



OSCE High Commissioner on National Minorities Factsheet

High Commissioner on National Minorities

The High Commissioner's role is to provide early warning and take appropriate early action to prevent ethnic tensions from developing into conflict. His mandate describes him as "an instrument of conflict prevention at the earliest possible stage".

Armed conflict between States over territory or economic resources has diminished in the OSCE area in recent decades, but tensions between different groups within States have risen. Too often inter-ethnic conflicts within a State have spilled over to the neighbouring countries and damaged relations between participating States. To address ethnic tensions and to prevent inter-State hostilities over national minority issues, the post of the High Commissioner on National Minorities was established at the CSCE Helsinki Summit in 1992.

As a conflict prevention instrument, the High Commissioner does not become engaged in all minority-related issues, instead he focuses on those that have security implications. The High Commissioner has a two-fold mission: to try to contain and de-escalate tensions, and to act as a "tripwire" – alerting the OSCE when the situation threatens to develop beyond a level which he is able to contain with the diplomatic means at his disposal.

The OSCE High Commissioner on National Minorities is Knut Vollebaek of Norway. The office of the High Commissioner is located in The Hague.

Early warning

The High Commissioner's mandate is to provide "early warning" and, as appropriate, "early action" at the earliest possible stage "in regard to tensions involving national

minority issues 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".

The High Commissioner is empowered to conduct on-site missions and to engage in preventive diplomacy. His job is to "assess at the earliest possible stage the role of the parties directly concerned, the nature of the tensions and recent developments therein and, where possible, the potential consequences for peace and stability within the OSCE area".

In addition to obtaining first-hand information from the parties concerned, the High Commissioner, when he believes it is necessary and expedient, seeks to promote dialogue, confidence and co-operation. This involves extensive travelling and regular contact with minority and government representatives.

The mandate allows the High Commissioner considerable independence. The decision as to where and when to become engaged in a situation is left to the discretion of the High Commissioner and does not require the approval of OSCE decision-making bodies such as the Permanent Council or of the State concerned. This independence is crucial to the flexibility of the High Commissioner's involvement.



The High Commissioner is not intended to function as an ombudsman for national minorities or as an investigator of individual human rights violations. He is the OSCE's High Commissioner *on* National Minorities and not *for* National Minorities.

Implicitly, the High Commissioner's involvement is limited to those national minority concerns that have a bearing on security, while individual cases concerning persons belonging to national minorities are explicitly excluded from the mandate.

The mandate also emphasizes that the High Commissioner will work in confidence. This confidentiality, or quiet diplomacy, serves several purposes. Firstly, it is designed to alleviate any feelings of suspicion or stigmatization that governments may feel by having the High Commissioner involved in what are sometimes highly sensitive issues. Secondly, keeping issues away from press and public scrutiny reduces the potential for these issues to be sensationalized or misrepresented.

What is a national minority?

The High Commissioner's mandate does not contain a description or definition of what constitutes a national minority. Indeed, there is no general agreement on what constitutes a (national) minority, either in the OSCE or elsewhere.

In practice, there is considerable latitude left to each State to establish the definition that it will apply within its own jurisdiction, and there are substantial differences between such definitions within the OSCE area. However, this does not mean that States are free to make any unilateral determination, no matter how reasonable, as to the existence of a minority. The enjoyment of minority rights requires no formal legal recognition of a group by the State.

The OSCE approach follows the principle that to belong to a national minority is a matter of individual choice and that no disadvantage may arise from the exercise of such a choice. The High Commissioner has followed this approach and has stated that "the existence of a minority is a question of fact and not definition." He has, in addition, identified some objective criteria for what constitutes a minority: a group with linguistic, ethnic, or cultural characteristics distinct from the majority and that usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.

With regard to the High Commissioner's activities in general, and to his information-gathering and fact-finding activities in particular, his mandate does not permit him either to consider national minority issues in situations involving organized acts of terrorism or to communicate with or acknowledge communications from any person or organization that practices or publicly condones terrorism or violence. National minority issues occurring in the State of which he is a national or resident also fall outside his mandate.

Quiet diplomacy

If the High Commissioner is to be truly effective as a third party, it is essential that he preserve his impartiality at all times.

This confidential approach is also designed to build trust and confidence between the High Commissioner and the parties involved.

While working independently and confidentially, the High Commissioner is nevertheless accountable to the OSCE participating States. He regularly briefs the Permanent Council, both formally and informally, and if he submits recommendations to a government he may subsequently share them with the Permanent Council. He is also in close contact with the Chairman-in-Office and maintains strong working relations with other OSCE and international institutions. This close contact with OSCE decision-making bodies gives the High Commissioner the political support necessary to fulfil his mandate.



The High Commissioner in action

Even though his mandate places the High Commissioner's work first and foremost in the category of short-term, operational conflict prevention, a long-term perspective that addresses structural issues in majority-minority relations is essential if sustainable solutions are to be achieved. The goal is to start, maintain and enhance a process involving the exchange of views and co-operation between the parties, leading to concrete steps calculated to not only de-escalate tensions but, if possible, to resolve underlying problems or grievances. The High Commissioner takes an incremental, step-by-step approach in his work and encourages the concerned parties to do the same.

The High Commissioner gives advice to governments through written recommendations and in meetings and discussions during visits. This engagement is seldom limited to a single visit or letter; it is usually followed up with further advice to assist the State concerned.

The saying that "an ounce of prevention is better than a pound of cure" is certainly relevant to addressing inter-ethnic tensions. The High Commissioner has initiated projects in several countries to address locally relevant minority issues and to assist participating States in implementing his recommendations. These include monitoring networks, providing expertise to pedagogical institutions, capacity building, language training, legal aid and institution building.

The work of the High Commissioner is a prime example of the OSCE's preventive diplomacy approach towards maintaining peace and stability in the region.

Lessons learned

When addressing situations falling within his mandate, the High Commissioner does not attempt to find generally applicable solutions; each case is assessed in its own specific context and on its own particular merits. Nevertheless, the experience of the High Commissioner's office allows for some general observations to be made.

The first is that the protection of persons belonging to minorities has to be seen predominantly as a function of good governance. Satisfactorily resolving inter-ethnic issues is in the interests of the State and of the majority, not only of the minority. Persons belonging to national minorities whose cultural rights are respected, who participate on an equitable basis in the political and economic life of the State, and who see that they can achieve their goals through the institutions of the State, are more likely to give their loyalty to the State and to accept their responsibilities to it.

The second observation is that solutions should be sought to the extent possible within the framework of the State itself. Solving inter-ethnic issues within States helps to reduce the possibility of spill-over of a conflict and/or the worsening of relations between States. Therefore, constructive and substantial dialogue between the majority and minorities coupled with effective participation by minorities in public affairs needs to be encouraged.

Furthermore, self-assertion as a minority can very well be achieved within the framework of the State. While it may entail a form of territorial expression, it does not necessarily require such a solution and may be achieved through legislation promoting the development of the identity of the minority in fields such as culture, education or public affairs.

As a rule, stability and security are best served by ensuring that persons belonging to national minorities can effectively enjoy their rights. There are now a number of international standards for the protection of the rights of persons belonging to national minorities. Over the years, it has become apparent that certain issues frequently reoccur. This has led the High Commissioner to call on groups of experts to develop thematic recommendations and guidelines.

To date, these cover educational rights of minorities, linguistic rights of minorities, participation of minorities in public life, media broadcasting in minority languages and policing practices in multi-ethnic societies. These sets of guidelines aim to clarify the content of relevant international standards and provide practical guidance for States seeking solutions to inter-ethnic problems and for formulating policy.



About the High Commissioner



Knut Vollebaek was born in Oslo, Norway on 11 February 1946. He was appointed High Commissioner in July 2007 for a three-year term, succeeding Rolf Ekéus of Sweden (2001-2007). Max van der Stoep of the Netherlands served as first High Commissioner (1993-2001).

Human rights, peace and security, and conflict prevention and resolution have been constant themes running through Ambassador Vollebaek's diplomatic career at home and abroad, notably in countries of the former Yugoslavia, and in Sri Lanka and Guatemala. Prior to assuming the post of High Commissioner he was

his country's Ambassador to the United States, having served since 2001.

As Norway's Foreign Minister from 1997 to 2000, he was Chairman-in-Office of the OSCE during the Norwegian Chairmanship in 1999, presiding over the summit of OSCE Heads of State in Istanbul. At the helm of the Organization, he played a key role in seeking a peaceful solution to the Kosovo crisis in the run-up to the war and, later, in assisting in its reconstruction and rehabilitation through the establishment of an OSCE presence.

In 2005, Ambassador Vollebaek headed the seven-member Panel of Eminent Persons appointed to review the work of the OSCE and advise on future reforms.

Resources

Publications available from the office of the High Commissioner include:

- The Hague Recommendations Regarding the Education Rights of National Minorities and Explanatory Note (October 1996)
- The Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note (February 1998)
- The Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note (September 1999)
- Guidelines to Assist National Minority Participation in the Electoral Process (March 2001)

- Guidelines on the Use of Minority Languages in the Broadcast Media (October 2003)
- Recommendations on Policing in Multi-Ethnic Societies (February 2006)
- National minority standards: A compilation of OSCE and Council of Europe texts (June 2007)

For more information on the OSCE High Commissioner on National Minorities, visit the HCNM section of the OSCE website: www.osce-hcnm.org

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