



Organization for Security and Co-operation in Europe

High Commissioner on National Minorities

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**NATIONAL MINORITY ISSUES AND EUROPEAN SECURITY:
INSEPARABLE TWINS**

address by
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**Corfu Process Meeting -
Theme: “Conflict Resolution in the OSCE area”**

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Excellencies,
Ladies and Gentlemen,

Thank you very much for this invitation to share with you my views on European security within the Corfu Process.

As most of you are aware, the institution of the OSCE High Commissioner on National Minorities was created in 1992 as a conflict prevention mechanism within the CSCE's first basket. It may be useful to take a closer look at what prompted the participating States to create such an intrusive and independent mechanism and to endow it with the power to look into the internal affairs of sovereign States?

In order to understand the decision, we have to view it against the background of the interethnic violence that raged in many parts of Europe in the early 1990s. Conflicts between the majority and minorities not only damaged the societies in which they took place. They also had ramifications for European security as a whole.

Europe is a patchwork of ethnic groups. Borders almost always fail to coincide with the patterns of settlement of these groups. A minority in one State often has a kin-State next door. This is why interethnic conflict within one State can spill over to the neighbouring countries and damage relations between OSCE participating States.

The rationale behind the establishment of the post of High Commissioner on National Minorities was to address ethnic tension within the State and to prevent inter-State hostilities over national minority issues.

As a conflict prevention instrument within the politico-military dimension of the OSCE, the High Commissioner on National Minorities focuses only on minority issues with security implications. The High Commissioner is empowered to conduct on-site missions and to engage in preventive diplomacy in response to tensions involving national minorities, and, I quote from the mandate, "which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the OSCE area".

In addition to obtaining first-hand information from the parties concerned, the HCNM seeks to promote dialogue, confidence and co-operation in line with his mandate. This involves regular contact with minority and government representatives. The HCNM decides independently when to become involved in a situation. At the same time, he stands ready to assist participating States in the implementation of their relevant commitments, as well as in their application of the normative recommendations issued under the HCNM's mandate.

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The debate about a new security architecture in Europe, which started with President Medvedev's speech in Berlin in June 2008, intensified in the aftermath of what happened in Georgia in August 2008. Much has been said about the shortcomings, and even failure, of the existing security institutions in Europe, and in particular the OSCE.

Critics of the OSCE appear to centre their case on the imbalance in the Organization's work. They say that the OSCE focuses too much on human rights to the detriment of hard security issues. According to this school of thought, the imbalance is also reflected in the Organization's impotence to solve protracted conflicts.

I will not comment on the merits of the imbalance debate. Rather, I will focus on how European security can benefit from more norms on State behaviour concerning national minority issues in inter-State relations.

As I mentioned above, violations of minority rights and failures to reach accommodation between majorities and minorities have been the main cause of conflict in the OSCE area: in the Balkans, in Caucasus, in Transnistria and in Central Asia. The protection of "ethnic kin" was often invoked in these hostilities.

These conflicts engulfed not only the societies in question. More often than not, other countries were drawn in precisely because state and ethno-cultural boundaries is rarely an exact fit, as mentioned already. Political clashes between States over national minority issues are very much the present Europe. Numerous countries are involved in – sometimes bitter – disputes over the treatment of their kin on another State's territory. Some of these political clashes have potential to escalate into open conflict.

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If the idea is to increase security in Europe, we cannot get around national minority issues in inter-State relations. This is precisely the reason why the HCNM's Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations were launched last year. Drawing on these recommendations an OSCE decision could codify some or all of its provisions into a set of politically binding standards. Discussions on what this decision would contain could start already in Athens. I see the following elements as relevant in this context.

Firstly, the State of minority residence has to respect and promote minority rights. This means that the State of residence must commit itself to integration and strengthening social cohesion. It must commit itself to respect for minority rights. The restatement of this principle by the participating States would send a strong and clear signal that national minority issues remain a key priority for the Organization.

Secondly, the States are not allowed to exercise jurisdiction over the population, or part of the population, of another State within the territory of that State without its consent. Sovereignty is a cornerstone of international law. As you open Page 1 of the UN Charter, you find this principle in Articles 1 and 2. It is also Principle IV of the CSCE Helsinki Final Act and many other important documents. Extraterritorial jurisdiction is restricted. It is an exception rather than the norm. Yet, we sometimes witness attempts to act contrary to these provisions. It is important to reiterate the basic principle of sovereignty when it comes to minority protection.

Of equal significance is the issue of citizenship. The conferral of citizenship to persons residing abroad is clearly one of the most common causes of tension and conflict. This should only be done in strict adherence with the principles of good neighbourly relations and territorial sovereignty. Kin-States should refrain from conferring citizenship *en masse*, even if dual citizenship is allowed by the State of residence. I feel this point is particularly important. The presence of kin-State's citizens on the territory of another State must not be used as a justification for undermining the sovereignty and territorial integrity of that State. In other words, kin-States cannot distribute passports to citizens of another State and then expect to claim special protection for a particular group of their citizens on the territory of that State. European security would benefit greatly if an *en masse* conferral of citizenship to ethnic kin residing abroad were prohibited.

Having said so, I believe we have to work more to avoid statelessness in the OSCE region. While citizenship is no longer “the right to have rights,” stateless people are nevertheless among the most vulnerable in any society. Statelessness does have an impact on the practical living condition and the degree of integration of many people. It still matters when it comes to the enjoyment of many fundamental minority rights.

Fourthly, participating States could reconfirm another important principle, namely, that the States are allowed to extend benefits to persons residing abroad. Such benefits may include cultural and educational opportunities, travel benefits, work permits, facilitated access to visas and the like. They should, however, be granted on a non-discriminatory basis: such benefits should not be based only on ethnicity, but rather on a number of criteria, including for example language skills and personal interest. At the same time, States should refrain from taking unilateral steps and fuelling separatism.

Finally, I suggest that consultations with the State of residence be made compulsory if benefits are granted to persons residing abroad. European experience underlines the need for multi-stage co-operation between the States in order to anticipate and avoid emergence of disagreements and tensions, and to build mutual confidence in their relations.

An OSCE decision could encourage participating States to conclude, whenever advisable, bilateral or regional agreements and to jointly establish treaty or extra-treaty consultative bodies to regularly monitor the application of rules and legislation concerning kin-minorities. Such inter-governmental bodies should be established at local, regional and national levels. Regular consultation and co-operation between respective States can strengthen respect for the principles of sovereignty and good neighbourly relations, while supporting kin-minorities in the spirit of social cohesion and integration.

The motto of the Corfu Process is to restore confidence and trust among the 56 OSCE partners and to strengthen our capacity to tackle security challenges in the OSCE area. Tension between the States over national minority issues is a clear and present danger to the security of our region.

The acceptance of legally or politically binding norms of behaviour on national minority issues by the 56 OSCE participating States, would make a genuine contribution to alleviating that sense of insecurity acutely felt by some States in the OSCE family. Reinforcement of and continued commitment to multilateral instruments dealing with the international dimension of minority issues, such as the HCNM, would certainly help to enhance European security even further.

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In my view, there is little doubt that the OSCE must redouble its efforts pertaining to the arms control regime, CSBMs, the proliferation of weapons of mass destruction, terrorism, drug trafficking and so forth.

Simultaneously, we must focus on areas of added value and on countering new security threats, rather than on creating hierarchies of existing commitments. One such area would be national minority issues in inter-State relations.

It is encouraging to see that most OSCE participating States agree that discussions on the new European security architecture “*should be based on a comprehensive concept of security*,” as indicated in the Chairmanship's summary of the December 2008 Helsinki Ministerial Working Lunch. Only a comprehensive approach to European security, encompassing all of

its dimensions, will reinforce it. Respect for human rights, including minority rights, and security are inextricably linked: they are inseparable twins.

Thank you for your attention.