

Presentation to HCNM 15 Anniversary
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The Impact of the Institution of the High Commissioner in the 15
years of its existence and the challenges ahead.

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High Commissioner, Excellencies, Ladies and Gentlemen,

It is an honour for me to be invited to speak to such a distinguished and informed audience on “the Impact of the Institution of the High Commissioner in the 15 years of its existence and the challenges ahead”. I am delighted to represent the Council of Europe Advisory Committee as its President, to reinforce our outstanding relationship in building “Security through Justice”.

This 15th anniversary comes at the same time as the 10th Anniversary of the work of the Advisory Committee, where we are undergoing a major review of the impact of our work and learning lessons for the future. Already it is clear how much we have valued and benefitted from the close cooperation with the High Commissioner and his office, this was apparent at a conference we convened last month in Strasbourg. I will return to how we support each other’s work later.

An anniversary is an opportunity to indulge in a little reminiscing. I recall being a civil society representative on the United Kingdom delegation at the CSCE meeting in Helsinki in 1992.

Negotiations were taking place about creating a High Commissioner **for** National Minorities (sic)- five years before the Framework Convention came into force.

Some of you will know that the United Kingdom officials were at that time under political instructions to oppose this initiative primarily, because of the existing conflict in Northern Ireland. However a number of thoughtful U.K. Foreign Office officials understood the value a High Commissioner might have in preventing conflicts, seeing the war in former Yugoslavia, the fighting in the South Caucasus, the tensions in central Europe and in the Baltic States.

In the true spirit of freedom of expression, the UK delegation allowed me to speak to the one plenary meeting a week on behalf of a civil society organisation, to argue for a High Commissioner. In due course and once the proposal excluded situations that involved terrorism, the United Kingdom, alongside a number of initially uncommitted States, became one of the strongest supporters of the High Commissioner. It was convinced by the quality and the impact of his work on the ground.

Let me move from the anecdotal to the analytical.

I would like to focus on the past impact and on the future challenges, although an experienced audience such as yourselves will know that “past history is not the determinant of future history”.

Success

You will also know that in the field of quiet diplomacy it is difficult to attribute success to one particular individual, to one institution. Additionally the art of finding a sustainable solution is in orchestrating many actors and in encouraging them to own the solution rather than to seek personal acclaim.

The High Commissioners Office, with its very modest resources but with rich talents at its disposal, has been active in so many regions and States of Europe. As diplomats you will know well the challenges posed by the many new democracies in Central and southern Europe, the transformation of the Soviet Union. changes in Central Asia and in Eastern Europe, the growth of nationalism, the “frozen conflicts” and you know how many possibilities for new conflicts did not emerge.

Time after time quiet diplomacy involving the HCNM succeeded in reducing tensions. In parallel long term measures were put in place to protect national minorities, drawing in other inter governmental actors including the Council of Europe, the United Nations and other parts of the OSCE. There are many scholarly studies that have reviewed the HCNM’s impact, in specific areas, positively. These merit further analysis and consolidation together.

The High Commissioner was not able to be active in Northern Ireland, where I was last week. Even here the peace process

drew inspiration and informal advice from the High Commissioner's Office and learnt from his methodology. Nevertheless in this celebration of success there also needs to be a careful, dispassionate view on failures. There is a new important debate on why international organisations were not able to prevent the recent conflict in Georgia and why the HCNM was not permitted to play a more significant role.

Even if the High Commissioner is permitted to play a leading role, an old English adage comes to mind:

“You can lead a horse to water, but you can't make it drink.”

This is where participating states, have a key role to play with peer group pressure to support the HCNM or bodies like the Advisory Committee.

I do not want to dwell on any failures as the history of the High Commissioner's work has been one of success followed by success working in close cooperation with many actors like the Advisory Committee.

Independence:

One issue that demonstrates the maturity of States and of the High Commissioners' Office is the respect of each others independence and the constructive dialogue that takes place in the OSCE Permanent Council and elsewhere. Many in this

audience will have seen for yourselves the impact that the High Commissioner has in these fora.

There may be modest parallels to the reports that I present to the COE Ambassadors as President of the Advisory Committee, and my more frequent attendance at the Human Rights Group meeting. We share our views in a genuine spirit of dialogue and listen to each other carefully.

The High Commissioners have had a delicate path to pursue to attract support for their work, but each of them has been a man of distinction and integrity. I commend you, as representatives of Participating States in the OSCE, for ensuring that the High Commissioners are independent and seen to be independent. This undoubtedly has strengthened their impact.

The Advisory Committee and the Framework Convention.
I promised to say a little more about the cooperation of the HCNM with the Advisory Committee.

All three High Commissioners have argued strongly in favour of States ratifying and implementing the Framework Convention. They can in part take credit today for the 39 States that have ratified the Framework Convention in good faith and observe its principles.

It is difficult to see how there could be a better and closer relationship with our mutual concerns for national minorities but working with different mandates and modalities. The High Commissioner's phrase "Security through Justice" is particularly

helpful to us. as we could envisage our work as being Justice through democratic security. Our work can inter alia be characterised as promoting justice through democracy and the social inclusion of all communities including national minorities. We are invited to and accept invitations to attend each others relevant meeting.

For example this year I was please to be invited to attend the discussions and conferences on National Minorities and Interstate Relations as well as the Conference marking the 10th anniversary of the Oslo Recommendations on the Linguistic Rights of National Minorities. I have not been so pleased by the invitations to transform my presentations into papers, but I am sure it will add to their impact.

Similarly the Advisory Committee has invited the High Commissioner to its meetings, his staff attend Council of Europe meetings with government experts, while a strong team of his past and present staff attended our Impact Review Conference last month. They added considerable value to our deliberations.

Furthermore the Secretariat share information and advice frequently and our cooperation has recently been singles out for specific public praise by the Swedish Presidency of the Council of Europe.

Future challenges

Engagement of Minorities.

The Advisory Committee at the outset was inspired by the HCNM Recommendations including the Lund recommendations on the political participation of national minorities. The Advisory Committee has used these over the past ten years and has now built on these with its new Commentary on the “Effective Participation of National Minorities in Cultural, Social, Economic life and in Public Affairs”.

The effective participation of both states and minorities in our work and the work of the High Commissioner has led to a shared ownership, better outputs and genuine sustainability. The participation of minorities within States can come in many forms ranging from autonomy provisions to effective councils of national minorities. I invite you to explore our Commentary which identifies many such possibilities. It is clear from our recent Impact review conference and our new Commentary that we all need to do more to engage and involve minorities and not just their political elites. There is a need for a shared ownership in the State by members of national minorities.

The Economic Dimension.

Historically the CSCE was based on three basket Security dimension, Economic dimension and the Human Dimension. One of the first public events of the Max van der Stoep was held in the European Bank for Reconstruction and Development in London that I recall attending in 1993. The last few months have made us all, including the stock exchanges of New York and

Moscow and the central banks of Hungary and Iceland, realise the importance of our economic interdependency.

The mantra that market forces will find -by definition- “the right solution” set with the sun this autumn. Many of us hope that that there will be a new dawn in 2009. The global economy is on life support and without inter governmental responses would have been turned off. The agenda is changing both on ethnic and economic issues and the time may be ripe for the HCNM to look more closely at economic security and minorities how trade, investment, migration, remittances and aid can contribute to reducing tensions and building good and sustainable inter community relations.

Would there be stability in places as far apart as Moldova or Kosovo without the remittances from abroad?

Would there be major social conflicts involving Roma in Western Europe, if their economic situation was properly addressed?

Would any tensions in the Balkans be reduced by stronger trade across borders?

The HCNM philosophy of “integration with respect for diversity” is the right way forward. The new Advisory Committee Commentary on Effective Participation shows that employment and economic participation is essential for harmoniously integrated societies, both in Western and Eastern Europe. There are high social and political risks, if large parts of the resident population are physically segregated and if they are discriminated against in their access to the labour market. The

work of the Advisory Committee has revealed that economic exclusion undermines our common cause of working for security through justice.

It is clear that in a number of parts of the world this economic approach has been successful. It includes the origins of the EU with the Coal and Steel Union.

Consequently I ask could more economic initiatives be developed on the periphery of the EU or at the borders of central Asia?

Can economic initiatives be targeted to reinforce economic inter-dependency between communities and promote cooperation between states?

There are real threats that a major recession will affect minority/majority relations in parts of Europe. However there are now opportunities to undertake high quality analyses within the High Commissioners mandate, look towards what ameliorative economic measures can bring communities and countries together and develop some pilot initiatives with others.

Conclusion:

In conclusion let me adapt a remarkable speech made last week, on 4th November.

The true strength of the High Commissioner in seeking peace and security comes not from his might of arms or the scale of his

wealth, but from the enduring power of ideals, democracy, liberty, opportunity and unyielding hope.....realised through diligent diplomacy and dedicated work of the highest quality.

The Institution of the High Commissioner has made a major impact in promoting peace over the last fifteen years and,
- given liberty, opportunity and unyielding hope - our current High Commissioner can meet the security challenges ahead.

Yes, he can.

Thank you, High Commissioner.

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