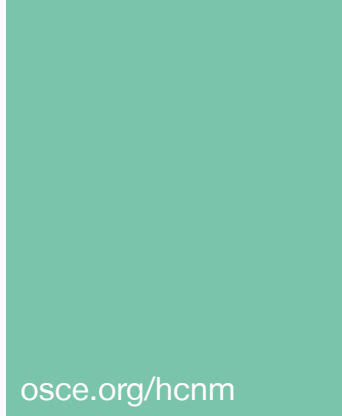




Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

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. Her mandate describes her 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 neighbouring countries and damaged relations between OSCE 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; she 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 she is able to contain with the diplomatic means at her disposal.

The OSCE High Commissioner on National Minorities is Astrid Thors of Finland. 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. Her 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." This involves extensive travelling and regular contact with minority and government representatives.

In addition to obtaining first-hand information from the parties concerned, the High Commissioner, when she believes it is necessary and expedient, seeks to promote dialogue, confidence and co-operation.



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 the State concerned or of OSCE decision-making bodies, such as the Permanent Council. This independence is crucial to the flexibility of the High Commissioner's involvement.

The High Commissioner is not an ombudsman for national minorities or an investigator of individual human rights violations. She 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 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.

With regard to the High Commissioner's activities in general, and to her information-gathering and fact-finding activities in particular, her mandate does not permit her either to consider 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 she is a national or resident also fall outside her mandate.

Quiet diplomacy

If the High Commissioner is to be truly effective as a third party, it is essential that she preserves her impartiality at all times. This confidential approach is also designed to build

trust and confidence between the High Commissioner and the parties involved.

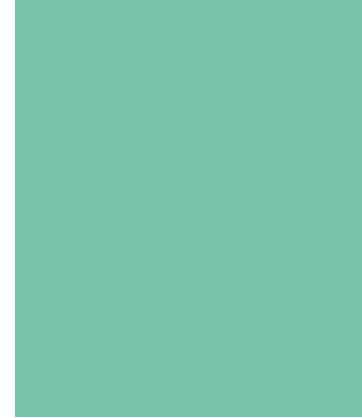
While working independently and confidentially, the High Commissioner is nevertheless accountable to the OSCE participating States. She regularly briefs the Permanent Council, both formally and informally. She is also in close contact with the Chairman-in-Office and maintains strong working relations with other OSCE and international institutions. This close contact with OSCE decision-making bodies gives the High Commissioner the political support necessary to fulfil her mandate.

The High Commissioner in action

Even though her 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 High Commissioner's 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 her 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 her 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 her 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 national minorities has to be seen predominantly as a function of good governance and a way to promote integration. 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 minority rights are respected, who participate effectively 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 majorities and minorities coupled with effective participation by minorities in public affairs needs to be encouraged.

Furthermore, the realization of minority rights can very well be achieved within the framework of the State. While it may entail forms of territorial or non-territorial self-government, 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

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.

The OSCE 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 holds that the existence of a minority is a question of fact and not definition. The successive High Commissioners have identified some objective criteria for what constitutes a minority: a group with linguistic, ethnic, cultural or religious 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.

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.

enjoy their rights. There are a now number of international standards that protect 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. These cover the education rights of minorities, the linguistic rights of minorities, participation of minorities in public life, media broadcasting in minority languages, policing practices in multi-ethnic societies, national minorities in inter-State relations and integration of diverse societies. These sets of Recommendations and Guidelines aim to clarify relevant international standards and provide practical guidance for States seeking solutions to inter-ethnic problems and for formulating policy.



About the High Commissioner

Astrid Thors was born in Helsinki, Finland in 1957. She was appointed High Commissioner on 20 August 2013 for a three-year term, succeeding Knut Vollebaek of Norway (2007–2013). Rolf Ekéus of Sweden (2001–2007) was the second High Commissioner and Max van der Stoep of the Netherlands was the first (1993–2001).

Prior to becoming the High Commissioner on National Minorities, Thors was a Member of the Parliament of Finland (2004–2013). She also served as Minister of Migration and European Affairs of Finland and was a Member of the European Parliament.

Resources

Publications available from the office of the High Commissioner include:

 *The Hague Recommendations Regarding the Education Rights of National Minorities* (October 1996)

 *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities* (February 1998)

 *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (September 1999)

 *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)

 *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (June 2008)

 *The Ljubljana Guidelines on Integration of Diverse Societies* (November 2012)

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