



INTERNATIONAL LEGAL GUARANTEES FOR THE PROTECTION OF NATIONAL MINORITIES AND PROBLEMS IN THEIR IMPLEMENTATION

WITH SPECIAL FOCUS ON MINORITY EDUCATION

Status of international protection of national minorities: 'where do we stand?'

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Let me begin by thanking the Council of Europe Directorate General of Human Rights and the Russian chairmanship of the Committee of Ministers for the invitation to make a presentation on the theme 'Status of International Protection of National Minorities: where do we stand?'

I am glad that the general aim of this Seminar is to generate an exchange of views on the issues relating to education of national minorities, not only because minority education issues remain a core subject of my activities but also because this month we mark the tenth anniversary of The Hague Recommendations regarding the Education Rights of National Minorities.

The issue of education is not new to minority rights protection, indeed it was the subject of frequent debates even in the time of the League of Nations.

It is therefore no surprise that the main international instruments that deal with minority rights, including the 1990 CSCE Copenhagen Document and 1995 Council of Europe Framework Convention for the Protection of National Minorities, devote prominent place to these issues.

However, we ought to ask ourselves what we have achieved in practice since these instruments were adopted; to what extent are minority issues and, in particular, minority education issues less complex and controversial now than they were before.

Today, I would like to provide you with a brief account of the most recurrent education issues that have occupied most of my time in the last five years. As many of you know, the mandate of the High Commissioner on National Minorities, the OSCE institution created in 1992, is to provide early warning and, as appropriate, to take early action in regard to tensions involving national minority issues which have the potential to develop into conflict in the OSCE area. This is a security-oriented institution with conflict prevention as the goal. The underlying philosophy is that protection of minority rights and the promotion of inter-ethnic harmony are key factors of democratic stability and peace.

One of the most prominent issues and a key challenge for many States where I am engaged is to find ways to promote knowledge of the 'State' language, while at the same time ensuring the rights of persons belonging to national minorities to protect and develop their own languages.

In such situations, I emphasize the need to find a fair balance between the promotion and protection of minority rights and the policies of integration. In my experience if such a balance is not achieved, specifically with regard to the status of a particular minority language and the regulation of the use of language, polarisation between minorities and majorities within the State may become a source of considerable tension.

Practice shows that finding such a balance is not an easy task. As Professor Thornberry has recently noted, "in minority affairs, education issues are often delicately balanced between integration and separation. If integration is pushed too far, the result is assimilation and the disappearance of the minority as a distinct culture; a policy of separation, on the other hand, can lead to a ghetto culture of withdrawal from society."

My involvement has led to many States requesting my assistance in addressing these difficult issues.

In all these situations, the most important document for me is the Council of Europe Framework Convention for the Protection of National Minorities.

Not only because the text of the Framework Convention expressly refers to the integration of persons belonging to national minorities, but also because, the Advisory Committee on the Framework Convention (as its first President, Professor Hoffman has recently written) "has been consistently guided by the understanding that the ultimate goal of minority rights protection consists of achieving the full integration of persons belonging to national minorities into the society of the States in which they live while, at the same time, guaranteeing the preservation and promotion of their distinct identity."

Since the core of my conflict prevention activities is indeed identical to this goal of the minority rights protection, I always recommend that OSCE participating States, ratify the Framework Convention. At the same time, I also advise these States to avoid the exclusion of minority groups through entering restrictive declarations (upon ratification of the Convention) in particular with regard to the citizenship criterion.

In addition to the Framework Convention, the most practical source of guidance for my work is The Hague Recommendations regarding the Education Rights of National Minorities.

We can all agree today, that The Hague Recommendations have stood the test of time. I am very glad that, according to many experts, they represent one of the most comprehensive and authoritative accounts of a number of crucial aspects of minority education.

In a number of countries in which I am involved, I have drawn on the essence of these Recommendations, to emphasise on the one hand that 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 and on the other to underline that persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.

I have often reiterated that according to the Hague Recommendations, "the attainment of multilingualism by the national minorities of OSCE States can be seen as a most effective way of meeting the objective of international instruments..."

However, I have also recommended to a number of States, that the introduction of educational reforms in order that national minorities attain bilingual/multilingual skills should be undertaken with careful consideration of the impact that reform can have on children and on communities. That is why

I have been following the introduction of the State language as a means of education in some States so closely.

At the same time, I remind minorities that as members of the larger society of the state, it is also in their interests to learn and to use the language(s) of the State.

In many transitional democracies, where a substantial part of the population may not speak the designated State language to any degree of proficiency, there is a need for adequate educational opportunities for persons belonging to minorities to improve their command of the State language(s). In many of these situations my practical activities (projects) focus particularly on assisting the States to provide adequate educational opportunities for minorities to improve their command of the State language.

It is clear to all of us that one of the most important issues that relates both to quality of education and to intercultural and multilingual education is the content of the curriculum. The Hague Recommendations spell out the details of this obligation by urging "[s]tate educational authorities [to] ensure that the general compulsory curriculum includes the teaching of the histories, cultures and traditions of their respective national minorities." But education goes far beyond preparing young people to survive in an increasingly competitive world, it is also about spreading the positive values of our societies. Good education can and must aim higher, seeking to shape future generations for responsible citizenship. It must direct us in our attitudes and experiences, teaching us to learn, and thereby to understand and even to enjoy different cultures, languages and traditions. Fostering the values of mutual respect and understanding has become even more important as so many of our societies face a struggle with xenophobia and racism.

I have often found that school separation along ethnic lines reinforces ethnic divisions in the communities and provides a fertile ground for breeding negative stereotypes and prejudices among different ethnic groups. To alleviate ethnic tensions, it is important to create opportunities for students of different communities to have contact, communicate with one another, engage in joint curricula and extracurricular activities in order to learn about one another, regardless of their ethnicity and language of instruction.

I am sometimes asked for advice by States about their kin-state support for minorities abroad. My advice to these States is always to limit such support to the fields of education and culture. In that way such support avoids the risk of becoming discriminatory and affecting the good neighborly relations between States. From the conflict prevention point of view, the most effective way of ensuring that such support is helpful rather than damaging is to insist that it is based on a specific bilateral agreement between the two countries concerned.

In addressing all of these issues I am also now able to benefit, from the excellent text of the Advisory Committee's Commentary on Education under the Framework Convention of March 2006. I am glad that some of the ideas submitted to the Committee by the HCNM Director have found their place in this Commentary. This is a perfect example of the enhanced co-operation between the Council of Europe and the OSCE.

In conclusion, it may be noted that States have become increasingly aware of the value of having a inclusive and flexible instrument and the contribution it can make to resolve serious outstanding social and educational issues in the current debate on integration across the Europe.

Thank you for your attention!