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Forum

Attached herewith is the Background Paper for the Third Preparatory Seminar for the Thirteenth OSCE Economic Forum - Integrating Persons belonging to National Minorities: economic and other perspectives (Kyiv, Ukraine, 10-11 March 2005)



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

Thirteenth OSCE Economic Forum

**“Demographic Trends, Migration and Integrating Persons belonging to National Minorities:
Ensuring Security and Sustainable Development in the OSCE area”**

Third Preparatory Seminar for the 13th OSCE Economic Forum

**Integrating Persons belonging to National Minorities:
Economic and other perspectives**

Kiev, Ukraine, 10-11 March 2005

BACKGROUND PAPER

Office of the OSCE High Commissioner on National Minorities

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1. INTRODUCTION

The protection of the rights of persons belonging to national minorities has been central to the efforts of the OSCE since the Helsinki Final Act of 1975. The detailed and well-established body of OSCE commitments concerning minorities, as well as the institutional activities of the OSCE confirm this firm commitment. One of the reasons for this commitment is the firm belief of the OSCE participating States – and, unfortunately, also their continuous experience – that problems concerning minorities are one, if not the most important, major source of conflicts between states. Conflicts concerning minorities may also jeopardise the security and stability within a state.

It follows that the protection of persons belonging to minorities is not just a matter of human rights but also of good governance and the security of the State. The satisfactory resolution of inter-ethnic issues is not only in the interest of the minority but also of the State. In the view of the High Commissioner on National Minorities, tensions involving national minorities are best combated by integration into a multi-ethnic multicultural society. The key issues of such an approach include political participation, economic participation and education. The theme of the Economic Forum of 2005 and its preparatory seminars provides an opportunity to develop our understanding of the policies and methods needed to promote integration.

The OSCE, its institutions and Participating States, are not the only actors involved in the integration process of minorities. Other international organisations (such as the Council of Europe, UN, EBRD, OECD, ILO, EU), civil society (including ngo's, trade unions etc), the business community and – last but not least – the minorities themselves, all have a crucial role to play with their particular rights, duties and responsibilities. There is scope for greater interaction between those who deal with these different issues and indeed with others concerned with wider issues of exclusion and deprivation, in order to learn lessons from each other. This seminar should benefit from an intense debate and exchange of views and practices between people and institutions which deal with these issues.

2. ECONOMIC AND SOCIAL ASPECTS RELATED TO THE INTEGRATION OF PERSONS BELONGING TO NATIONAL MINORITIES

2.1. Identification of the Dimensions of Socioeconomic Problems Encountered by National Minorities

The integration of persons belonging to national minorities cannot be confined to the issues of participation in political life and ensuring adequate access to culture and education for the protection of their identity. These traditional considerations about minorities have only recently been extended and supplemented by a perspective including social and economic dimensions. While dealing with national minorities, the understanding has thus been gaining ground that effective integration of minorities cannot overlook the socioeconomic dimension of the whole problem. One must also be aware that the costs of integrating minorities into society may be much higher if we are confronted with accumulated effects of marginalization in all spheres of life of the minorities, including the social and economic dimensions. This comprehensive perspective reflects an approach characterized not only by interdependence but also indivisibility of all these dimensions.¹

¹ In the United Nations a similar debate allowed after decades to conclude by consensus that: "*Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.*" - see Vienna Declaration and Programme Adopted by the World Conference on Human Rights in Vienna on 25 June 1993 (para. I-8). Consequently, each of the values-objectives concerned should be defined in relation to the others.

In addition to nationwide economic problems encountered by the entire population of a country, national minorities may suffer from the effects of further factors. Minorities inhabiting frontier and/or rural areas are often affected by the consequences of local or regional underdevelopment. Such areas together with their populations are usually among those most vulnerable to man-made and natural disasters. However, there are cases of minority areas representing an average or higher level of economic development and prosperity.

Even more profound vulnerability to the negative effects of socio-economic factors results from the policies for transformation of Central and Eastern European countries towards democratic governance and notably for transition from central planning economies to a market economy.²

2.2. Principles for Remedial Policies and Actions

Policies and actions aimed at remedying the socioeconomic obstacles for the effective integration of national minorities should have clearly defined objectives and follow appropriate principles. The point of departure should be the OSCE concept of comprehensive security and the demands of conflict-prevention philosophy.

Thus "the protection and promotion of human rights and fundamental freedoms, along with economic and environmental co-operation, are considered to be just as important for the maintenance of peace and stability as politico-military issues".³ Consequently, all the dimensions of security (politico-military, economic and human) are considered indivisible and interdependent. Furthermore, one of the virtues of the OSCE is its active involvement in all phases of the conflict cycle – from early warning and conflict prevention to conflict management and post-conflict rehabilitation. It is in this context that economic problems that are not effectively addressed can contribute to increasing tensions within or among states.

A conducive framework for the economic integration and development of minorities requires good governance, pluralist democracy, the rule of law and respect for human rights.

Improving the Situation of Roma and Sinti

Roma and Sinti are among the most excluded and often discriminated minorities with regard to labour market access, education and public participation. Acknowledging the need for adequate policies and regulations, OSCE participating States adopted at the Maastricht Ministerial Council in 2003 the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (MC.DEC/3/03). Chapter IV of the Action Plan refers to socio-economic issues.

Within the framework of the 12th OSCE Economic Forum in 2004, a side event titled: Promoting entrepreneurship and opportunities for economic development for Roma and Sinti was organized in co-operation with ODIHR-Contact Point for Roma and Sinti Issues. That the most successful and effective activities are community based projects such as capacity-building at community level, training of community facilitators and community mobilization for income generation activities, establishment of community centres, the creation of revolving funds, managed and used by the Roma community etc.

The OSCE/OCEEA strives to support the development of employability and entrepreneurial skills of Roma and Sinti people through the establishment of training and retraining programs, SME development, facilitate economic and social insertion by acting as a catalyst for support by partner organizations, stimulate better access by Roma and Sinti people to regular training programs, etc. The adaptation and replication of projects such as the Fair Employment Program developed by the OSCE Mission to Bosnia and Herzegovina has been encouraged.

² For more see K. Drzewicki, 'Implementation of Social and Economic Rights in Central and Eastern Europe: Transforming from Planned Economy to Market Economy', *Nordic Journal of International Law*, 1995, Vol. 64, No. 3, pp. 373-284.

³ *OSCE Handbook*, ed. by W. Kemp et al., 3rd Edition, Vienna: Secretariat of the OSCE, 1999, pp. 1-3 and 133-136.

It is of significance that in the 1990 Document of the Bonn Conference on Economic Co-operation in Europe, the CSCE Participating States recognized the system of market economy as the only viable economic system. They also recognized explicitly "the relationship between political pluralism and market economies".⁴ Among more specific principles for integrating minorities one should promote a profound focus on the principles of equality and non-discrimination. Following the Bonn Document these principles extend to economic activity.

However, the application of these principles often appears insufficient to address difficulties in effective integration of minorities. Special measures may be called for in order to 'catch-up' and achieve full and effective equality and non-discrimination, notably in situations of accumulated disadvantages suffered by minorities over many years.⁵ In conclusion, integration policies may be rendered ineffective once they focus on the perspective of ensuring strictly equal treatment, which hence ignores the special needs of the disadvantaged minority membership ('membership-blind' model of justice). Thus the achievement of genuine equality and non-discrimination and thus effective integration may require a 'membership-sensitive' model, whereby unequal treatment may temporarily be justified in regard to disadvantaged minorities in order to bring them up to an equal level.⁶

2.3 Main Actors and Duty-Holders

Pursuing properly addressed and effective policies for integration requires the identification of the main actors and duty-holders. Under both constitutional systems and international law, States are responsible for ensuring conducive infrastructure for the implementation of all human rights and fundamental freedoms. This requires the adoption of implementing domestic legislation and pursuing effective policies to implement obligations and commitments of the Participating States themselves. The duties of States in this regard may be characterized as obligations to respect, to protect and to fulfill.⁷

HCNM Activities in Georgia

In Georgia the High Commissioner is managing a programme aimed at promoting the integration of the Armenian-speaking minority who live in Samtskhe-Javakheti, an isolated region near the border with Armenia. The programme involves activities such as translating Georgian news broadcasts into the local language (which has stimulated much greater local interest in Georgian political developments) and Georgian language training for key groups such as Civil Servants and first-year university students. This programme has been widely welcomed but does not address local concerns about unemployment, including fears that unemployment will be sharply increased by the expected closure of the Russian military base in the area. The key to improving the employment prospects of the area is probably to upgrade the road linking the region to the rest of the country. The government has now indicated their willingness to provide funding for this project. This will complement the High Commissioner's programme and make a crucial contribution to reducing the local perception of isolation.

⁴ See A. Bloed, 'Two Decades of the CSCE Process: From Confrontation to Co-operation', in A. Bloed (ed.) *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht / Boston / London: Kluwer Academic Publishers, 1993, pp. 85 and 425-438.

⁵ On the distinction between transitional preferential treatment (affirmative action) for creating or restoring equality in the common domain and special measures for maintaining and promoting separate identities see A. Eide, 'Minority Protection and World Order: Towards a Framework for Law and Policy', in A. Philips and A. Rosas (eds.) *Universal Minority Rights*, Turku / Åbo and London: Åbo Akademi University Institute for Human Rights and Minority Rights Group (International), 1995, pp. 101-102.

⁶ On the distinction between different models of justice as applicable to minority membership see J. Rääkkä, 'Is a Membership-Blind Model of Justice False by Definition?', in J. Raikka (ed.) *Do We Need Minority Rights? Conceptual Issues*, The Hague/ Boston / London: Martinus Nijhoff Publishers, 1996, pp. 3-4.

⁷ For more see A. Eide, 'Economic, Social and Cultural Rights as Human Rights', in A. Eide, C. Krause and A. Rosas (eds.) *Economic, Social and Cultural Rights. A Textbook*, Second Revised Edition, Dordrecht / Boston / London: 2001, pp. 22-28. On the nature of executive obligations see also M. Dowell-Jones, *Contextualising the International Covenant on Economic, Social and Cultural Rights: Assessing the Economic Deficit*, Leiden / Boston: Martinus Nijhoff Publishers, 2004, pp. 28-34.

In certain dimensions of the State, duties in implementing human rights take the form of the *obligations of result* in others of the *obligations of conduct*. Due to the fact that the rights-holders as beneficiaries of human rights are legitimately expected to be active, it needs to be emphasized that their implementation has never implied that economic, social and cultural rights are to be provided by the state. In contrast, states are obliged to create equal opportunities for the realization of economic, social and cultural rights. This message retains its validity, since there are still sectors of populations in Central and Eastern Europe showing symptoms of nostalgia for the old system of 'real socialism' with the state as 'provider'.

From this perspective, persons belonging to national minorities, as the holders of rights and beneficiaries of policies, should display an active approach to socioeconomic development and to their specific needs in this respect. The economic and social concerns of minorities are best reflected within different forms of activity aimed at participating in public life (parliaments, local self-government, public debates, professional and cultural organizations). One may submit that an active approach to socioeconomic issues is also a widely shared responsibility among private actors other than minority groups themselves: business communities, including foreign investors and national and international civil society (e.g. organizations of employees and employers or private associations for development and assistance). All private actors, whatever their participation in the process of economic and social development, need to be aware of the implications of their activity for minority groups.

There is also a special role for international governmental organisations, particularly in view of the possible effects which minority situations may exert on protecting human rights and maintaining stability and peace, regionally, nationally and internationally. This involvement must be specifically defined and properly-targeted by each of the organizations concerned to reflect the diverse powers, expertise and financial resources they have been granted (e.g. United Nations, World Bank and International Monetary Fund, International Labour Organisation, European Union, Council of Europe, European Bank for Reconstruction and Development, and OSCE). Hence the close co-ordination of their programmes and projects is indispensable.

Among the actors that may exert an impact, for good or ill, on minority integration, kin-States play an extremely important role. Their contribution to the economic, social and cultural development of minorities in other, usually neighbouring countries should be adjusted to the actual needs of vulnerable groups and vulnerable regions.⁸ Kin-states, as well as other states involved in economic co-operation and development should redress, as a matter of priority, extreme poverty and socioeconomic inequalities and social exclusion, notwithstanding that the most disadvantaged may be identified both among minorities and a majority.⁹ Likewise, in any further economic involvement, kin-states should avoid disproportionate differentiation between a national minority and the rest of the local population. If programmes and projects for economic development are perceived as unfairly privileging a minority group, they can contribute to generating more tensions than durable development and integration. Therefore it is of the utmost importance that kin-state activities involving minorities should be bound by bilateral agreements with the states concerned.

⁸ On the need to complement focus on vulnerable groups by that on regional vulnerability see M. Daly, *Access to Social Rights in Europe. Report adopted by European Committee for Social Cohesion (CDCS)*, Strasbourg: Council of Europe Publishing, 2002, pp.84-85.

⁹ A. Eide (1995), *op. cit.*, p. 102.

2.4 Main Areas for Action

To be effective integration demands a comprehensive approach. States are under an obligation to create the conditions necessary for the effective participation of persons belonging to national minorities in economic, social and cultural life and in public affairs, in particular those affecting them.¹⁰ With this approach, the key concept is participation which becomes equally applicable to the socioeconomic dimension. The obligations of states to pursue policies supportive of integration will vary from direct responsibility for conduct (creating conditions or frameworks) up to achieving specific results (e.g. legislating on socioeconomic matters).

Policies for integration are expected to address and embrace such areas as employment, investment, entrepreneurship, health, education, culture, housing, transportation, telecommunication and others. Special attention should be given to employment, including self-employment as probably the best way of promoting social inclusion and self-confidence, reducing poverty and increasing resources available for consumption, infrastructure and investment.¹¹ Integration policies have to distinguish in their guidelines between specific needs of rural and urban areas, bearing in mind potential effects on the traditional patterns of life of minority groups.

The importance of employment policies for integration should be borne in mind at each stage of policy-making, monitoring and tripartite negotiations. Traditional tripartite structures and procedures may need to be strengthened by integrating a component of minority participation, particularly at regional and local levels.

Promoting Entrepreneurship

The OSCE/OCEEA is already active in the field of promoting entrepreneurship and economic integration of underserved groups. Youth Entrepreneurship Seminars (YES) are being held in many countries of the OSCE, such as Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, Uzbekistan. They target the youth and provide them with fundamental elements of starting a business (finance, legislation, forecasting, etc). The project aims not only to promote entrepreneurship but also to stimulate youth participation in the political and economic reform processes in their countries. The seminars are adapted to meet the needs of the respective country and target group.

The Strategy Document for the Economic and Environmental Dimension underscores the importance of “developing a business friendly environment and promoting small and medium sized enterprises (SME)”. OCEEA’s assistance to SMEs serves a catalytic rather than a developmental function and is often undertaken in the context of conflict prevention and post conflict rehabilitation.

Although programs such as YES and various SME development activities are not targeted towards national minorities in particular, such models could be replicated with specific focus on national minorities in the OSCE area.

It is recommended that the spirit of these programs is incorporated into national government policies of all OSCE participating States. The key word in this respect is to give the right ‘incentives’. Participating States should demonstrate political will to tackle these issues, and adopt and implement relevant policies. Countries should also resort to the assistance of organizations such as the World Bank, the Council of Europe, the European Commission, IOM, ILO and others, which are potential partners.

¹⁰ See Art. 15 of the Framework Convention for the Protection of National Minorities, adopted within the Council of Europe in 1995, and a commentary on its content in Explanatory Report thereto, in *Framework Convention for the Protection of National Minorities. Collected Texts*, 2nd Edition, Strasbourg: Council of Europe Publishing, 2001, p. 33.

¹¹ On the scope of state obligations in regard to employment-related rights see K. Drzewicki, 'The Right to Work and Rights in Work', in A. Eide, C. Krause and A. Rosas (eds.) *Economic, Social and Cultural Rights. A Textbook*, Second Revised Edition, Dordrecht / Boston / London: Martinus Nijhoff Publishers, 2001, pp. 238-243; and K. Drzewicki, 'The European Social Charter and Polish Legislation and Practice', in K. Drzewicki, C. Krause and A. Rosas (eds.) *Social Rights as Human Rights. A European Challenge*, Turku / Åbo: Åbo Akademi University, 1994, pp. 221-226.

2.5 Programmes and Policies for Socio-economic Development

It is vital for the successful socioeconomic integration of minorities to draw up and pursue policies based on non-discrimination and non-favouritism. In addition to this common denominator, states should also develop special measures designed to remedy the accumulated inequalities and exclusion suffered by economically underprivileged minority groups or regions. Peripheries cannot become centres but they may be more fully integrated into regional and national economies in order to catch up or at least to reduce gaps between poor and rich areas, and, above all between areas inhabited by majority and minorities. As noted elsewhere, deepening economic and social disparities can cause serious tensions within countries and between countries.¹²

The successful integration of a minority requires a high degree of participation by members of the minority themselves. Attention needs to be paid to developing a culture of participatory involvement of minorities in bodies, procedures and other arrangements. Participation by national minorities should ensure their access to the formation, adoption, supervision and implementation of socio-economic policies at the national, regional and local levels (tripartite bodies, organs of regional and local self-government, bodies for consultation with national minorities, and organizations of civil society, etc.). States should develop and promote policies to involve business communities in economic activity in areas inhabited by minority groups.

For their part, international bodies for monitoring the implementation of human rights, including minority standards, should improve their supervisory approach by including in their mandates the socioeconomic dimension of enjoyment by minorities of their rights and freedoms. What is at stake is not just economic prosperity but above all stability, security and peace.

3. EDUCATION POLICIES FOR INTEGRATION

3.1 The objectives of minority education

In the modern world ensuring a **high quality of education** is widely recognized as a priority. Education is essential because it is one of the main means by which a person is able to realize his/her full potential and ambitions as an individual. It plays a critical role in promoting development, and, thereby, security. The first and most immediate contribution of successful school education is a direct reduction of deprivation through providing individuals with the skills of literacy, numeracy and analytical thinking. These are the primary elements that have proved necessary for economic and social development in a country and the successful integration of states into the global economy.

The right to education is a human right. The relevant provisions guaranteeing the right to education can be found in numerous international instruments. The right to education, in particular minority education, has been further elaborated in the 1992 **UN Declaration on the Rights of Person Belonging to National, Ethnic, Religious and Linguistic Minorities**, the CSCE 1990 **Copenhagen Document** and the 1995 Council of Europe **Framework Convention for the Protection of National Minorities**.

Education is not only one of the principal means for the achievement of the **potential** of individuals but also for the transmission of **identity** within cultural groups. It is particularly important in multi-ethnic societies because it provides the means by which persons belonging to national minorities are given the possibility to transmit their culture to future generations and, thus, to preserve and develop their minority characteristics.

¹² See *OSCE Strategy Document for the Economic and Environmental Dimension*, adopted by the OSCE Ministerial Council in Maastricht in December 2003, paras. 1.6-1.7.

Education has a deep impact on society, which can be for good or ill, as far as the aim of preventing conflicts is concerned. On the one hand, education can play an important – indeed essential – role in fostering **inter-ethnic communication**, i.e. breaking down stereotypes, explaining the value of diversity and broadening understanding of universal human rights and values, thus promoting integration. Conversely, an education system based on segregation or assimilation reinforces social differences and prejudices, exacerbates tensions and even promotes conflict.

High quality education is also vital because it equips future adults with the necessary skills to effectively take part in political, social and economic life. Fluency in the State and minority languages is of particular importance. Creating a population highly proficient in two or more languages serves to promote **participation** by all within the public life of the country. Such participation is an essential component of a peaceful and democratic society.

3.2 Access to education

Multi-ethnic societies are particularly susceptible to both the positive and the negative effects of education. Educational policies can promote social integration by bringing ethnic communities together in harmony, while preserving and developing their cultural and linguistic identities. On the other hand, the unequal and unfair **distribution of education** resources, and fear of experiencing discrimination can breed grievances, mobilize disaffected groups and, subsequently, contribute to the tensions which can lead to conflict.

Rushed language reforms in the education sector have, for example, made it difficult for students from national minorities to enter institutions of **higher education** thus reducing the supply of members of the minority community qualified to fill professional jobs in the public administration and the private sector. Young adults from minority communities are faced with a daunting struggle to acquire tertiary education qualifications and necessary career skills. If deprived of the opportunity for higher education, the children from minority communities may face unemployment and may be attracted by radical ideologies.

3.3 Language skills

A key issue in education in almost all of the societies is the issue of language. Language is usually a defining element of a group and, as such, is central to the right of national minorities to maintain and develop their identity. Ethnic mobilization and the politicization of identity have brought the language issue to the forefront of political debates in a number of OSCE participating States. Where a State policy to enhance its statehood by spreading the use of the State language comes up against the resistance by a powerful minority to any downgrading of the language, language can become an explosive issue.

The international instruments provide the obligation to States to recognize the right of every person belonging to a national minority to learn his or her minority language as this presents one of the principal means by which such individuals can assert and preserve their identity. The obligation to endeavour to ensure instruction of or in minority languages is, at the same time, subject to several conditions; in particular, there must be "sufficient demand" from persons belonging to the relevant national minorities. Moreover, according to international standards, the opportunities for being taught the minority language or for receiving instruction in this language are without prejudice to the learning of the official language or the teaching in this language.

The particular focus of **The Hague Recommendations Regarding the Education Rights of National Minorities** (1996) and **the Oslo Recommendations Regarding the Linguistic Rights of National Minorities** (1998) is to provide states with some guidance in finding appropriate accommodations for their minorities in the spheres of education and language that fully respect the letter and spirit of internationally agreed standards.

In the experience of the HCNM, the right of persons belonging to national minorities to maintain their identity can only be realized if they acquire a proper knowledge of their **mother tongue** during the educational process. International research suggests that the early childhood years are crucial for a child's cognitive development, which is why priority should be given to mother-tongue education at the primary level.

At the same time, 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. Such approach enables minority peoples to effectively participate in and contribute to the larger community. A proper knowledge of the State language becomes a gateway to opportunity for effective participation of persons belonging to national minorities in political, economic and cultural life.

Transition Year Programme

The High Commissioner on National Minorities introduced the Transition Year Programme in the former Yugoslav Republic of Macedonia (FYROM) in 1997 with the support of the Government of the Netherlands.

The Programme's aim is to boost ethnic Albanians' chances of admission into the state universities in Skopje and Bitola. Saturday classes in the Macedonian language, which are conducted by teams of Albanian and Macedonian instructors, have been growing in popularity. In the spring of 2003, more than 80 per cent of the 1,200 students who enrolled in the lessons passed the university entrance examinations.

In certain contexts, one of the ways to achieve this State language proficiency is the provision of the teaching of and through, not only the mother tongue, but also the State language

Bilingual/multilingual education

Bilingual/multilingual education has been shown to have a number of important advantages. Firstly, this type of education has been demonstrated to promote a range of enhanced skills in children, including enrichment of vocabulary, increased sensitivity to multiple meanings, better understanding of complex language structures and heightened ability to understand abstract concepts. Bilingual/multilingual education also promotes the ability of an individual to learn additional languages more easily. This capacity is of ever increasing importance in a world faced by globalisation, the expansion of the Internet and other modern communication systems.

Bilingual/multilingual education also has advantages beyond the question of pure educational attainment. Such forms of education demonstrate to all ethnic communities that they live in a multi-lingual and multi-cultural society. Experience in other countries has shown that as a result of immersion in other languages – that is teaching a range of subjects through the medium of a second or even third language - learners develop a positive attitude to different languages and cultures. Moreover, individuals remain positive towards other language communities after they have left school. Bilingual/multilingual education is a means of fostering increased social interaction; building friendships irrespective of ethnicity. As a result of these advantages, bilingual/multilingual education has been increasingly used as a powerful and successful means to protect and revive languages that have experienced a particular decline or that have been held back, without challenging the use of other established languages.

3.4 Education in a multi-ethnic society

Another crucial issue is the inclusion within the educational **curriculum** for all students of the history and culture of the range of ethnic communities within the State, not just that of the national majority. The practical experience of many countries has shown that the development of curricula that include the teaching of the histories, cultures and traditions of national minorities as well as of national majorities can serve as a powerful means to promote integration.

The **history syllabus**, highlighting minority histories, cultures and traditions, makes a particularly vital contribution to the strengthening of tolerance and multiculturalism within the State. UNESCO has recently concluded that the tendency of history textbooks to exalt nationalism and address territorial disputes correlates with the xenophobia and violence found in many countries today. What is taught in history class and how it is taught is highly political and can foster either animosity or peace.

The potential positive effect of a multi-cultural approach to curriculum design can be further enhanced when its content relating to minorities is developed with the active **participation** of bodies that are representative of national minorities. Indeed, broadening participation in the development and implementation of educational policies has proved to be an important means to enhance the educational system and to promote the greater engagement of national minorities in the State.

Further, it has been the HCNM experience that **decentralization** in the form of providing regional and local authorities with appropriate competencies in the area of education, and measures to facilitate the participation of members of national minorities in the process of policy formulation at a regional and local level has successfully served to facilitate greater integration. Steps to encourage parental involvement in the education process have also proven to be a stimulus to raising the quality of education as well as increasing social cohesion.

3.5 Main areas for action

Textbooks and Curriculum:

- An expert assessment of the existing curriculum on its compatibility with principles of inter-ethnic integration.;
- The inclusion of information on histories, cultures and traditions of ethnic minorities in the nation-wide curriculum;
- The revision of the standards for language teaching in order to make the introduction of bilingual/multilingual education possible;
- The examination of the adequacy of supply of teaching materials, textbooks and teacher manuals in minority schools;
- The translation of the curriculum in minority languages;
- The encouragement of regional co-operation in textbook writing.

Teacher Training:

- The examination of the adequacy of pedagogical resources in minority schools;
- The examination of the training opportunities for minority teachers in the higher education system of the State;
- The introduction of modern, student-centred methodologies of second language teaching in the education system;
- In-service training institutions to offer relevant courses for teachers, to continuously monitor the introduction of new methods in the school system and to provide methodological support to teachers;
- Programmes encouraging student teachers to practice bilingualism/multilingualism to be considered;

- The support to regional initiatives aimed at exchanging experience in language teaching, history syllabus development, in-service teacher training, teacher and trainer exchanges etc.

Participation

- The development of the content of the curriculum and textbooks with the active participation of the members of minority communities within the State;
- The endowment of regional and local authorities with appropriate competences concerning minority education thereby also facilitating the participation of minorities in the process of policy formulation at a regional and/or local level.;
- The adoption of measures to encourage parental involvement and choice in the educational system at a local level, including in the field of minority language education.

4. THE IMPORTANCE OF GOOD GOVERNANCE FOR THE MANAGEMENT OF INTEGRATION

4.1 The concept of good governance and its particular relevance for the integration of minorities

The protection of persons belonging to minorities should not be regarded only as a matter of human rights but also of good governance with important links to the security of the State. The **2003 OSCE Strategy Document for the Economic and Environmental Dimension** states that "*Good governance on the international as well as the national level is crucial for well-being, security and stability in the OSCE region.*" It also states that "*Good public and corporate governance and strong institutions are essential foundations for a sound economy, which can attract investments, and thereby enable States to reduce poverty and inequality, to increase social integration and opportunities for all and to protect the environment. Good governance at all levels*

Working Group on Integration through Education in Kyrgyzstan.

Policies to meet the needs of national minorities are likely to be more relevant and acceptable if minority members are involved in the decision-making process. Inclusion in decision-making sends an important signal of the majority's openness for dialogue and accommodation of minority interests.

Created by President Askar Akaev in 2003 at the recommendation of the HCNM, the Working Group on Integration through Education's principal task was to elaborate a set of practical recommendations in the area of educational policy for the authorities, for national minorities and for international agencies in order to help to effect greater social integration within Kyrgyzstan's multi-ethnic society. The Working Group was composed of representatives from the government, national minorities and from NGOs. The members of the Working Group undertook fact-finding missions to the regions of Kyrgyzstan, where they held meetings with the local authorities, national minority communities, NGOs, teachers and parents. During these visits, the Working Group sought the views of these groups on how best to promote harmonious social integration through such means as curriculum design and development, language teaching, teacher training, the provision of dedicated teaching materials, and multi-lingual schooling.

Drawing on international norms and best practices, the Working Group issued a report with ambitious but practical recommendations which was successfully launched on 20 July 2004 in Bishkek and in September 2004 in Osh, the southern capital of Kyrgyzstan where persons belonging to national minorities are concentrated. The document in electronic form is available on the website of the Assembly of the People of Kyrgyzstan at <http://www.assamblea.kg/workgr.htm> in the Kyrgyz, Russian, English and Uzbek languages. An expert education adviser is now assisting the Kyrgyz Ministry of Education to follow up the report's recommendations.

*contributes to prosperity, stability and security.*¹³ Although there is no legal or official definition of the concept of good governance, it is clear that its core-elements are:

- respect for human rights and the rule of law;
- effective participation of all groups of society in public and political life;
- transparency of the decision-making process;
- accountability;
- non-discrimination.

These elements are particularly important when it comes to achieving full participation of minorities in societies as well as in creating the appropriate conditions which enable minorities to express, preserve and develop their identities. Real integration requires the opportunity for all groups of society to fully participate in all aspects of society, on the basis of equality and non-discrimination.

4.2 Participation

The equitable and effective participation of national minorities in public life is an essential component of a peaceful and democratic society, which is important to all parts of the community, including members of minorities and other groups alike. This applies to economic, social, cultural and political participation, but political participation plays a special role, as the political decision-making process can determine the conditions which promote integration and participation or conversely foster exclusion.

Creating full opportunities for the equal enjoyment of human rights by persons belonging to national minorities requires their effective participation in the decision-making processes, especially with regard to those decisions which particularly affect them. The participation of members of minorities in deciding issues which directly affect them is likely to increase the effectiveness and acceptance of measures taken by the government.

Effective participation will also help to create a sense of belonging to the State and to society as a whole. This will encourage persons belonging to minorities to pursue their interests within the mechanisms and institutions of the State rather than through "unofficial means" or with third parties, thus strengthening the integrity of the State.

Effective participation in public life: the Lund Recommendations

Experience in Europe and elsewhere has shown that, in order to realize effective participation of members of national minorities in public life, governments often need to establish specific arrangements. At the request of the OSCE High Commissioner on National Minorities a group of internationally recognized independent experts in 1999 drafted the **Lund Recommendations on the Effective Participation of National Minorities in Public Life**. This document proposes various arrangements which contribute to achieving the effective participation of persons belonging to minorities in public life and in the different branches and levels of the state authorities.

Parliament and regional/local councils

Parliaments act as guarantors for representative democracy through representing political pluralism, tolerance and diversity. If a parliament or regional/local council reflects the diversity of a society, it enables all constituent groups of society to be heard and to be (and feel) represented. Specific arrangements to promote the participation of members of minorities could for example include special representation of national minorities through a reserved number of seats in one or both chambers of Parliament or in Parliamentary committees. Croatia, Romania and Slovenia are examples of countries

¹³ Paragraphs 1.8 and 2.2.1 respectively of the 2003 OSCE Strategy Document for the Economic and Environmental Dimension (Maastricht Ministerial Council).

which have constitutional arrangements that provide for reserved seats for members of national minorities or similar special provisions. The Slovenian Constitution of 1991 for example recognizes some special rights regarding political representation for the Italian and Hungarian minorities. Of the 90 seats of the Slovenian National Assembly, 11 are elected from eight multi-member constituencies, and 2 from two single member constituencies representing the Italian and Hungarian minorities. The parliamentarians representing these minorities are elected by simple majority vote.

Due regard should also be shown for the need to facilitate the participation of persons belonging to national minorities in the electoral process, guaranteeing both the right to vote and the right to stand for office without discrimination. The 2001 **Warsaw Guidelines to Assist National Minority Participation in Elections** elaborate on the Lund Recommendations and include practical guidelines on ensuring the fair conduct of elections and the involvement of minorities therein.

Equitable participation in the executive

The purpose of good democratic government is to serve the needs and interests of all those who live within its jurisdiction. In general, governmental authorities are better equipped to do so if their composition reflects the variety represented in society. This way, the needs and objectives of all groups can be identified more easily and solutions can be tailor-made. Special measures to promote participation of members of minorities in the civil service as well as at cabinet level may be needed. These could include the allocation of a certain minimum of training positions to persons belonging to minorities. Tokenism should however be avoided, as this could be counterproductive and diminish support for measures to promote the participation of minorities in the political process.

The judiciary and the police

Equitable participation of persons belonging to national minorities is important in all branches of government. Particularly important areas for equitable participation are the judiciary and the police, as this will help to avoid perceptions of bias against minorities in applying and enforcing the law. A multi-ethnic composition of the police will also facilitate the handling of tensions on minority issues and can contribute to establishing a partnership with ethnically diverse communities. It is also essential in tackling racist and xenophobic violence against minorities. This is why the OSCE has set up schools for training minority police in Kosovo/Serbia and Montenegro and the former Yugoslav Republic of Macedonia and successfully pressed for minorities involvement in policing in Southern Serbia. The High Commissioner on National Minorities has organized a study and training on inter-ethnic policing in Kyrgyzstan and this is being followed up by further measures.

Consultative bodies

The Lund Recommendations advise States to set up advisory or consultative bodies on minority issues which can serve as channels for dialogue between governmental authorities and national minorities. Such bodies could include special purpose committees for addressing issues which often prove problematic for members of minorities such as adequate housing, availability of land, education, the use of minority languages, and the preservation of their culture. The composition of such consultative bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests. These bodies should be able to raise issues with decision-makers, prepare recommendations, formulate legislative and other proposals, monitor developments and provide views on proposed governmental decisions that may directly or indirectly affect minorities. Governmental authorities should consult these bodies regularly regarding minority-related legislation and administrative measures in order to contribute to the satisfaction of minority concerns and to the building of confidence. Adequate resources are required for the effective functioning of these bodies. But consultative bodies will only be effective if the government not only consults them but takes account of their views. Otherwise they will be viewed with cynicism and increase rather than reduce alienation.

Local government

Experience has shown that increasing the participation of minorities in the political process is often easier to achieve at the regional or local level where participation in decision-making bodies can reflect the composition of the population over which the body has jurisdiction. Moreover, many

decisions which particularly affect minorities may be taken at local level, particularly in areas in which minorities are represented more widely. Transferring certain legislative and executive functions from the centre to the regional level may therefore help to include persons belonging to national minorities in the political process. Functions over which such administrations have successfully assumed primary or significant authority include education, culture, use of minority language, the environment, local planning, natural resources, economic development, local policing functions, and housing, health care, and other social services

4.3 Transparency and accountability

Another element of good governance which is particularly important for the integration of national minorities is **transparency** of government and of decision-making processes. Transparency in this case implies that decisions are taken in a manner that follows democratic rules and procedures. At the same time, the maximum amount of information on the procedures, actors and issues involved in the decision-making process is freely available to those who will be affected by such decisions and by their involvement. This way, the exertion of any undue influence over decisions can be prevented. Transparency also enables the media to play its role as public watchdog. If, however, decisions are taken in a non-transparent way and bypass democratic procedures, the legitimate interests of persons belonging to national minorities, who may not be directly represented in the decision-making process, are frequently disregarded. As a result, minorities are regularly confronted with definitive decisions of which they knew nothing beforehand nor had any say in. Finally, transparency of governments is crucial in countering the perception of discrimination which often exists among members of minorities, even when this is not in fact the case

Transparency of decision-making procedures is only effective when it is matched by **accountability** of those who decide. Accountability constrains the extent to which elected representatives and other office-holders can willfully deviate from their official responsibilities, thus reducing the possibilities for corruption. For persons belonging to national minorities, accountability primarily means the availability of effective remedies against human rights violations by officials, such as ill-treatment or discrimination.

4.4 How corruption affects the position of minorities and how to combat it

Corruption, which can be defined as the misuse of public office for private gain, has severe negative effects both on the economy and the democratic process of a state. At the **economic level**, corruption undermines economic development by generating considerable distortions and inefficiency. Corruption increases the cost of business through the price of illicit payments, the cost of negotiating with officials, and the risk of breached agreements or detection. It also makes for an uneven playing field, shielding firms with "good" connections from competition and thereby sustaining inefficient firms.

At the **political level**, corruption undermines the legitimacy of government and such democratic values as trust and tolerance. Corruption in elections and in legislative bodies reduces transparency, accountability and representation (including minority representation) in policymaking; corruption in the judiciary suspends the rule of law; and corruption in public administration results in the unequal provision of services. More generally, corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned off, and officials are hired or promoted without regard to performance.

The **negative effects** of corruption are particularly felt by persons belonging to national minorities. Several examples can be given. First, in a corrupt political system, the legitimate interests of minorities are often completely disregarded as they cannot exercise political pressure through the

normal democratic channels. Second, in a corrupt society tensions between different groups of society can easily escalate as they are no longer adequately dealt with by the government, the police and the judiciary. Third, corruption tends to perpetuate discrimination as the performance of government services – such as housing, medical care or education – is no longer based on objective criteria but can be bought or "arranged". When minorities, who are often economically disadvantaged, cannot pay the bribes demanded, they are likely to be excluded from these services. Fourth, corruption also lowers compliance with human rights standards which protect more vulnerable individuals, thus diminishing accountability. As a consequence, human rights abuses against persons belonging to national minorities are often no longer prosecuted. Fifth, as corruption reduces the quality and availability of government infrastructure, services which are essential to the integration of minorities – such as education or special economic measures – are reduced or discontinued. Finally, at the economic level corruption often obstructs the economic activities of minorities, as the success of such activities does not exclusively depend on their economic merit but also on their ability to "buy" their entrance to the market.

International governmental and non-governmental organizations such as the World Bank or Transparency International as well as the OSCE's agreed Economic Strategy have proposed a general **anti-corruption strategy** consisting of a variety of measures which have proven successful in fighting corruption. These include the adoption of a general Anti-Corruption Strategy by the government concerned, the setting up of anti-corruption agencies, the adoption of codes of conduct for both the public and private sector, the ratification of the relevant international conventions, the reinforcement of the independence of the judiciary and the law-enforcement bodies etc. These measures which are beneficial to society as a whole, are particularly relevant for the integration of persons belonging to national minorities in the economic and political spheres.

5. CONCLUSIONS

1. *The integration of national minorities, while respecting their right to retain their identity, culture, language and traditions, is the best way of combating the risk of tensions over minority issues which may be divisive and can even threaten the stability and security of the State. The integration of national minorities is in the interest not just of the minorities but also of the State. It is an aspect of good governance and the creation of a genuinely democratic and representative society. It involves giving minorities a sense of belonging to the State so that they look to the State as the solution rather than the cause of their problems.*

2. *The key to integration is participation both in the public and political life of the State and in its economic and social life. The first step is to ensure non-discrimination and equal treatment for all, regardless of ethnicity. But, where gaps exist between minorities and others, special measures will be required to achieve equality of opportunity.*

3. *In the area of political life these measures may include steps to ensure an effective voice and a fair level of representation in the legislative, judicial and executive branches of government, at both central and local levels; representation in the law enforcement agencies and in the judiciary is of particular importance.*

4. *In the area of economic and social life it is important to ensure that minorities receive a fair share of benefits from state policies, particularly in the field of employment both in the public and the private sector.*

5. *Another essential building block of integration is an education system which not only respects the right of minorities to maintain their identities but also equips them with the skills, including skills in the State language, needed to participate effectively in the life of the State and promotes integration and inter-ethnic understanding through contacts and through a curriculum which reflects the diversity of the State.*

6. ANNEX: excerpts from relevant legal texts and policy documents

I. General:

Universal Declaration on Human Rights, article 21

- "1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2) Everyone has the right to equal access to public service in his country.
- 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

Helsinki Final Act 1975, principle VII, par. 4

"The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner protect their legitimate interests in this sphere."

International Covenant on Civil and Political Rights, article 27

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, article 2

- "1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation."

Copenhagen Document 1990 (par. 30 and 31)

"(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of

ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms."

Framework Convention on National Minorities, article 15

"The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them."

II. High Commissioner on National Minorities:

A) Mandate:

Helsinki Document 1992, Mandate of the High Commissioner on National Minorities

"(2) The High Commissioner will act under the aegis of the CSO and will thus be an instrument of conflict prevention at the earliest possible stage.

(3) The High Commissioner will provide "early warning" and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.

(4) Within the mandate, based on CSCE principles and commitments, the High Commissioner will work in confidence and will act independently of all parties directly involved in the tensions.

(5a) The High Commissioner will consider national minority issues occurring in the State of which the High Commissioner is a national or a resident, or involving a national minority to which the High Commissioner belongs, only if all parties directly involved agree, including the State concerned.

(5b) The High Commissioner will not consider national minority issues in situations involving organized acts of terrorism.

(5c) Nor will the High Commissioner consider violations of CSCE commitments with regard to an individual person belonging to a national minority.

(6) In considering a situation, the High Commissioner will take fully into account the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved."

B) Recommendations by independent international experts at the request of the High Commissioner.

All documents are available at <http://www.osce.org/hcnm/documents/recommendations/>

Guidelines on the use of Minority Languages in the Broadcast Media

Practical guidance for States in developing policy and law to facilitate minority language use in the broadcast media, in line with internationally agreed standards and drawing on examples of good practice identified in an OSCE-wide survey. (10 October 2003) – available in English and Russian.

Warsaw guidelines: Recommendations to assist national minority participation in the electoral process, elaborating on the Lund Recommendations. (1 January 2001), available in English, Russian and Serbian.

Lund Recommendations: Recommendations on effective participation of national minorities in public life (1 September 1999), available in 18 languages.

Oslo Recommendations: Recommendations regarding the linguistic rights of national minorities with explanatory note (1 February 1998), available in 16 languages.

Hague Recommendations: Recommendations on the education rights of national minorities (1 October 1996), available in 17 languages.