

HCNM at 25: Personal Reflections of the High Commissioners



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Foreword

Twenty-five years of the OSCE High Commissioner on National Minorities

Wolfgang Zellner, Deputy Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Head of the Centre for OSCE Research (CORE)

The mandate and institutional profile of the OSCE High Commissioner on National Minorities (HCNM) are unique in several aspects. First, the HCNM embodies the readiness, and even more importantly, the ability of the participating States to take collective responsibility for a particularly sensitive area of internal state affairs – minority issues. As an element of the OSCE’s politico-military dimension, but firmly based on the normative *acquis* of its human dimension, the HCNM, more than any other OSCE body, epitomizes the organization’s comprehensive security approach formulated in the Helsinki Final Act (HFA):

“The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.”
(HFA, Principle VII).

The innovative nature of this link between the politico-military and the human dimension is underlined by the fact that no other international organization provides an institution that is comparable to the HCNM. Another unique feature of the HCNM is, as Director Henrik Villadsen stresses in his contribution, that the “High Commissioner’s

mandate is personal; it resides with the individual, not with the institution.” Thus, the HCNM is an institution built around an eminent international personality with long-standing experience, and this gives her or him a degree of independence, the value of which “cannot be overestimated”, as former HCNM Astrid Thors says in her contribution. Finally, it is remarkable that an agreement was reached on the mandate of the HCNM within a couple of months before the 1992 Helsinki Summit, although a number of influential States such as France, the United Kingdom and Turkey, to name only three, were originally opposed to such an institution.¹

The High Commissioner operates under rapidly changing conditions. There are new phenomena such as mass migration and refugee movements, demographic malformations, and integration deficits combined with economic and social decline. We observe a radicalization of societies and political classes. Spreading nationalism threatens our societies. There are increasing challenges to the rule of law and democracy throughout the OSCE area. Within and between States, there are protracted and open armed conflicts. At the same time, important States invest less in international organizations. Overall, this has

¹ Cf. Olivier A.J. Brenninkmeijer, *The OSCE High Commissioner on National Minorities: Negotiating the 1992 Conflict Prevention Mandate*, Geneva 2005 (PSIO Occasional Paper 5/2005).

fundamentally changed the conditions of action for the HCNM regarding potential conflicts related to old and new minorities in Europe.

The contributions to this booklet on the occasion of the 25th anniversary of the OSCE High Commissioner on National Minorities demonstrate the richness of the collective experience of this institution as it has developed over the decades and can be used under the present conditions. It is my pleasure to highlight some aspects of this process.

Recommendations by the High Commissioner

The eight sets of thematic recommendations by the High Commissioner have created a new standard of soft norm-setting and have become a trademark of the office of the HCNM. While they are not consensus decisions of the participating States, they “draw their authority from the prestige of the office of the High Commissioner”, as Lamberto Zannier wrote in his contribution. This kind of informal norm-setting combines two advantages: On the one hand, the recommendations can formulate much clearer and more differentiated positions than consensus decisions would allow for. On the other, they achieve almost the same impact as a formal decision in the sense of giving thematic guidance to relevant institutions in the participating States. Thus, the thematic recommendations of the High Commissioner represent a wonderful example of how things that cannot be achieved at a formal level can be done informally in a consensus organization.

New forms of kin-State policies

Kin-States in all parts of the OSCE area are using increasingly unilateral means to fight for their ethnic kin who are citizens of other States. As early as 2000, Max van der Stoep “warn[ed] against the view that excessive nationalism is a by-product of

post-Communist transition and as we move out of this phase, nationalism will fade away.” This was an almost visionary statement at that time, which, unfortunately, was confirmed a decade later by his successors. As Astrid Thors observed:

“During my years at the helm of the HCNM, a new form of kin-State policy became quite visible. Those countries inside the EU with kin-communities in candidate countries or association countries, were quite active in suggesting benchmarks based on the Copenhagen Criteria. [...] But if there is no kin-State linked to a minority, then the benchmarks can easily be lower. Yet another example of double standards in the EU system.”

Her predecessor, Knut Vollebæk, had already criticized an approach that has become increasingly fashionable among kin-States: “It is clearly stated that kin-States cannot give passports to citizens of another State and then expect to claim protection for a particular group of their citizens on the territory of that State.” To be clear, this also covers cases where EU States are involved, including cases where both the kin-State and the other State are member States of the EU. This shows how far “excessive nationalism” has poisoned relations even within the EU.

Confrontational historical narratives

The introduction of confrontational historical narratives has a huge potential to deepen actual ethno-political disputes. As Astrid Thors observed: “Different perspectives on history are forbidden in an increasing number of European countries and their narratives are becoming more nationalistic. Patriotic education, not education to become world citizens, is on the rise.” Her successor, Lamberto Zannier, is even more specific about the impact of these nationalistic practices: “If Governments impose singular historical

narratives and prohibit alternative interpretations in ‘memory laws’, then they draw a line in the sand of time that can continue to divide societies for generations to come. And differences in historical interpretations and commemoration practices can have a negative effect on bilateral relations between States.” Again, this includes EU member States.

Minorities and geopolitics

The combination of geopolitics with minority issues is another fuse for conflict. Lamberto Zannier speaks about a “return of geopolitics” and observes that “minorities become an increasingly important pawn in the geopolitical game”. This combination of two unilateral ingredients – geopolitics and nationalist kin-State policies – is particularly explosive because it combines rude power politics with a specific backward worldview and can be used by all kinds of States regardless of their size and historical background. It is almost shocking, but points to the dimension of this danger, when Zannier remarks: “In this vein, quiet diplomacy alone is no longer sufficient as a key working method of the High Commissioner. It must be accompanied by high profile initiatives”.

New minorities

In many States including Germany, the key problems of minorities and integration no longer concern the classical national minorities, but so-called ‘new minorities’: migrants, refugees and asylum seekers. Within the EU, these problems have led the Union to the brink of paralysis. In addition, many States have no desire to learn from the experience of the HCNM as Knut Vollebæk observed:

“When we launched the Ljubljana Guidelines I tried to convince the participating States that these guidelines would also be applicable to societies facing an influx of “new” minorities, i.e. migrants, asylum

seekers and refugees. It was hard for me to understand the resentment from many governments to applying these Guidelines and also the negative attitude towards benefitting from the HCNM’s experience in dealing with such integration issues in their countries.”

This is precisely the attitude against which Max van der Stoel had warned almost twenty years ago, namely to narrow down nationalism to a phenomenon of post-Communist transition.

The instrument of the High Commissioner was created to address conflicts regarding classical national minority issues and continues to do so. Beyond that, however, new and no less dangerous phenomena have emerged that increasingly attract the attention of successive High Commissioners. This booklet gives a remarkable picture of how closely related the perceptions of the different incumbents are and how fruitfully they build on the experiences of their predecessors.

Today, the participating States would not be able to agree on a mandate for a High Commissioner on National Minorities. Fortunately, we already have this institution for addressing minority issues of all kinds, old and new.

Introduction

The Director's Chair: Behind the Scenes at the HCNM **Henrik Villadsen, Director**

Henrik Villadsen served a four-year term as Director of the HCNM from 2015-2018, including a period as Officer-in-Charge of the HCNM from August 2016-July 2017.

In August 2016, the HCNM entered a period with no High Commissioner at the helm, casting its operations into uncharted waters. This unprecedented situation, brought about by the OSCE participating States' non-renewal of the mandate of the High Commissioner, was followed by an extended period of negotiations to appoint a successor.

As I reach the end of my tenure as Director at the HCNM, I am pleased to have been given the opportunity by High Commissioner Zannier to reflect upon the practical workings of the office, and the methodology which it currently employs, offering a look behind the scenes.

The HCNM team

The authority of the institution is invested in one person alone; however, the High Commissioner does not work alone. He or she is supported by a dedicated team of legal, political, and project specialists, most of whom join the institution already with extensive experience in working across the OSCE region, and a deep understanding of their areas of specialization. In practical terms, visits of the High Commissioner are prepared in advance by staff teams working out of his office in The Hague, in constant communication with the authorities of the countries concerned. Such preparatory work requires expertise in both

geographical and thematic terms, both of which I will touch upon later in this short article. The office assigns cross-disciplinary teams to work on specific country situations, which normally include one Political Adviser, one Legal Adviser and one Project Officer. The composition of these teams is constituted by the Section Heads, according to the requirements of each situation. For this purpose the High Commissioner has assigned two broad "geographic" teams within the office, each covering a number of OSCE participating States. However, groupings based upon geography have become increasingly less meaningful, and there is a growing tendency for staff to follow areas of interest based upon their expertise and less upon the strict geography and language of the countries themselves.

Staff visits without the High Commissioner are conducted on a regular basis to countries and regions which fall within the sphere of interest of the High Commissioner, and do not necessarily indicate either the imminence of conflict or the existence of tensions of concern to the High Commissioner. In order for the High Commissioner to prioritize his own attention, it is necessary for HCNM staff members to maintain deep contacts across the entire OSCE region. In effect, the information received from these contacts serves as the real long-term radar of

the institution. The High Commissioner regularly calls upon participating States to adopt an attitude of co-operation and support both to himself and his staff, because without this staff support, the High Commissioner himself cannot function as the OSCE participating States have mandated him to do.

Confidentiality and communication

No public report is made of these staff visits, and the staff do not report to anyone other than the High Commissioner. This is in line with the very limited reporting activities of the institution, which consist of strictly confidential reports to the OSCE Chairman-in-Office, general reporting twice per year to the Permanent Council, as well as occasional contributions at OSCE meetings of general interest such as the Human Dimension implementation meetings, and the other public speeches and statements of the High Commissioner, which remain within his discretion and in practice are more limited in the detail which they provide.

Before and after country visits by the High Commissioner, frequent contacts between HCNM advisers and government authorities and minorities in the different OSCE participating States are essential. Good communication is one of the cornerstones of our work: it helps us to recognize and flag the signs of a potential conflict situation.

As Director, I have accompanied staff on a wide variety of travels and I am constantly impressed by the incredible diversity across the OSCE region, and also the ability of the staff in the institution not only to seek out and find where that diversity is promoted and respected but also where tensions are developing, sometimes as a result of misinformed strategic management at the government level, or long-term grievances between majority and minority

populations. I have also been consistently impressed by how well HCNM staff members are received by both authorities and national minority groups alike.

Recurring themes in the work of the HCNM

In the work of the High Commissioner, recurring themes have emerged over the years. From the outset, successive High Commissioners have noted specific issues in multi-ethnic societies that can either drive a wedge between communities or, if addressed sensitively, bring communities closer together. These themes vary from linguistic rights, education rights, and inter-State relations to statelessness and policing. To help Governments deal with these potentially volatile issues, or root causes of ethnically motivated conflict, if you like, the first High Commissioner on National Minorities Max van der Stoep, initiated a publication series entitled “OSCE HCNM Guidelines and Recommendations” in the mid-1990s.



The HCNM Recommendations and Guidelines cover the most relevant and sensitive policy areas related to minority protection and integration of diverse societies. They are available in several languages online at www.osce.org/hcnm/thematic-recommendations-and-guidelines or directly from the office of the HCNM. The Hague, the Netherlands, 1 October 2018

(© OSCE HCNM)

In practice, the series works as follows. Drawing on the expertise of the High Commissioner, academics, practitioners and other specialized institutions working in the field, each set of Guidelines and Recommendations focuses on one topic of great significance to minority groups across the OSCE region. Clarity, accuracy and ease of use by policy-makers are the cornerstones of the series. *The Graz Recommendations on Access to Justice and National Minorities* (2017), on which much of the preparatory work was done by HCNM staff during the period in which I was Officer-in-Charge, and an excellent example of inter-OSCE co-operation through the inclusion of the OSCE Senior Gender Advisor and ODIHR in all stages of the drafting process, offers 17 concrete recommendations for use by governments, the judiciary and civil society. When published, the HCNM's guidelines and recommendations are then presented to and shared with the permanent delegations in Vienna: it is thanks to their backing and support that the HCNM Recommendations are widely used in many OSCE participating States today.

Co-operation with partners leads to the multiplier effect

Co-operation with long-term partners also helps to multiply the effect of our work on the ground. For example, during my time as Officer-in-Charge, and in close collaboration with UNHCR and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the office contributed substantially to the *Handbook on Statelessness in the OSCE Area* which was subsequently presented at the Statelessness Conference in the spring of 2017. The launch of this book took place against the backdrop of Europe's growing refugee crisis, divisive rhetoric, targeting of minority groups, and the growing appeal of right-wing nationalism – the fall-out of which we are still experiencing today.



Left to Right: Henrik Villadsen, Director OSCE HCNM; Clemens Koja, Chairperson of the OSCE Permanent Council; Katarzyna Jarosiewicz-Wargan, First Deputy Director at the OSCE Office of Democratic Institutions and Human Rights; Lamberto Zannier, OSCE Secretary General; and Volker Turk, Assistant High Commissioner for Protection at the United Nations High Commissioner for Refugees (UNHCR), present the OSCE-UNHCR *Handbook of international standards and good practices to address statelessness in the OSCE Area*. Vienna, Austria. 2 March 2017. (© OSCE/Micky Kroel)

Building bridges, not walls through well-informed legislation

The legal advice provided by the High Commissioner's team of in-house Legal Advisers has also been having a positive impact on the situation of national minorities for decades. Therefore, as a lawyer myself, I was especially encouraged to see key legislative instruments being developed and adopted by several governments during my term in office: instruments that respect and safeguard the interests of majority and minority communities equally. The High Commissioner, with the support of his Political and Legal Advisers, continuously encourages and assists governments to develop and implement well-informed, balanced legislation, whether this relates to amending an existing law, drafting a new law, or developing an action plan to implement a law. This focus on legislation underpins the long-term approach towards integration and social cohesion advocated by every High Commissioner.

An approach rooted in a shared conviction that inclusive policies and laws that build bridges, not walls, between minority and majority communities are more likely to result in sustainable peace and security. Within the institution of the HCNM we are convinced that, with the right elements in place, governments can create positive conditions for integration, which is effectively an insurance policy against the polarization of society and inter-ethnic conflict. Bringing communities together - not driving communities apart - is the key to resolving conflicts.

Entering uncharted waters

While reflecting upon my time in the institution, let me use this opportunity to explain in more detail the gravitas of the High Commissioner's role as well as the highest degree of autonomy attached to the position.

The High Commissioner's mandate is personal; it resides with the *individual*, not with the institution. It is also one of 'conflict prevention and early warning' and as such falls within the politico-military sphere of the OSCE. For this reason, the OSCE High Commissioner is empowered to visit any OSCE country, without restriction, and has full autonomy to deal with conflict prevention as he or she deems necessary. From the outset, this has enabled the High Commissioners to move freely, act swiftly, and deal effectively with any sign of tension involving national minorities, without impediment or interference.

During my time as Officer-in-Charge in the absence of a serving High Commissioner, some questions were raised about the institution's role during this interim period. If an imminent crisis involving national minorities were to be identified, what steps should (and could) the Officer-in-Charge take? To what extent would Governments be willing to co-operate with representatives of the HCNM

institution? Such questions also exposed the heightened security threat within the OSCE region during this uncertain interim period.

While the OSCE German Chairmanship clearly stated that in the absence of a High Commissioner, there could be no appointment of an interim High Commissioner, there was a need to continue the regular work of the office, including projects, engagement with partners, making good on previous commitments, maintaining its technical capacities and further developing the thematic work of the office. In this regard, as the Director, I was able to ensure that activities were not disrupted and to take all those non-political decisions which the High Commissioner would normally make. For example, if the office was requested by a participating State to provide legal advice, this could be carried out also in the absence of an appointed High Commissioner, albeit without his *imprimatur*. During this period, the Officer-in-Charge also ensured that the institution remained fully functional with the capacity to support a newly appointed High Commissioner.

As Officer-in-Charge, I enjoyed excellent co-operation with the participating States and with all partners and stakeholders and I wish to extend my personal thanks to all those with whom I worked during that time. The understanding for the delicate situation which was extended to all HCNM office staff during this uncertain period is testimony to the good will enjoyed by the institution and the high esteem in which the office is held. The support that I received from both the German and Austrian Chairmanships-in-Office during this period, as well as the OSCE Secretary General – who is now the serving High Commissioner - was indispensable. As the result of the support which I received I was able to make substantial progress with a number of projects during my term in office, such as the work

on the *Graz Recommendations on Access to Justice and National Minorities*, which were subsequently launched in November 2017, the 2016 Max van der Stoep Award ceremony, and the initiation of preparations for the upcoming guidelines on national minorities in the digital age, which is due to be published at the beginning of 2019.

Over the years, successive High Commissioners have demonstrated their effectiveness in the area of conflict prevention and, in so doing, gained the trust of governments and national minorities alike throughout the OSCE area. It was thanks to the strong legacy left by the former High Commissioners that the institution was able to perform a number of functions on a non-political basis, without hindrance and with the full co-operation of the OSCE participating States.

In light of the above, I wish to pay tribute to the strength and resilience of the HCNM institution and all those affiliated to it, past and present. The institution is a credit to the collective wisdom of the OSCE participating States who have appointed the various High Commissioners as well as, of course, to the actions and choices made by the High Commissioners themselves, and the dedicated staff who have worked to inform and support them. As I approach the end of my tenure, I am in a position to reflect upon the unusual directorship I had during this difficult time. I consider it an honour and a privilege to have been invited to serve as Officer-in-Charge during this critical period and am grateful to have been given the opportunity to drive the work of the institution forward without interruption in anticipation of the arrival of a new High Commissioner.

Looking Back, Looking Forward: Reflections on Preventing Inter-Ethnic Conflict

Max van der Stoel

High Commissioner on National Minorities (1992-2001)



Max van der Stoel was appointed as the first High Commissioner on National Minorities (OSCE HCNM) in 1992. Born in 1924, van der Stoel was a senior statesman with a long distinguished career. Twice Minister for Foreign Affairs of the Netherlands (1973-1977, 1981-1982), he was also a member of the European Parliament (1971-1973), the North Atlantic Assembly (1968-1973, 1978-1981), the Council of Europe Consultative Assembly and the Western European Union Assembly. Between 1983 and 1986 he served as Permanent Representative of the Netherlands to the UN and in 1991 he was awarded the honorary title of Minister of State by Her Majesty Queen Beatrix of the Netherlands for his exceptional accomplishments. In 1999 van der Stoel received the Order of the Golden Lion of Nassau; the first citizen of the Netherlands to receive the award since 1919.

Nationalism is alive and well. [...] While the media focuses on one conflict, another one brews below the surface. A century marred by inter-ethnic conflict and excessive nationalism is only just behind us: but its legacy lingers on. What lessons can we take from the past and what are the prospects for facing ethnic conflicts in the future? Based on my eight years of experience as OSCE High Commissioner on National Minorities, I would like to share with you my reflections on preventing inter-ethnic conflict.

Although our world is changing rapidly, some of the fundamental issues that we are facing today are those that theorists and practitioners have been struggling with over the past one hundred and fifty years. These include protecting and promoting minority rights and identities within multi-ethnic States, and reconciling claims for self-determination with the interest in preserving the territorial integrity of States. [...]

One of the defining characteristics of the twentieth century was the impact of excessive nationalism and the clash between the principles of sovereignty and self-determination. Wars were fought in defence of these principles; States have been created and broken up in their name; ideologies have been driven by them; and millions of people have been expelled or killed either fighting for, or being victimized by, nationalistic or ethnically-based ideals. As a result, one legacy of the twentieth century is that we almost automatically associate the word “ethnic” with conflict.

Preventing violent ethnic conflict

What can we do to reverse this trend? How can we face, or better still prevent, violent ethnic conflict? I believe that there are three main considerations. The first is the need for a strong legal basis for minority rights protection. The second requires finding imaginative solutions for integrating multi-ethnic diversity. And the third is to improve our techniques for assisting all groups in society to work towards these ends. Related to this latter point is the need to put greater emphasis on conflict prevention.

The protection of minorities is centred on the protection and promotion of the human rights of persons belonging to minorities. If these rights are respected in a democratic political framework based on the rule of law, then all persons, regardless of ethnicity, language or religion, will have the opportunity and the equal right to freely express and pursue their legitimate interests and aspirations.

In addition to established human rights standards, minority rights protection has been strengthened in recent years by the OSCE's Copenhagen Document and the Council of Europe's Framework Convention for the Protection of National Minorities. These standards have not been developed abstractly. They reflect the common views and wisdom of experts and practitioners and above all governments who have sought reasonable and fair ways of accommodating different identities and cultures while protecting the rights of individuals.

To be effective, these standards have to be applied. I think that many OSCE States are heading in the right direction. The fact that the respect for human rights, including the rights of persons belonging to national minorities, is part of the European Union's criteria for admission of new members has made an important impact on applicant States.

But applying these standards is not a matter of scraping over the bar for the sake of appeasing the international community. The message that I try to convey to Governments is that they should implement their commitments not because they have to, but because it makes sense. Minorities are not going to go away. Marginalizing or ignoring minorities risks isolating them from mainstream society. If minorities do not feel like active and equal members of the State, they will not act like active and equal members of the State. They might seek to create their own parallel institutions and may tend to keep to themselves. This strengthens their sense of uniqueness or separateness and, by extension, the sense of difference between themselves and the majority. There is a danger that this divisiveness can sow the seeds of distrust, suspicion and misunderstanding – the worst case outcomes of which we know all too well.

Conversely if minorities are given the opportunity to be full and equal members of society and do not feel that their identities are threatened, then the chances of inter-ethnic tension will be greatly reduced. If ethnicity is depoliticized and politics is de-ethnized, then one's ethnic identity will not be an issue. Instead, people from all communities will concentrate on common interests and common concerns. Involving minorities in society and protecting their rights and identities is therefore good governance.

Accepting the multi-ethnic reality

Because few modern States are ethnically homogeneous, legal and political frameworks should be devised to reflect the multi-ethnic reality rather than the nation-state myth. This is especially the case where there are sizeable and concentrated minority populations. For example, legislation, including the Constitution, should be inclusive and stress civic rather than ethnic attributes. States should

ensure that opportunities exist for minorities to have an effective voice in government. Minorities should have opportunities to give input to decisions that affect them. There should be mechanisms through which they can discuss their points of view and opportunities for dialogue with government representatives. Because dialogue between the government and minorities is seldom limited to a single issue, it is important that these channels are established for the long term. A number of countries in the OSCE area have created government departments for minority issues, and have appointed Ombudsmen or Commissioners on Ethnic and Human Rights Issues. Several have also established minority consultative or advisory councils, either connected to legislative bodies or free-standing. Still, more needs to be done to have minorities adequately represented in the civil service, for example police and local officials.

Balancing minority and majority interests

These ideas should not be seen as a means of pandering to minority interests. Nor should they be implemented in a superficial way that amounts to little more than tokenism. Rather, the key is to strike a balance between minority and majority interests that allows for all sides to enjoy their individual identities while realizing and valuing shared interests.

For example, an effective language policy is one that concentrates on protecting the State language without limiting opportunities for use of minority languages. This is especially the case in education. On the one hand, the right of persons belonging to national minorities to maintain their identity can only be fully realized if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition

of a proper knowledge of the State language. This knowledge improves their economic prospects and their possibilities to exercise civic and political rights. Minority and majority interests can therefore be seen as complementary rather than mutually exclusive.

The same goes for culture. Persons belonging to national minorities have the right to express, preserve and develop their cultural identity free of any attempts at assimilation against their will. Of course, with equal rights come equal obligations. Minorities must be good citizens and not pursue their interests to the detriment of the human and civic rights of others.

Integrating diversity may, in some cases, be well served by allowing for a certain amount of self-government. There is a vastly unexplored range of possibilities between assimilation on one hand and secession on the other that has yet to be fully appreciated. More attention needs to be focused on so-called “internal” self-determination whereby self-government is arranged in such a way as to respond to the desire by a significant minority group to have a considerable amount of control over its own administration without challenging the sovereignty and integrity of the State.

Diversity is both desirable and possible

Accepting that integrating diversity is both desirable and possible, what can be done to assist this process? The onus is on governments. They have the main responsibility to devise legislation and political frameworks to protect and integrate minorities. An overall integration strategy can be helpful in this respect. In this process, it is important for the government to send the right political signals and to involve minorities in decisions that affect them. Furthermore, promises that are given should be kept. Statements of good intention which are not

fulfilled will erode the minority's confidence in the government. This can lead to disillusionment and an unwillingness to compromise in the future. Of course, this works both ways. Minorities must make full use of the opportunities available to them and demonstrate that they are responsible partners.

The international community can also play a role. Multilateral monitoring of the compliance of States to their international commitments increases transparency. Support for specific projects can help to reduce tensions and build long-term stability. I think we sometimes underestimate the impact that targeted resources can have on preventing conflict. Resources are often dedicated to people in need, either during or after a crisis. But we have to do more to prevent crises from getting to that stage at all. That requires political will, but also investment. It is hard to quantify successful preventive diplomacy because if it works nothing happens. But it is certainly easy to spot failure. Therefore although investment in conflict prevention may not be glamorous and may take years to pay dividends, it is money very well spent.

Integration is a long-term process

Of course, integration is a long-term process and there may be setbacks along the way. We must therefore be vigilant and committed to preventing any tensions involving national minority issues which have the potential to develop into conflict situations. My philosophy over the past eight years has been that the sooner we head off smouldering disputes, the better the chance that we will prevent them from igniting into full-scale conflicts later on. The longer the fuse burns, the more entrenched positions become and the harder it is to undo the damage.

Early information and careful analysis provide the background for early warning. Depending on the level of threat to security, early warning should be followed by early action. This action does not have to be dramatic. But it has to be timely and it should get to the heart of the issues. My experience is that this is best done quietly and co-operatively. Furthermore, one should take a step by step approach that creates a momentum for change.

While being sensitive to questions of culture, history and symbolism, I try to get the parties to concentrate on questions of substance. Nationalism feeds off stereotypes and vague generalizations. If one can put these aside and look at the specific underlying considerations, one can begin to pragmatically tackle concrete issues in dispute. In the process, the parties might even discover that their respective positions are not as far removed from each other as they may have thought. And if they are, they often welcome outside assistance in finding common ground and building consensus.

This is not the case when parties or individuals have no interest in compromise. Extreme nationalists often stick to their guns (sometimes literally) because compromise would undermine vested interests which often have nothing to do with ethnicity. National or ethnic arguments often mask interests of power, prestige and resources. In such cases, we have to be careful to make a distinction between populists, demagogues, extremists and their followers on one hand and the silent majority on the other. Efforts to condemn all members of an ethnic or religious group because of the actions of a few may not only infringe on their rights, but may create the very conditions that extremists thrive on.

Rethinking the meaning of sovereignty

Bearing that in mind, my goal has been to find common ground among the parties. I try to get Governments to stretch the bounds of the politically possible while reminding minorities to keep their demands within the realm of the probable. During my visits and in my recommendations I try to indicate possible compromise formula and explain that protecting the interests of one group does not have to come at the expense of another.

Looking back, I hope that it can be said that my office has been able to play a useful role in taking early action on issues that could have exacerbated inter-ethnic tensions. Of course, the successful outcome of my intervention depends on the willingness of the parties to take to heart and implement the advice that I give. I see my role as that of a conciliator and catalyst. I think that the flexibility of my mandate has allowed me to be inventive in my approach. The intrusiveness of my mandate has allowed me to play an active and legitimate role in the internal affairs of States. Constructive, long-term engagement has helped to ensure that States stick to and implement their commitments.

But I must admit that it is a bit discouraging to think that my workload has not decreased in the last few years. That is why I would caution against any complacency about the reduced threat of ethnic conflict. There is a certain wishful linear logic that we are all progressing in the same direction according to the good intentions of high-level international documents. That certainly is the goal, but reality sometimes has a nasty way of interfering. There is no guarantee that we will continue moving in the right direction. We must therefore keep an eye on any back-sliding on minority rights protection

and continue to assist and monitor the process of implementing legal and political reform. We must also follow-up early warning with early action. We cannot simply hope that when there are clouds on the horizon they will disperse. I do not want to sound like a Cassandra, but I want to warn against the view that excessive nationalism is a by-product of post-Communist transition and as we move out of that phase, nationalism will fade away. If that is true, how does one explain recent election results in Bosnia and Romania? Or the evident rise of xenophobia and racism in many European countries? Or persistent separatist movements in some countries? Or the assertive tendency of some countries to defend the interests of their kin abroad while neglecting the role that international organizations can play in this regard? Or the continued suspicion among certain ethnic communities that their neighbours cannot be trusted? There is no end of Nationalism as there is no end of History. We will be facing ethnic conflict for some time to come. [...]

To conclude, there are many issues across the OSCE area that concern national minorities. I cannot deal with them all, nor does my mandate oblige me too. I must concentrate on those that have the most direct bearing on security. I have also learned to expect the unexpected. [...]

Over the past few years, we have learned a great deal about the symptoms of crisis situations, the characteristics of nationalism, techniques for conflict management, and priorities for post-conflict rehabilitation. I'm sure further ideas will develop [...].

My hope is that in the years ahead, issues of ethnicity and nationalism will not only be better understood, but more effectively addressed. They

will become part of the normal discourse rather than sources of conflict. This will not only require a greater emphasis on conflict prevention, but also a change in thinking about the traditional paradigm of the nation-State and the meaning of sovereignty.

Footnote: This article is an abridged version of an address given by High Commissioner Van der Stoep to the International Conference on "Facing Ethnic Conflicts", on 14 December 2000, in Bonn, Germany entitled "Looking Back, Looking Forward: Reflections on Preventing Inter-Ethnic Conflict". It is also published in full in *Peace and Stability through Human and Minority Rights, Speeches by the OSCE High Commissioner on National Minorities*. Edited by Wolfgang Zellner and Falke Lange. (2001) NOMOS Verlagsgesellschaft, Baden Baden, Germany, ISBN 3-7890-7335-0.

Reflections on the Practices and Philosophy of the HCNM

Rolf Ekéus

High Commissioner on National Minorities (2001-2007)



Swedish diplomat Rolf Ekéus assumed the position of OSCE High Commissioner on National Minorities in July 2001, taking over from Max van der Stoep of the Netherlands who held the post for more than eight years. Ambassador Ekéus has a long and distinguished career in the Swedish diplomatic service. During his forty-year career he has served his country in Bonn, Nairobi, New York, The Hague and, more recently, was Swedish Ambassador to the United States. He was active in the CSCE during the period of post-Communist transition. He headed the Swedish delegation to the CSCE from 1988 to 1992 and played a key role in drafting the Charter of Paris for a New Europe (1990).

When the first High Commissioner on National Minorities Max van der Stoep ended his term in office in 2001 he left a unique set of principles and practices in place for his successor. In the following reflections on my work as HCNM, I highlight some of the operational activities I carried out which reflect not only the practices but also the philosophy of the High Commissioner. I also show how various HCNM Guidelines and Recommendations helped with this process. Throughout my term in office, I systematically recruited a team of brilliant, thoughtful and hardworking collaborators, committed to the principles of human rights and conflict prevention: I am deeply grateful to them for their work. I must also express my satisfaction and happiness that the OSCE selected an outstanding diplomat and politician, Knut Vollebæk, as my successor. In that way, the unique task of the HCNM could be preserved and extended

Let me begin with the special skills I inherited as High Commissioner on National Minorities in 2001. These were based upon the physical presence and the concrete operational capability which could be developed in harmony with a standard-setting body such as the Council of Europe. A major step was taken in spring 2004 when I, as HCNM, approached the Irish EU Presidency and advocated a new formulation of the language concerning minorities for the accession criteria for full membership of the EU. It was a pleasant surprise, therefore, when on 8 June 2004, the Heads of State and Government

reformulated Article 2 of the Constitution accordingly: “The Union is founded on values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to national minorities.”

On the invitation of UN Secretary-General Kofi Annan, I made the following proposal in a meeting in September 2006 at the United Nations on behalf of global minority rights. “Safeguarding respect for human rights is the fundamental and effective means of preventing conflict. It is not only the right thing to do, it is the wise thing to do. The overarching term “universal human rights” includes minority rights, both as regards language, culture and religion as well as the right to freely participate in the political, economic and cultural life of the State in which they reside. Respect for minority rights is thus an essential factor for conflict prevention and peace. The decision by the OSCE (CSCE) participating States to establish the HCNM was thus a step to create an instrument of conflict prevention and peace “acting independently and in confidence.”” Kofi Annan, in his special report to the UN General Assembly in 2006 on the prevention of armed conflict, went on to highlight the HCNM as an important international instrument for conflict prevention.

New States, new national minorities and the challenges of democracy

To execute my mandate of conflict prevention effectively, I worked directly with Governments and representatives of national minorities throughout the OSCE region. My conflict prevention mandate took me to a number of newly independent States in Europe and Central Asia. Many of the national minorities that I worked with had only recently acquired this status due to the realignment of borders in Europe during the 1990s. In this paper

I aim to highlight the operational activities as well as the philosophy of my work by placing them in the geopolitical context of the time and describing the interventions I initiated to reduce inter-ethnic tensions.

In few places have the limits of ethnic tolerance been more tested than in Estonia and Latvia. The territory of these two States, independent and sovereign during the period between the two World Wars, was drawn into the war, annexed and included as republics in the Soviet Union. During the rule of Stalin up to 1953, but also thereafter, a brutal Russification was executed in Estonia and Latvia. Estonians and Latvians were deported to Siberia and other remote parts of the Soviet empire. Others managed to take refuge in the West. At the same time, a large number of Russians moved in, taking over houses, land, property and farms, Russian became the official language, and human rights were ruthlessly suppressed.

With the collapse of the Soviet Union, Estonia and Latvia (and Lithuania) declared themselves as free and independent States. At that moment they found themselves with large Russian-speaking minorities – Latvia with more than 40% of the population. The free States faced the challenge of establishing a national identity in a democratic Europe. Estonian and Latvian had to be established as national languages, which the courts and authorities had to use instead of Russian. The school curriculum had to be changed. History and geography had to be cleansed of Soviet/Marxist dominance. The police force, prosecution offices and judiciary, which had been the instruments for oppression by the old regime, had to be reformed. These almost dramatic changes created new political and moral complications. In Estonia and Latvia, as in so many other parts of the former Soviet power sphere, new national minorities have emerged, and

therefore questions of the rights of minorities have come to have a considerable influence on peace and security in our contemporary Europe.

Despite the complex problems facing Latvia during my years as HCNM, the problems were successfully identified and progress was made, albeit slowly. In 2006 the two-person expert group I had commissioned to help improve the capabilities of the State Language Inspectorate presented their report which was well received and led to effective implementation. Meanwhile, President Vike-Freiberga continued her strong support to the HCNM as an independent institution working in strict confidence. During this period, Russian officials warmly approved of my work in Latvia on issues of the Russian-speaking minorities and their education and language problems.

Protecting the linguistic rights and citizenship of national minorities

Following independence, citizenship for the (Russian) minority population who had settled in Latvia during the Soviet period was not automatic. Moreover, knowledge of Latvian became a firm requirement for citizenship. This language requirement was somewhat eased on the recommendation of High Commissioner Van der Stoep in April 1991, but this later led to difficulties among the different Latvian political fractions. Disputes over language such as this inspired the publication of *The HCNM Oslo Recommendations regarding the Linguistic Rights of National Minorities (1998)*. During constructive talks with Latvia's government, I expressed understanding for the legislation that made individuals who had collaborated with the State Security Organs during the Soviet era not legally eligible for elections to the Parliament. In conversations with the major Russian-speaking NGO I managed to reach an understanding that the Russian community was ready to work

actively to acquire the necessary Latvian language skills, at the same time safeguarding the status and protection of the Russian language in Latvia.

My visit to Latvia in February 2004 coincided with a government crisis on the language issues, ending with a compromise that a maximum of 60% of the curriculum would be taught in the State language in the minority schools, though the ministry did little to implement this. At the time, I noted a radicalization of the Russian-speaking community, where the leaders refused to discuss any sort of reform. Also public statements by Russia hardened towards Latvia in support of the Russian minority in Latvia. In that situation I supported President Freiberga's action plan aimed at strengthening the quality of the minority schools. Conversely, the good news in this tense situation was that the number of applicants for naturalization increased rapidly.

A most remarkable development which took place during my time as HCNM concerned the Meskhetian communities in the Russian federation, especially regarding the 20,000 persons living in the Krasnodar Krai region in Southern Russia. In a letter to the Russian government in April 2002 I raised my concern about such difficulties for the Meskhetians in the region as tensions, intolerance and lack of citizenship. There were questions about repatriation, voluntary or non-voluntary, of Meskhetians to Georgia or to relocate them to northern Russia. Meskhetians were characterized in negative and stereotypical ways. Nor did efforts to integrate them in Krasnodar Krai work.

I followed the Meskhetian situation and co-wrote a letter to President Putin with the Council of Europe and the UN High Commissioner on Refugees in September 2003, expressing concern about the lack of citizenship and security of the Meskhetians. During

my visits to Georgia I noticed that the authorities remained reluctant to address the issue of the return of Meskhetians to Georgia. However, my joint initiative with the above-mentioned institutions activated the American refugee programs. When I arrived in Moscow in May 2005, the American Embassy announced that the large majority of Meskhetians in Krasnodar Krai would be free and welcome to move to the United States, a remarkable success when practically all the Meskhetians took the opportunity to move, thus liberating themselves from harassments in Russia by local paramilitary (Cossacks) groups. Russian pressure on Georgia to accommodate Meskhetians from Krasnodar Krai was also lifted.



Meskhetians Salim Khamdyev (left) and his wife Fatima at their home in the village of Abastumani, Samtskhe-Javakheti region, Georgia, 9 July 2008. (© OSCE/Pavlo Byalyk)

HCNM Recommendations on Policing in Multi-Ethnic Societies

Although, during my six years as HCNM, I experienced a fundamentally positive attitude towards my office, I noticed that the independent Russian experts I met considered that the inter-ethnic situation

in Russia did not improve. Russian nationalism was on the rise fueled by the government-cultivated sense of Russia's resurgence and general anti-immigrant sentiments within the Russian society at large. Officials and Russian non-governmental agencies told me that local confrontations were not rooted in inter-ethnic problems only, but in their opinion were generated by the inactivity of the local police, when migrants from North Caucasus monopolized local trade. I responded to that in 2007 by introducing to the Russian authorities the *HCNM Recommendations on Policing in Multi-Ethnic Societies*, an initiative which was well received by the authorities which requested my assistance with expertise, a proposal which I welcomed.

Similarly, in Serbia, I focused on South Serbia due to the fragility of inter-ethnic relations and the Albanian majority in the region. The Albanian leaders in Serbia tended to call this region "Eastern Kosovo", thus clearly indicating their ambition to incorporate that territory into Kosovo. Here too, in addition to my practical contribution to the OSCE mission's project in the field of inter-ethnic police work, aiming at community policing, I also strongly recommended the use of the *HCNM Recommendations on Policing in Multi-ethnic Societies* and thus provided valuable insights both to the OSCE Mission and, most importantly, to Serbia's new Ministry of Interior. In addition to this, I also focused on schooling for the Albanian national minority to further their integration into Serbian society. My office also created a project in South Serbia to develop a history curriculum for Albanian language schools, something that was warmly received by the leaders of the Albanian political parties.



The HCNM Recommendations on Policing in Multi-Ethnic Societies are widely used throughout the OSCE area by governments and law enforcement authorities alike, Kyrgyzstan, February 2006. (© OSCE)

In Georgia too, on Prime Minister Noghaideli's request, we developed concrete projects for the implantation in Georgia of the *HCNM Recommendations on Policing in Multi-Ethnic Societies*. We also launched a number of successful HCNM projects in Samtskhe-Javakheti which improved language education for civil servants, supported Georgian as a second language, supported Azerbaijani as a mother tongue, and managed inter-ethnic relations. The HCNM "Re-broadcasting Project" also provided a daily translation of the Georgian national news into Armenian and Azeri languages for the populations of Javakheti and Kvamo Kartli. For the remainder of my term as the HCNM, there was noticeable progress in the Samtskhe-Javakheti situation, resulting in harmonious relations between Tbilisi and the Armenian minority.

The need for 'quiet diplomacy' and confidentiality in the reconciliation process

The first High Commissioner, Van der Stoep, had focused on Kosovo long before the 1999 conflict. That event was a negative example of the consequences

of neglecting majority-minority relations, escalating tensions and open conflict. My first visit to Kosovo took place in May 2005 when I met with representatives of the Provisional Institution of Self Government (PISG), the United Nations Mission in Kosovo and the Serbs in Kosovo. I had decided that after the 1999 conflict it would be unwise by me to rush in, bearing in mind the numerous international actors already involved. However I agreed with the UN Secretary-General's Representative that I as High Commissioner had an important role to engage Belgrade for a constructive dialogue on the protection of the rights of all communities in Kosovo. In my earlier meetings with Serbia's Prime Minister Kostunica I had convinced him of the importance of my engagement in Kosovo and at the same time raised the issue of a reconciliation process. Kostunica was cautiously in favour in the context of protecting minorities.

The Kosovo majority of Albanians accepted the principle of majority rights and integration, but insisted that "the minority should learn the language of the majority, not the other way around." The HCNM toolbox of solutions I presented to the different parties appeared not to be easily applied in Kosovo where complete separations, segregation and parallel structures were the name of the game. I immediately saw that the best that could be achieved seemed to be "living side by side" and proposed that the two sides should focus on education. There had been no teaching in the Serbian language in Albanian schools and no courses in Albanian language in Serbian schools. Slightly better, from my perspective, was that persons belonging to minorities had been employed in the public service including the police and the judicial system. There followed a complex reconciliation process involving many meetings held under my mandate of confidentiality and with the assistance of the

International Centre for Transnational Justice (ICT) an international NGO which I had engaged to assist with the difficult reconciliation process. Issues such as different types of reparations to victims, truth-seeking mechanisms (such as the South African Truth- and Reconciliation Commission), institutional reforms including vetting procedures and fair criminal trials were all discussed. By identifying mechanisms to further promote reconciliation and transitional justice, participants were then able to identify areas of common concern and to explore them jointly and more deeply.

Although there was no consensus in the end, some common issues arose: missing persons, criminal prosecution, the need for a truth commission (the South African model) and possible reparations, all these were seen by participants as areas that could help promote inter-ethnic reconciliation.

Central Asia's struggle with the rise in fundamentalism

My work in Central Asia was dominated by growing security concerns, caused in part by the rise in Islamic fundamentalism across the region. Concerns about the treatment of Russian minorities in Kyrgyzstan and Turkmenistan were also raised. Especially problematic were the shortage of Russian schools, broadcasting and newspapers and, especially in Turkmenistan, dual citizenship. Two other problems were apparent. One was the growing Islamic fundamentalist nature of Kyrgyzstan, undermining any democratic process, and expanding through the establishment of a large number of sunni madrassas schools. The other was the hardship for the large minority of Tajik (shia) ethnicity. With that in mind I emphasized the risks for serious confrontations in the longer perspective between Uzbekistan and Tajikistan.

The situation in Uzbekistan also caused concern, especially the effects of rising Islamic fundamentalism and endemic social-economic problems which would lead to a major destabilizing effect on the entire region.



Rolf Ekeus (left), OSCE High Commissioner on National Minorities, speaks to Ambassador Miroslav Jenca, OSCE Project Co-ordinator in Uzbekistan, at a conference on minority education in Central Asia, Tashkent, 28 November 2006. (© OSCE)

Much later, In November 2006, I managed together with the Uzbek government, after years of consultations with all the different Central Asian States, to launch in Tashkent a ministerial conference, where all the participants agreed to establish a structural process of co-operation around concrete issues, such as teacher-training and text-book development. Thereafter, a series of working group meetings for this purpose were launched, once again demonstrating the benefits of being open to dialogue when inter-State tensions arise.

The State's Responsibility to Safeguard Minority Rights: Building a Stable, Cohesive Society from the Ground up

Knut Vollebæk

OSCE High Commissioner on National Minorities (2007-2013)



Ambassador Knut Vollebæk (Norway) has held numerous prominent positions during his illustrious career. Immediately prior to being appointed OSCE High Commissioner on National Minorities in July 2007, he was Norway's Ambassador to the United States and had also served as Norwegian Minister of Foreign Affairs as well as Chairman-in-Office of the OSCE. His academic qualifications include a Masters in Economics and a Bachelor's in Political Science from the University of Oslo. He also did a post-graduate study at the University of California in Santa Barbara and studied French and Spanish in Paris and Madrid respectively.

When I took up my position as High Commissioner in August 2007 I was reminded of my work as Primus-inter-Pares of the OSCE Panel of Eminent Persons in 2005. The Panel was set up to look into the possible restructuring of the OSCE and how it could carry out its mandate more efficiently. At the presentation of the Panel's recommendations at that time, it underlined that we should always remember that "OSCE values and commitments are the bedrock on which the Organization stands". If the OSCE participating States did not show willingness to stand by their values and commitments, any reform would be futile.

When I came to Vienna with my first budget proposals for the year 2008, I referred to this basic understanding and told the participating States that a consistent and effective implementation of these standards throughout the OSCE area was needed. Throughout my six years in office, I was reminded of the fact that without the political will of the participating States to uphold and implement these standards, the work of the HCNM becomes almost impossible. The mandate of the HCNM is uniquely apt and strong. However, the High Commissioner's efficiency depends on the will of the participating States to make good use of such a unique instrument.

Ensuring respect for minority rights: the role of the State

In my first report to the OSCE Permanent Council I underlined that I saw the OSCE participating States as the most important guarantors for ensuring respect for and full implementation of minority rights. Without well-functioning, democratic and accountable States, based on the rule of law, the rights of persons belonging to national minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language are likely to be violated. I also reminded the participating States that failing to protect minority rights would make minorities vulnerable and increase the potential for conflicts.

During my first weeks in office I travelled to South-Eastern Europe, Central Asia and Georgia because of the high priority I attached to the situation there. The complex legacy of the States coming out of the Soviet Union and the former Yugoslavia resulted in long-term challenges for these countries in building cohesive societies where both ethnic majorities and minorities feel at home and at peace with each other. The break-up of the Soviet Union and Yugoslavia created a number of multi-ethnic States, where the majority in one State was the minority in the neighbouring State. Thus, at my first appearance before the Permanent Council I expressed my concern that tensions stemming from inter-ethnic issues in individual States could have a negative impact upon inter-State relations too.



High Commissioner Knut Vollebæk visits a school in Farap, in the Lebap region of Turkmenistan, 20 May 2008.

(© OSCE/Odd Magne Ruud)

This concern inspired the development of the *Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* which I launched the following year. My predecessor, Ambassador Rolf Ekéus, had done much of the ground work in preparing for the Recommendations. From the very outset of my mandate I realized how the question of national minorities in the context of inter-State relations was likely to become excessively politicized and give rise to tensions and outright confrontation. Both my predecessors and I saw the need for greater clarity on how States should pursue their legitimate interest with regard to national minorities abroad without jeopardizing principles of good neighbourly relations.

Balancing rights and responsibilities

The main message of the Bolzano/Bozen Recommendations was – and is – that protecting national minorities is primarily a responsibility of the States where minorities reside. At the same time, other States may have an interest in the well-being of minorities with whom they are linked by bonds of kinship, language and history. This interest, however, has to be curtailed by the principles of territorial integrity, sovereignty, protection of human rights, including minority rights, and non-discrimination. The Recommendations outline the balance between rights and responsibilities and describe multilateral and bilateral instruments and mechanisms for dealing with contested issues involving national minorities and inter-State relations.

I believe that the main messages of the Recommendations are as valid today as they were when they were issued in 2008. I am also convinced that some of the conflicts involving neighbouring States that happened on my watch, and immediately after, could have been avoided had these principles been adhered to and if the HCNM had been used to its fullest.

A State's interest in extending benefits to persons residing abroad, albeit not being prohibited, should not be unilateral nor fuel separatism. The Bolzano/Bozen Recommendations emphasize that conferral of citizenship to persons residing abroad is one of the most common causes of tension and conflict and should only be done in strict adherence with the principles of good neighbourly relations and territorial sovereignty. It is clearly stated that kin-States cannot give passports to citizens of another State and then expect to claim protection for a particular group of their citizens on the territory of that State.

As I carried out my mission these guidelines proved their validity, but were challenged time and again. Relations between many participating States were strained by the real or perceived understanding that the basic rights of a minority with links to a neighbouring State were under threat. This resulted in the minority looking across the borders for support. The minority was understood not to be loyal to the State in which its members resided and were citizens. It also raised concern in the kin-State in government circles and among ordinary citizens and provoked different types of interference, and in some cases even military interventions. On some occasions I organized more or less confidential dialogues between neighbouring States. Some of these processes provided a platform for direct contact between governments and created an atmosphere of confidence where relations improved.

As cross-border accusations of human rights violations became more serious, particularly those of kin-minorities, I undertook studies among ethnic minorities to ascertain the facts and how they perceived their situation. Such studies should not result in direct comparisons because the history and context might vary greatly from one country to another. However, these studies did illustrate the overall importance of creating an environment where minorities do feel that they belong and are an integral part of the society in which they live. If that is not the case, marginalization might lead to internal resentment and conflict, and the minority looking for support across the border.

Integration of society: a complex, cross-cutting policy field

This is why the *Ljubljana Guidelines on Integration of Diverse Societies* were launched in 2012. The Guidelines address the situation in countries with historic ethnic minorities, but in my view they are

equally relevant to situations where a State is dealing with the so-called “new minorities”, namely new immigrants with no historical roots in the country. My introduction to the Guidelines states that none of the numerous ethnic conflicts that erupted in post-Cold War Europe were inevitable. “They are a consequence of political choices that could have been different. Such conflicts are frequently rooted in the denial of basic rights and in the systematic and/or systemic exclusion and alienation of entire communities”. I believe this is the most important lesson to learn for the authorities in present-day societies, whether you call them multi-ethnic, pluralistic or multicultural. Integration of society is a complex and cross-cutting policy field.

As the Ljubljana Guidelines are the result of the work and experience of all High Commissioners from 1992 onwards, it was my hope that they could provide policymakers with guiding principles and practical advice on how to elaborate and implement policies that facilitate the integration of diverse societies.

The mandate of the HCNM comes out of a situation of conflicts between a majority and “traditional” minorities. In that respect it aimed to prevent and solve situations between ethnic groups that had lived together for centuries. The mandate also dealt with so-called kin-State issues, as we know from the Bolzano/Bozen Recommendations. When we launched the Ljubljana Guidelines I tried to convince the participating States that these guidelines would also be applicable to societies facing an influx of “new” minorities, i.e. migrants, asylum seekers and refugees. It was hard for me to understand the resentment from many governments to applying these Guidelines and also the negative attitude towards benefitting from the HCNM’s experience in dealing with such integration issues in their countries. The fear of giving certain groups

rights and privileges trumped the willingness to use the instruments available to handle acute and complex situations that could result – and in some cases already have resulted – in societal conflicts. Integration is one of the main challenges facing national and local authorities today and promoting the Ljubljana Guidelines is well worth the effort.

In March 2013 we celebrated twenty years of the HCNM. In my speech on that occasion I referred to the remarkable transformations that Europe had seen, particularly in post-Communist countries. However, I also underlined that some of the fundamental challenges that the HCNM was set up to address remain the same: aggressive nationalism; the deep prejudice, intolerance and hatred that I saw manipulated by ethnic entrepreneurs eager to score easy political dividends; and the separation of communities along ethno-cultural lines that persists and threatens the very fabric of democratic and peaceful politics. I am certain that the High Commissioner of 2018 could have said exactly the same.

Conflict stems from political choices

Looking at the situation, both past and present, I am convinced that it is possible to avoid conflicts. The inter-ethnic conflicts that erupted in Europe at the end of the Cold War were a consequence of political choices. The same goes for the conflicts we witnessed in the OSCE region in the years after. Such conflicts are often rooted in the denial of basic rights and the systemic exclusion and alienation of communities. The preservation of peace and stability within and between States is inextricably linked to the protection of human rights, including minority rights. Therefore, the efforts being made today to undermine the importance of the various human rights instruments established in the aftermath of WWII are a threat to peace and stability in our region.

As I travelled to innumerable small villages and met with local leaders and school teachers, an important lesson for me was that conflict prevention, which we often associate with high politics and hard security, is best achieved by such arguably “soft” measures as education reform, targeted development programmes, institution building and training. A cohesive and viable society has to be built from the ground. A house is only as stable as its foundation. That does not mean that we need unanimity and consensus among people. But we do need to ensure that people experience being heard and that they can participate in the decision-making processes and, thus, remain loyal to the country in which they live.



OSCE High Commissioner Vollebæk in a camp for Internally Displaced Persons (IDPs) run by the UNHCR near Gori, Georgia, September 2008.

(© OSCE/Simon Short)

Sustainable conflict prevention also requires long-term commitment and perseverance. Often it seems that the logic of politics is inconsistent with long-term prevention trying to address the root-causes of societal rifts. Long-term efforts rarely generate high returns for domestic political actors who are at times most concerned with delivering quick results in time

for the next elections. Unfortunately this attitude also goes for the international community which is reluctant to commit to long-term engagement. We always ask for the exit strategy instead of looking for a strategy by which we can work together and build sustainable peace.

Are the participating States losing interest in the HCNM?

Are the participating States losing interest in the HCNM? At the 20th Anniversary I referred to the decision in Helsinki in 1992 to establish the institution. Rereading the decision from that time, it is easy to see that it was the combination of a strong belief in the merits of international instruments and an equally strong sense of urgency and looming crisis that spurred the leaders into committing to a very strong and very intrusive mandate. As I stated in my “farewell” address to the Permanent Council in July 2013, my conviction that the institution of the HCNM is valuable, effective and essential remains undimmed. The challenge both in 2013 and today is to preserve and protect against the dilution of what we have achieved already. While the manifestations of nationalism and inter-ethnic tensions change over time, the underlying challenge of maintaining inter-ethnic accord is constant. No State can ever fully achieve this once and for all. That is why I continued engaging with many of the countries where my predecessors had been working. It did not mean that progress had not been achieved or that the situation had not developed. This continued engagement was not a sign of failure, rather the ability to have a long-term engagement was – and is – part of the HCNM’s strength. In a world of short attention spans and ever faster news-cycles, the HCNM has managed to remain consistent, persistent and relevant.

Solutions can only be found if there is political will: HCNM stands ready to assist

During my tenure as High Commissioner I experienced first-hand the consequences of rising nationalism, political extremism and xenophobic rhetoric for relations both within and between participating States. I had seen that internally, the polarizing rhetoric created an environment less welcoming of diversity, adversely affecting minority groups. I observed this trend infecting mainstream political parties too, with politicians competing for votes on issues such as immigration and integration. Already at that time parties on the political fringes managed to shift the political centre of gravity by shaping the debate on individual policy issues, a tendency that continues today. In this way, radical agendas have gained an outsized influence on our political debates. I continued pointing to the fact that the trend also affected inter-State relations.

“When politics becomes a matter of ethnicity and national politics spills over State borders, it is likely to provoke a negative reaction in the neighbouring States. Another symptom of this is when States are more interested in minorities abroad than at home”²

The challenges are the same today as they were when I left the HCNM. In order to move forward and reduce tension, the OSCE participating States should acknowledge the challenges and, where possible, address them together. Ultimately it comes down to the political will of the participating States, collectively and individually. If there is a political will, solutions may be found. The HCNM continues to be a most valid instrument in assisting the participating States towards this end.

² Statement made by High Commissioner Knut Vollebæk to the Permanent Council in Vienna (11 July 2013).

Challenges and Opportunities for the HCNM

Astrid Thors

OSCE High Commissioner on National Minorities (2013-2016)



Before becoming High Commissioner in 2013, Astrid Thors, a lawyer by training, was a Member of the Finnish Parliament (2004–2013), the Grand Committee (2004–2007, 2011–2013), the Constitutional Law Committee (2004–2007), and the Legal Affairs Committee (2004–2007). As Minister of Migration and European Affairs (2007–2011) Thors was responsible for the Finnish migration policy, Finnish EU policy and relations with the autonomous region of the Åland Islands. During her time as Minister a new law on integration was adopted and the administration of immigration affairs was further developed. From 1996–2004 Thors was a Member of the European Parliament, and a member of the JPC with Slovakia (1997–1999) and Latvia (2002–2004), respectively. She was appointed Officier de la Légion d'honneur of France in 2012, Commander of the Order of the White Rose of Finland in 2009 and received the Grand Cross of the Royal Norwegian Order of Merit in 2007.

The first days at HCNM

One week before I began my work as High Commissioner in August 2013, my dear predecessor, Knut Vollebæk, released the “The integration of formerly deported people (FDP) in Crimea, Ukraine, needs assessment”. The prelude to this began over 70 years ago with the forced deportation in the 1940s of hundreds of thousands of Crimean Tatars, as well as Armenians, Bulgarians and Greeks, from Crimea to Central Asia. In the late 1980s, they had started to return. Initially some legislation was in place to prepare the conditions for reintegration, but this fell by the wayside and whatever limited economic support had at first been available for the returnees all but vanished. In the opinion of the HCNM there was a real danger that conflicts concerning, for instance, land and housing could lead to serious tensions in Crimea, and that is why monitoring activities and a needs assessment were conducted.

At that point in August 2013 I could not guess how much the situation in Crimea, and in Ukraine in general, would affect my time as High Commissioner. The concerns in the early autumn of 2013 were very different from what was to come. At this stage we had difficulties because of efforts in Ukraine to block the presentation of the findings of the needs assessment. Persons who would later emerge as prominent advocates for the Crimean Tatars were among those who did not support our attempts to present the findings. Moreover, representatives of the HCNM who tried to introduce the report also struggled to have their voices heard.

Before the regime change in Ukraine, in Kyiv only the Ombudsman, Valeriya Lutkovska and her office found merit in the assessment and were ready to study the findings to see how the recommendations could be implemented.

This longstanding and in-depth knowledge of Crimea was certainly an asset to the entire OSCE and the international community as a whole, not only when the annexation of Crimea was taking place, but also in the years that followed. The knowledgeable experts in the office had in-depth insights into Crimea and could thus make valuable evaluations of what was really happening. The same also applied to the whole of Ukraine; however, we sometimes struggled with over-simplified perceptions among internationals. Moreover, because anxiety among minority groups was open to misuse, the populations' grievances were sometimes ignored.³

The crisis in and around Ukraine is an open wound in the midst of the OSCE area; more than 10,000 dead, untold suffering among civilians, and more than 1,000,000 internally displaced persons. Even today the question of access to Crimea for actors in the field of human rights or conflict prevention remains unresolved. This is also the case in what are called 'frozen conflicts' or 'grey zones' which fall under the rule of *de facto* authorities and are not recognized by the international community. If anywhere, it is in these places that access and objective assessments are needed.

3 More on my work in Ukraine can be found in the OSCE YEARBOOK 2017, pp 245-261, including a more general reflection on the years 2013-2016

The importance of education in conflict prevention

In the summer of 2018, political tensions in Ukraine also spilled over into the education sector where the position of minority languages in primary and secondary education is currently under debate. The Venice Commission (VC) issued an opinion in December 2017⁴, highlighting problems of implementation as well as questions of discrimination.

Tensions in the education sector illustrate the highly political nature of education. Education is often a tool to build a State. For instance, teacher training institutes are often the places where the building blocks for the National States were nurtured in the 19th and 20th centuries, and this is certainly still the case today. This illustrates why education is considered to be one of the key factors in conflict prevention.

Proof of the importance of education in conflict prevention is the fact that the first set of recommendations issued by the HCNM were *The Hague Recommendations regarding the Education Rights of National Minorities*, issued in 1996 in The Hague.⁵

Similarly, the first Thematic Commentary of the Council of Europe Advisory Committee for the Framework Convention for the Protection of National Minorities, the FCNM, was issued on Education in 2006⁶. It is also worth mentioning that the Convention on the Rights of the Child contains provisions on the right of minority children to education and, equally, such provisions can be found in the UNESCO Convention against Discrimination in Education.

4 Venice Commission, or Commission for Democracy through Law, opinion 90272017 issued 11.12.2017

5 to be found at <https://www.osce.org/hcnm/32180>

6 Council of Europe website, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800bb694>

At the end of my term in office as High Commissioner, I organized an event to mark the 20th anniversary of The Hague Recommendations⁷. The event brought together over 180 experts, practitioners, representatives of governments of participating States and organizations from 32 States. It aimed to highlight how the recommendations had been implemented and focused specifically on current challenges in diverse societies and the role of the education sector in this regard.



Left to right: OSCE High Commissioner on National Minorities Astrid Thors, and Srđan Verbić, Serbian Minister of Education, Science and Technological Development during the 20th anniversary of *The Hague Recommendations regarding the Education Rights of National Minorities*, The Hague, the Netherlands, 20 April 2016. (© OSCE/HCNM)

In The Hague Recommendations a great deal of emphasis is placed on efforts to ensure the rights of the minority child to an education in his or her language. Based on educational research, these Recommendations stress that the medium of instruction in kindergarten should be the child's mother tongue, and that this should also preferably be the case in primary school. Of course the Recommendations also rightly note that

situations in different countries demand different solutions. The Recommendations also stress the importance of involving parents in the development of their children's schools and in reforms to the educational system.

The implementation of *The Hague Recommendations regarding Education and National Minorities* is a mixed picture. Yet it should also be noted that the thinking around it has evolved, both at the level of the HCNM and among other experts with an interest in education. *The Ljubljana Guidelines on Integration of Diverse Societies* have also had an impact on the advice given by the HCNM.

The challenges of diversity

Education has one primary task: to equip youngsters for the future alongside the function of building the State. However many borders are closed, in the long run the world will be more interconnected with a need to understand other cultures and languages. Of course, it is in the interest of the minority child that the educational system gives him or her the necessary tools to develop an identity of choice – one that is often multi-layered - and to acquire skills that will help in an ever changing labour market, including the right linguistic skills.

Many international documents on education also stress its role in increasing understanding, promoting tolerance and teaching children and adolescents about human rights.

Teaching should increase understanding: the minority should learn about the majority and, vice versa, the majority should learn about the minority.

I would argue that instead of the above there is often backtracking, meaning that history is now again more at the forefront as one of the areas where there is

⁷ <https://www.osce.org/hcnm/234981>

the fight for souls. Would it be too blunt to say that this is part of the new, and old, forms of warfare? Different perspectives on history are forbidden in an increasing number of European countries and their narratives are becoming more nationalistic. Patriotic education, not education to become world citizens, is on the rise. Once again, this presents a challenge to the principles that are underlined as factors that contribute to peace and stability. Also very few textbooks directed towards the majority contain information about the national minorities or indigenous people residing in their country.

Participants at the event in The Hague in April 2016 to celebrate the 20th Anniversary of The Hague Recommendations unanimously agreed that there must be room for children to form their own opinion on historical events, and multiple narratives must be allowed. Omitting the minority perspective will only create tensions for the future. I also hope that a transition to more freedom for the teacher to decide on methods, and on emphasizing learning outcomes instead of simply learning from a certain textbook, will in the long run be the way forward.

As a positive example I would like to mention the multilingual Bujanovac Department of the Subotica Faculty of Economics of the University of Novi Sad in Serbia. Yes, this is the correct name - and certainly I was initially somewhat amused by the complicated structure of the establishment in charge of this higher education, but similar complicated arrangements to have an organization responsible for minority higher education had also been established in my native country.

We should be very thankful to Knut Vollebæk who so successfully started the project, as well as all the partners who agreed to support the facility in order for the new premises to be built and the project to get

started - no-one mentioned, no-one forgotten. The institution is the first truly multilingual and multi-ethnic institution of higher education in southern Serbia, targeting both Albanian-speaking and Serbian-speaking youngsters and youth. It also aims to improve the prospects of economic development in the region.



The new, permanent premises of the Bujanovac Department of the Subotica Faculty of Economics of the Novi Sad University, Bujanovac, Serbia, 17 November 2015. (© OSCE)

When I followed the evaluation of the first years of the Bujanovac Department, it was so rewarding to see the reactions of the students. It should be noted that there was an increased interest among the Serbian students to learn Albanian - and the other way round. A positive interaction between the different groups was also evident.

Deciding upon the language of instruction: the challenges

An expression often used for the HCNM is that we try to say *how* things can be done, not only *what should be done* so that the OSCE participating States can fulfil their commitments to the OSCE

and others. A lot of work has been done together with the participating States to formulate practical ways to implement, among others, The Hague Recommendations in areas such as the language of instruction in the education sector and the languages that should be taught to minority children.

The recent HCNM publication entitled *Language Policy and Conflict Prevention*⁸ carefully documents HCNM's sustained efforts to introduce multilingual education in Central Asia. It underlines the many crucial conditions required for such a method to be successful; including good communication with parents, with the minority community, with the local authorities and with the teachers. The interaction is necessary to convince stakeholders that there is no hidden agenda to deprive the minority pupils of the elements of education that are necessary for them to develop their identity and the right to be respected in their country of residence.

A persistent challenge with bilingual and multilingual education has been the tendency to introduce it too hastily without training the teachers adequately beforehand or allowing enough time to prepare good educational materials. This is a general observation that can apply to all of the participating States working with this method. In addition, the gradual introduction to children of new languages should be respected, which is not always the case.

In countries where the State language or the official language(s) are taught in a more traditional way as a separate subject, a deeper understanding of the fact that minority pupils should be approached with material adapted to their needs is sometimes missing. As once stated to me by an expert: with children who

have no knowledge of the State language, do not start teaching that language by reciting the works of the national poets.

And finally, textbooks, which can also be a source of tension and corruption, sadly enough. Regional co-operation and bilateral arrangements with the kin-State could be a positive element, although it is widely known that descriptions of borders, and of history itself, are in some cases obstacles to meaningful exchanges of textbooks.

With all this experience in education, it is no wonder that some actors actually saw the HCNM as “The educational body of the OSCE”. Somebody might have considered us to be ‘the softies’, working as intently as we did with the soft side of security. However, as I often reminded those around me at the time: “Ministries of education are ministries for the future”. Without good education no country can survive.



High Commissioner Astrid Thors (centre left) and Tetovo Mayor Tueta Arifi (centre right) meet pupils attending an integrated extracurricular class organized by the Nansen Dialogue Centre Skopje at Bratstvo Migeni primary school, Tetova, 9 December 2014. (© OSCE/Nansen Dialogue Centre Skopje)

No sticks, a few carrots

Not only the education sector, but other branches of society can and should contribute to the integration

8 *Language Policy and Conflict Prevention*, edited by Iryna Ulasiuk, Laurentiu Hadirca and William Romans, Brill Nijhoff publisher, published 2018, see, for example, the article by Atanasia Stoianova and Michael Angermann, pp 93-120

of societies. Here the institution upheld the best knowledge of integration in times when the trend within the participating States, as well as with the Council of Europe and the EU, was to forget about integration and to talk instead about combatting violent extremism and terrorism. The work done by HCNM proved to be an inspiration when in 2016 the Council of Europe adopted the guidelines on human rights in culturally diverse societies⁹.

The HCNM also continued to work with countries that were elaborating Integration Strategies, inspired by the HCNM Ljubljana Guidelines, especially Georgia and Moldova. During these efforts it once again became clear how the aspiration for closer relations with the EU can be a carrot.

Even though the formal entry of new countries to the EU was placed on hold by the EU Commission President Juncker in 2014, still the prospect of EU membership and the Copenhagen Criteria of 1993¹⁰, with the famous words “respect for human rights, including respect for and protection of minorities” continued to play a role.

During my years at the helm of the HCNM, a new form of kin-State policy became quite visible. Those countries inside the EU with kin-communities in candidate countries or association countries, were quite active in suggesting benchmarks based on the Copenhagen Criteria. While it is the EU Council that decides on the benchmarks, it is quite obvious that in the individual conditions or criteria now set for a specific country have visible signs of kin-State activism. But if there is no kin-State linked to a minority, then

the benchmarks can easily be lower. Yet another example of double standards in the EU system.

Conversely, the largest human dimension event in the OSCE region - the annual Human Dimension Implementation Meeting (HDIM) - is one of the few occasions where minorities from countries not adhering to the FCNM or the Language Charter¹¹ have a possibility to voice their concerns.

Challenges for the HCNM: the least known institution of the OSCE family

The HCNM is an instrument of ‘quiet diplomacy’, of conflict prevention. In a world in which you exist only if there are tweets about you and where dialogue and diplomacy is often replaced by controversial loud statements, it is sometimes hard to get the attention needed. The idea of ‘quiet diplomacy’ is often to give credit to other actors - you cannot publicly claim the success. And finally, how do you prove that prevention really has happened? All these questions are challenges for the HCNM.

Prevention is, once more, high on the international agenda, due in large part to the ‘programme’ of the current Secretary General of the United Nations, who has placed it at the centre of his actions. However, in order for conflict prevention to be successful, it really must be the kind of prevention that the HCNM is doing - structural, at an early stage, and addressing the root causes.

The prevention work carried out by the HCNM could also be called mediation. There are many forms of mediation nowadays; sometimes defined as different so-called tracks. The new tracks or forms of mediation are more and more involving many

9 <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/-/protection-and-promotion-of-human-rights-in-culturally-diverse-societies>

10 Copenhagen criteria for accession to the EU; adopted in 1993 by the European Council meeting in Copenhagen.

11 FCNM, see footnote 4 and Language Charter, in the European Charter for Regional or Minority Languages of Council of Europe, see www.coe.int

non-State actors. However, mediation today can be a crowded field when it comes to the international arena. On certain occasions it is also too much dependent on the financing timetables of donors and the benchmarks and deadlines they have set. A lack of co-ordination by the donor countries is in nobody's interest. Here, much remains to be done for ensuring co-ordination and that the best equipped body is the one that has the resources to the job.

One lesson I took on board at HCNM was that enough time cannot be spent on 'marketing' the HCNM to the participating States, at different levels. Of course, when I say 'marketing' I mean informing and discussing, and finding common diplomatic pathways in the best sense of the OSCE tradition. Such information could also help defuse both the impact of misusing kin-State policies, which in my mind creates additional obstacles for the work of the HCNM and in the long run is detrimental to those minorities in a vulnerable position.

The value of the institution's independence cannot be over-emphasized. Without that independence it would not be possible to provide really early alerts, which are so much more valuable than the formal early warnings, about which there is an abundance of literature. When an early warning is about to be given by the HCNM, then this often indicates that other measures to prevent conflict have failed. But without the independence to look for information from all different sources, with the exception of those linked to terrorist groups, the institution does not have the potential to provide valuable information to all those with whom it is necessary to co-operate to make prevention effective.

And finally, the HCNM is working in the area of diversity, with a wealth of experience that is very valuable also for the future. It might seem an uphill battle at the moment, with so much nationalistic rhetoric and efforts to close borders. Other times will come, however, when there will be great demand for diversity management. When these times finally return, this is also an area where the excellent colleagues at the HCNM, whose company and advice I so much enjoyed, will continue to be in even higher demand.

Preventing Crises and Conflicts through Promotion of Integration of Diverse Societies

Lamberto Zannier

OSCE High Commissioner on National Minorities (2017- present)



Ambassador Lamberto Zannier is OSCE High Commissioner on National Minorities and has occupied this position since July 2017. Previously, he was OSCE Secretary General for two consecutive three-year terms (1 July 2011-30 June 2017). Other senior positions include UN Special Representative for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) (2008-2011), Director of the Conflict Prevention Centre of the OSCE (2002-2006), Chairperson of the negotiations on the adaptation of the CFE Treaty (1998-1999) and Head of Disarmament, Arms Control and Cooperative Security at NATO (1991-1997). Zannier joined the Italian Foreign Ministry as a career diplomat in 1978. He holds a Law degree and an honorary degree in International and Diplomatic Sciences from the University of Trieste, Italy.

The nature of conflict has changed dramatically over the last few decades. Conflicts between States have become the exception rather than the rule. On the other hand, we increasingly witness acute crises and hybrid conflict characterized by internal strife, sometimes in the context of failed or dysfunctional States; or violent separatism, in some cases accompanied by quasi-military operations affecting the civilian population. The practice of politicizing minorities abroad, which is sometimes used by kin-States as proxies in the context of local crisis or conflicts, is on the rise. In this context, efforts to prevent crises and wars, increasingly a priority for multilateral diplomacy, have become much more challenging. Achieving a balance between the principles of protecting the sovereignty and territorial integrity of States on the one hand and the right of self-determination of peoples on the other – two pillars of the Decalogue of basic principles enshrined in the CSCE Helsinki Final Act – appears increasingly difficult, and this has become a factor leading to widespread crisis and instability.

Preventing modern conflicts effectively

It is in this more volatile environment that the conflict prevention mandate of the OSCE High Commissioner on National Minorities becomes particularly relevant, since the implementation of policies aimed at promoting the sustainable integration of diverse and multi-ethnic societies is

one of the most effective tools to prevent modern conflicts. Promoting stability within these societies by focusing on the needs of minority communities – and in some cases encouraging larger autonomies or decentralization – while maintaining a strong focus on inclusive policies that encourage unity in society, is an effective way to counter trends towards separatism and secessionism.

True, the mandate of the High Commissioner focusses on classical ‘national minorities’, as it was crafted at a time when administrative borders of large State entities like Yugoslavia or the Soviet Union were transformed virtually overnight into international borders, dividing ethnic groups, communities and families. A quarter of a century down the line, while a number of the problems dealt with by the first High Commissioners still remain on the table, a new set of issues has emerged. It is the result of the rapid transformation of our societies, with an increasing level of diversity and slow pace of integration, which has led to the marginalization of certain social groups and, in some cases, to radicalization. This requires a flexible interpretation of the mandate, with a positive accent on the importance of promoting the integration of diverse societies.

With the re-emergence of nationalism and the return of geopolitics on the international agenda, inclusive platforms such as the OSCE (whose precursor, the CSCE, was a successful effort to replace confrontation with co-operation at the height of the Cold War) can prove extremely useful to open up a space for dialogue and joint efforts. The engagement of the OSCE through SMM in Ukraine proves that when the political will is there, this space can be used to insert the presence of the international community in the most complex and challenging situations with a view to ensuring that the issue remains high on the international agenda, while facilitating the

de-escalation of tensions. However, higher levels of confrontation often lead to a total disregard of the tools of co-operative security and from my current perspective I have to point out that the push-back which Max van der Stoel was already observing twenty or more years ago has indeed become more robust today.

For instance, in some cases we witness steps to accelerate the introduction of new legislation to strengthen the use of the State language by countries where minority languages had traditionally been given a stronger profile within the respective education systems. While the knowledge of the State language is key to promoting the effective integration of minority groups in society and an indispensable prerequisite to enable their full participation in the political, social, and economic life of the country where minority communities reside, reforms which do not allow for the gradual transition towards a stronger role of the State language, or which do not leave sufficient room for the continuation of education in the minority language as well, can be viewed as assimilation policies and provoke serious reactions by kin-States. To address misperceptions and, in some cases, to successfully address perceived imbalances through, for instance, phased implementation, impartial good offices based on recognized international practice are essential. However, in some cases, we still witness a resistance to opening up to assistance offered in accordance with the High Commissioner’s own unique mandate, resistance which is sometimes based on unilateral, restrictive definitions of national minorities, in rejection of the notion of self-identification, which has become over the years a guiding principle for the engagement of this office.

The added value of ‘quiet diplomacy’ in a polarized environment

In fact, as the need for facilitation has increased, the space allowed for efforts to find common ground between different parties has shrunk, as kin-States increasingly urge the High Commissioner to openly adopt a position against policies by other countries negatively affecting their own communities residing abroad while, in some cases, resisting requests to vet their own policies affecting internal minority groups. It is in this polarized environment that the well-established practice of quiet diplomacy of the HCNM has an added value, since it can reassure all interlocutors that many delicate issues will be handled with the necessary discretion. Replacing this well experimented method with a ‘megaphone policy’ – as some would expect, to give more ‘muscle’ to the interventions of the institution - would be counterproductive and would transform the High Commissioner into a political actor on his own merit in the international arena, with the risk of having the institution portrayed as taking sides on very sensitive and controversial issues.

It is exactly in this polarized environment that the thematic guidelines developed by successive High Commissioners, and reflecting the experience and expertise of the office, can play a very useful role. These guidelines are based on best practices observed and in many cases promoted by the office over the years and take into account lessons learned from national experiences and assistance programs. Moreover, they are enriched by the traditionally strong co-operation that the HCNM has always entertained with partner institutions (such as The Council of Europe and, in particular, its Advisory Committee on the Framework Convention for the Protection of National Minorities and the Venice Commission) and with renowned experts from a broad network of research institutes and universities.

The successive sets of recommendations issued by the OSCE High Commissioners over the years, while not representing a consensual set of principles agreed by the participating States, draw their authority from the prestige of the office of the High Commissioner, the impartial and ‘super partes’ nature of his role, the high quality of experts and contributing partners and, most importantly, the personal accountability of the High Commissioner to the Chairmanship and the participating States.



OSCE High Commissioner on National Minorities
Lamberto Zannier launches the *Graz Recommendations on Access to Justice and National Minorities*, Graz, Austria,
14 November 2017. www.osce.org/hcnm/graz-recommendations
(© OSCE/Foto Fischer)

In November 2017, only a few months after taking office, I had the privilege to supervise the launch of the *Graz Recommendations on Access to Justice and National Minorities*, an important complement to previous sets of guidelines with a strong focus not only on access to courts but on the wider issue of the participation of minorities in the justice sector, and the importance of this engagement for the perception of a non-selective or biased justice system. And we have almost completed our work on updating the

2003 Guidelines on the Use of Minority Languages in the Broadcast Media, taking into account the very significant changes in the media and the communications landscape in the digital era, and in particular the role of social media.



The High Commissioner visits a Crimean entry-exit checkpoint in Chonhar. September 2018.

(© OSCE/Zahid Movlazada)

Applying HCNM Recommendations and Guidelines in practice

The existing set of Recommendations and Guidelines covers the most relevant and sensitive policy areas related to minority protection and integration of diverse societies. My priority therefore will not necessarily be to focus on developing new sets of guidelines, but rather to ensure that the existing ones remain relevant and up to date and, most importantly, that they are well known and used by Governments and Parliaments as guiding principles for all policies having an impact on minorities and diverse communities. Focusing on best practices and lessons learned would also allow the High Commissioner to maintain a distance from the political agenda of the different actors involved and

be perceived as an independent actor, as it should be, promoting successful models of integration without being caught up in geopolitics. For this to succeed, however, a sufficient degree of openness by countries to interacting with the High Commissioner and the High Commissioner's office is crucial. Geographical imbalance and selectivity resulting from a lack of engagement may create a perception of bias in choosing the areas of attention, which would in the long run negatively affect the image of impartiality of the institution (and of the organization at large).

How our historical narratives continue to shape us today

The return of geopolitics has also created the need to explore new areas. One of the recurring issues I have encountered across the OSCE area since taking office is the damaging impact of competing and confrontational historical narratives on inter-ethnic relations in a number of participating States. The way people understand, remember, and value history is an important factor affecting the self-image and personal identity of a community. When approaching the past, people have a tendency to glorify and commemorate their achievements, victories, and sufferings, whilst glossing over the darker chapters about the tragedies and suffering they may have inflicted on others. As a result, different groups often attribute different meanings to the same events. Differences in the way different people see and remember history can divide societies for decades or even centuries after the events have occurred, including along ethnic lines.

The State has an important role to play in this regard. Undeniably, it is up to the central or local authorities to decide whether to permit or ban commemorations, to erect or remove statues, to name or rename public spaces and to organize how history is taught and learned in schools. These

are political choices that often provoke strong reactions from society and can sometimes fuel tension and trigger conflict. This is especially the case when it concerns history and memories related to emotional issues such as guilt and victimhood. If Governments impose singular historical narratives and prohibit alternative interpretations in 'memory laws', then they draw a line in the sand of time that can continue to divide societies for generations to come. And differences in historical interpretations and commemoration practices can have a negative effect on bilateral relations between States. Moreover, States have a duty to deal with history and memory in a responsible way in order to prevent or manage conflict within the society rather than fuel it. Governments should create the optimum conditions for a tolerant, inclusive debate on historical memory with respect for human rights. However, as is the case with other identity issues, dealing with historical interpretations is complex and sensitive and requires a careful balance to be struck. Yet, the sensitivity of the issue should not deter us from reflecting upon the role of history and memory politics in fuelling divisions and conflict.

Inclusion not exclusion

As we attempt to broaden our horizon and explore old and new avenues for engagement, I cannot avoid pointing out the insufficient investment by the international community in co-operative platforms that can provide a space for common reflection, dialogue and concerted preventive action. The OSCE's profile does not correspond, in my view, to the potential and objective relevance of the organization in the current, divisive environment: while one could expect a strong investment in preventive diplomacy and co-operative security, we witness instead a progressive erosion of the support by governments. In addition, I have noticed a declining familiarity with the OSCE's tools and policies.

This is the time to reinvigorate the agenda of the organization and better communicate its added value. Being an inclusive platform at a time when States tend to regroup in smaller coalitions to advance partisan agendas is indeed a great strength. And the consensus rule protects in the first instance the smaller States against the pressure of the bigger powers: this is of key importance at a time when multilateralism is challenged and power-politics gains new traction.



“This is the time to better communicate our added value”. High Commissioner Lamberto Zannier holding one of his public ‘Meet the High Commissioner’ Twitter Sessions. March 2018 See: [#askHCNM](#), [#HCNM](#), [#lambertoZannier](#)

(© OSCE HCNM/Anastasia Rybachenko)

As minorities become an increasingly important pawn in the geopolitical game, a set of basic principles and rules to be applied equally to all can serve as a precious tool to prevent crises and lower tensions. In this vein, quiet diplomacy alone is no longer sufficient as a key working method of the High Commissioner. It must be accompanied by high profile initiatives aimed at better informing governments and the general public about the key recommendations and suggested policies and to universally promote their implementation. It also requires the forging of coalitions with other key international players, beginning with the United Nations, to continue with other regional

organizations and arrangements operating under Chapter VIII of the UN Charter, and with the civil society. Stronger engagement of women and of the younger generations should be promoted robustly. These policy orientations are fully in line with the longer term sustainable development agenda, to which they would contribute an additional, effective conflict prevention tool. It is time to move to a new phase and explore new horizons.



OSCE High Commissioner on National Minorities Lamberto Zannier visits a kindergarten that is piloting an HCNM-supported project on bilingual education, Comrat, Moldova, 2 November 2017.

(© OSCE/Lurie Foca)

The impressive legacy of previous High Commissioners, beginning with the virtual founder of this institution, the former Dutch Foreign Minister Max van der Stoep, should not only be protected, but adequately developed and promoted as a modern and efficient tool to prevent conflicts in our increasingly complex global environment.

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