

OSCE

Supplementary Human Dimension Meeting

NATIONAL MINORITIES, BRIDGE BUILDING AND INTEGRATION

Vienna, 10-11 November 2016

KEYNOTE SPEECH

Rainer Hofmann

Let me first of all thank the organizers of this very important meeting for having invited me to deliver the keynote speech and to address, in not more than 15-20 minutes, the beneficial role national minorities can play as bridge builders across frontiers between States but also within States.

It is not only a great honour to address today the representatives of all OSCE participating States, but it gives me also the possibility to thank one in my opinion truly essential OSCE institution, the OSCE High Commissioner on National Minorities, for the strong support and excellent cooperation from which I did benefit personally in my previous capacity as long-time member and President of the Advisory Committee on the Council of Europe Framework Convention on the Protection of National Minorities – support and cooperation from which the Advisory Committee continues to benefit until this very day.

Let me just briefly recall that already in the 1975 Helsinki Final Act, CSCE participating States committed themselves to respect the rights of persons belonging to national minorities. Obviously much more important, however, was the 1990 Copenhagen Document: Drafted and adopted in the spirit of strong optimism regarding the effective realization of human rights throughout Europe, a spirit prevailing in the aftermath of the “Fall of the Berlin Wall” and culminating in the 1990 Charter of Paris, the Copenhagen Document contains, as you know, a number of provisions specifically addressing the specific human rights of persons belonging to national minorities. These specific human rights which largely exceed the mere prohibition of discrimination based on one person’s belonging to a national minority continue to be deemed essential in order to ensure the preservation and promotion of the distinct identity of persons belonging to

national minorities. And I think it is imperative to keep in mind that the protection of such rights constitutes a most important and integral part of current human rights law.

There is, of course, another *raison d'être* for international minority rights protection which I almost hesitate to mention in this forum, composed of representatives of OSCE participating States: I refer to the lesson which we had to learn many times in the last 25 years and that is that tense and even more so conflictual relations between majority and minority populations carry the potential to destabilize whole regions of Europe and the OSCE area, and, in worst cases, even result in non-international and even international armed conflicts resulting in grave violations of the most basic rules of human rights and humanitarian law.

The existence of such tensions in many parts of Europe and Central Asia prompted the OSCE – as it was now called – to create, in 1992, the OSCE HCNM as a truly independent institution within the OSCE structures, mandated to fulfil two main tasks: First, to detect and address, as early as possible and by means of (silent) diplomacy, situations with the potential to develop into serious inter-ethnic conflicts, both within States and between States; second, to engage, again by means of (silent) diplomacy, in existing conflicts with a view to contribute to achieving a peaceful and lasting solution to such inter-ethnic conflicts.

As you are fully aware, the Council of Europe decided, in the 1993 Summit in this very city of Vienna, to follow another path to prevent the out-break of hostilities between majority and minority populations and to preserve and promote the distinct identity of persons belonging to national minorities: Fully in line with its long-standing tradition of drafting legally binding treaties, the Summit charged a group of experts to draft a Framework Convention for the Protection of National Minorities. This treaty, still the only legally binding instrument devoted to the protection of such rights entered into force on 1 February 1998 and is today ratified by 39 out of the 47 Council of Europe Member States and, based on an Agreement between the Council of Europe and UNMIK, it is also applicable in Kosovo. It provides not only for the most important specific human rights to be respected in this branch of human rights law but also for a monitoring mechanism composed of an Advisory Committee and the Committee of Ministers. I think it is justified to state that initial concerns about the effectiveness of this monitoring system have by and large ceased

and it is generally considered as an essential feature of the European human rights architecture.

Now, why am I referring to all of this? Where is the linkage between the OSCE HCNM and the Council of Europe Framework Convention? Firstly, many provisions of the Framework Convention are clearly inspired by the Copenhagen Document. Secondly, and much more importantly, it is one component of the HCNM activities which constitutes this linkage. As you know, Max van der Stoep, the first High Commissioner, had the wisdom to initiate, as part of his mandate to engage in early prevention measures which clearly implies addressing root causes for potential inter-ethnic conflicts, the drafting and adoption of thematic Recommendations and Guidelines on how best to address such root causes and, thus, seek to contributing to the establishment of peaceful inter-ethnic relations. Obviously, these recommendations and guidelines have been and continue to be important sources of inspiration for the Advisory Committee when interpreting and applying the provisions of the Framework Convention. This is done in the understanding that what we need are pan-European standards as benchmarks for all actors and stakeholders involved in the field of minority rights.

Ladies and gentlemen, so far I have followed what one might call the “traditional narrative” of minority rights, a narrative which regrettably carries mainly negative connotations and associations: National minorities constitute a risk to peace and stability within a State and throughout whole regions; National Minorities are trouble-makers which, if they are given too far-reaching rights, will eventually seek secession; National Minorities will be abused, by their kin-states, as means to exercise undue political pressure and as tools for unlawful interventions into the domestic affairs of another State – in a worst case scenario they will be considered, rightly or wrongly, as “fifth columns” in the tragic tradition of the inter-war period.

Now, this narrative is shockingly one-sided and utterly wrong as it intentionally disregards the very positive role national minorities can play both in inter-state and intra-state relations. I firmly believe that those are right who insist on holding that national minorities, if treated in the way prescribed by the applicable rules of international law will be willing to act, and successfully so, as builders of bridges between States, on the one hand, and between different communities within one State, on the other hand.

Interestingly enough, it seems that this potential role of national minorities had not been fully sensed by the drafters of the 1990 Copenhagen Document which only refers, in para 32.4, to the right of persons belonging to national minorities to maintain trans-frontier contacts with their kin-communities. Virtually the same wording can be found in Article 17 (1) of the Framework Convention. This situation was changed, to a considerable extent, by the HCNM *Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*, on the one hand, and the 2012 *Ljubljana Guidelines on the Integration of Diverse Societies*, on the other hand. Both documents have become generally accepted as fundamental components of the minority rights *acquis* throughout the OSCE area.

Now, it is neither my intention nor is it within my capacities to anticipate what will be presented and discussed in the three thematic sessions today and tomorrow. They clearly reflect the contexts, the scenarios or structures within which national minorities can assume this role of bridge builders: Firstly, bridge building between States, across international borders, by means of legal mechanisms; secondly, bridge building within States, between central and regional or local authorities in various policy areas, between government structures and citizens; and thirdly, bridge building on the grassroots level, between the citizens themselves.

Let me briefly touch upon all these three contexts or scenarios by referring to some examples which, in my assessment, qualify as ‘best practices’ and show the enormous potential national minorities have to build bridges over international borders and over divides within societies; in fact, national minorities can be key to change our understanding of borders as places of separation, of divides, into an understanding of shared places, shared by human beings from both sides of such borders and divides.

The first session will be devoted to legal mechanisms for bridge building between States over international borders. As a German citizen who lived and taught for some years at Kiel University and as member of the board of the European Center for Minority Issues in Flensburg, I feel obliged to mention the 1955 Bonn Copenhagen Documents which, although they do not constitute a legally binding treaty, serve as the legal basis for bridge building between Denmark and Germany, bridge building on all levels, not only for the mutual benefit of the Danish minority in Southern Jylland and the German minority in Northern Schleswig but for the entire population of the area. More importantly, however, is the potential offered by the

numerous bilateral treaties concluded in the 1990s throughout “Eastern Europe”. They usually refer to the establishment of good neighbourly relations, including by guaranteeing certain rights to persons belonging to national minorities; and, to some extent, they address the relationship between *kin states* and their *kin communities*. In addition thereto, they usually provide for the creation of joint bilateral commissions which frequently include minority representatives among their members. While many of them must be – regrettably enough – described as dormant, they are a number of them which seem to be well working, such as, e.g., the treaties between Hungary and Croatia, or between Poland and Lithuania. The mentioned Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations spell out the legal and practical conditions to be scrupulously respected by all actors involved in order to ensure the success of such trans-frontier cooperation. In addition to such instruments on the Inter-State level, there exist quite a number of trans-frontier cooperation mechanisms not between States but between sub-state entities, most often using the legal framework of so-called European Groupings of Territorial Cooperation. Again, we see these EGTCs in border regions all over Europe – an example often referred to as a clear success story is to be found between Hungary and Romania. As such groupings are, by their very nature, much closer to the ground level, to the human beings concerned, they should be much better informed about the actual needs of the populations concerned and constitute, in my assessment, a most promising road to successfully improving cross-boundary relations: To remain within the metaphor, it seems preferable to build, by means of such EGTCs, as many bridges as possible in order to turn a dividing border into a shared place.

Now, let me briefly turn to the theme of the second session, bridge building within States, across various policy areas. What come immediately into mind are national institutions which serve as consultative bodies for national minorities. Again, among the many examples to be mentioned are the Council of National Minorities in Georgia, the Minority Council in Germany, or the Kazakhstan Assembly of Peoples. They all serve the goal to establish bridges between state authorities, legislative or executive, and national minorities, potentially in all policy areas. In addition thereto, there is a true plethora of institutions addressing issues in a variety of policy areas, most frequently in the fields of education and the media, both print and audio-visual. It goes without saying that these two policy areas are also

those areas where cooperation between States, e.g. as concerns school curricula and the production of textbooks or the education and exchanges of teachers, does have a very high relevance for successful bridge building. Before leaving this area, let me briefly touch upon the issue of political parties representing national minorities. They are often looked at with considerable suspicion but I think wrongly so. Indeed, if their leaders' political goal is to achieve the full integration – which I do not think I have to stress this in this forum, is the very opposite of assimilation – of persons belonging to the national minorities represented into the society concerned, such parties can play quite a positive role. In so doing, they do constitute bridges. You will permit me if I use this opportunity to mention one political party which even chose to reflect this function in its name: The party representing the ethnic Hungarians in the Slovak Republic which is called Hid in Hungarian and Most in Slovak – both meaning “Bridge” ...

Now, the third context, the grassroots level, bridge building directly among the human beings concerned. Here, I am fortunate enough to be able to be very brief as I had the pleasure of being a member of the jury which awarded this year's Max van der Stoel Award to The Association for Historical Dialogue and Research, based in Nicosia (Cyprus). Its Co-directors, Ms Tugberk and Mr Louikadis, are among the persons introducing the subject-matter of the third session and, I am sure, you will see that their organization, like the previous recipients of the Max van der Stoel Award, are fascinating models of best practices in the field of bridge building between communities on the grassroots level.

Ladies and Gentlemen, let me conclude by reminding us that the ultimate goal of minority rights protection is not conflict solution, not even conflict prevention but the creation of integrated societies which fully respect the potentially quite diverse identities of their members, of the persons constituting such societies. Again, guidance how to create such societies can be found in the before-mentioned OSCE HCNM Ljubljana Guidelines on the Integration of Diverse Societies. Let us not forget that diversity is an enrichment and not a threat and that national minorities by their very nature add to such diversity by their inherent role of bridge builders. Diversity is something we should appreciate and not be afraid of. Or, as Antonio Guterres, the UN Secretary-General elect, stated in his acceptance speech: “Diversity can bring us together – not divide us”.