



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

**BEST PRACTICES AND INNOVATIVE IDEAS FOR
MANAGING CITIZENSHIP
IN A GLOBALIZED AND RAPIDLY CHANGING ENVIRONMENT**

Keynote address by

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*Monsieur le Président,
Membres de l'Union interparlementaire,
Mesdames et Messieurs,*

Permettez-moi tout d'abord de vous remercier pour votre introduction et votre invitation à prendre la parole aujourd'hui. Nous vivons une époque dans laquelle la mondialisation imprime sa marque sur notre réalité quotidienne. Vos débats, ici dans la ville de Québec, en sont dès lors non seulement importants mais sont aussi très à propos. Mais quelles sont les caractéristiques de cette mondialisation? Et quelles en sont les conséquences sur les politiques concernant la nationalité?

L'une de ces principales caractéristiques est la mobilité. Désormais, les frontières nationales ne constituent plus de freins à la mobilité, qu'il s'agisse de la mobilité des capitaux, des entreprises, des idées, des idéologies ou des hommes. Les conséquences de ces évolutions ont déjà laissé des traces profondes. Certains ont d'ailleurs parlé de «déterritorialisation» pour qualifier ce processus. Nous en avons déjà expérimenté quelques une de ses conséquences. Des événements isolés dans un pays donné peuvent provoquer des émeutes violentes à l'autre bout du monde en raison de la couverture médiatique qu'ils ont reçus. D'importantes entreprises déplacent leur centre de production non seulement entre plusieurs pays, mais aussi entre plusieurs continents à la faveur d'un régime d'imposition ou d'une réglementation du marché du travail plus favorables. Le rôle de l'Etat s'en est trouvé inéluctablement amoindri dans de nombreux domaines, le monde étant devenu interdépendant, et les politiques nationales ont dû à répondre et à se conformer à ces évolutions internationales.

Malgré la mondialisation et cet environnement en mouvement perpétuel, certaines questions sont toujours intrinsèquement liées à la souveraineté nationale, définie en termes territoriaux. La nationalité est précisément une de ces questions. Même si les personnes se comportent de plus en plus comme "citoyens du monde" compte tenu de leur mobilité, leurs intérêts économiques et liens familiaux, leur statut juridique, leurs droits et devoirs sont toujours étroitement liés à un Etat. Quels sont les défis qui émergent de cet apparent hiatus entre la réalité et les normes? Et comment aborder au mieux ces défis?

Mr. President,
Honourable Members of the Inter-Parliamentary Union,
Ladies and Gentlemen,

My views on this topic are shaped by the experience my Institution has gained in the field. As the OSCE High Commissioner on National Minorities, I am part of the world's largest regional security organization, with 56 participating States spanning the entire northern hemisphere. The OSCE takes a comprehensive three-dimensional approach to security: the politico-military, the economic-environmental and the human. The mandate of the High Commissioner was drawn up in 1992 as a response to the inter-ethnic conflicts that emerged in the wake of the Cold War and the dissolution of Yugoslavia.

The High Commissioner was never envisioned as an ombudsman for national minorities or a human-rights watchdog. Rather, I am tasked with providing early warning and early action in regard to tensions involving national minorities, as part of the politico-military dimension of the OSCE. After almost 20 years of conflict-prevention work throughout the highly diverse OSCE region, the Institution of the HCNM has developed significant experience and expertise on inter-ethnic issues and conflict prevention. Today I am engaged in numerous countries throughout the OSCE area, working with governments and minorities to create more cohesive and robust societies in an effort to secure a stable future.

In some situations where I have been involved, citizenship has been a crucial issue. Citizenship remains the most evident expression of a sustained legal bond between an individual and a State. As such, citizenship is both a stimulus for fostering a sense of belonging to a State and a confirmation of the existence of such a belonging. A lack of belonging may negatively affect the cohesion of society, which is why I see furthering an inclusive citizenship policy as a conflict-prevention measure in certain contexts. In some countries where I work, the challenge is to ensure minorities' access to citizenship. I am still engaged in projects to alleviate the risk of statelessness among certain vulnerable groups, in particular for Roma people in the Balkans. My Institution also works to address the consequences of State succession and to promote naturalization and the inclusion of minorities in the new and re-established States that emerged after the dissolution of Yugoslavia and the Soviet Union.

However, citizenship does not only affect the individual State. I have actively worked on the implications citizenship policies can have on inter-State relations. The evolving practice in which States to extend citizenship to non-residents, often based upon shared history or ethnic belonging, has resulted in the granting of citizenship to members of ethnic minorities in other, usually neighbouring, States. But this practice can easily come into conflict with the legislation of the neighbouring States, which may not permit multiple citizenships. It also introduces ambiguities in regard to jurisdiction, including the observance and promotion of minority rights. Unsurprisingly, this has led to tensions in bilateral relations between States and the increasing politicization of the minorities' situation in both the so-called "kin-State" and the State of residence, which is precisely why my Institution has been involved.

Honourable Members of the Inter-Parliamentary Union,
Ladies and Gentlemen,

As a response to the trend towards increased mobility, there is active debate in Europe on citizenship policies and the rights that come with citizenship. Some European States have seen an exodus of migrants seeking new opportunities outside their country of origin. Other States have seen a large influx of migrants. While some labour migrants engage in seasonal work and may return home after weeks or months, others take up long-term or permanent residence outside their country of origin. In States that have seen a large proportion of their population move abroad, there often is an interest in retaining strong links with their diasporas. At the same time, in States that have received migrants, there is a need to include these people in society and ensure that their rights are respected. In recent years and despite much resistance from some States, there has been a trend towards accepting multiple citizenships. The most evident expression of this development is the European Convention on Nationality of 1997, which established that States should allow multiple citizenships under certain circumstances. This was a considerable normative leap from previous conventions and has sparked legislative changes in many European States. Hailed by some as the end of the Westphalian system in citizenship policy, this trend of accepting multiple citizenships has, however, brought some new challenges to parts of the OSCE area.

My experience tells me that this more liberal attitude to multiple citizenships can certainly help foster integration and participation. Citizenship remains a precondition for the enjoyment of certain political rights. But I believe States have a duty to include and integrate

long-term residents, which is also in their own interest. Long-term residents have a clear stake in the country's future and are affected by its policies. Therefore, there is a need to make sure that they have the ability to have their voices heard. So how can this be facilitated?

Today, any citizen of a European Union Member State enjoys many of the privileges normally reserved for citizens when he or she takes up residence in another EU country. This includes the right to vote in local and European elections in the country of residence, though not in national elections. Currently, the debate within the EU is centred on how one can best address this democratic deficit. One school of thought favours granting wider political rights to non-citizen residents. In this regard, the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level is a significant normative development, granting voting rights at the local level to long-term residents, irrespective of citizenship. The other school of thought favours promoting naturalization and access to citizenship in order to fully include long-term residents in political life. This school of thought also believes that multiple citizenships should be allowed, as long as they are based on genuine links to the relevant States. In my opinion, these two approaches should not be seen as mutually exclusive. An inclusive citizenship policy should contain elements from both schools of thought, since the legislation must allow for a range of possible solutions depending on the specific circumstances.

The debate within the EU is relevant for many other countries in the world. How we deal with the access of migrants to citizenship and political rights becomes increasingly important as mobility across borders increases. Migrant communities often maintain strong links with their countries of origin, despite their prolonged absence. These links should not be discouraged. But without citizenship, these migrants are blocked from political participation in their country of residence, although they have a direct stake in the country's future and bear the consequences of its policies. I believe we need to address the question of migrants' political participation for the benefit of both the States and the people concerned.

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In parts of the OSCE area, there is also another trend emerging among States that seek to define their polity on the basis of ethnicity and kinship. This entails conceiving the State as

the motherland not only – or even primarily – for its inhabitants, irrespective of their ethnic belonging, but rather for a particular ethnic group, including diasporas outside State borders. This has brought a revival of so-called “kin-State” policies, whereby the State considers its role to include the protection and promotion of the rights of ethnic “kin” living abroad. This development has had some positive consequences for certain minorities that have been ignored by their country of residence, as they have benefitted from the increased political attention from their “kin-State”. However, while the positive contributions of “kin-States” in certain areas should be acknowledged, one has to remember that the responsibility to uphold minority rights rests squarely with the State of residence. Outsourcing that responsibility to neighbours does not benefit either the cause of minority protection nor good neighbourly relations. In addition, State policies supporting minorities abroad can lead to tensions in inter-State relations if these policies are not co-ordinated with the home State and/or do not fully respect the principles of international law.

A particularly controversial manifestation of the support for minorities abroad is the practice of so-called “external citizenship”, whereby “kin-States” grant citizenship to ethnic kin on the basis of past historical, cultural or ethnic ties. As a rule, these persons are generally already citizens of another State. The most obvious problem that this practice can lead to is when a person is granted “external citizenship” by a “kin-State” but the host State does not permit dual or multiple citizenships. This has resulted in cases in which some people have been deprived of citizenship in their country of residence, thus leaving them with fewer political rights where they live. In some cases, “external citizenship” has been granted in such a manner that it does not include political rights in the “kin-State”. If this results in such persons being deprived of citizenship by their State of residence, they may end up with no voting rights at all.

This policy of revoking citizenship from persons who have accepted an “external citizenship” of another State also has a significant downside for the State of residence. By stripping individuals of their citizenship upon receipt of a foreign citizenship, the State may effectively end up having a large number of foreign citizens permanently residing on its territory. This, in turn, strengthens the role of the neighbouring State, which would essentially be overseeing its citizens rather than its ethnic kin. Thus, in most cases, a more lenient approach, whereby dual citizenship is tolerated even if not recognized, may yield more positive results.

Today, some European States have created a large citizenry beyond their borders not as a result of migration and globalization but rather by a deliberate policy of granting citizenship to ethnic kin in other States. Through the subsequent extension of voting rights to external citizens, these citizens are given the power to influence and possibly determine the political course of a country in which most of them have never lived and have no intention of living in. In recent years, we have seen parliamentary and presidential elections in Europe where the outcome has, in effect, been altered by the vote from minorities abroad. In my opinion, this practice should raise serious questions about democratic accountability. There is also reason to be concerned that the political influence of external citizens might change political dynamics. Promoting external citizenship and voting rights may serve some parties' purposes to stay in power based on their active "kin-State" policies and external votes. However, such a policy may negatively affect a State's relationships with its neighbours.

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A State's right to define who its citizens should be has long been accepted. It could even be argued that this is a fundamental aspect of State sovereignty. However, some limits to a State's discretion are well established and accepted. I believe there is a need to ensure that existing international standards and norms are upheld, and also to elaborate on these standards to address the challenges that have emerged in recent years. I have given some input to this debate in my 2008 *Bolzano/Bozen Recommendations on National Minorities in inter-State Relations*. While the recommendations acknowledge the right of States to take historical, cultural or familial ties into consideration when granting citizenship to non-residents, the States should refrain from conferring citizenship *en masse* and respect the principles of territorial sovereignty and friendly, including good neighbourly, relations.

In two weeks, I will launch my latest publication – the *Ljubljana Guidelines on Integration of Diverse Societies*. This publication further elaborates on the effects of and important considerations in developing citizenship policies for integration. These Guidelines recognize that granting citizenship to long-term residents who already hold citizenship of another State may support the process of integration and strengthen links to society. They also argue that acceptance of multiple citizenships can promote integration and that children who have acquired more than one citizenship at birth should not be prohibited from holding

multiple citizenships over the course of their lives. I also make the case for States to adopt an inclusive citizenship policy. In my experience, restrictive citizenship policies have clearly served as an obstacle to integration in some European States. As an example, some States in Europe grant citizenship to any descendant of a former citizen who returns, despite the obvious lack of genuine links to the current State and society, whereas second or even third generation migrants that have been raised in the country are excluded from naturalization and political participation.

I hope my Guidelines will contribute to further codifying the issue of citizenship in order to decrease tensions both within and between States. I count on you, members of national parliaments, to look beyond existing practices and come up with innovative ideas that can help States develop citizenship policies that respond to the pressures of globalization while simultaneously upholding the interests of States and the needs of individual citizens. It is a challenge that is worth taking up.

Good luck and thank you.