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Instrumentalization of Minorities vs. Instruments of Minority Rights. Conflict Prevention through Integration Based on Respect for Diversity and Minority Rights

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*Kairat Abdrakhmanov**

Distinguished conference participants**,

Dear colleagues,

It is an honour to be with all of you today to contribute to the discussion on the future of human rights, peace and multilateralism as a path towards enhancing global security and peace. I look forward to today's discussion, which comes at a most trying time for peace and security on the European continent.

The global security landscape is being reshaped as we speak with the potential to fundamentally transform the security environment within the OSCE region and beyond. Conflicts between States are on the rise, with some of them also feeding on ethnic divisions; divisions which are sadly often amplified by political and religious rhetoric, socio-economic inequalities, not to mention misinformation and propaganda.

The ongoing war in Ukraine is a case in point. It has had devastating consequences: thousands of people have been killed and significant suffering has been imposed on an entire population, the results of which will be felt for many years.

The war has also exposed an unfortunate trend in international relations toward instrumentalizing national minorities, which is in fact the opposite of upholding and implementing international human rights instruments that are essential for defending minority rights.

Dear colleagues, I am here with you today as the OSCE High Commissioner on National Minorities. This position was created 30 years ago by the Conference on Security and Co-operation in Europe, which is known today as the Organization for Security and Co-operation in Europe; the OSCE. My

* OSCE High Commissioner on National Minorities.

** This is the text of the speech given by Ambassador Abdrakhmanov at the International Conference: The Consequences of War and their Interdependence. Bringing Human Security Back to the Global Political Agenda, University of Padova, 14 November 2022.

mandate is to provide early warning and early action to prevent any full-fledged conflict arising from tensions involving national minority issues. I therefore engage in quiet diplomacy and provide tailored expertise to the 57 OSCE participating States in support of their efforts to develop and implement policies that facilitate the integration of their diverse societies.

Since the creation of the position of High Commissioner on National Minorities back in 1992, our mandate of preventing full-fledged conflicts arising from “tensions related to national minority issues” continues to be as relevant today. In fact, during the past thirty years we have observed that tensions involving minority issues have increasingly been one of the main causes of conflict and war. My key observation, however, is that national minority tensions do not originate from underlying minority-majority or intra-minority relationships in a diverse society. Rather, national minority tensions and subsequent conflicts are often far more likely to be caused by the ways in which States or non-State actors manipulate diversity for their own political gain. Whether related to ethnicity, language, or religion, most inter-community tensions are a result of State actors manipulating these identities in a way that fosters divisions in society instead of fostering harmony and social cohesion.

This manipulation of diversity occurs not only domestically, but may also spill over the border into a neighbouring State. Now, it should first be acknowledged that States may have a legitimate interest in supporting persons belonging to national minorities who live in other States, due to shared ethnic, cultural, linguistic, religious, historical or other ties. Former High Commissioners recognized this point of international law in The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (HCNM, 2008). However, this does not imply, in any way, that States have a right under international law to exercise jurisdiction over persons belonging to minorities residing on the territory of another State. The territorial integrity of States remains the cornerstone of international relations, including under the legal provisions in the UN Charter and the political commitments embedded in the OSCE Helsinki Final Act.

Therefore, I stress that it is not diversity itself that is the challenge that needs to be fixed. Rather, my Institution has long been concerned about, and indeed deplores, any State practice aimed at instrumentalizing and exploiting minority issues abroad.

Dear colleagues,

The logical follow-up question for you, and for me, is how to increase the resilience of our diverse societies to withstand any internal and external

instrumentalization of minority issues that could ultimately lead to conflict and war? How do we prevent States from manipulating diversity both domestically and internationally?

The most significant tool to encourage States to act appropriately is international norms. The various international legal instruments on minority rights, as well as the UN Charter and other conventions, establish the standards according to which States are to act toward national minorities both inside and outside of their territory. They are the only common standard of achievement to which the entire global community has agreed and through which a unitary response can be galvanized. Although my mandate does not include either advocating for or protecting human rights, it is important to recognize that human rights are an essential tool in conflict prevention. Protecting and promoting human rights and averting conflict are two sides of the same coin. There cannot be any meaningful and sustainable conflict prevention or resolution without upholding minority rights within a robust, democratically legitimate, non-discriminatory, and human rights-compliant, rule of law system. This is a precondition for a just, equal and cohesive society that can withstand tensions and avoid conflict at the earliest stage.

Most States take human and minority rights seriously most of the time, implementing them in their domestic systems and upholding them in their foreign policies. I gladly acknowledge the steady progress that has been made in this regard over the decades, ever since our universal, modern, international human rights were first formulated. In fact, during its thirty years of its existence, my Institution has witnessed many advances in the design and adoption of inclusive legislation and institutions and in the overall integration of diversity in our societies.

States implement human and minority rights for many different reasons and various institutions and actors call for compliance from different points of departure. A purely human rights approach asserts normative and legal reasons why human rights should and must be followed. With its conflict prevention mandate, my Institution has a broader scope. In addition to normative or legal reasons, I can also take a more practical approach, appealing to a State's or an individual leader's, self-interests. My Institution can quietly coax compliance by demonstrating that it is the only sustainable path to peace and stability and to achieving the social and economic benefits that would secure the future of a State or its political leaders. From all of these points of departure, human and minority rights have had a positive effect for countless numbers of people in most States in the world.

However, ensuring that States act in a manner that puts human rights, and indeed minority rights, front and centre appears to be an increasingly serious

challenge, amid what I see as human rights backsliding across the OSCE region. This is a progressively overwhelming challenge for States, for civil society, for minority communities, and - importantly - also for international organizations such as mine. Normative adherence, as well as normative enforcement, have fallen victim to States prioritizing other interests, which has given political space for the deterioration of human and minority rights. In essence, human rights have not failed us, rather we have failed human rights.

Over the years, my office has developed nine sets of guidelines and recommendations on a number of policy areas that are relevant to national minorities. While they are not legally binding standards themselves, they nevertheless aim to assist the 57 OSCE participating States to strengthen integration and the resilience of their societies. In many ways, they operationalize minority rights on topics such as education, the use of language, rule of law, policing, media, participation in public life, and inter-State relations. Allow me to highlight that in September 2022 my Institution marked the 10th anniversary of its most comprehensive thematic set of guidelines, namely: The Ljubljana Guidelines on Integration of Diverse Societies (HCNM 2012).

A core principle in these recommendations is that facilitating the integration of society by encouraging respect for diversity is one of the most effective tools we can use to prevent conflicts and render societies more resilient to outside interference. With this lesson in mind, I have been communicating to the OSCE participating States that responding to Russia's war in Ukraine, and the resulting security challenges, requires not further marginalization of national minorities through reactive responses that securitize national minority issues. Instead, States should react with even more attention to minority rights so that persons belonging to national minorities do not fall victim to geopolitics.

If I may, allow me to highlight what I consider to be the most relevant aspects of minority rights and the HCNM guidelines and recommendations, given the present security situation:

- Education in minority languages should not be stifled, but strengthened, along with the allocation of adequate resources and incentives to promote the mastery of the official languages. Both of these are required to simultaneously value diversity and enable the integration of society, as well as to facilitate opportunities for employment and mobility.
- Bans on the use of minority languages in public spaces should be avoided. Multilingualism, wherever appropriate, should be cherished and promoted.

- The closing of minority media channels can in some instances be perceived as a legitimate security necessity, but opportunities to access domestically produced content in minority languages should remain available.
- Controversial monuments do not have to be destroyed, but instead can be an opportunity to learn from the past.
- Efforts to fight hate speech and hate crime, including against minorities, should be strengthened, as well as sufficiently communicated to the public.
- Participation in all spheres of life should be promoted, including through consultations, in order to ensure that everyone in society has an opportunity to be heard.

Dear colleagues,

I now come to our responsibilities as the international community, including the OSCE through its various institutions, mechanisms and policies. International norms should be consistently interpreted by all parties based on sound critical reasoning rather than on political expedience. It is only when we all pull in the same direction that we can hope to halt the increasing global disregard for international norms and law. Any divergence between us could be exploited and may weaken our standards and instruments and, as a result, increase the potential for conflict.

I remain hopeful for the future. The modern international system was founded upon the scourge of war and ushered in a generation of relative peace and security when States recognized that adherence to international norms was in their best interests. The present security landscape with open warfare by one OSCE participating State against another could be a new catalyst to reduce the instrumentalization of minorities and spark the renewal of minority rights.

My Institution remains committed to its role in tackling the challenges ahead and I take great comfort in the knowledge that we are not alone in our shared efforts to support justice, equality and cohesion in society. I am pleased that this conference plays an important part in this endeavour and I hope the discussions here will enable us to understand what measures need to be taken to establish peace and stability across the OSCE region and beyond.

Thank you for your attention.

