



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

OLD STRUCTURES – NEW ERA?
COUNCIL OF EUROPE AND OSCE CO-OPERATION –
COMMON PURPOSE

address by
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to the
Council of Europe Committee of Ministers

[Check against delivery]

Strasbourg, France – 19 September 2012

Excellencies,
Ladies and Gentlemen,

Thank you for this invitation to meet with you. The Council of Europe is very important to the OSCE and for my own Institution in particular.

So, I have come here to Strasbourg mainly to talk about co-operation. This morning I met with the Commissioner for Human Rights to exchange views on matters of concern to both of us, and to discuss how we can most effectively address these concerns. It is the people on the ground who are, and should be, the most important parameter for our work, and this is what I also would like to discuss with you.

The Institution that I head was founded some 20 years ago, when the leaders of what was then the CSCE convened for their summit in Helsinki. The tumultuous changes that had recently occurred on the European continent with the fall of communism and the dissolution of large States had brought much hope and some important progress, but it had also brought despair and concern. The break-up of the former Yugoslavia was marred by armed conflict. In some places, a descent into barbarity suddenly seemed all too possible.

The conflicts that the European leaders were suddenly confronted with were of a different nature to those which had been anticipated throughout the Cold War era. Rather than inter-State wars fuelled by ideology and imperial designs, these were intra-State conflicts along ethnic lines. These seemingly new conflicts were often deeply rooted in the past. The grievances underlying them had never been properly resolved, only suppressed. As soon as the suppression was lifted, a veritable Pandora's box opened.

The European leaders soon realized that they had few effective instruments with which to handle these conflicts, and even fewer to prevent them. The establishment of my Institution was a direct response to the threat of escalating inter-ethnic tension and virulent nationalism, which was to undermine peace and stability within and between OSCE States. The mandate, which remains unchanged to this day, says that the High Commissioner shall 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 judgment of the High Commissioner, have the potential to develop into a conflict within the OSCE area.” Thus, my mandate was never to be an ombudsman for minorities. Indeed, my mandate explicitly prohibits me from becoming involved in individual cases. What is more, as High Commissioner, I belong to the OSCE’s first dimension, which is the political-military dimension, and not to the third, the human dimension. Another particularity is the confidentiality clause of my mandate. In essence, this obliges me to work in confidence and not to reveal publicly my recommendations to States. It could be said that this deprives me of a valuable tool in my work. However, I more often than not find that the confidentiality is of great help in gaining the trust of sometimes reluctant interlocutors. Here again, my work is complimentary to that of other structures which are more vocal, such as your Commissioner for Human Rights.

I would also like to mention that the OSCE spans a larger geographic area than the Council of Europe, and nowadays I devote a significant amount of my time specifically to those countries that are not part of your organization, namely Central Asia. In Central Asia, I see both a great opportunity and a huge challenge for the OSCE and the international community at large. Nowhere else in the OSCE area are the challenges pertaining to inter-ethnic conflict as acute as in certain parts of Central Asia. This was demonstrated by the events in 2010 in Kyrgyzstan, which sadly cost the lives of many people. According to my mandate I issued an early warning calling on the OSCE participating States to take action. However, the participating States were unable to reach consensus, showing a lack of both political will and adequate instruments.

Excellencies,

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My Institution is meant to identify and seek early resolution to inter-ethnic tensions with the aim of preventing conflict. For this reason, the aim and scope of our work is very different from that undertaken by your structures in the same field, namely the Commissioner for Human Rights, the Advisory Committee on the Framework Convention for the Protection of National Minorities and the Venice Commission. This also reflects the fact that the OSCE is not a human rights organization per se, as is the Council of Europe. The OSCE is a security organization, and we see human rights, and for that matter minority rights, through the prism of security.

Nevertheless, in our work we have learned that human rights, including minority rights, are crucial tools for conflict prevention. There is a strong link between protecting human rights and averting conflict; and upholding minority rights in particular is important in reducing the risks of inter-ethnic conflict. In my work, therefore, I often rely on and promote respect for the international minority rights standards. There can be no doubt that the Council of Europe, through the Framework Convention, represents the gold standard in this field.

The norms and standards developed by the Council of Europe are, much like my mandate, the result of a strong belief in international institutions and the value of human rights. In this regard, I am concerned about what I see as a weakening of the commitments of States to these principles and the effective oversight by international bodies in general. States are again becoming more assertive and less willing to abide by international norms. In particular, I am concerned that minority issues are again increasingly becoming the subject of dispute in bilateral relations between some States. I believe our main challenge as international institutions in the time ahead is to secure the achievements in our field. The standards are set and they must be maintained. As the collective guarantor of the monitoring mechanisms, the Committee of Ministers has an especially important role to play here.

There is no doubt that the current political climate and economic crisis will also have an impact on international organizations. Moreover, it would be wrong for international organizations not to share in the burden of economic hardship that is now causing so much distress on our continent. We can and should look for ways to operate more efficiently, thus lowering the cost to the taxpayer. But we should not let efficiency become the enemy of effectiveness by diluting our core values or by lowering the standards. The political institutions in Europe have taken a long time to build, but they could easily be torn down. While we should strive to eliminate overlaps and seek to operate more efficiently, I would warn against dramatic structural changes that could prove irreversible.

Excellencies,

Ladies and Gentlemen,

In order to work both efficiently and effectively, our organizations need to pull in the same direction. This is important not only to ensure that we make good use of our funds, but also to

ensure our own credibility. We should avoid any sort of rivalry between international organizations. I can hardly think of any more effective way to undermine our common efforts. But how can we achieve better co-operation between us?

To be effective, I believe co-operation has to take place at the operational level. Next week, staff members from Strasbourg will come to my office in The Hague for talks with HCNM staff. I think this is an excellent example of how co-operation can often be at its most effective when it is informal. It is the daily exchanges between knowledgeable and committed people at operational level that makes the difference. This is why my advisers are in touch with their colleagues in the Venice Commission and the Advisory Committee on an almost daily basis.

For my part, I will visit the Venice Commission during their meeting in October to further deepen our co-operation. In this way, positions can be harmonized and, by remaining informed about each others' agendas, we can avoid duplicating each other's activities. We also endeavour to develop working-level relations with other parts of our own organization, as well as with the EU, the UN and other relevant international actors.

Finally, I would like to remind you about the responsibility of the States themselves. All Council of Europe member States are also participating States in the OSCE. Therefore the States have a responsibility to align themselves with the activities of both organizations and not to create an undue sense of competition or an overlap between them.

I believe we should all contribute to this, but we should also be mindful that this kind of co-operation might actually be hampered if it becomes too formalized. Co-operation between our organizations should be driven by common interests in substantive questions, and there is certainly no shortage of such questions for discussion.

After all, we share a common purpose.

Thank you.