



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

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## **CLOSING REMARKS**

by

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at the

**Copenhagen Anniversary Conference**

**“20 Years of the OSCE Copenhagen Document: Status and Future Perspectives”**

**Session on National Minorities**

CHECK AGAINST DELIVERY

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Distinguished Ambassadors, Members of Delegations and representatives of Civil Society,

As we have heard during this session, few international documents have had such a far-reaching impact on international relations and the human rights movement as the Copenhagen Document of 1990. Any subsequent international instrument on the rights of persons belonging to national minorities could not but refer to the Copenhagen Document and the Geneva Accords of 1991.

We have heard about the important role the Document played in establishing standards in relation to national minorities, which went far beyond those few modest rules in existence at that time in the UN and CoE. We have heard how this was the result of a recognition that guarantees for individual equality and non-discrimination had failed to prevent the increasing incidence of ethnic conflict in Europe.

Twenty years later, the Copenhagen commitments relating to national minorities retain their validity. The HCNM's efforts have focused on the implementation of these commitments and on providing written guidance grounded in international law. This gave birth in 1999 to the Lund Recommendations on the Effective Participation of National Minorities in Public Life; the first such instrument containing a detailed list of measures for promoting effective participation by national minorities. These Recommendations serve as an implementing instrument for the Copenhagen Document commitments and extend its demand for equal enjoyment of the human rights of persons belonging to minorities, including their effective participation in decision-making processes, especially with regard to those decisions directly affecting them. The more effective participation is, the more inclusive society is regarding the

needs of persons belonging to minority groups, and the closer it comes to being a fair representation of the whole spectrum of interests of the groups involved.

The best method of preventing discontent and, at worst, conflict is to draw minorities into the decision-making. Accordingly, the added value of the Lund Recommendations is that they offer a set of practical ideas and options that the authorities and the minorities may simply not have been aware of. They help expand and make available the range of successful and already existing arrangements for effective participation.

As we have heard today, the Recommendations are rich in choices: autonomy and decentralization, design of the electoral system, advisory and consultative bodies. There is no universal recipe that will apply to all cases. In some countries, a majority electoral system is the best way of ensuring minority participation. In others, a proportionate system is more suitable. Dual voting might be applicable in yet another. Whatever the final outcome, minorities have to have a voice in the decisions that have a direct impact on their lives. The fundamental feature of all these models should be their departure from pure majority rule.

As we have also learned from today's discussion, much remains to be done to improve participation and representation of minority groups. Electoral systems, employment in the public sector and law enforcement skewed in favour of persons claiming the majority identity need to be addressed.

First, 20 years after the Copenhagen Document, a government position or a seat in the Parliament is still out of reach for national minorities in many OSCE participating States. Cases of overt discrimination are becoming rarer, but they are still out there. More often, elections are carried out in such a way that certain minority representatives are selected for

either a governmental post or a parliamentary seat because of their loyalty and their silence about minority problems. These “selections” rarely meet the true requirements for electing legitimate representatives of the minority. As well intentioned as they may be, such moves further alienate minority groups, making them either cynical or politically passive or, sometimes, even more confrontational.

Second, while ensuring that minority groups have a voice at the level of central government is clearly very important, it is equally important to enable their participation at regional and local levels. This holds particularly true in countries that have recently become independent and where minorities need to be involved in the State-building process at all levels.

Third, representation of minority communities in executive and judicial bodies needs to be increased. In this context, the requirement to speak the State language can result in the increasing marginalization of minority communities. In my view, an appropriate balance must be struck between protecting and promoting the State language, on the one hand, and protecting the linguistic rights of persons belonging to national minorities, on the other.

Finally, advisory, consultative and decision-making bodies and mechanisms are needed where they do not exist. These should be legitimate and properly funded. They act as a dialogue mechanism between government and minorities. Over the years, these bodies have been developed to play an instrumental role not only in consultation, but also as co-decision, co-ordination and self-governance mechanisms. Such forums should only complement, rather than substitute, direct political representation.

The tendency to decentralize state power and to allow people to govern themselves in smaller territorial units, such as regions or municipalities, is a general principle of good governance.

This can be particularly helpful when minorities are territorially concentrated as it allows them to exercise greater authority over their own affairs on a number of matters that go beyond the mere management of cultural issues. While territorial autonomy is often linked to secessionist threats and therefore viewed with suspicion by some States, territorial autonomy could also have the potential to accommodate minority participation claims. Having said that, a neutral, case-by-case approach is preferable, i.e. promoting territorial autonomy as an instrument for integration of a territory as a whole rather than of segregation for one minority group.

Participation is a genuine challenge as we hear from ODIHR's election observers and the Advisory Committee experts. I am grateful to both the ODIHR and the Advisory Committee for making the Lund Recommendations operational and building on them – the ODIHR through its Warsaw Guidelines of 2000 to Assist National Minority Participation in the Electoral Process, and the Advisory Committee with its thematic Commentary on Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, adopted in 2008

Ladies and Gentlemen,

Let me conclude by mentioning one aspect at the heart of the Copenhagen Document that has recently taken on new forms: the link between minority issues and potential inter-State tensions. Domestic intergroup tensions increasingly have international repercussions, often with the involvement of other, usually neighbouring, States claiming protection of “their people” abroad. History shows that there can be serious dangers associated with the misuse of the minority question in relations between States. History also provides encouraging

examples of peaceful and sustainable accommodation of the minority question on the basis of friendly and good neighbourly relations between States.

In the spirit of the Copenhagen Document, I have developed a set of Recommendations offering guidance to the States about how the legitimate support for minorities abroad can be used as a bridge between States and cultures, and not as a source of inter-State tensions. The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations show how States can support minorities abroad in co-operation with States of residence without appearing threatening and can allay traditional fears associated with their involvement.

The Copenhagen Document provides a unique set of international political standards and norms. It has been argued that the political nature of its commitments enabled the OSCE standard-setting process to yield more detailed and innovative standards than those adopted by its counterparts. The promotion of these commitments was, and still is, in the rational interest of the participating States; there is an individual and collective interest in reducing tensions. We need to preserve the achievements of the 1990s, when minority rights were codified and interethnic issues featured high on the political agenda. We must not allow these standards to drop. On the contrary, the international community needs to come up with new and bold ideas on how to firm up soft law instruments developed by the OSCE. In this context, I welcome the support heard here today for giving a political commitment to the Bolzano/Bozen Recommendations. Standards work only when States themselves are earnestly committed to them. We are here to recommit ourselves. Let us take this opportunity to revitalize the work that started so well 20 years ago. Allow me to thank both the Government of Denmark and the Chairperson-in-Office for providing us such an opportunity.