



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

**THE HCNM APPROACH TO NATIONAL MINORITIES:  
ACCUMULATED EXPERIENCE AND CONTINUED VALUE ADDED  
AMONG REGIONAL INSTRUMENTS**

address by  
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OSCE High Commissioner on National Minorities

to the  
**Human Dimension Committee**

**[Check against delivery]**

Vienna, Austria – 4 June 2013

Chairman,  
Excellencies,  
Colleagues,

Since this is my last appearance in the Human Dimension Committee as High Commissioner I would like to take this opportunity to talk about the HCNM, where it stands as an Institution, how it is positioned within the OSCE, vis-à-vis other international organizations and institutions, and what, if any, our continued relevance is.

To state the obvious: Europe is faced with a number of challenges. The economic crisis is certainly at the forefront. Another is the increasing weariness of internationalism and international bodies, which are both blamed for failing to tackle the crisis and for intervening too harshly in the domestic policies of national governments. Against such a background, calls for more efficiency at the international level and intensified scrutiny of multilateral organizations are hardly surprising. It is clear that we, at the international level, also have to make the sacrifices required and to prove our efficiency.

But it is equally clear that in these times, as people face increasing hardships, we need international organizations and institutions more than ever, and not just to face the current economic challenges. In response to these difficult times, nationalist sentiments are rearing their head in the OSCE area. In some places, this is coupled with a political agenda of historical revisionism. Ethno-political entrepreneurs dream of realigning the political map of countries and regions with an ethno-cultural one for the benefit of their own political careers. But history teaches us that such policies quickly turn into a nightmare, and I see no reason why this time might be different. While I understand – and to some extent respect – popular sentiments against multilateralism and international monitoring or governance, we must not forget why these institutions were established in the first place. For example, my Institution was set up to be a small, agile institution with a very specific focus that remains highly relevant.

The number of international organizations and mechanisms active in Europe is remarkable with an impressive network of mandates, missions and memberships that has grown over the last 60 years. While the total structure might not always seem rational, one should not forget

that each institution was created to address a specific challenge, one that required intensive international co-operation. As an Institution operating across all three OSCE dimensions, we are well aware of the intricate nature of the framework. But it is in the Human Dimension that we hear the loudest calls for increased co-operation and streamlining with other actors. I have said many times before – and I am happy to repeat – that we enjoy excellent co-operation with other institutions and organizations. While we should make sure that duplication between Europe's different international organizations is minimized, we must not forget that the differences in mandates and working methods of their respective institutions and structures are significant and should not be underestimated.

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I have often said that the HCNM is unique, and I stand by this. As Europe's only permanent institution tasked with conflict prevention, the HCNM remains both relevant and necessary. One of the key strengths of this Institution is its cross-dimensional mandate and approach. After two decades of work in the field of conflict prevention and inter-ethnic relations, we can say that this multidimensional approach to security and peace is indispensable. As such, the HCNM promotes the OSCE's comprehensive security in a variety of settings, helping national authorities translate concepts into practical policies. In so doing, the HCNM has encouraged minorities and governments alike to compromise on issues and accommodate different points of view in the search for a *modus vivendi* acceptable to all parties. The basis for this engagement is international human and minority rights law, tailored to specific circumstances.

No other international institution has a comparable mandate or way of engaging. Perhaps this remains the most intriguing and, one might say, contradictory facet of our experience: the Institution has been so successful in upholding and promoting minority rights precisely because it was neither conceived of, nor perceived as, a minority rights watchdog. Instead, based on his *own* judgement, the High Commissioner can build support for solutions that address both the short- and long-term causes of inter-ethnic tensions.

The strong mandate is another important feature. By requiring the HCNM to follow his own judgement and to act in confidence rather than through naming and shaming, the Institution has significantly more room to manoeuvre. Because this feature is unique, it also shapes the Institution's accumulated experience, as the HCNM is able to engage in situations that would otherwise have been off limits. This in turn shapes our output at a more general level. Our thematic Recommendations and Guidelines are built on our practical engagement with the participating States. The HCNM's independence to determine the direction of the Institution's work in each country directly inspires the thematic work. The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations could hardly have come out of any other Institution because there is no other Institution focused on minorities in inter-State relations in quite the same way. While the HCNM's engagement is based directly on the human and minority rights standards developed in other frameworks, such as the UN and the Council of Europe, it is hard to imagine new normative standards being developed in the current climate. States still need guidance on implementing the existing standards in their specific circumstances. And there is great benefit to be derived from the exchange of good practices between States dealing with comparable issues. The HCNM is ideally placed to support both these efforts.

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Our critics argue that the HCNM is nothing more than an instrument of the powerful, conceived and created by States for States. Our critics claim that any engagement by the HCNM or other international actors will only securitize national minority issues. Our critics say that we have no solutions to offer on these issues. These critics believe that the very conceptual basis of minority rights is wrong. Minority rights, they claim, are the product of patronizing majority attitude and are too State-focused, conceived to protect State security rather than the rights and interests of persons belonging to national minorities.

These sentiments fail to face reality. Although minority rights may have had at their roots the impetus of experienced security challenges and may focus on the State as bearing the key responsibilities to act, this does not mean they do not also serve the interests of minorities. It is part of their strength that they benefit both State security and individual rights.

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Over the past twenty years, the HCNM has been a frontrunner in the development of the international human and minority rights framework. The HCNM has initiated and contributed to standards that directly aim to protect the rights and interests of minorities in very concrete circumstances. We have persevered in protecting and promoting the participation of national minorities in decision-making, working also to ensure the rightful place of minority concerns in the education system, language policies and even stressed the importance of mutual trust and cooperation in areas such as policing.

The fact that security and stability for our States and societies are both legitimate and necessary sits at the core of the HCNM mandate. My mandate supports the ideal that lasting peace and security can only be attained when the rights of all actors in society, including minorities, are established and guaranteed. The HCNM approach is one that does fall within security policy, but it has a justice-based concept of security at its core. Grievances are often the result of perceived injustice. The HCNM's approach recognizes that justice is a precondition of lasting peace and stability. This requires striking a balance between the rights and interests of different groups, of minorities and majorities, in search of an equitable solution.

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The ongoing search for equitable solutions is what informed our *Ljubljana Guidelines on the Integration of Diverse Societies*. I said earlier that the Bolzano/Bozen Recommendations could hardly have come out of another Institution and that they added value by filling a void in the international legal and normative framework for minority protection. But what about the Ljubljana Guidelines? Is there any space for the HCNM to add value to a topic that is high on the agendas of the EU and the CoE?

My answer is an unequivocal “yes”. Our approach to integration reflects our unique activities. We cannot, should not and do not compete with the competencies and capacities of the EU. But we can certainly complement them. For example, the EU Fundamental Rights Agency, based here in Vienna, is unsurpassed in its experience and methodology for research and analysis on matters pertaining to minorities and migrants. Their expertise has been built into the foundations of the Ljubljana Guidelines. But the FRA’s task is to gather comparative data and good practices, not to solve concrete policy challenges. While the values and principles of non-discrimination and diversity are well enshrined in the European legal framework, the competencies of the EU institutions are limited. The HCNM adds value from its experience of practical policy implementation. This is why we remain engaged in a number of EU member States.

The other big actor in the field is certainly the Council of Europe. With its broad membership, legally binding commitments and well-defined mechanisms for compliance monitoring, the CoE remains the gold standard, also in the field of minority rights. The HCNM’s work often follows the lines of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Their country opinions provide the best available independent judgements of the current status regarding the protection and promotion of minority rights. The European Commission against Racism and Intolerance and the Venice Commission are also important points of reference, often setting the agenda as well as clarifying the content of standards. The Advisory Committee on the Framework Convention for the Protection of National Minorities might visit a country every four or five *years*, I might visit every four or five *months*. And while these institutions focus on *whether* States are implementing their commitments, mine is on providing them with political advice on *how* they can translate their commitments into policies that actually work in the local context.

These are just a few examples of the subtle, yet far-reaching, differences between the mandates and working methods of the various bodies. It is these small yet important differences that demonstrate why any attempts to “rationalize” the international framework are more likely to result in the loss of resources, restricting of mandates and destruction of expertise than strengthening and improving. Finally, given the way we co-operate, such an approach is unnecessary. We all contribute something different, yet essential, to promoting

integrated and cohesive societies that respect human and minority rights. And this delivers benefits to everyone who wants to live in a stable and peaceful society.

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The HCNM has always been deeply rooted in the first dimension, and this should remain the case. But our cross-dimensional approach means we also make significant contributions to the third dimension. This comprehensive understanding of and approach to security is precisely what makes the OSCE so unique and so valuable. Without this rich network of mutually reinforcing international institutions, each with its own focus and methods, how could we expect to respond to the complex issues we face in these times? We cannot predict the crises of the future. But we can and should be more sensitive to the warning signs and more responsive to the causes. The best type of early action is building societies that protect human rights, including minority rights. The HCNM is and remains in a unique position not only to sound the alert when tensions are brewing, but also to assist States in addressing tensions at an early stage in a way that is not only effective but also strengthens societies in the long run. The OSCE and the entire international community must stand by these efforts. Only through co-operation can we make comprehensive security a reality.