



CHAIRMANSHIP OF CROATIA
Council of Europe
May - November 2018

PRÉSIDENCE DE LA CROATIE
Conseil de l'Europe
Mai - Novembre 2018

COUNCIL OF EUROPE



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Minorities and Minority Languages in a Changing Europe

Conference on the occasion of the 20th anniversary of the Framework
Convention for the Protection of National Minorities and the European
Charter for Regional or Minority Languages

Council of Europe, Strasbourg, France
Palais, room 1

18 – 19 June 2018

Panel Presentation by High Commissioner, Ambassador Lamberto Zannier

18 June 2018

Responses to questions for panel on “The importance of the Council of Europe’s standards in ensuring international protection of minority rights”

Question One

Having commenced your new position in the last year, could you speak to your initial observations, including challenges and concerns that have seen in the field of national minority rights? (joint question)

- Let me start by stating my appreciation for the invitation to speak during this afternoon’s plenary session on “Protecting minority rights and language today – challenges and opportunities for the Council of Europe’s monitoring mechanisms” as part of today’s celebration of the 20th Anniversary of both the Framework Convention and European Charter.
- Having come to my own position less than a year ago, I have spent a considerable amount of time thinking about challenges faced by my institution. And as I look to the future, I believe that we are all at a critical juncture in the evolution of multilateral engagement in the area of national minorities.
- Europe, like the rest of the world, is in the midst of an identity crisis. Conceptions of national identity are being fundamentally challenged. Revisionist thinking is on the rise. Intolerance and xenophobia can be viewed at all levels of society and, in some cases, are being actively encouraged by political and cultural leaders.
- And I am convinced that international institutions must address these challenges in unison. While our specific tools may differ, we share a fundamental characteristic: promoting the use of multilateral institutions, including the Council of Europe and the OSCE, to prevent conflict and promote the realisation of human rights and fundamental freedoms.
- During our recent celebration of the 20th Anniversary of the Oslo Recommendations, participants noted with concern the absence of ratifications of the Charter and the Convention in recent years. State engagement is at the heart of our activity and participation is essential to the operation of international institutions. The obligations

contained in the Convention and the Charter promote the rights of national minorities while also ensuring further integration and harmony in society. States should continue to willingly meet these obligations.

- While I do not face an identical challenge, I do face similar limitations. While my political mandate provides me unfettered access to participating States, without their meaningful engagement, I cannot effectively travel on their territory. Restricting my own access limits my ability to carry out my mandate, including to engage in quiet diplomacy and to promote integration of diverse societies.
- For both the Council of Europe, and OSCE, meaningful participation including state co-operation is therefore essential. And I would also note that this applies to those States we sometimes refer to as “west of Vienna”. As multilateral institutions, we need to be reminded that our obligations are equal to all participating States.
- I also recognize that at a fundamental level, some States are increasingly less interested or willing to engage with international institutions. This is especially true when it comes to being subjected to external oversight.
- I firmly believe that it is only through mutual co-operation that we can face our common challenges including responding to migration in a humane manner, preventing securitization of national minority issues, combating violent extremism and terrorism and responsibly addressing extreme nationalism. The return to geo-politics, and the role of kin-states, is also of increasing importance and cannot be ignored in the face of these various challenges.
- Multilateralism and acceptance of our international obligations continues to offer the best, and only, solution to these obstacles.

Question Two

In the absence of a centralized structure addressing national minorities, do you see space for numerous international actors, CoE, OSCE, UN, to operate in this field? How can actors co-operate and support each other?

- At the outset, I note that 2018 is also the 20th Anniversary of the *Oslo Recommendations regarding the Linguistic Rights of National Minorities*, one of eight thematic recommendations and guidelines issued by my office.

- That the Framework Convention and the European Charter share an anniversary with the Oslo Recommendations is not a coincidence. The work of my own institution is closely bound to the Council of Europe's national minority framework.
- And while my own mandate is primarily one of conflict prevention, successive High Commissioners have worked closely with the institutions of the Council of Europe towards this goal. This includes ensuring the protection and promotion of minority rights as enumerated in both the Convention and the Charter, which serve as the primary legal norms in our field.
- Towards this end, our institutions regularly exchange information and closely consult to avoid duplication, strengthen complementarity in our approaches and produce consensus on key principles and messages.
- And while our methodologies may differ, time and again we find that our work is mutually supportive. The Oslo Recommendations on Linguistic Rights, for example, share a common DNA with the Advisory Committee's Thematic Commentary on Language Rights.
- Similarly, my institutions *Ljubljana Guidelines on Integration of Diverse Societies* emphasize the increased focus on the importance of the integration of diverse societies. This is similarly reflected in the respective thematic commentary of the Advisory Council [on the scope of application of the framework convention].
- We also complement each other in our working styles. The reporting and recommendations issued on a regular basis by the Charter and Convention are public. While my own office strives to provide public information when possible, we must also at times engage in what we refer to as quiet diplomacy. This balance is critical to allow for flexible solutions.
- Ultimately, the public recommendations of the Charter and Convention, like my own thematic recommendations, are an accessible public resource for all working in this field. This allows for the continued development of norms and standards relevant to national minorities.
- And to reiterate my earlier point, meaningful State participation is indispensable to these goals. I often travel with my staff to countries in order to hold technical meetings on national minority issues. Co-operation by State authorities is a pre-requisite to ensure that solutions can be effectively formulated.

Question Three

What are the ways forward? How do we respond and adapt in the face of new challenges?

- Our institutions are, so to speak, children of the 1990s. The turmoil in the former Yugoslavia, and the challenges related to national minorities throughout Europe, created a clear need for the international community to establish a sufficient legal and political framework to respond to these crises.
- Twenty years later, the situation is appreciably different and new solutions are required. I continue to explore the nature of my own mandate in order to meet the needs of today's society. New minorities, the mass flow of migrants to Europe, and the constantly shifting demographics of modern society may render obsolete the traditional conception of a national minority.
- Our respective institutional responses to such issues require flexibility. The recommendations issued by the Committee of Experts and the Advisory Committee, like the Recommendations and Guidelines issued by my office, provide the opportunity to focus on new or emerging issues. We should continue to co-operate on the development of such texts, pushing each other forward in order to address current challenges.
- Digital solutions are also increasingly important. My office is currently working on a newly revised thematic commentary on media guidelines as we recognize the importance of both regulating and promoting the responsible and effective use of the rapidly changing media landscape.
- And of course, new technologies offer new opportunities. We are increasingly turning to online media and resources, including online dictionaries, to promote the learning of new languages which is an important step in ensuring that communities can effectively communicate with each other. We are open to innovative avenues of communication and will continue to work with our partners, including the Council of Europe, to develop tools to assist us in implementing our mandates.