



Supplementary Human Dimension Meeting

OSCE CONTRIBUTION TO THE PROTECTION OF NATIONAL MINORITIES

29-30 October 2015

Hofburg, Vienna

DRAFT ANNOTATED AGENDA

Background

The protection and promotion of the rights of persons belonging to national minorities has been a key element of the OSCE commitments since the adoption of the Helsinki Final Act in 1975. The OSCE has played a prominent role in the development of the framework for the protection of rights of persons belonging to national minorities. The adoption of the Copenhagen Document in 1990 represents a key milestone in this regard. Subsequently in 1992, the participating States decided to establish the institution of the High Commissioner on National Minorities (HCNM). The institution is mandated to provide early warning and take early action to prevent ethnic tensions from developing into conflict. The protection and promotion of the rights of persons belonging to national minorities, as an integral part of the protection of human rights, is central to addressing such issues and thereby preventing conflict.

Since the establishment of the institution of the High Commissioner on National Minorities, successive High Commissioners have worked within their conflict prevention mandate in a number of participating States. Through their work in the field, they have also identified a need to develop practical tools to support the implementation of the OSCE and other international and regional commitments related to the rights of persons belonging to national minorities. To assist the policy makers in participating States, a series of thematic recommendations and guidelines have been issued by the HCNM, drawing from the work by eminent experts from across the OSCE area.

Focusing on practical implementation, this Supplementary Human Dimension Meeting will take stock of the OSCE contribution to the protection of national minorities, especially through the prism of the HCNM guidelines and recommendations. In particular, it will assess the achievements as well as explore challenges and identify ways to address remaining implementation gaps. The Supplementary Human Dimension Meeting will focus on the following key areas:

- 1) 25 years after the adoption of The Copenhagen Document
- 2) Integration of diverse societies and *The Ljubljana Guidelines*
- 3) National minorities in inter-State relations and *The Bolzano/Bozen Recommendations*

DAY 1: THURSDAY, 29 OCTOBER 2015

15:00-16:00 OPENING SESSION

16:00-18:00 SESSION 1: 25 years after the adoption of the Copenhagen Document

The CSCE Copenhagen Document, adopted in 1990, provides a set of key OSCE human dimension commitments and represents a significant landmark in the establishment of minority protection throughout the OSCE region. With the Copenhagen Document, the CSCE set a new threshold for the protection of human rights, and many of the principles that it consecrated as political commitments were later institutionalized in the treaty-based instruments of other regional and universal organizations. A prominent example in this regard is the Council of Europe's Framework Convention on the Protection of National Minorities, adopted in 1994.

With the Copenhagen Document, participating States reaffirmed that "respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy." Participating States also recognized that persons belonging to national minorities have the right to fully and effectively exercise their human rights and fundamental freedoms, without any discrimination and in full equality before the law. Moreover, it was recognized that States should adopt, where necessary, "special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms."

Many aspects of the OSCE and international standards related to minority protection have subsequently been addressed by successive High Commissioners on National Minorities in the institution's Recommendations and Guidelines. These thematic tools, which draw upon the accumulated experience of the institution, aim to clarify relevant international standards and provide practical guidance for participating States for their implementation. To date, seven sets of thematic Recommendations or Guidelines have been issued, as follows: *The Ljubljana Guidelines on Integration of Diverse Societies* (2012), *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (2008), *Recommendations on Policing in Multi-ethnic Societies* (2006), *Guidelines on the Use of Minority Languages in the Broadcast Media* (2003), *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (1999), *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities* (1998) and *The Hague Recommendations Regarding the Education Rights of National Minorities* (1996).

This session aims to explore the development of the framework for the protection of rights of persons belonging to national minorities, in particular within the OSCE context. It will address the achievements as well as challenges and remaining implementation gaps in this

regard. The session will also discuss how the HCNM and the guidelines and recommendations issued by the institution can support the implementation of rights of persons belonging to national minorities.

Questions for discussion:

- **How have OSCE participating States made use of guidelines and recommendations issued by the High Commissioner on National Minorities? How can participating States be further encouraged to make use of HCNM guidelines and recommendations?**
- **What are the issues regarding the rights and position of persons belonging to national minorities not yet identified in the international and regional norms?**
- **What are other emerging challenges regarding the protection of the rights of persons belonging to national minorities which the OSCE should address?**
- **Which are best practices in OSCE's cooperation with other regional and international organizations, such as the Council of Europe, in ensuring the protection of persons belonging to national minorities?**
- **How has the OSCE contributed to the protection of the rights of persons belonging to national minorities?**

DAY 2: FRIDAY, 30 OCTOBER 2015

10:00-12:00 SESSION 2: Integration of diverse societies and <i>The Ljubljana Guidelines</i>
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Protection and promotion of human rights, including minority rights, is inextricably linked to the preservation of peace and stability within and between States. The relationship between minority rights and integration is a question that continues to attract debate. Integration should be seen as complementary to rather than incompatible with minority rights. In addition to protecting and promoting minority rights, conditions should be created for minorities to participate on an equal footing in the wider society. States have also a practical interest in ensuring equal opportunities to participate, as low participation by marginalized or excluded groups tends to bring costs to society as a whole. In a diverse society, tensions may emerge if communities become separated to the point of challenging the cohesion of society. Such tensions can pose risks to the inclusiveness, stability or even viability of multi-ethnic States. On the other hand, promoting the integration of society, facilitated by appropriate policies, serves to mitigate such risks. Efforts to build inclusive societies can foster a sense of belonging to a common State, thereby contributing to enhanced security.

In response to a need identified through its work, the HCNM issued *The Ljubljana Guidelines on Integration of Diverse Societies* in 2012 with the purpose of providing policymakers and States' representatives with guiding principles and practical advice on how to elaborate and implement policies that facilitate the integration of diverse societies. The OSCE area is highly diverse in all respects, and so the challenges of integration are different in each district, country and region. As a result, the application of *The Ljubljana Guidelines* will also have to be tailored to fit each particular context.

This session will evolve around the concept of the minority rights being part and parcel of a successful integration policy. Specifically, the session will focus on guiding principles for effective integration policies as outlined in *The Ljubljana Guidelines*, such as recognition of diversity and multiple identities, primacy of voluntary self-identification, a sense of belonging and mutual accommodation, inclusion and effective participation, inter-community relations and policies targeting both majorities and minorities. Furthermore, elements of integration policy frameworks will be discussed. Finally, the session will address some key policy areas relevant to integration, such as anti-discrimination, citizenship, media and participation.

Questions for discussion:

- **Which participating States have developed strategies for the integration of society and what is their experience in the design and implementation of these strategies?**
- **How can the protection of rights of persons belonging to national minorities support integration and vice versa?**
- **How to forge effective integration policies that take into account that identities can change, can be multi-layered, contextual and dynamic?**
- **How to forge effective integration policies that encourage cross-community dialogue?**
- **What role can media play in promoting integration of diverse societies?**
- **What are good practices to ensure the effective participation in public affairs and all aspects of social, economic and cultural life for all members of society, including for persons belonging to national minorities?**
- **How to devise citizenship policies fostering integration of diverse societies?**
- **Are the special concerns of Roma best addressed by general integration policy frameworks or by specific Roma strategies?**
- **How to ensure the success of integration policies in situations when States are dealing with increasing numbers of migrants, refugees and/or asylum seekers?**

12:00-14:00 Lunch break

14:00-16:00 SESSION 3: National minorities in inter-State relations and <i>The Bolzano/Bozen Recommendations</i>

State borders and ethno-cultural boundaries seldom overlap. As result, virtually all States have minorities of some kind living on their territories, with many belonging to communities which transcend State frontiers. Such communities, and the way that they are treated both “at home” and “from abroad”, may play a crucial role in inter-State relations. On the one hand, these minority communities can serve as a bridge between States, contributing to good neighbourly relations and fostering a climate of cross-border dialogue, tolerance and co-operation. On the other hand, they may also find themselves in the very midst of rising

tensions, especially when a State begins to pursue assertive and unilateral “protective” policies with regard to its “kin” minority group abroad.

Recognizing the major impact that minority protection may have on inter-State relations and regional security, the OSCE HCNM has developed *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*, a key thematic guideline in the institution’s history. The main goal of these recommendations is to provide greater clarity on how States can pursue their interests with regard to national minorities abroad without jeopardizing peace and good neighbourly relations. Relying on principles of international law and based on the institutional experience of the HCNM, *The Bolzano/Bozen Recommendations* clarify how States can support and extend benefits to people belonging to national minorities residing in other countries, in ways that do not strain inter-ethnic or bilateral relations. In a nutshell, the recommendations recognize that, although the primary responsibility for protecting minority rights lies with the State within which they reside, minority issues often engage the interest of more than one State. States should resolve such issues with due respect for the principles of territorial integrity, sovereignty and good neighbourly relations.

This session will address the general principles outlined in *The Bolzano/Bozen Recommendations*, such as sovereignty and jurisdiction; a State’s duty to respect and to ensure the protection of human rights and fundamental freedoms of all persons within its territory and subject to its jurisdiction, including the rights and freedoms of persons belonging to national minorities; and the conduct of friendly relations among States and nations. Furthermore, the session will discuss the benefits that can legitimately be accorded to “kin” minorities abroad, as well as address the conditions for the conferral of citizenship to persons residing abroad. Finally, the session will explore the range of available multilateral and bilateral instruments and mechanisms for minority protection and relevant inter-State relations.

Questions for discussion:

- **How far can “protection measures” from a “kin-State” legitimately extend?**
- **What are the channels through which a State may constructively channel its interest and concern for a “kin” minority abroad?**
- **When do “protective” actions by a “kin-State” amount to interference in the domestic affairs of another State?**
- **Which benefits (e.g. educational scholarships, grants for cultural activities, etc.) can a State legitimately extend to its co-nationals residing abroad?**
- **Which principles should be followed in granting citizenship to persons living on the territory of another State?**
- **What can be done to avoid and prevent unilateral steps that undermine the principles of territorial integrity and sovereignty?**
- **Which are good examples of possible negotiation and resolution approaches to inter-State tensions and disputes concerning national minorities (e.g., joint commissions, advisory bodies, etc.)?**

- What are some good examples on how minority communities can serve as a bridge between States, contributing to friendly relations and fostering a climate of dialogue and tolerance?
- How to ensure the adherence to *The Bolzano/Bozen Recommendations* by participating States?

16:00-16:30 Break

16:30 -17:30 CLOSING SESSION

Reports by the Moderators of the Working Sessions
Comments from the floor

Closing remarks:

Mrs. Astrid Thors, OSCE High Commissioner on National Minorities

17:30 Closing of the meeting