



Organization for Security and Co-operation in Europe

High Commissioner on National Minorities

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ADDRESS

by

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OSCE High Commissioner on National Minorities

to the

2008 Human Dimension Implementation Meeting

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Warsaw, Poland – 29 September 2008

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

It is a pleasure to return to Poland to attend this year's Human Dimension Implementation Meeting (HDIM). I join previous speakers in commending the OSCE and particularly our friends at ODIHR on facilitating these important meetings and in thanking the Government of Poland for being such good hosts.

Over the years the HDIM has surely proved its worth. Together with the Permanent Council in Vienna, these meetings form a pre-eminent instrument of peer pressure in our Organization. First of all, here the participating States hold each other accountable for honouring their commitments. Second, the meeting's detailed and systematic review of the entire spectrum of human dimension leaves no stone unturned. Finally and most importantly, the fact that representatives of civil society participate as equal partners around the table is ultimate proof of the OSCE's receptiveness to outside input and criticism.

In my regular statements to the Permanent Council in Vienna, I provide details of my country activities. On the occasion of the HDIM, however, it has become a tradition for the High Commissioner to briefly outline overarching national minority issues. In my remarks today, I will highlight three themes that have been occupying much of my time since our meeting last year.

The first concerns the increased politicization of national minority issues in international relations; sometimes even outright confrontation. This trend is of particular worry to me. When we look back at the history of the nineteenth or twentieth centuries, many of the devastating wars during this period had a "minority dimension." I am not here to proclaim that minorities were behind these conflicts but their mistreatment, actual or constructed, provided the *casus belli*.

Today, we witness the renaissance of this phenomenon. It usually manifests itself in two ways. The first is an inclination to think that a particular nation extends across international borders. Under this paradigm, the nation consists not only of the majority ethnic group within a state but also includes national minorities in other States by reason of ethnic affinity. This interpretation of the nation is then used to claim an almost natural and permanent interest in the situation of ethnic kin abroad.

The second, closely linked to the first, is a tendency for the ethnic majority within a state to regard national minorities as inherently alien and disturbing entities. Proponents of such views suspect national minorities of a permanent desire to reunite with their kin-State. These beliefs often lead to the myth that minority rights promote divisive segregation rather than integration and, thus, result in efforts to stamp out the aliens.

These views are formulas for trouble and contravenes the fundamental principle of international law, namely, that the protection of human rights, including minority rights, is primarily the responsibility of the States where minorities reside. Secondly, they represent a direct violation of the ban on forced assimilation.

You may ask: What if a state negates its obligations to protect and promote minority rights. In my statement on the conflict in the Caucasus that was issued on 25 August 2008, I stressed that the international community, including the so-called "kin-States," also bears a

responsibility to protect minority rights. This, however, does not entitle or imply the right under international law to exercise jurisdiction over people residing on the territory of another State. A duty to intervene is limited to cases of large-scale human rights violations as in cases of ethnic cleansing, mass expulsion and genocide.

Multilateral diplomacy is always the best and most legitimate response to such crises.

Ladies and Gentleman,

There is a brighter side to this debate, however, because the words "minority" and "problem" are not intrinsically linked. I firmly believe that the existence of a minority does not necessarily have security implications, domestic or international. Minorities must not be seen as a problem by law of nature.

On the domestic front, States need to embrace the idea of integration with respect for diversity. Based on the experience of the HCNM, this is the only way to achieve peace, stability, security and prosperity in multi-ethnic societies. Integration with respect for diversity is not a matter of "either-or", it is a question of finding the appropriate balance and acknowledging the right of minorities to maintain and develop their own language, culture and identity. Our goal is to achieve an integrated society where every person in the State has the opportunity to take part in and influence the political, social and economic life of mainstream society.

On the international scene, minorities may not, and ideally should not, be the cause of tensions and conflict. On the contrary, minority communities that span State frontiers often serve as a bridge between States. They contribute to prosperity and friendly relations, and foster a culture of pluralism and tolerance, particularly in the border regions. Sometimes, however, difficulties do arise and it is my job, as an instrument of conflict prevention, to address them as early as possible and prevent deterioration of both majority-minority relations within States and bilateral relations between States.

National minority issues in inter-State relations are no doubt controversial and debated today. Parties in disputes involving national minorities present contrasting viewpoints. How do we safely navigate the waters in this stormy sea of competing claims and interpretations?

In dealing with such delicate issues, I have come to realize that there is a need for greater clarity on what States may do in this area and the manner in which they do it. Let me be clear: there are ways to pursue legitimate interests with regard to national minorities abroad without straining inter-ethnic or bilateral relations.

It is against this background that the HCNM will officially launch the Recommendations on National Minorities in Inter-State Relations in Bolzano/Bozen in a few days time. The document will also shortly be available on the HCNM website at www.osce-hcnm.org. It offers guidance on how to properly deal with the sensitive issue in question. In doing so, this set of Recommendations acknowledges that States may provide benefits to national minorities abroad, but its main aim is to clarify the relevant international norms under which this can be done and the best practices applicable.

In the months to come, we will be holding regional seminars to present this text to key actors in government and civil society. I am counting on your active participation and feedback.

Ladies and Gentleman,

As already has been mentioned, this year we also mark the fifth anniversary of the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. Five years on, there is not a lot to cheer about. The increasing prosperity of the new Europe has failed to benefit the Roma and Sinti population.

It is clear that the many problems faced today by Roma and Sinti have implications for security in one way or another. These implications not only concern the security of Roma and Sinti communities themselves, when they have to relocate in their home countries or migrate from one country to another in order to improve their lot. The situation also leads to possible negative developments in relations between the Roma and other groups.

Thus, the current situation of Roma and Sinti in Europe does present certain important links to my conflict prevention mandate.

The recent migration patterns of Roma in Europe and the associated human security implications are of concern to me. I am working with the ODIHR and the Council of Europe Commissioner for Human Rights and to analyse the trends and implications of the new wave of Roma migration in Europe. Our joint report will assess this migration in the aftermath of several phases of EU enlargement and the crises in the former Yugoslavia. It will highlight the implications of such migration trends and the impact of policy responses by governments. More significantly, it will identify specific problem areas and be an aid in finding solutions.

Another question of great interest to me is the lack of registration among Roma and Sinti and their resulting statelessness. There are thousands of Roma who live in Europe without proper identification documents. This means that they have little genuine opportunity to work, receive education, have access to health care or social benefits, vote in elections or generally participate as full-fledged members in the society. By not providing the Roma and Sinti with proper identification and registration documents and citizenship, States push tens of thousands of Europeans to the margins of society.

The Roma and Sinti situation is a European issue and these people have the right to enjoy equal opportunities with the majority populations across Europe. Therefore on a European level, their freedom of movement in pursuit of economic opportunities and a better life cannot be limited based on ethnicity.

OSCE participating States have a primary responsibility to their own nationals and to those who are resident in their countries. The various National Roma Strategies should therefore be used to create better integration and inclusion policies for Roma and Sinti. Sufficient funding is required to put them into practice and prevent them from becoming empty documents.

Ladies and Gentleman,

In conclusion, I would like to share with you my profound unease about a recent tendency to preach the inevitability of the "clash of peoples." Such ideas matter because they – directly or indirectly – influence practice and have already made their way into policy-making and legislation.

This casts into doubt the very premise of various ethnic communities living in harmony within a State. It is claimed that majority-minority relations are, by their very nature, strained

and that minority issues are inherently conflict laden. Separation is being advanced as the only viable alternative.

We must fight these arguments, and we must present substantive evidence to counter these claims in the public debate.

Separation is not a sensible way to deal with ethnic conflict. The history of the last century demonstrates that it is virtually impossible to create homogeneous nation-states. This idea also runs counter to the reality of today's world, where borders have become increasingly vague and people can quite easily change their place of residence.

The troubles associated with ethnic segregation are numerous. Segregation leads to protracted misery and human suffering, economically detrimental fragmentation of markets, development of culturally insular, parochial societies, brain drains and loss of skilled labour through forced expulsions. It is therefore an illusion that segregated societies guarantee benefits such as stability and social cohesion. At the same time, stability and a working degree of social cohesion have been achieved in many multi-ethnic states.

Ladies and Gentleman,

I opened my address today, underlining the importance of the HDIM. This was a sincere acknowledgement of how important the information gleaned at these meetings is to my work. Under my mandate, I gather and receive information regarding the situation of national minorities from a myriad of sources. Non-governmental organizations play a particularly important role. In the days to come, members of my political, legal and project staff will be attending meetings, talking to you and taking notes. I encourage you to approach them and to share with them your first-hand knowledge of and expertise in national minority issues. I count on your help in achieving our common goal of creating just and stable societies for all. Only together we may achieve progress

I thank you.