

Fifth Forum on Minority Issues
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Statement by Ilze Brands Kehris, OSCE HCNM

Madame Chairperson, excellencies, distinguished delegates and experts,

On behalf of the OSCE High Commissioner on National Minorities I would like to express appreciation for the opportunity to participate at this Forum and the chance to reflect on our common work in enhancing respect for minority rights.

These two days and indeed the entire year represent an important opportunity to take stock of the twenty years of efforts, improvement and challenges in the area of minority rights protection since the Minority Declaration was adopted. This is not an academic exercise, but essential in order to take a strategic look at what plans and actions need to be put in place by different stakeholders for the successful strengthening of the minority rights framework and infrastructure to ensure on the ground the protection and promotion of the existence and the identity of minorities in all our societies, and the full and effective equality and participation of minorities in the social, economic, political, cultural and religious life of the countries where they live.

As we have been reminded, the Declaration, as other, regional instruments for minority rights protection, came about as a result of inter-ethnic conflict and fear of such and the recognition that a just and peaceful society requires the respect for diversity while ensuring constructive interaction of all groups within a state to which all feel a sense of belonging. A country at peace with itself is more likely to be at peace with others. The HCNM is an instrument of conflict prevention based on precisely these insights and in just the same timeframe as the Declaration, has accumulated twenty years of experience in addressing tensions in situations involving national minorities. This experience continues to confirm that a key ingredient in maintaining sustainable peace and stability is the protection of minority rights within a setting of pluralistic and cohesive societies.

It is thus the situation in real life that indicates the continued need for the stepping up of the protection of minorities and their rights. This requires voicing recommitment and a firm engagement with the next level: seeing ways to move from implementation rhetoric to implementation in practice.

HCNM does not underestimate the complexities and obstacles that occasionally block hopeful developments and also as a consequence of this, the endurance that is needed for work that is often of a structural nature and requires long-term engagement, in addition to immediate tackling of urgent issues. Through practical work in a great variety of contexts, HCNM has identified good practices that have led to real improvements in the life of real persons; and thus to a reduction in tensions and increase in stability in various countries and regions.

These policies and practices in many ways reflect also the basic principles and provisions of the Declaration.

The international standards provide an important base-line and clear guidance, but ultimately it is the national governments who are responsible for ensuring compliance as a minimum, and good practice standards as a matter of wise policy. HCNM has consistently recommended to OSCE participating States what is also explicit in the Declaration: minority rights protection should be spelled out in domestic law and the institutions, dedicated bodies and mechanisms for their implementation should be established. Comprehensive and specific minority rights legislation is necessary so all aspects and areas of life are covered, but the particular solution to how this is best done in a particular case is clearly dependent on context and requires the elaboration of a workable solution, with the ownership of the authorities and all stakeholders in the State concerned. But even when legislation and institutions are in place, systematic implementation will not take place unless these are coupled with well-formulated policies and programmes, with due attention to the national and sub-national level and elaborated in a participatory and pluralistic process directly involving minorities in all their heterogeneity.

The HCNM provides specific assistance and recommendation to OSCE participating States based on the situation at hand, often providing both detailed recommendations regarding draft legislation and policies, as well as facilitating dialogue and encouraging participation by minorities in such decisions. This accumulated experience has led to a series of thematic recommendations aiming to provide practical guidance to states, but also intended to be used by other actors, including civil society. The earlier recommendations elaborate on principles that are also included in the Declaration, and are firmly grounded in the rights framework, while specific content on what this entails and examples of how to ensure the respect for these rights stem from experience on the ground. The Hague, Oslo and Lund recommendations on education, language and effective participation in public affairs respectively, remain at the heart of HCNM country-specific work and the issues are still part of the core of minority rights, as the Declaration also indicates, and the topics of the Minority Forums confirm. In addition, recommendations in the field of broadcast media, policing in multi-ethnic societies and regarding minority issues in inter-state relations were most recently complemented with the Ljubljana Guidelines for the Integration of Diverse Societies, in November this year. All these recommendations, like the Declaration and the reminder by the distinguished experts closely familiar with its drafting present here, stress the fundamental importance of engaging both majority and minority representatives in the protection of the rights of minorities and in promoting constructive intercultural relations.

Continued cooperation internationally, both multilaterally and bilaterally and using the available international expertise is a prime and available asset in order to learn from each others' good and less good practices and a tool for finding appropriate and equitable solutions to the diverse range of situations where minorities are in need of protection and enhanced guarantees for equal opportunities and equal treatment.

The principles of the Declaration and the increasingly detailed content of standards of other instruments combined with guides, recommendations and toolkits provide a practical way to enhance implementation. This implementation will only be successful, however, if there is sufficient level of information regarding minority rights and the duties that go with them for all stakeholders. That states are primary actors entails that they not only have the obligation to ensure that a framework and mechanisms are in place for effective protection of these rights, but also that the awareness and knowledge of this is proactively promoted throughout the society and its institutions. The UN and regional organizations such as the OSCE HCNM and the CoE can support this process through expertise and dialogue, including in settings such as this fifth Minority Forum.

