



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

**NATIONAL MINORITIES AS SUCCESS FACTOR
FOR SOCIETAL INTEGRATION**

address by
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to the
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Dear Mr. President, Organizers, Professors and Students, Ladies and Gentlemen,

It gives me great pleasure to be with you today in Bolzano/Bozen at the European Academy. As the High Commissioner on National Minorities, I feel that I belong here. This institute has become one of the eminent centres for the study of autonomy and minority issues in Europe, and this territory has been witness to one of the best success stories in the history of the accommodation of the rights of national minorities. South Tyrol is one of the realities that make it worth engaging in trying to help resolve ethnic conflicts; it demonstrates that, ultimately, this is possible. At the same time, South Tyrol also represents an exciting challenge, as it shows that a successful, pacific conflict settlement is not the end of the process, but rather the beginning of a new and no less difficult phase. All this makes South Tyrol not only a sterling example for less fortunate areas but also a “laboratory” for the management of diverse societies.

The history of South Tyrol over the last decades makes it clear that it is crucial to address majority-minority tensions at an early stage. Conflicts once started, cause great human misery and are extremely difficult to stop. This is the core motivation of my mandate.

In the early 1990s, when ethnic conflict, including violence and bloody wars, erupted in Central, Eastern and, even more so, in South-Eastern Europe, the international community suddenly realized that a comprehensive framework for the protection of human rights, including minority rights, had to be devised and that these norms had to be supplemented with mechanisms to promote their implementation. This is why the OSCE, the largest regional security organization in the world – ranging from Vancouver to Vladivostok, with 56 participating States - established the post of the High Commissioner on National Minorities (HCNM) in 1992.

The HCNM was mandated to prevent further inter-ethnic conflict and to sound the alarm when violence is threatening to erupt. This task implies great autonomy in interpreting the trends, and considerable responsibility in trying to intervene before it is too late. As one author effectively put it, “[t]hose involved in the prevention of conflict must be seen in the same light as we look at airline mechanics. If the mechanic does his or her job the plane

arrives at its destination safely and the passengers leave the plane never once thinking about the mechanic or being aware of how much work went into keeping the plane in the air. Conversely, if the mechanic fails to properly prepare the plane, disaster results [...].”¹ The HCNM has not averted all crises, but my predecessors, Minister Max van der Stoep and Ambassador Rolf Ekéus, can take a lot of the credit for defusing inter-ethnic tension by timely intervention in the Baltic Region, the Balkans, the Caucasus and Central Asia over the last 15 years.

The HCNM’s mandate is far-reaching. It allows me to investigate national minority issues within a State and to engage in assisting with recommendations and at a diplomatic level. This mandate is based on the fundamental principle of the OSCE *acquis* that “[...] commitments undertaken in the field of human rights are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.”² This means that human rights, fundamental freedoms, democracy and the rule of law are issues of international concern, as respect for these rights and freedoms is the basis for peace and stability and thus constitutes one of the foundations of international order.

This may not sound new in this particular region, where the conflict was resolved by democratic means just before some acts of violence in the 1960s degenerated into a broader conflict. The patient negotiators of the current South-Tyrolean autonomy regime have been, to some extent, OSCE High Commissioners *ante litteram*.

There are therefore two elements that make the HCNM mandate quite unique. One is the security dimension: I do not become involved in national minority issues in general but, rather, I take action when there are tensions involving minority issues that could potentially develop into a conflict. The other derives from the former: the HCNM is not an ombudsman for minorities but rather an instrument to help all parties, majorities and minorities, governments and other actors to find a workable solution for the benefit of society as a whole. It is not by chance that the post is the High Commissioner *on* national minorities and *not for* national minorities. The HCNM is not a human rights instrument: rather, he is

¹ M. Johns, Learning to be Quiet: A Blueprint for Conflict Prevention in the European Union, Canadian Political Science Association Annual Conference, June 2007, p. 1.

² OSCE, Moscow Document, 1991.

concerned with security. Fifteen years of HCNM practice have clearly shown, however, that security can be better ensured if human rights are effectively protected. Protection of human rights, including minority rights, is a precondition for security; it is of course necessary but on its own it is not enough.

Minorities and their integration into our complex societies lie at the heart of the global issue of security and stability. In order to promote integration and reduce risks of tension, the HCNM has, over the years, provided specific recommendations to States on specific issues. Moreover, my office has produced, together with international experts, written guidance on key issues for the successful management of minority issues in areas such as education, language, political participation, minority language broadcasting and policing. In the near future I will be launching a new set of thematic recommendations entitled “National Minorities in Inter-State Relations”. As South Tyrol has proved to be a remarkable example of the successful involvement of the so-called “kin-State” in improving minority rights, you may be interested to hear a few words on this subject.

The Recommendations are intended to 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. The document underlines the dual responsibility of States, which is to protect and promote the rights of persons belonging to national minorities under their jurisdiction, on the one hand, and to act as responsible members of the international community with regard to minorities under the jurisdiction of another State, on the other. The Recommendations on National Minorities in Inter-State Relations stipulate firstly, that under international law, the respect for and the protection of minority rights is the responsibility of the State where the minority resides. Secondly, other States may have a legitimate interest in the well-being of minority groups abroad, especially those with whom they are linked by ethnic, cultural, linguistic or religious identity, or a common cultural heritage. This, however, does not imply a right under international law to exercise jurisdiction over people residing on the territory of another State. Finally, States can pursue this interest by extending benefits to minorities abroad only in consultation with the State of residence and with due respect for the principles of territorial integrity, sovereignty and friendly, including good neighbourly, relations. States should ensure that their policies with respect to national minorities abroad do not undermine the integration of minorities in the States where they reside, or fuel separatist tendencies. It is my hope that the Recommendations will provide guidance on how to address

the questions concerning national minorities that arise in the context of inter-State relations in a way that protects and promotes the rights of persons belonging to national minorities, prevents conflict, maintains inter-ethnic harmony and strengthens good neighbourly relations. May the “best practice” provided by the co-operation between Italy and Austria in solving the South Tyrolean conflict be followed in other, more contentious inter-State relations.

Ladies and Gentlemen,

Peace, stability and security can only be guaranteed by an effective protection of the rights of persons belonging to national minorities. This is, however, only the starting point for a successful, prosperous multi-ethnic society, where diverse communities are harmoniously integrated, respecting everyone’s diversity. The case of South Tyrol proves that ethnic diversity does not mean that a State is prone to civil war. Rather, ethnic diversity can enrich a society. It make it more attractive, competitive and prosperous. This maxim is also a guiding principle in my work, as I regularly argue that a plurality of ethnic communities can be brought together around the unifying goal of building a successful multi-ethnic society.

To achieve this end, different ethnic communities must be effectively given the chance to integrate within the society. We should be clear, however, that integration does not mean the assimilation of minorities or their separation from the rest of the society. On the contrary, a middle ground should be found: integration with respect for diversity. As High Commissioner on National Minorities, I strive to identify the best ways to accommodate the legitimate concerns of both majorities and minorities, seeking the means by which they can live together in a common home for them all, where no one is treated as a second-class citizen.

Integration involves a balance of rights and responsibilities on both sides. On the one hand, the State must respect the right of minorities to maintain and further develop their identity. On the other hand, members of the minority should give their allegiance to the State, pursue their objectives through their participation in the public life of the State and refrain from challenging its territorial integrity. This mutual recognition is necessary to set in motion a positive trend towards a peaceful society that respects diversity.

The exact nature of the measures that constitute integration respectful of diversity varies from society to society. There is no general recipe or one-size-fits-all mechanism. However, integration is always a two-way process that requires action by and in respect to both majority and minority communities. Talking to each other and trying to understand each other's standpoint is the first step in solving inter-ethnic conflicts. As simple as it may sound, this approach – unfortunately – cannot yet be taken for granted in many parts of the OSCE area. The long-term sustainability of all conflict prevention measures is contingent on the establishment of democratic and pluralistic societies where all persons, including those belonging to national minorities, have a say and a stake in public life.

Disputes involving majority and minority communities are closely linked to the challenge of nation building in transitional societies. Societies, where there has been a vacuum generated by the abandonment of the old ideology, often put the issue of national identity high on the agenda, each national identity being seen as endangered by other identities, including that of national minorities.

Today, however, we are also observing a parallel tendency in old, established democracies, as immigration and the emergence of new ethnic groups generate unease and a renewed search for the “old” roots, spiced with a suspicion of “aliens”. Not only the presence of long-established national minorities but also recent changes in population balance may lead to the risk of conflict within and between States.

To prevent tensions from escalating, a careful balance is required between policies of integration and inclusion and those of recognition and accommodation. Promoting integration and inclusion for members of minority communities while recognizing their diverse social and cultural differences, helps create an environment in which different majority and minority communities can live harmoniously and peacefully together. Policies of this kind can help build a cohesive society, which is at peace with itself and able to celebrate its cultural diversity.

While each group has a different history and different needs and expectations, close parallels exist between the basic approach and techniques developed internationally with regard to “established” national minorities and the approach and techniques developed by a number of

States for the integration of more or less recent migrants. It is neither my intention to address the controversial question concerning a possible definition of “new minorities”, nor do I believe it is necessary to create new categories of beneficiaries of minority rights.

It is undisputed under international law that basic human rights standards apply to all. These fundamental individual rights include protection from racial, ethnic or religious discrimination, the provision of equality before the law and the enjoyment of all the other individual rights guaranteed under the most relevant international documents. For many members of minorities, whether long established as national minorities or more recent immigrant communities, these are the most pressing issues and they form the basis for a wide range of national and international programmes for the elimination of discrimination and racism. The primary concern of most individuals from minority communities is protection from racial, ethnic or religious discrimination or racist attacks. If equal treatment cannot be guaranteed in their dealings with government authorities or in the employment and housing markets, or even with regard to their physical safety, it will be difficult to make much progress towards more general integration.

At the same time, integration policies need, in many areas, to make a distinction between different types of minorities and different circumstances, such as the numbers involved, the length of settlement, geographic concentration and their social and economic needs. Given the increasingly wide range of minority types, it is unlikely that a single set of policies will be appropriate for them all, and instruments for integration respecting diversity cannot be applied to each minority to the same extent.

International law and commitments, as well as best practices developed in a number of States with regard to the integration of “established” minorities, could prove useful for enhancing integration with regard to more or less recent migrants as well. Based on the experience gained by the HCNM in conflict prevention over the last 15 years, some general rules and instruments can be identified with which to help States, majorities and minorities work together in the best interests of an integrated society respecting all groups.

Integration respecting diversity first underpins the right of persons belonging to minorities to preserve their identity by respecting their traditions, culture, language and religion; second, it implies the obligation of States to promote the societal integration of minorities on the basis

of the principles of non-discrimination and equality; third, it assumes the responsibility of persons belonging to minorities and such groups to co-operate with the State in pursuing effective integration, especially by obeying the law and contributing to the overarching goal of security.

A basic principle of particular relevance to be taken into account is the right of individual members of minority communities to choose to be treated or not to be treated as such. This principle also implies the right of every individual to choose not to be treated as a member of a distinctive minority but as a fully integrated member of the broader national society, and the duty of the majority to accept voluntary assimilation. This may, for example, be particularly attractive to second- or third-generation migrants and those with mixed ethnic family backgrounds.

Ladies and Gentlemen,

In today's world, characterized by increasing globalization and interconnectedness, I believe that the health and stability of our societies depend largely on the ability to deal with the growing cultural diversity in a democratic way. The prosperity of South Tyrol proves that ultimately diversity can be – and in fact is – a key to the enrichment of societies, both culturally and economically. This can only be achieved, however, when citizens are able to show respect for and work together with others who may have different linguistic, religious, cultural or national backgrounds. The smooth functioning of modern democracies largely depends on active citizens who question stereotypes, challenge simplistic nationalist discourse and keep the authorities in check. These qualities can only be fostered by investing sufficiently in education. Education is by far the most effective conflict-prevention mechanism because it begins at the earliest possible stage, ultimately shaping future generations for responsible citizenship. It is only through education that we can expect future generations to become respectful, tolerant and fair citizens who will guarantee that the traditions of pluralism and democracy in their countries are maintained and further developed.

This is why South Tyrol and this institution have so much to contribute to the development of sustainable, long-term, creative and, sometimes, even courageous instruments for successful conflict prevention and well-integrated, respectful societies.

Thank you for your attention.