



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

**Rights for Peace: Promoting Minority
Participation to Avert Conflicts**

by

Knut Vollebaek

OSCE High Commissioner on National Minorities

to the

HUMAN DIMENSION IMPLEMENTATION MEETING

[Check against delivery]

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Excellences, ladies and gentlemen, dear participants

It is a great pleasure for me to address you at this HDIM session, devoted to those aspects of the human dimension that I engage with most frequently in my work: the rights of national minorities. These rights have been part and parcel of our OSCE commitments since 1975, and were further specified over 20 years ago in the CSCE Copenhagen Document.

My mandate is to prevent conflict based on ethnic tensions, and to do so at the earliest possible stage by providing early warning and early action. The root causes of interethnic tensions and conflict are frequently found in situations where the perspectives and interests of minorities are not adequately taken into account by the State and the majority. That is why I focus on the rights of persons belonging to national minorities. Respect for minority rights is a necessary part of democracy in diverse societies. Such rights are there to ensure the full and effective equality of all members of society, and to ensure that decisions taken are for the good of all society. Pluralism within a cohesive society creates stability and prosperity. Ignoring the legitimate interests of minority groups leads to exclusion and discrimination. Marginalization feeds resentment and tensions that may, over time, lead to conflict. Cross-dimensional conflict prevention based on respect for the fundamental principles of democracy, including the rights of national minorities as part of overall human rights, is thus the core business of the HCNM and the OSCE.

Within the full spectrum of rights it may be impossible to state which of these rights is the most fundamental. Avoiding socio-economic exclusion and discrimination in such key areas as employment, education, health and other public services must be an essential part of any state's policy agenda if it wants to create full and effective equality. Participation by minorities in public affairs is at the heart of engagement and action in an integrated society and absolutely necessary to create a sense of ownership and belonging by all. Effective political participation is stressed in the documents of our human dimension commitments. It is not by chance that one of the key documents of the High Commissioner is the 1999 *Lund Recommendations on the Effective Participation of National Minorities in Public Life*.

Based on my experience, I can say that participation of minorities in public affairs remains one of the key challenges throughout the OSCE region. Various models and mechanisms exist to promote participation. They include different forms of autonomy, special arrangements with reserved seats or quotas in elected bodies, and consultative bodies and other mechanisms for participation in decision-making processes. Whatever the model deemed most appropriate to the context, the objective of ensuring adequate representation of minorities reflects the basic recognition that minorities not only have the right to speak, but also the right to be heard. Only then can they participate in all social processes as full members of society on an equal footing with the majority representatives. The balance between rights and obligations, for majority and minority, can only be negotiated effectively if claims are voiced and debated. The common interest must be given pre-eminence in a well-functioning democratic State. And this common interest should also be reflected in the rules of the game. The right to effectively participate, regardless of one's majority or minority affiliation, is an essential precondition of democratic good governance.

Political participation at the national level, if not at the local, is contingent upon formal full membership in the polity, which means citizenship. It is, therefore, a particular concern that two decades after the break-up of the State of their previous citizenship – be it the Soviet

Union or Yugoslavia – there are still many people who do not hold citizenship of any country, whether they are formally recognized as Stateless or not. This is not only a concern about principles. Despite fashionable theories of post-national identities and eras, globalization and the increased movement of people between countries has, if anything, reminded us of the importance of retaining and creating strong and lasting links to States. This is clearly illustrated by the increased interest in dual citizenship by States and individuals alike.

Far from receding in importance, citizenship has a very real dimension not only of belonging to a State and its society, but also of accessing full rights as members of that society. And let me be clear – it is often correctly stated that rights come also with obligations. But while the lack of citizenship means that there is not full access to rights, the spectrum of obligations is very often put on all residents. By lacking the political rights of citizenship they do not, however, have a say in key decisions in society, be it in how taxpayers' money is spent or the development of laws. So, although we are here to look at the human dimension commitments that we all share, the concern for a speedy resolution to outstanding issues of Statelessness is not only a principle and a right that needs to be respected. It is obviously in the interest of the State itself to ensure that its people have a clearly defined link to the State and a sense of belonging to it and to the society in which they live.

The risk of marginalization is higher for those without citizenship. The situation is even more precarious for those who also lack civil registration, and therefore are without any identity documents. This is a protracted problem for far too many Roma and members of other vulnerable groups. Because of this, they face additional obstacles in their access to basic public services. This is unacceptable. On 26 and 27 October, I will co-organize a conference with the UN High Commissioner for Refugees and ODIHR in Zagreb on the provision of civil documentation and registration in South-Eastern Europe. Issues of Statelessness will also be addressed. The aim of this event is to find ways to encourage relevant participating States in the region to facilitate the issuance of documents to concerned people. I believe it is high time to pass from the well-intended production of recommendations on paper to meaningful practical progress in resolving this painful question.

Ladies and gentlemen,

Effective participation by representatives of minorities in all aspects of society – socio-economic, cultural and political – requires not only a commitment to respecting this right by not prohibiting or hampering it, but the creation of the conditions that encourage participation. The formulation of policies can only be effective if it is based on evidence and analysis of the existing situation, including the identification of shortcomings in participation. It is, therefore, crucial to have objective, reliable and disaggregated data on the number and situation of members of minorities. The issue of collecting such data has been increasingly discussed in the last years. It is a complex issue, which in some countries and contexts is quite controversial. I will not go into this debate here today. However, since 2011 is a year of population censuses, I would like to bring to our discussions some thoughts on a topical issue that relates to this, and that also has sparked concern over the potential for tensions rising within and between States. Following common practice and general guidelines, as put to paper by the UN, censuses often include questions on ethnicity and related factors, such as language, origin or religion.

The results of the censuses will no doubt reconfirm the rich diversity within all our societies and as such should demonstrate that multiculturalism is here to stay. Analyzing these results carefully should indeed be helpful in designing constructive approaches and more effective policies to promote inclusion and integration of our societies.

Nevertheless, there is a number of participating States where the design and conduct of the census have been particularly sensitive for certain majority or minority groups. In some cases, this has led to problems in completing the census. It has also led to problems in ensuring the necessary trust in the process and its results, thus jeopardizing the entire endeavour. The preparation of the census puts the onus on the authorities to ensure that questions relating to ethnicity are properly formulated, open-ended and based on voluntary self-identification. The questions should also be properly consulted and the enumerators properly trained and able to perform their tasks in minority communities, including by being proficient also in minority languages. Participation by minority representatives in the preparation and conduct of censuses has in many cases been strived for and ensured. There are good examples of diverse election committees and pools of enumerators. In other cases, the professed good intentions of ensuring inclusive and participatory processes have not been put into practice.

Controversies over who can participate in the censuses have also led to debates, in some cases heated; for instance, whether and under what conditions members of diasporas are entitled to be included. But problems have also been created by boycotts of censuses by parts of the population, generally minority groups who refuse to participate. This has occurred as a result of mistrust of the authorities, or for other reasons, such as intra-group disputes or fears of outcomes that may put at risk some of their claims based on their status and number.

Fears of outcomes that could indicate drastic changes in the demographic composition of a population or fears of fast diminishing populations overall, mean that there is a need to monitor not only the processes of the census, but also the consequences. Adequate representation in elected and executive bodies and public institutions is not a mathematical equation. Nonetheless, it is related to the proportions of a group in society or local community. In cases where certain minority rights are linked to their share in the population, as, for instance, in the right to use a minority language, changing numbers may lead to fears that acquired rights may be removed.

Fears fuel tensions. Such potential ethnic tensions can create deeper divides within diverse societies and, if not addressed, can potentially develop into conflicts both within States as well as between States. At the same time, census data is necessary for realistic analysis and policy-formulation, including addressing the needs and claims of minorities. The need for updated demographic information is particularly acute in those parts of the OSCE region that have experienced great changes in the last decades, but it is also in these areas that the census-related issues are most sensitive. Although 2011 is the year of censuses, it seems that the consequences of the outcomes and the issues raised in the process will remain to be followed for the period to come.

Ladies and gentlemen,

Let me conclude by stressing that the human dimension commitments in the area of national minorities span all rights, ranging from cultural and linguistic rights to the right to full and effective equality as well as effective participation in all spheres of life. But a comprehensive

review of the implementation of all rights by all participating States is not possible here and now, since it would not only occupy us for the rest of the week, but also detract from honing in on issues of particular concern this year. It is my hope that through my focus on various elements that relate to the effective participation by minorities, I have been able to convey to you some of the questions and concerns raised by developments or lack thereof this year. I look forward to hearing about your experiences and practices.

Thank you for your attention.