

# **The High Commissioner on National Minorities After 15 Years: Achievements, Challenges and Promises**

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*‘Since Professor Gheballi passed away recently, the following article will unfortunately be his last contribution to our journal. Although Professor Gheballi had consented to publishing this paper in our journal, he did not manage to finalize it himself for publication. Therefore, the board of editors decided to publish it in its original format with only minor editorial changes.*

*The paper was written upon the request of the Office of the High Commissioner on National Minorities for an in-house seminar on the past achievements and future challenges of the HCNM in October last year. The seminar was organized on the occasion of the 15-year anniversary of the HCNM. Professor Gheballi was already seriously ill at the time of the seminar and could not participate in the event in person, so the paper was presented on his behalf by John Parker, presently the director of the Human Rights Centre at the University of Essex and formerly Director at the Office of the HCNM.’*

## **Introduction**

For the purpose of conflict management, a function inaugurated in 1992, the OSCE developed two genuine instruments: field missions generally known as ‘Long- Term Missions’ (LTMs), and the High Commissioner on National Minorities (HCNM). While LTMs are entitled to tackle conflicts of whatever nature and at all the phases of the conflict management cycle, the HCNM is a specialized tool of conflict management: its mandate empowers it to address only conflicts involving ethnic minority issues and, essentially, at a pre-conflict stage. So far, both instruments have had no real counterpart at either the universal or regional intergovernmental level. However, if LTM’s record consists of a mixed bag of achievements, diplomats and scholars generally consider the HCNM as a ‘success story’.

## **I. The HCNM’s mandate**

### ***Origin of the Mandate***

The idea of a HCNM was inspired by the impotence of the United Nations and Euro-Atlantic organizations to cope effectively with the nascent ethnic conflict related to the disintegration of Tito’s Yugoslavia. While assuming the Presidency of the European Community (now Union) in the second semester of 1991, the Netherlands suggested the establishment of a new conflict management focused on ethnic conflicts. The negative reactions of some key Community’s countries indulged the Netherlands to table, in their national capacity (but with the sponsorship of nineteen participating States including Germany, Italy, Hungary, Poland, Russia), a formal proposal at the 1992 Helsinki Review Conference.<sup>1</sup> Higgledy-piggledy, many delegations expressed the concerns of having to formally acknowledge the status of unrecognized national minorities living in their territory, being driven on the slippery slope of ‘collective rights’, awakening latent separatist claims, legitimizing interference of neighboring kin States in internal affairs and, last but not least, consolidating linkage between national minority claims and terrorism. Eventually, the Mandate of the HCNM was adopted as Chapter II of the Helsinki Document 1992.

### ***Contents of the Mandate***

In order to overcome the objections mentioned above, the Netherlands made substantial concessions.

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<sup>1</sup> CSCE/HM.1 of 15 April 1992. Actually, Sweden raised the idea of a ‘CSCE Representative for National Minorities’ earlier, at the Copenhagen Meeting on the Human Dimension (CSCE/CHDC 28 of 14 June 1990).

Accordingly, the HCNM's mandate was conceived with five major restrictions:

First, it established a High Commissioner on National Minorities and not a High Commissioner for National Minorities (Mandate:§ 1), thus underscoring that its role was to prevent conflicts rather than to serve as a human rights watchdog.

Second, it precluded the HCNM from considering violations of OSCE commitments 'with regard to an individual person belonging to a national minority' (§ 5c), a provision ruling out the possibility of individual petitions addressed to the HCNM by either governments or national minority groups.

Third, it prohibited the HCNM to whatsoever 'consider national minority issues in situations involving organized acts of terrorism' (§ 5b) or 'communicate with and (...) acknowledge communications from any person or organization which practices or publicly condones terrorism or violence' (§ 25).

Fourth, it defined 'the parties directly concerned in ethnic tensions' restrictively — namely 'governments of participating States, including, if appropriate, regional and local authorities in areas in which national minorities reside', and 'representatives of associations, non-governmental organizations, religious and other groups of national minorities directly concerned and in the area of tension, which are authorized by the persons belonging to those national minorities to represent them' (§§ 26, 26a, 26b). Those provisions clearly excluded interference from kin States and also diaspora minority organizations.

Fifth, the Mandate established that the HCNM will be accountable to the Chairman-in-Office (CIO) and maintain constant cooperation with the latter (§§ 17- 20), while also acting 'under the aegis' of the CSO — a body subsequently replaced by the Permanent Council' (§ 2).

Positively, the Mandate establishes the HCNM as 'an instrument of conflict prevention at the earliest possible stage' (§ 2). It empowers him to provide early warning and, as appropriate, early action 'in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in [his] judgment (...) have the potential to develop into a conflict (...) affecting peace, stability or relations between participating States...' (§ 3). Based on a distinction between potential conflicts and imminent conflicts, it actually assigns the HCNM a function of early and late prevention.<sup>2</sup>

Under the Mandate, the HCNM is authorized to 'assess (...) 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' (§ 11b), as well as to make on-site visits within the concerned participating State in order to obtain 'first-hand information from all parties directly involved, discuss the questions with the parties, and where appropriate promote dialogue, confidence and co-operation between them' (§ 12). Such a role corresponds to what conflict management literature labels 'operational prevention', viz. instant or emergency short-term prevention — as opposed to 'structural prevention' aimed at long-term stabilization.<sup>3</sup>

Furthermore, the Mandate specifies that in case the HCNM concludes that the situation is escalating beyond

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2 On the distinction between 'early prevention' et 'late prevention', see Gareth Evans: *Cooperating for Peace. The Global Agenda for the 1990s and Beyond*. London, Allen & Unwin, 1993, pp. 65 & ss.

3 See *Preventing Deadly Conflicts. Final Report*. Washington, Carnegie Commission on Preventing Deadly Conflict, 1997, chapters 3-4.

control or that his preventative efforts have been exhausted, he could issue an early warning notice to the CSO (now Permanent Council) via the CIO (§§ 13 and 20) — a faculty comparable to that enjoyed by the UN Secretary General under Art. 99 of the United Nations Charter. In such a circumstance, the HCNM could recommend the OSCE to allow him offering to the parties concerned possible solutions, on the basis of a specific mandate (§ 16). In short, while the HCNM enjoys a permanent mandate for early prevention, he must himself seek or await being directly attributed an ad hoc mandate for late prevention.

Beside that basic role, the Mandate also attributes to the HCNM an advisory function through to OSCE bodies (§ 21).

Data collection, expert assistance and, especially, on-site visits are the major means at the disposal of the HCNM. The Mandate authorizes the latter ‘to collect and receive information from any source, including the media and non- governmental organizations’ — but not from persons or organizations practicing or publicly condoning terrorism (§ 23a) —, as well as to receive from the parties directly involved written reports regarding developments concerning national minority issues and meeting specific requirements in terms of provenance, relevance, timing and substance (§§ 23b and 24). It also offers him the opportunity, if necessary, to call on ad hoc experts with clearly defined mandates within a limited time-frame (§§ 31-36). Finally, it gives latitude to the HCNM to pay an expressly motivated visit to any participating State and communicate in person with parties directly concerned — except again those involved in terrorism or acts of violence (§§ 11c and 27-30). It is to be mentioned that the Mandate does not rule out an exceptional right of refusal from governments since it stipulates that ‘if the State concerned does not allow the HCNM to enter the country and to travel and communicate freely’, the HCNM will have to inform the OSCE (§ 28).

### *The place of the HCNM in the OSCE system*

Two main features characterize the HCNM as an OSCE institution. First, the HCNM was not created from the perspective of just the human dimension, but from that of the prevention of ethnic conflicts at the earliest possible stage. However, the objective of preventing ethnic conflicts has a clear linkage with the protection of national minorities, which is a major human dimension issue. In any case, the HCNM contributes to the Human Dimension Implementation Meetings (§ 22), without being subordinated to the ODIHR. The latter is supposed to offer him information on national minority questions (§ 10), its expert resource list (§ 35) and, as appropriate, logistical support for travel and communication (§ 37).

Second, the HCNM maintains exceptional close interaction and cooperation with the CIO. Besides issuing an early warning notice through the CIO (§§ 13 and 20), the HCNM must constantly keep the CIO informed of its actions. Prior to a departure for an on-site visit meant to address a tension involving national minorities, the HCNM is bound to consult the Chairman-in-Office who, in turn, will approach the participating State(s) concerned and conduct wider consultations if needed (§ 17). After a visit to a participating State, the HCNM has to provide strictly confidential reports to the CIO on the results of his intervention (§ 18) — reports that are not supposed to be circulated to participating States. After termination of the HCNM’s involvement in a particular situation, reports including findings, results and conclusions are also expected to be handed over to the CIO (§ 19).

To sum up, the HCNM operates independently from the Vienna Secretariat at both administrative and budgetary level. Furthermore, given the Mandate’s provisions ensuring a mix of accountability and

independence, it enjoys appreciable leeway at operational level.

## II. The development of the HCNM as an institution

Despite the formal restrictions of the Mandate and the extreme political sensitivity of national minority issues, the HCNM has been able to develop dynamically and creatively due to a number of main factors: the pragmatic interpretation of the 1992 Helsinki Mandate, synergies with OSCE bodies and third-party organizations, and a most skilful usage of the basic requirements of mediatory diplomacy (confidentiality, impartiality and cooperative spirit).

### *The pragmatic interpretation of the Mandate*

The first HCNM and its successors have given to the Mandate as pragmatic an interpretation as possible:

First, as the mandate did not offer a definition of the concept of national minority, the HCNM office avoided engaging in any semantic exercise. It just adopted the position that ‘I know a minority when I saw one’.<sup>4</sup>

Second, the HCNM held the view that ethnic conflicts were not fatal, viz. that ethnic differences do not, as such, generate conflicts but rather often exacerbate pre-existing political and socio-economic tensions; in other words, an ethnic minority becomes problematic when the living conditions of the group’s members reach intolerable level because of systematic discrimination, oppression and repression. The office also realized that the basic obstacle to serene inter-ethnic relations was insufficient, distorted or mere lack of communication. Accordingly, it considered that the first step towards the diffusion of ethnic tensions should normally be the establishment of an institutionalized structure of communication between the parties (Minorities Council; Round table, Ombudsman, etc.) conducive to a regular dialogue and confidence-building.

Third, the HCNM office endeavored not to enter into abstract debates on ethnicity or national identity with extremists. It preferred focusing on concretely identifiable issues such as education in and use of mother tongue, religious practice, effective participation in public life, etc. through quiet discussions with moderate interlocutors.

Fourth, the HCNM office realized the tour de force of performing as an impartial supporter of both established governments and peaceful national minorities groups through a constant low profile and quiet diplomacy. As regards governments, the office advocated integration (versus assimilation) through measures ensuring the effective participation of national minorities in public life and carrying the potential of generating loyalty to the State. To national minorities groups, the office reminded that minority persons have concomitant obligations and rights, and, furthermore, that self-determination could be enjoyed through several means other than independence.

Fifth, while intervening at the earliest possible stage, the HCNM office took care not to do it too early, in order not to provoke a premature eruption of tensions that preventative action was precisely supposed to defuse. Considering that early warning and early action formed an inseparable continuum, it indulged in interventions pertaining not only to instant operational prevention, but also to (long-term focused) structural prevention. So

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4 HCNM’s statement at OSCE Human Dimension Seminar on Roma, 24 May 1993, p. 2.

far, only once did the HCNM launch (on the basis of § 15 of the Mandate) an early warning notice: this was done in the context of the 1999 Kosovo crisis associated with NATO's military intervention, which put Macedonia on the brink of political and socio-economic collapse.<sup>5</sup>

Sixth, drawing on norms adopted by the OSCE as well as in the framework of OSCE's partner organizations, the office developed a genuine normative function. Hence the issuance of the Hague Recommendations on education rights (1 October 1996), the Oslo Recommendations regarding linguistic rights (1 February 1998), the Lund Recommendations on effective participation in public life (1 September 1999), the Warsaw Guidelines Recommendations to assist national minority participation in the electoral process, (an elaboration on the Lund Recommendations 1 January 2001), the Guidelines on the use of minority languages in the broadcast media (10 October 2003), and the Recommendations on policing in multi-ethnic societies (9 February 2006). Elaborated by expert meetings organized by an NGO supporting the HCNM (the Foundation of Inter-Ethnic Relations), these norms are of a special nature: although fully sticking to internationally agreed standards and practical good practices, they are neither formal HCNM's recommendations nor official OSCE commitments. However, they epitomize the HCNM's role in the structural prevention of ethnic tensions. They bring added-value not only to the OSCE's human dimension normative corpus (on the core issues of education and linguistic rights, and effective participation in public life), but also to OSCE's interventions in the field of the security sector reform (policing) — since a democratic governance of the security sector reduces the risk of armed violence in conflict-prone States, and also constitutes a crucial element of peace-building strategies in post-conflict settings.

### *Synergies with OSCE bodies and third-party organizations*

The HCNM office does not work in splendid isolation. As often as possible, if not regularly, the Office intervenes in conjunction with other OSCE operational tools (ODIHR, RFOM, OCCEA, SPMU...), and especially the LTMs. With some rare exceptions, the HCNM's interventions have been conducted in countries where an LTM was established. The HCNM and LTMs normally play a complementary role: beyond logistical support during on-site visits, the latter contribute to monitor the process of implementation of the HCNM's recommendations that the host State accepted and as well as to speed it up.

The HCNM office also works in constant and close cooperation with a number of OSCE partner organizations (in particular the European Union, NATO and the Council of Europe and its Venice Commission). According to the situation, such organizations provide the HCNM with (official and informal) diplomatic backing, additional political leverage, logistical and financial support. It would be fair to acknowledge that the most major successful instances of ethnic conflict prevention in the OSCE area have actually been due to the joint efforts of the HCNM and external partners.

### *Skilful usage of the basic requirements of mediatory diplomacy*

Confidentiality, impartiality and cooperative spirit have — as required by the basic rules of mediation and conciliation — been the constant trade mark of the HCNM's intervention.

Confidentiality is prescribed by the Mandate. The latter stipulates that the HCNM 'will work in confidence

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<sup>5</sup> HCNM.INF/1/99 of 12 May 1999.

[with] (...) all parties directly involved in the tensions' (§ 4) and 'will respect the confidential nature of the information' received from all parties (§ 29). Admittedly, confidentiality is a prerequisite for obtaining compromises hardly conceivable or reachable outside quiet diplomacy. The same applies to impartiality. The Mandate underscores that 'an impartial performance of the function' is expected from the HCNM (§ 8) and commits the latter to 'act independently of all parties directly involved in the tensions' (§ 4). The provision of § 4 also stresses that the HCNM must perform his duties 'in full cooperation with parties involved'. This is not a mere common place, but a requirement consistent with OSCE's brand : cooperative security – an approach which, by definition rules out coercion and subsumes a legitimate right of 'friendly interference' as expressed in the 1991 Moscow Document on the Human Dimension of the CSCE and the Geneva Report of the CSCE Meeting of Experts on National Minorities.

### III. Successful and less successful experiences during 1993-2008

Since January 1993, the HCNM has endeavored to defuse, from the dual angle of operational prevention and structural prevention, ethnic tensions in a large number of participating States — in Eastern and central Europe, the Balkans, the Caucasus, while also addressing the transnational Roma question. The major cases have concerned Russian minorities in Estonia, Latvia and Ukraine, Crimean Tatars minorities in Ukraine, Albanian minorities in Macedonia, and Hungarians minorities in Slovakia and Romania. They were aimed at preempting a worst-case scenario including potential risks of internal and regional destabilization.

#### *Russian minorities in Estonia and Latvia*

From the perspective of operational prevention, the HCNM was able to defuse the June-July 1993 crisis generated by the adoption of the Estonian Law on Aliens, and also the March 1998 crisis stemming from a demonstration of retired Russian-speaking persons crushed by the Latvian police and which provoked serious bilateral tensions with Russia. In view of the long-term stabilization of both countries, he tabled and pressed for the implementation of sets of recommendations calling for:

- the transparency of information concerning the acquisition of citizenship;
- the establishment of channels of communication and dialogue between the government and Russian-speaking communities;
- the granting of legal status to non-citizens;
- the lowering and reduction of requirements related to the acquisition of citizenship; and
- the adaptation of national legislation concerning the usage of national language to international norms.  
The sudden closure in December 2001 of the LTMs established in Estonia and Latvia notwithstanding, the intervention of the OSCE in the Baltic area can be considered as having been globally successful due to the HCNM's special contribution.

#### *Russian (Crimean) minorities in Ukraine*

The HCNM played a most constructive role in that country, by helping the government and Russia Crimean

separatists to avoid a fatal rupture, at least twice. In May 1995, in the midst of escalating tensions, he de-dramatized the situation through the convening in Locarno of a joint meeting of officials and MPs from both parties, and whose deliberations ultimately convinced the Kiev Parliament not to dissolve the Crimean legislature and Crimean leadership not to hold a referendum on independence. In order to nail down ultimate constitutional differences between Kiev and Simferopol, he convened a new round table in Noordwijk, in March 1996, with equally positive results. The HCNM's overall success in Crimea can be accounted for by the constantly moderate (if not impassionate) behavior of Kiev, and also the qualitative improvement introduced in Russian-Ukrainian relations by the signature, in 1997, of two sets of major bilateral accords.

### *Crimean Tatars minorities in Ukraine*

By contrast, the HCNM's interventions and recommendations related to Crimean Tatars minorities in Ukraine fell, so to speak, on deaf ears. This was the case because both Kiev and Simferopol attributed more importance to their bilateral feud than to the Tatar question. However, the HCNM's contribution to the latter should not be underestimated. The HCNM was able to establish a dialogue framework between the government and the Tatar community. He also mobilized international support (at the legal and financial level) to the Tatars through joint ventures with UNDP, UNHCR and IMO. Not insignificantly, in several instances, he persuaded the Tatar community — which was resorting to mass demonstrations and envisaging measures of political boycott — to avoid succumbing to the lure of armed violence.

### *Albanian minorities in Macedonia*

The HCNM contributed to the calming of two crisis — one related to the establishment of the unauthorized Tetovo Albanian Free University (1995), and another one provoked by the forceful removal by the police of Albanian flags illegally deployed by nationalist mayors in the front of town halls in Tetovo and Gostivar cities (1997). He also offered recommendations on the fair representation of Albanians with public services, access to media, acquisition of citizenship, decentralization, and university education. His major contribution concerned the creation of the University of South Eastern Europe (2001). However, that creation proved to be too tardy and partial, since it did not preclude the parallel eruption of an Albanian uprising.

### *Hungarians minorities in Slovakia and Romania*

In that case, the HCNM facilitated the elaboration of the Slovak/Hungarian Treaty of good neighborhood and friendly cooperation signed on 19 March 1995 in the framework of the EU's Stability Pact in Europe. However, the recommendations made by the HCNM concerning the use of the minority language in the public domain and the public financing of cultural activities of minority communities remained initially unimplemented due to the reluctance of a nationalist government which dominated public life until 1998. After the adoption of the 1999 Law on Minority Languages, the HCNM assisted the new government for implementation purposes, and successfully encouraged it to ratify the Council of Europe's conventions on national minority protection. Anyhow, the HCNM's intervention in Slovakia presented two particular features: first, it was linked to a simultaneous intervention in Hungary regarding Slovak minorities there; second, it indulged the HCNM to establish and rely on the findings of expert groups.

## *Hungarians minorities in Romania*

The HCNM defused the 1994-1995 crisis linked to the adoption of a controversial Law on Education, and acted similarly in 1998-1999 concerning the revision of the same Law. More significantly, he played a constructive part in the finalization of the 1996 Romanian-Hungarian Treaty on understanding, cooperation and good neighborhood negotiated in the framework of the of the EU's Stability Pact in Europe. Furthermore, he contributed to the promotion of multicultural and multilingual teaching in Romania. On balance, if not contributing to eliminating ethnic problems in Romania, the HCNM interventions ended up with their amelioration.

## *The issue of 'Hungarian minorities in neighboring countries'*

In June 2001, the adoption by the Hungarian Parliament of Law LXII whose provisions were applicable to persons of Hungarian ascendancy living in any of Hungary's neighboring countries other than Austria, provoked harsh objections especially from Romania and Slovakia and, as consequence, a deterioration of bilateral relations in the region. In an exceptional move, the HCNM took a strong public position on the issue and advocated the revision of the controversial Law, which the Venice Commission criticized *inter alia* for its extraterritorial outreach and unacceptable ethnic approach. Following many shuttles between the three capitals concerned, he was able to obtain legislative amendments (inspired from a number of his recommendations) that were eventually voted for by the Hungarian Parliament in June 2003.

## *Other cases*

The HCNM also addressed many issues of a smaller scope in different areas of the OSCE region — Central Asia (Russian minorities in Kazakhstan and Kyrgyzstan; Uzbek minorities in Kyrgyzstan), Caucasus (Meskhetian Turks and Armenian minorities in the Georgian region of Samtskhe-Javakheti), Balkans (Greek minorities in Albania, Albanian minorities in Serbia, Serbian minorities in Croatia) and Eastern and Central Europe (Russian and Polish minorities in Lithuania, Ukrainian minorities in Russia, Russian minorities in Ukraine, Russian minorities in Moldova).

## *Snapshot assessment*

The entire range of activities performed by the HCNM since its establishment in 1993 requires four main brief remarks. First, more often than not, the HCNM's interventions contributed to the improvement of inter-ethnic relations at the domestic level (including through the provision of expert assistance for the elaboration of legislative or constitutional texts in Croatia, Serbia, Georgia, etc.) and diplomatic relations at the bilateral or regional level. Second, with very few exceptions, concerned governments cooperated — with various degrees of intensity — with the HCNM and, by and large, implemented his recommendations; only in the Balkans did some participating States refuse to allow the HCNM to address domestic ethnic issues, or even (more exceptionally) reject a demand for a routine spot-visit on their territory. Third, although the Mandate limited his role to the pre-conflict stage of the conflict management cycle, the HCNM has nevertheless been encouraged at times by some participating States to intervene (with no manifest opposition from the rest of OSCE's constituency) in post-conflict settings: hence HCNM's contribution to the implementation of the 1995 Erdut Agreement in Croatia and the 2001 Ohrid Framework Agreement in Macedonia, as well as to the implementation of the OSCE Mission in Kosovo's mandate; more strikingly, at a certain moment, the HCNM

tried to address the ‘frozen conflict of Transdniestra’ from the angle of the thorny issue of Romanian schools located in that separatist region.

Despite a deep environmental change, the HCNM’s methods of work and Mandate remain fully valid. The proven methods and instruments can be applied in situations different from those for which they were originally conceived. While the diffusion of ethnic tensions at both intra-State and inter-State level continues to be a primary objective, the priority seems now to be shifting towards assisting the participating States in the development of strategies aimed at integrating diversity on the basis of a ‘fair social contract’ between established authorities and minority communities. In short, and notwithstanding that preventive diplomacy is more than difficult to sell to decision-makers, the HCNM’s global record has vindicated the common wisdom’s adage that ‘an ounce of prevention is worth a pound of cure’.

#### **IV. Issues of growing concern**

Among the issues of growing concern for the HCNM, two are predominantly human rights issues (‘non-traditional minorities’ and the Roma/Sinti issue), and two others are more politically loaded because of their security implications (autonomy and frozen conflicts).

##### ***‘Non-traditional minorities’***

The development of multiculturalism within many participating States, due to a growing number of migrant workers and their descendants, has raised a debate about the relevance of extending the HCNM’s mandate to a new category of minorities. The issue is double-edged. Such an extension could be justified on the ground that those ‘new minorities’ are becoming a growing fraction of the host States’ population, that failure to integrate them could undermine domestic stability, and that the economic development of Western European aging societies now depends on the effective integration of cultural diversity. An additional justification is that the inclusion of ‘new minorities’ on the OSCE agenda would extend the mechanism of ethnic tensions’ protection (hitherto limited to the States which belonged to the Soviet Union and the Balkans States) to well-established Western democracies — thus deflecting one major source of disagreement among participating States in the present ‘OSCE crisis’. Those arguments are certainly not negligible. However, one has to carefully assess the practical consequences of shifting the Mandate of the HCNM away from basically conflictual situations to mildly conflictual (or qualitatively non-conflictual) situations. Furthermore, launching a negotiation on the re-opening of the Helsinki Mandate might prove to be politically counter-productive on many counts.

##### ***The Roma/Sinti issue***

Alike ‘non-traditional minorities’, the Roma and Sinti populations do not represent a source of dangerous ethnic conflict in their respective countries of residence. However, by contrast with ‘non-traditional minorities’, their specific problems are fully acknowledged and do not raise deep controversies within the OSCE. Indeed, the Roma/Sinti issue is part and parcel of the HDIM’s yearly agenda, a ‘Contact Point’ dedicated to Roma and Sinti has been established within the ODIHR, and the HCNM have issued formal reports (in 1993 and 2000) and recommendations on the matter. Given that the general living conditions of Roma and Sinti are hardly improving in substance and pace, the HCNM should clearly devote more attention to the problem, provided that the participating States are ready to mandate him to do so.

## *Autonomy as positive solution to the problem of compact minorities*

There is a real need to further develop the potential of the seminal concept of internal self-determination, inclusive of non-territorial autonomy as well as territorial autonomy. This sensible matter deserves to be addressed as a top priority, albeit most cautiously.


## *Frozen conflicts*

Neither the HCNM nor any other OSCE body has the capability to positively ‘unfreeze’ the so-called frozen conflicts in the Caucasus and Transnistria (not counting Crimea). Given the considerable political stakes related to them, a significant involvement of the HCNM here should preferably take place on the basis of an express and clear ad hoc mandate. Even in such circumstances, the HCNM’s intervention should be more low profile and cautious than anywhere else.

## **Conclusion**

Being both a human rights and security issue, further complicated by a crucial interconnection with the apparently antithetical principles of territorial integrity of States and self-determination of peoples, the question of national minorities has always been and still remains a most controversial one. National minorities’ problems will continue to exist and no international organization could reasonably hope to eliminate them. Practically all of the OSCE participating States are culturally heterogeneous and must, in one way or another, cope with the challenges of multi-ethnicity and multi-culturalism. Admittedly, some sort of ‘culture of minority rights’ has been developing since the end of the Cold War. Catalogues of basic rights (grounded on education, culture and effective participation in public life) are now enshrined in a number of internationally agreed texts. At the same time, policies and practices of mere assimilation have been delegitimized at multilateral level. However, actual or potential ethnic tensions persist endemically in the OSCE area. It would be no exaggeration to argue that ethno-nationalism remains an ongoing threat within OSCE’s larger Europe — especially in the Balkans, Caucasus and Central Asia.

Through its HCNM, which enjoys a balanced mix of independence and accountability, the OSCE appears as the best endowed multilateral framework to meet the challenge of ethno-nationalism. It is significant to note that if the continued relevance of OSCE’s operation is harshly questioned by a number of participating States, the HCNM has been immune from criticism. In any case, the potential of the HCNM is clearly as great as its past and present achievements.



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