



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

**Protection of National Minorities and Regional or Minority
Languages in Europe: Where do we stand?**

Address

by the Director of the Office of the High Commissioner on National Minorities

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to the Council of Europe Conference on

10th Anniversary of the Entry into Force of the Framework Convention
for the Protection of National Minorities and the European Charter for Regional or
Minority Languages

Strasbourg, 11 March 2008

Mr Chairman,

Mr Secretary General,

Excellencies, Ladies and Gentlemen,

It is a great pleasure for me, on behalf of the OSCE High Commissioner on National Minorities, to take part in this Conference marking the tenth anniversary of the entry into force of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority languages. Both these instruments provide an indispensable basis for and give valuable support to the work of the High Commissioner in reducing tensions arising from minority issues. The invitation to the High Commissioner to take part in this conference is concrete evidence of excellent cooperation between the OSCE and the Council of Europe.

I propose to use this occasion to make some observations on the relationship between these two instruments and the mandate of the OSCE High Commissioner on National Minorities.

As is well-known, the mandate of the High Commissioner is one of conflict prevention and, as defined by the 1992 Concluding Document of Helsinki, is derived from the politico-military dimension of the OSCE. His activities are aimed at preventing violent conflict arising from situations involving national minorities. More specifically, he looks at inter-ethnic relations between majorities and minorities with a view to identifying –

and seeking resolution of – tensions that might develop into a conflict within the OSCE area, endangering peace, stability or friendly relations within or between OSCE States. Such a broad mandate closely relates to the aims that were envisaged from another perspective for substantive and procedural provisions of the Framework Convention. Its Preamble recalls that *“the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent”*.

For the High Commissioner, the protection of national minorities, as the Framework Convention is entitled, is not the purpose *per se* of his mandate. Rather Protection is a means to achieve the overriding goal, namely the prevention of violent conflict affecting Participating States of the OSCE. The mandate does not therefore necessarily oblige the High Commissioner to side with the minority in situations of tensions between a majority and a minority. Instead he needs to take into account all the legitimate interests at play. But even if he is not an ombudsman for the minority, it goes without saying that his mandate can be successfully implemented only if minority rights are known and respected by all involved.

From its genesis the Framework Convention has been closely linked with and inspired by the OSCE human dimension commitments. The Vienna Declaration, adopted by the Heads of State and Government of the Council of Europe in 1993, instructed the Committee of Ministers to draft a framework convention specifying the principles which contracting States commit themselves to respect, in order to assure the protection of

national minorities. As emphasised by the Explanatory Report to the Framework Convention, the reference to the OSCE commitments reflected the desire that “*the Council of Europe should apply itself to transforming, to the greatest possible extent, these political commitments into legal obligations. The Copenhagen Document in particular provided guidance for drafting the framework Convention*”.

A significant consequence of the process of transformation of political commitments into legally binding rules has been a multidimensional synergy between them. The High Commissioner often refers to the standards of the Framework Convention not only in regard to states parties to it but also to other OSCE participating states. Political commitments, as reflected in the legal language of the Framework Convention, allow him to strengthen his recommendations addressed to the states which are not parties to it. In this way the Framework Convention has become the accepted tool for the protection of national minorities. Since adoption of the Convention, further synergies between the mandate of the High Commissioner and the arrangements under the Convention have been developed.

Questions relating to language and, in particular, the extent to which persons belonging to minorities are able to use their own language are a common source of tension affecting inter-ethnic relations in several OSCE Participating States. On one hand, use of the official state language especially in the area of governance is an important tool in promoting integration. Knowledge of the state language by minorities is often the key to their participation in public life. At the same time, minorities often attach particular

importance to the maintenance of their language as a crucial aspect of their identity. Moreover, they may see State policy on the use of their language as an indication of the overall attitude of the State to the minority and to acceptance of diversity.

Assisting OSCE Participating States to find a fair balance between protection and promotion of minority rights and policies of integration has been a core activity of the High Commissioner. This is particularly important in the field of language. His experience is that if such a balance is not achieved, a serious risk of polarisation exists whereas a language policy which commands consensus can serve as a tool of integration and promote stability.

It is in this context that the High Commissioner finds the Charter for Regional or Minority Languages particularly valuable. In addressing language-related issues, while he must take into account the specific situation in each country, acceptance by the country concerned of the standards set out in an international instrument such as the Charter is an essential starting point. The flexibility of the Charter with regard to the measures to be taken in order to support the protection of regional and minority languages and the preservation of linguistic diversity is especially valuable. In particular, the Charter offers a flexible approach to the choice of measures to be taken in order to support the protection of regional or minority languages and the preservation of linguistic diversity.

The Charter also provided a crucial basis for the development of the 1998 Oslo Recommendations Regarding the Linguistic Rights of National Minorities which provide the basis for the High Commissioner's recommendations on language issues.

The High Commissioner strongly supports the ratification of the Charter by States which have so far not done so. In October 2006, jointly with the Council of Europe he cosponsored a seminar in Vienna on the Ratification Process for countries which had not yet ratified the Charter and during his visits he regularly raises the need for ratification or accession with the governments of OSCE Participating States which are not yet parties to the Charter. It is his hope that this conference will lead in due course to further ratifications of the Charter.

Mr. Chairman, in conclusion let me say that both the Framework Convention for the Protection of National Minorities and the Charter for Regional and Minority Languages provide the essential legal underpinning for much of the High Commissioner's work. They are concerned with the protection of minorities and their rights and obligations. The role of the High Commissioner is one of prevention of conflict which can arise from mistreatment of minorities. But the goal is the same – stability and security respecting democratic principles and human rights in Europe. The High Commissioner and his Office look forward to continuing the excellent cooperation in this crucial area with the Council of Europe

Thank you