not claim to give all their

citizens fair and equitable access to justice without distinction, regardless of their ethnic origin, race, sex, language, or religion. However, when one moves to practice, in many of the countries where we work the reality on the ground is often different and uneven, particularly when it comes to the vulnerable groups within society, including national minorities. Our work on this matter would aim to address issues relating to access to justice and frame them within the HCNM's mandate of conflict prevention. They will focus on the legislative versus policy application dichotomy and will provide examples of both legislative solutions for the impediments to national minorities' access to justice and practical policy solutions to ensure a more integrated society in which each and every member can enjoy the same rights.

At the same time, we are reviewing the *HCNM Guidelines on the Use of Minority Languages in the Broadcast Media*. Since the publication of the Guidelines over a decade ago, broadcast media platforms have evolved significantly due to digitization, convergence and/or the development of new media. Though the general principles of the Guidelines remain valid, further work on standard-setting and the collection of good practices is needed and is ongoing in order to ensure that the Guidelines remain relevant. One question that is difficult to address is the competition between traditional print media and the new online media, which tend to undermine the position of the first – noting that print media has often had a very significant value for the minority communities. In some cases we see that online communities can replace that function of the print media – in others not. It is with great interest that we would like to hear more of these examples, as you are the experts best placed to evaluate what strategy is working in which situations. I believe the outcome of our review will serve your specific communities and societies as a whole and will provide valuable guidance in this crucial area.

Let me now turn to an issue which is high on our agenda, which requires broad consultations with stakeholders on all levels, and which I believe is particularly relevant for you: namely, the bridge-building potential of societies where national minorities reside. The German Chairmanship of the OSCE has initiated an OSCE-wide discussion on this issue. Together with the European Centre on Minority Issues in Flensburg and the European Academy in Bolzano/Bozen as well as independent researchers, my institution is currently collecting experiences and perspectives on this bridge-building issue. We hope to encourage a discussion on best practices, including those of civil society organizations working at the grassroots level.

The approach of the OSCE in general, and the HCNM in particular, towards national minority issues has traditionally focused on those situations that have the most inherent conflict potential. But sometimes we forget the positive examples that exist – it is just like it is in the media, when good news never gets the attention of the broader public. It is time to explore how economic, environmental, cultural and educational co-operation between two countries can be developed in areas where minorities are residing and where integration is also functioning well.

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 and to bring about positive political change. I believe that *The Ljubljana Guidelines* and *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* can offer States practical advice on this matter. We can **also** learn from good practices. Concrete examples of good bridge-building practices can originate not only from the level of state policies but from civil society initiatives as well, including those at the regional and local level. Learning about good practices on all levels will give us a more nuanced insight into the underlying factors that enable bridge-building within and between states.

Many of you may be acting personally as bridge builders, whether at the international, national, regional or local level, at different points of time and under different circumstances. I would therefore like to encourage all of you to share your experiences and good practices, whether in terms of overarching policies or small-scale projects. This will enable us to be informed by the rich and diverse experiences you represent. To me, the motto of this congress “Living Diversity – Shaping Europe” is a call to all of us to engage with each other and build inter-community relations based upon the principles laid down in *The Ljubljana Guidelines on Integration of Diverse Societies*.

Dear Mr. President, dear Hans Heinrich

We have learnt that your term of office will come to an end at this conference and that the election of your successor is to take place on Saturday. You have led FUEN’s work with a great sense of drive and commitment. I therefore wish to convey a warm ‘thank you’ to you, Mr. President, for your personal efforts and for the enjoyable contact we have had over the years between all the High Commissioners and your organization. FUEN is, of course, an

organization consisting of many members and individuals who also share your inventiveness and sense of purpose: I therefore look forward to further developing the relationship between our institutions in the future.

Dear friends, with these words I wish all of you a highly productive Congress.
