

## Twenty Years On: The Continuing Relevance of the OSCE High Commissioner on National Minorities

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The [mandate](#) of the [OSCE High Commissioner on National Minorities](#) (HCNM), agreed by the participating states of the July 1992 Helsinki Summit of the then Conference for Security and Co-operation in Europe, is about early warning and early action on minority conflicts across the OSCE area: ‘The High Commissioner will 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 CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.’

Over the past two decades, this has predominantly meant the post-communist countries of Central and Eastern Europe and the former Soviet Union, including Central Asia, because countries in Western Europe were generally less willing, and less susceptible to pressure, to allow HCNM engagement in conflicts in their jurisdictions. This is unlikely to change, and resistance to HCNM involvement is likely to increase in an era in which sovereignty concerns all too often trump concerns over human and minority rights. Yet, this does not make the institution of the HCNM itself irrelevant—on the contrary. I see three areas in which the HCNM has a future role to play: monitoring, preventive quiet diplomacy, and policy transfer.

### 1. Monitoring

The HCNM has significant expertise, tools, and experience in monitoring situations of potential and actual tension, to recognise signs of escalation, and to engage actors in governments and regional and interational governmental and non-governmental organisations to take appropriate action.

Situations involving minorities (and majorities) require specific knowledge and understanding to make sense of their complexity—not because they are more complicated than other social conflicts, but because their dynamics are often different, the drivers for escalation escalation and de-escalation are different and interact differently, and policy responses produce unintended and often unwanted consequences.

As a result, there is a clear need for a dedicated agency specialised in and focused on minority issues. This is also the case because there is no shortage of situations that require attention: from Abkhazia to Anatolia, from the Baltics to the Balkans, from Corsica to Crimea, tensions involving national minorities and majorities are frequent and have a tendency to escalate into violence if left unattended.

### 2. Preventive, quiet diplomacy

Knowing of trouble being afoot is one thing, doing something about it, quite a different matter. Thus, the early-action part of the HCNM's mandate was almost revolutionary in 1992, albeit dependent on ‘approval’ by the Committee of Senior Officials (‘The High Commissioner may recommend that he/she be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions, according to a mandate to be decided by the CSO. The CSO may decide accordingly.’), and the practice that followed it in many cases highly successful.

This was also partly the case because the HCNM operated outside the limelight of publicity-seeking diplomacy and had, with Max van der Stoel and his advisors, a

highly capable and effective first team of diplomats and legal and political experts to offer facilitation, mediation, and practical solutions to governments and minority representatives enabling them to resolve differences by political rather than violent means.

The cumulative knowledge of the HCNM as an institution on issues of facilitation, mediation, and institution building is highly valuable, as are the network of experts on which the HCNM can draw and the six sets of [thematic recommendations](#) (on education, linguistic rights, participation, kin-states, policing in multiethnic societies, minority languages in broadcast media) that can form a useful starting point for engagement in situations of minority-majority tension and potential conflict.

This knowledge base and expertise on how to bring diplomacy and institutional design to situations in which local leaders would otherwise be overwhelmed by the complexity of the situation that they have to deal with continues to remain useful and it is necessary to draw on it in the management of population diversity from Northern Ireland to Nagorno-Karabakh.

### **3. Policy learning and transfer**

Geographically and historically, the OSCE region from Vancouver to Vladivostok is rich in examples of successes and failures of conflict prevention and management, and the same goes for the history of the HCNM itself. The institution made a significant and positive contribution to managing minority-majority relations in the aftermath of the collapse of communism, while also being constrained, or even prevented, to act in a number of cases.

This offers clear opportunities for cross-national and cross-institutional policy learning and transfer within the OSCE area and beyond: neither were the conflicts of the early 1990s that created some of the impetus to establish the HCNM unique, nor are they a specifically (eastern) European phenomenon, and there is no reason to believe that the HCNM's experience would not be useful to organisations like the AU, OIC, or Arab League, to name just a few.

### **4. Looking ahead to the next decade (or two)**

On the one hand, it seems that it will be business as usual for the HCNM in the next 20 years. On the other hand, there is a profound change in the context in which the HCNM is, and will be, operating. First, after a period of relative calm, or lack of serious violence, in relation to minority-majority relations, the past few years since 2008 have seen a return of violence on a number of occasions (Georgia, Kyrgyzstan, Macedonia) and a serious, and often unfortunate, international politicisation of minority issues, perhaps most obviously embodied in the developments in and around Kosovo. Kosovo marks a secessionist moment in the post-colonial context and underscores the failure of the international community, in its organised form of the UN, to deal effectively with the Kosovo crisis.

At the same time, developments in the Arab Spring highlight very concretely the fact that minority issues are not a uniquely OSCE/European issue, and much like in the early 1990s in Central and Eastern Europe that expertise and will to handle them is thinly spread. And while it may be too late for early warning and early action in many cases in the Arab Spring, and across many other places in Africa and Asia, the HCNM's problem-solving expertise—from both a perspective of process and substance—would be extremely valuable.

The HCNM is a 'package' institution, and there is an argument that elements of the package maybe easier to transfer than the whole. Yet, while constituent parts of the HCNM mandate are valuable in themselves, the success of the institution is in large part due to the fact that it is larger than the sum of its parts, that there is real added value in early *warning* and early *action*, in a toolkit and its quiet and preventive

application. This is not a plea for out-of-area missions, but for carefully considered, context-sensitive policy learning and transfer beyond the OSCE area.

One of the problems that the HCNM is facing in my experience is that it is an independent institution within the OSCE: the OSCE is dealing with a lot of minority-related issues, but this is not an exclusive domain for the HCNM, nor is the HCNM always involved or its knowledge and understanding drawn on, and it seems to me that this is an area of necessary improvement, that is the need for careful, closer integration of the HCNM's work into the OSCE and European IO/RO mainstream.

Another issue to consider is the question whether the HCNM is (or should be) an instrument of democracy promotion. And here, similar to calls for out-of-area operations, the answer, in my view, has to be a clear no. This is not to say that the HCNM should stand in the way of democratic political practices, but the institution needs to remain focused on its existing mandate. Mandate focus is particularly relevant in periods of transition or regime change—after all, the HCNM was established to prevent conflicts involving national minorities at the time of, and in response to, post-communist democratic transitions in Central and Eastern Europe, the former Soviet Union and the successor states of Yugoslavia. In executing this mandate, the HCNM will inevitably promote forms of good governance in majority-minority and inter-state relations that are compatible with existing understandings of democracy, but this is different from promoting a particular system of government. To do otherwise would further increase the resistance of governments to HCNM assistance.

Managing tensions between minorities and majorities, preventing their escalation into full-scale conflicts, and contributing to restoring and sustaining peace after violent conflict will remain a significant challenge for the international community in the years to come and in most parts of the world.

To deal successfully with the challenges that such self-determination conflicts pose requires leadership, diplomacy, and institutional design in equal measure. The work of the HCNM thus far offers both important lessons for future international conflict management and a set of tools, knowledge, and understanding that has relevance within and beyond the OSCE area.

We need to be realistic, however, what the HCNM can contribute and achieve. It can bring diplomacy and institutional design; that is, it can offer facilitation and mediation and it can draw on a wide knowledge base of institutions that can mitigate minority-majority tensions. It cannot, however, substitute for a lack of local leadership: where skilled and determined leaders with a vision for peace and co-existence are absent, the HCNM's efforts may be futile. That said, the involvement of the HCNM itself bears the potential to change local attitudes. In this sense, the HCNM can very well be seen as the master of its own success, and it is this potential, and evident track record, of quiet self-made success that requires its continued existence and, it seems to me, replication beyond the OSCE area.