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The High Commissioner on National Minorities: Persona and Quiet Diplomacy

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Abstract

This main focus of this article is to elaborate on the personal dimension of the mandate of the OSCE High Commissioner on National Minorities. Using interviews with the HCNMs, other interlocutors and studies on HCNM's conflict prevention practice, the article profiles the individual and professional backgrounds of the six past and present HCNMs: Max van der Stoep, Rolf Ekéus, Knut Vollebaek, Astrid Thors, Lamberto Zannier and Kairat Abdrakhmanov. It looks at some of the common and distinct elements of the HCNMs' experience in a so-called mutual accommodation between the post and the post-holder's personality and background over the last three decades of existence of the institution (1993-2023). How one takes ownership of the mandate and the persona created? How does one operates including through the quiet diplomacy approach? The paper finds that the political clout and the profile of the post-holder matter in upholding a strategic approach to conflict prevention that captures the critical connections between the security and human dimensions of conflict prevention. At the same time, it acknowledges that the evolving political and security environment demands adaptations and that there are there are limits to what one person may achieve without a

cooperative and supportive environment. A key challenge remains, however, regarding making use of existing possibilities for the HCNM to engage and relatedly, the willingness or capacity of the post-holder to take calculated risks in order to focus on the HCNM core mandate of conflict prevention.

Keywords: *national minorities; conflict prevention; quiet diplomacy; OSCE; multilateralism*

It is an odd sort of job, a bit like being head prefect in a run-down boys' school where there is no headmaster, the board of governors is far too big, and none of the teachers really knows who is doing what. The prefect's main job is to stop big boys bullying little ones, and to stop boys of all sizes from fighting among themselves. He is not allowed to use his own fists; corporal punishment has been abolished. He is, perforce, a bit of a swot, a bit of a sneak, and a bit of a prig. Nobody likes him much. But an awful lot of the boys have no idea he exists at all; nor do they know what his mouthful of a title is or means. Not surprisingly, nobody much wants to be head prefect anymore.

The Economist, 9 September 1999

1. Introduction

1.1 Objectives of the article

As often highlighted in publications reflecting on the mandate and activities of the OSCE High Commissioner on National Minorities (hereafter the 'HCNM'), the carefully negotiated mandate of the HCNM is a highly personal one. The institution which is defined as “an instrument of conflict prevention at the earliest possible stage” is built around an “eminent international personality with long-standing, relevant experience from whom an impartial performance of the function may be expected.” (CSCE Helsinki Document, 1992, Chapter II, para. 8). The mandate further provides that “the High Commissioner will work in confidence and will act independently of all parties directly involved in the tensions.” (CSCE Helsinki Document, 1992, Chapter II, para. 4).

The words used to define the desired profile of the post-holder have been carefully chosen: *eminent* personality, *long standing relevant* experience and *impartiality* (highlights added). The mandate itself created a persona for the HCNM. The high expectations laid out for the post-holder may also be seen as a trade-off for States to agree to a mandate that essentially leaves it to the judgment of the post-holder to decide when and where to alert on tensions involving national minority issues (CSCE Helsinki Document, 1992, Chapter II, para.3). The potentially intrusive nature of the mandate had to be placed in highly competent hands.

Elaborating on the personal dimension of the HCNM and the persona created by the mandate, the purpose of this contribution is to profile the individual and professional backgrounds of the six past and present HCNMs over the changing European security context of the last three decades. It provides some insights on how successive HCNMs have embraced the mandate at the outset, given their own personality and background, and how both their personality and background have shaped the way the institution has operated under their mandate and beyond.

1.2 Methodology

In exploring this mutual accommodation between the post and the person, this article draws on three sets of sources: The first source consists of interviews conducted with the successive HCNMs between February and April 2023. These are based on a set of questions exploring the triangular relations between the person/background, the mandate, and conflict prevention practice. The texts of these interviews are published in the present special edition as a separate contribution. These interviews are supplemented by conversations with other interlocutors who have worked for or cooperated with successive HCNMs at different points in time, as well as by other articles or studies on the HCNM's conflict prevention practice. (see References).

The relationship between the person and the institution in the face of historical events is complex. As such, this article does not analyse this relationship with reference to specific cases of conflict prevention intervention by successive HCNMs. This was not meant to be the subject of this article and would in fact deserve a study of its own.

Part I will explain the different profiles of the successive HCNMs and will trace the evolving political circumstances in which these six personalities had to operate over the institution's 30 years of existence. Part II and III will then analyse some of the common and distinct elements of the HCNMs' experience, in what could be described as a mutual

accommodation process between the post and the post-holder's personality and background. Part II will focus on '*Becoming HCNM*', looking at issues of how one takes ownership of the mandate and the persona created, given one's personality and background. Part III will focus on '*Operating as HCNM*', looking at issues of their modus operandi, including the quiet diplomacy approach.

1.3 Six High Commissioners on National Minorities over 30 years

Before exploring the elements of this 'mutual accommodation' between the post and the person, the present section aims at providing some background information on the successive HCNMs and answering some preliminary questions: Who are the six High Commissioners? What is their profile, what are their commonalities and differences? And to what extent the circumstances of the 1992 negotiated mandate have changed, possibly affected the way the HCNM is operating.

1.3.1 The six High Commissioners

It may be useful at the outset to briefly summarize the background of the six HCNMs who have successively set their base in The Hague over the last 30 years, i.e. the late Max van der Stoel (the first HCNM, 1992-2001); Rolf Ekéus (the second HCNM, 2001-2007); Knut Vollebaek (the third HCNM, 2007-2013); Astrid Thors (the fourth HCNM, 2013-2016); Lamberto Zannier (the fifth HCNM, 2017-2020); and Kairat Abdrakhmanov, HCNM since December 2020 (for further details, see the biographies of each HCNM in Appendix I).

Among them are five men and one woman. With the exception of the fourth HCNM, who was a lawyer and politician, almost all of them were career diplomats, having had one or more political mandates at some point in their career: three of them were Foreign Ministers (Max van der Stoel, Knut Vollebaek and the current High Commissioner, Kairat Abdrakhmanov) or had been entrusted with an international mandate by the United Nations (for example, Rolf Ekéus was Chair of the United Nations Special Commission on Iraq (UNSCOM); Lamberto Zannier was the United Nations' Special Representative for Kosovo and Head of United Nations Mission in Kosovo (UNMIK). Until 2020, all of them came from 'West of Vienna'; this expression is often used informally to reflect this East-West dialogue and cooperation which was at the heart of the creation of the Conference for Security and Co-operation in Europe (CSCE) in the early 1970s. Half of them came from the Nordic countries (Sweden, Norway, and Finland). Some of them had prior experience with the OSCE at different levels:

some had previously held a post within the Organization (Lamberto Zannier was previously Secretary General of the OSCE between 2011 and 2017), while others had experienced the OSCE as an Organisation through their country's chairmanship or as heads of delegation to the OSCE and/or other roles: Max van der Stoel was Foreign Minister during the Helsinki consultations (1973-1975); he was head of delegation of the Netherlands during the CSCE conferences on the human dimension in Paris, Copenhagen, and Moscow, and was also Chairman of the Netherlands Helsinki Committee for several years. Rolf Ekéus headed the Swedish delegation to the CSCE from 1988 to 1992 and was active in drafting the Charter of Paris for a New Europe (1990). Knut Vollebaek was Chairperson-in-Office in 1999 and later *Primus Inter Pares* of the Panel of Eminent Persons on Strengthening of the Effectiveness of the OSCE (2005). Kairat Abdrakhmanov was Kazakhstan's Permanent Representative to the OSCE and chaired the OSCE Permanent Council in 2010.

Two of the successive HCNMs, Max van der Stoel and Rolf Ekéus, were born before World War II: Max van der Stoel was 21 years old in 1945; Rolf Ekéus was only 10 years old. In the case of Max van der Stoel, it has been argued that his human rights commitment was a result of the Second World War as when he was a young man he was confronted with the brutality of the Nazi regime during the German occupation of the Netherlands (Bleich, 2018).

Most of them fulfilled their mandate as HCNM when they already had had a long career behind them, not necessarily focused on issues of national minorities *per se* for many of them, but broadly connected to conflict and security issues. They could put their experience and networks, especially their high-level contacts, to the service of the HCNM's conflict prevention mandate. As was noted by a former Senior Adviser, most of them did not have to profile themselves through the HCNM's mandate in view of future international or other high-level positions. In fact, as was noted by Bloed in the case of van der Stoel, "some experts were quite surprised at the time that the aging and highly authoritative van der Stoel was interested in the post at all" (Bloed, 2013, p. 21).

Their election to the post of HCNM followed a process whereby candidate hearings take place behind closed doors, with the OSCE Chairmanship helping to reach a consensus to elect candidates for each of the OSCE leadership positions (Liechtenstein, 2020). In 2020, a different context for nominations was created following repeated impasses of the 57 OSCE participating States in electing an HCNM as well as the other heads of OSCE institutions. A package-style nomination was used for the first time, prioritizing an agreeable compromise in

the selection of all OSCE leadership positions, instead of reviewing nominations for each post individually (Liechtenstein, 2020).

1.3.2 Preventing conflict over thirty years of evolving political circumstances

In many ways, the institution of the HCNM is a “child of its time.” The creation of the HCNM was directly related to the political circumstances of the early 1990s (Bloed, 2013, p. 16). High Commissioner Max van der Stoep started his mandate at the end of the Cold War, at a time when the Yugoslav wars brutally put an end to the optimism embedded in the 1990s Charter of Paris for a New Europe which declared the end of confrontation and division in Europe (Charter of Paris, 1990, p. 3). The frustrations at the lack of capacity by the international community to take decisive action in cases of aggressive nationalism and ethnic conflicts in the heart of Europe prompted a sense of urgency and resulted in the resolve to adopt several new international instruments or documents for safeguarding minority rights. The then CSCE created its High Commissioner on National Minorities, the Council of Europe managed to have its legally binding Framework Convention for the Protection of National Minorities adopted on 10 November 1994 and the UN General Assembly adopted its Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities on 18 December 1992.

The 1990s coincided with the European Union (hereafter ‘EU’) launching its enlargement process and including the respect for and the protection of national minorities as part of its political criteria (so-called ‘Copenhagen criteria’) for a country to be eligible to join the EU.

As a child of its time, the HCNM’s formative years were very much influenced by these circumstances as well as by the way High Commissioners (especially Max van der Stoep at the beginning) managed to secure a role for the institution and develop working methods and processes to this end. The EU enlargement undoubtedly created major incentives for candidate States to engage with the High Commissioners in discussing solutions that would best accommodate minority-majority relations.

The middle years of the first decade of the 2000s saw the vanishing of the aforementioned sense of urgency that prevailed in the early 1990s. The resolve and unity then displayed by the international community was followed by slow fragmentation, an increasing inability to compromise, and an erosion of good faith. Multilateralism and its underpinning

liberal values entered a state of decline. This made cooperation between States more difficult, affecting the operational capacity of multilateral organisations such as the consensus-based OSCE. The so-called ‘golden years’ for minority protection (Thors, 2018a and 2018b) came to an end with a notable slowing down of minority-related reforms, a declining interest in the instruments adopted in the 1990s, and a re-bilateralization of minority protection. This erosion of concerted global action and leadership came at a time when these seem more necessary than ever. Not only ethnic-related confrontation and violence have resurfaced in places like Kosovo, Kyrgyzstan, Georgia, North Macedonia, Tajikistan and between Armenia and Azerbaijan but with the invasion of Ukraine by the Russian Federation on 24 February 2022, another tragedy started to unfold in the heart of Europe. The current High Commissioner is operating against the backdrop of this war and the geopolitical changes it entails for the security architecture as we have known it so far.

Besides the changing political circumstances, this timespan of thirty years also coincides with great technological and communication changes that have seen the fax machine becoming a relic of the past and social media such as Twitter (now X) being introduced in the work of the HCNM, inevitably posing the question of how to embrace our hyperconnected world for the benefit of the HCNM’s conflict prevention mandate.

2. Becoming High Commissioner

This section discusses the experiences of successive HCNMs and views on the profile that matters for being HCNM (subsection 2.1); Max van der Stoep’s legacy (subsection 2.2); the latitude to operate as provided for by the mandate (subsection 2.3); and keeping optimism when dealing with conflict prevention (subsection 2.4).

2.1 Being a candidate

Being proposed to the post of High Commissioner does not differ from other international posts. As transpired from the interviews held with the successive HCNMs, this phase could be described as a combination of availability, suitable background, and the political interest and support from a candidate’s own country.

The various profiles of the successive HCNMs, as summarized in part I above, show an inclination for choosing a career diplomat with a political profile. Knut Vollebaek noted that being a diplomat is a profile that may be most important for the post, given the behind-the-

scenes work involved to find compromises and the need to keep a low profile regarding one's own achievements. In his view, this is something that experienced diplomats are much more used to than politicians. This comment mirrors a remark once made about Max van der Stoel's discreet personality being not only his nature, but his profession (Kemp, 2021).

If a diplomatic background is deemed important, however it may not be sufficient, as was underlined in several interviews. One should not shy away from addressing difficult issues and from “jump[ing] into the high political waters”, the expression used by Rolf Ekéus in his interview. That line of thought was echoed by former advisers to the HCNM. They highlighted the need for the HCNM to be more of a problem-solver than an ambassador-at-large. Some conversations even pointed out that in ideal circumstances, the HCNM should be more of a politician than just having a ‘political profile’, in order to ensure that the HCNM is able to talk to his/her peers as needed.

The impartiality required by the mandate makes it clear that the High Commissioner does not represent his or her country. As was highlighted in conversation with former Advisers, Max van der Stoel was a personality in the European diplomatic context; he was not a Dutch envoy. Several HCNMs have highlighted the great caution they exercised even when referring to their own country in conversation with governmental interlocutors (see the interviews with Knut Vollebaek, Astrid Thors, and Lamberto Zannier). At the same time, there is broad consensus among the interviewed HCNMs that the country from which he/she comes from matters, especially for the perception of one's own impartiality.

In his interview, Knut Vollebaek further reminded us of the unwritten rule giving preference to smaller rather than bigger countries when filling leadership positions in the OSCE. As he highlighted, bigger countries may have “more bilateral political clouts but also more baggage.” Knut Vollebaek further explained that it was important to come from a country like his own that “was generally not perceived as having a hidden agenda.”

The HCNM's country of origin is also important for the HCNM's standing when advocating for human and minority rights reforms. For example, Rolf Ekéus explained that at the outset “being from Sweden was a good thing, given Sweden's good reputation in the field of human rights and its strong democratic base”, much like Max van der Stoel and The Netherlands.

2.2 Max van der Stoel's legacy

Exploring the personal dimension of the HCNM's mandate has often turned into what Ilze Brands Kehris described as yet another "eulogy" of the first HCNM, Max van der Stoel, and his wisdom (Brands Kehris, 2013, p. 2). Undoubtedly, he is the High Commissioner most written about in the history of the HCNM, especially given his role in interpreting the mandate and his skilful way of operating, setting up approaches and guidance that are still a reference today.

Whether they were the immediate successor of van der Stoel or took up the HCNM's mandate decades after, all High Commissioners have described the legacy of Max van der Stoel as foundational and inspirational. They highlighted his role in raising the profile of the institution (Lamberto Zannier), in providing "a safe path to operate" (Astrid Thors), showing that "with good work, willingness to get involved and ability to find solutions that job could be done" (Knut Vollebaek). His legacy "carries on guiding the work [of the HCNM]" (Kairat Abdrakhmanov). His immediate successor, Rolf Ekéus, praised him for having kept up "the security dimension in addition to the human dimension of the mandate", hence underscoring Max van der Stoel's understanding of "the deep interconnection of OSCE's human and security dimensions" (Månsson, 2023).

There is not only gratitude for the work done by Max van der Stoel, but, from the two High Commissioners who knew him personally, admiration – and even affection – for Max himself. Ekéus recalled him as an impressive personality when he was working in the Swedish Ministry of Foreign Affairs. This was the time when van der Stoel had a leading role in Europe's fight against the military dictatorship in Greece. Knut Vollebaek would describe him as a caring father figure who would not only show positive interest about his work but would also check with him to see whether "the Dutch Government treated [him] and the Office well."

2.3 Views on the latitude given by the mandate

Already back in the 1990s, Max van der Stoel had declared on several occasions that if the HCNM's mandate had had to be negotiated at a later stage, he would probably never have been given such a degree of freedom (Letschert, 2002). The considerable amount of independence and intrusiveness granted by the mandate is a key element for the functioning of the High Commissioner. It is a remarkable element of the mandate and as such, has been embraced by all High Commissioners.

As Rolf Ekéus noted in a previous interview, “as a diplomat, I have always been taught not to ruffle feathers. But in this job, it is sometimes necessary to stick one's nose in where it may not be welcome”. Astrid Thors experienced that some participating States viewed the mandate “as intrusive”, possibly fearing “some political risks for them, even though the quiet diplomacy allows for confidential dialogue.”

With its mandate leaving the decision of ‘where and when’ to be engaged to the discretion of the post-holder, one can clearly see that the HCNM has been construed as a different type of institution within the OSCE structure. As Arie Bloed highlighted, the mandate is a “deviation from the sacrosanct consensus principle” of the OSCE (Bloed, 2013, p.16). There is no need for the approval of the OSCE Permanent Council (PC): the HCNM is not bound by lengthy approval procedures nor does it receive instruction from the PC. It is therefore given the possibility to act quickly. This, as Vollebaek noted, is “essential, as timing is often an important issue when [he] get[s] involved in a potential conflict situation” (Vollebaek, 2009, p. 327).

The geographical distance from The Hague (where the HCNM is based) to Vienna (where the Permanent Council is based) may also be instrumental in creating the necessary space for the HCNM’s independence and autonomous functioning. In his interview, Lamberto Zannier recalled that as Secretary General of the OSCE, “he would have every few hours an ambassador knocking at [his] door with requests [...]”, hence showing the fundamental differences between the post of Secretary General of the OSCE and the HCNM.

2.4 Optimism and realism

During the event at The Hague marking the 20th anniversary of the HCNM, journalist and writer Edward Lucas, who was moderating a panel session, recollected how he was challenged by the American host of a US radio show talk when he promoted the role of European institutions like the OSCE HCNM to safeguard peace. He received a strong rebuke from his American host, who as reported by Lucas retorted: “You are not at peace, you are in between two genocides!” (OSCE HCNM webpage, 20 years of conflict prevention, 2013).

While this tone may appear provocative, it does raise the question of how one can maintain optimism in the face of adversity. The interviews explored that issue and pointed to a common sense of optimism tainted with realism among the successive HCNMs: the HCNM may be an optimistic person who has not “give[n] up on [his] hopes and continued working for

peace” after his time as HCNM, as Rolf Ekéus put it. He could be at times a “discouraged optimist”, as Lamberto Zannier put it. The post-holder’s optimism may lie in believing in the importance of education (Astrid Thors) or the belief that “justice will eventually prevail” (Kairat Abdrakhmanov). Knut Vollebaek referred to the late Madeleine Albright, former United States Secretary of State, who described herself as “an optimist who worries a lot”, to conclude that being a “realistic optimist” might be the ideal balance. Similarly, the combination of “a principled idealist with a cautious realist” has been used to describe Max van der Stoel (among other examples, see Kok, 2011).

3. The *modus operandi* – Operating as High Commissioner

As highlighted above, the successive HCNMs have praised Max van der Stoel for having established a solid track record for the institution of the HCNM and its involvement in addressing interethnic tensions together with governments. Conversations with former advisers to the first HCNM van der Stoel underlined that he concentrated energy and resources on the HCNM’s ‘core work’, to engage with governments in anticipating inter-ethnic tensions that could escalate and devising preventive interventions. At that time, developing projects and thematic recommendations came only as instruments to achieving that aim. If the HCNM’s work is often described as being structured around three pillars of political or operational, structural, and normative work (Sabanadze, 2013), it is the political one that was considered as a foundational pillar at the outset.

This section shows that while the successive HCNMs’ engagement with States on interethnic relations has stayed within the abovementioned three pillars framework, the distinct attention given to each of these pillars has varied over time. While this could be explained to a certain extent by the changed politico-security context, the following section sheds light on personal approaches and priorities to explain the choices to engage which were made by the successive post-holders.

In particular, the section below aims at highlighting the main four areas where the *modus operandi* of the HCNM may have been shaped differently under the leadership of the different High Commissioners. It first discusses the actual possibilities, willingness, and ways to engage (subsection 3.1) before looking at the practice of “quiet diplomacy” (subsection 3.2). It also examines the support for the HCNM within and outside the OSCE (subsection 3.3).

Lastly, it reflects on the successive HCNMs' relations with their team and related working styles (subsection 3.4).

3.1 Possibilities, willingness, and ways to engage

As Max van der Stoel noted, the HCNM's "mandate allows [...] to go wherever [the High Commissioner] want[s]." The HCNM can gather information from any source, meet with the interlocutors he or she wants with the only limitation of not speaking with any group or organization which practices or publicly condones terrorism or violence (van der Stoel, 1999). The decision to become engaged is left to his or her discretion. Independently of the HCNM's willingness to engage is the question of the HCNM's actual access to the country concerned.

3.1.1 The HCNM's access

The interviews showed that a combination of the HCNM's past track record, background, as well as personality, is likely to have a bearing on genuine possibilities to engage. Successive HCNMs reflected on these factors facilitating access to countries.

"Having been a politician may give you a kind of status or position that allows you to get access" recalled Knut Vollebaek. Rolf Ekéus mentioned that he managed to get access to Turkey – as he highlighted, he has been the only HCNM who could actually initiate some dialogue with Turkey on minority issues - due to his cooperation on intelligence matters with the Turkish military at the time of his UN work on disarmament in Iraq. In her interview, Astrid Thors regretted the lack of international support in encouraging her access to certain countries. This, she noted, came in contrast with the EU support received on the HCNM's evaluation of national minority situations as part of the EU enlargement process (see also the section on support for the HCNM below). For Lamberto Zannier, the prestige attached to the post-holder is highly important, since "the institution is in fact the person." A lot has to do with one's capacity to build relationships and cooperation. The network of high-level contacts established by the HCNM in previous roles will also play its part in facilitating access, as was mentioned in several interviews with former advisers.

3.1.2 A sincere, trustworthy, and impartial interlocutor

Obvious as it may seem but perhaps worthwhile recalling here, a pre-requisite for the HCNM engaging governments in discussing minority issues is to "believe in the mandate" (Knut

Vollebaek) or “having both the mandate and your conviction together may help politicians to perhaps realize that this is indeed the right path” (Astrid Thors).

In his interview, Knut Vollebaek also elaborated on the need to be a trustworthy interlocutor, ensuring that the HCNM’s words and actions prompt respect. As he explained, this implies sticking to your words rather than being accommodating to your interlocutor in an attempt to please. As Vollebaek puts it: “[...] even if people don’t like you, if they feel that you are not fooling them, then they can work with you. If you, on the other hand, change agreements or misrepresent them in public, you cannot expect people to have confidence in you in the future. I believe you then have lost your role as an honest broker.”

As was noted previously, the prestige of the institution and perhaps the past work record of the post-holder may help the work. However, as was emphasized in conversations with other interlocutors, a post-holder focusing excessively on the prestige of the post and/or the willingness to be liked may come at odds with the perception of a solid and trustworthy interlocutor.

The impartiality of the HCNM was also specifically discussed in the interviews. For example, Lamberto Zannier highlighted the importance of “plac[ing] the High Commissioner in a position where there is broad appreciation for the work done and to show [one’s] impartiality”. He further noted that this shows “that you are acting in the interest of the long-term goal of promoting stability in the relations within the society.” Rolf Ekéus recalled that his proposed solutions on language disputes in Estonia and Latvia were appreciated by both countries as well as the Russian Federation, adding that “the Russian government was surprised that solutions like that could be found.” Yet, as was pointed out by Walter Kemp, “impartiality is not the same thing as sitting on a fence. One can be impartial without being neutral”. Kemp then recalled Max van der Stoep explaining that impartiality “does not preclude [him] from finding credible and meritorious various positions held by one or the other parties. [...] and discern the better of competing claims that are mutually exclusive in substance” (Kemp, 2001, p. 40).

3.1.3 Deciding to engage

While the HCNM enjoys considerable autonomy and freedom, he or she also needs to have discerning judgment regarding the conflict potential in highly politically-charged and sensitive situations. The question that arises then is whether, when, and how to engage and how does

one use the full parameters afforded by the mandate in such a way that is most effective for preventing conflict. The search for an agreeable solution to tense majority-minority situations has been highlighted in the interviews.

Arguably this is an area where the political judgment of the HCNM comes in. However decisions to engage do not necessarily means that one relies only on political instincts.

As Knut Vollebaek underlined, his decisions were more based on rules or principles than political instincts. “Are there any international law principles applying to this case? What does this or that convention say on such or such issue?” These are examples of questions that HCNM Vollebaek would ask.

Other considerations may come into play. This includes evaluating the genuine possibilities for the HCNM’s involvement in situations where there is a perception that the space for compromising between political actors is too limited. In her interview, Astrid Thors noted that this consideration was an important factor when examining her possible further involvement in Bosnia and Herzegovina.

Conversations with other interlocutors also elaborated on the room for manoeuvre for the HCNM to engage in areas where other actors have either been engaged for a long time or have been entrusted with a specific mandate in that specific area. This is the case, for example, of the HCNM taking a more central role in addressing Roma issues from the interconnected angles of the security/human dimensions of the HCNM’s mandate. Perhaps the dilemma here is linked to prioritizing the HCNM’s long-term engagement in areas where he/she may best provide input, while daring to get out of one’s “comfort zone” to boldly address issues that may be more difficult or less obvious for the HCNM to engage with. In this respect, former advisers recalled HCNM van der Stoel’s willingness to take risks with regard to the HCNM’s engagement. He would, however, carefully analyse those risks and would then get involved if the risk would be greater if nothing was done or tried. Finally, the question that may be posed is whether all possibilities to engage have always been taken whenever the conditions for doing so have arisen.

3.1.4 The art of negotiation

Negotiating compromises is yet another process where sound judgment by the HCNM is key. Here, the importance of listening and finding creative solutions abiding with international law was underscored in the interviews: Lamberto Zannier highlighted the importance of hearing

and understanding the concerns and views of one's interlocutors and adapting one's own original ideas or plans to the concrete realities on the ground. Knut Vollebaek also noted that one may have to find solutions that may not necessarily be those ideal options presented by staff members or experts. At the same time, Knut Vollebaek warned that these solutions would need to be the closest possible to international minority rights law, while Ekéus highlighted the efforts to reach constructive solutions that reflect "a balanced approach on majority and minorities relations and integration issues." In this undertaking, Ekéus had previously underscored the role of appropriate wording as he was Head of UNSCOM on Iraq: "All negotiations depend on language, on how things are phrased [...]" (Maccoby Berglof, A, (2012). Lamberto Zannier also illustrated this point when referring to his experience of addressing a UN Security Council session to report on the language legislation in Ukraine: "we had very carefully prepared the statements, we had gone over [my speech] a number of times because we needed to walk that very fine line and weigh every single word of what we were saying."

3.2 The practice of "quiet diplomacy"

3.2.1 Old school diplomacy and the role of civil society

Michael Ignatieff described "Max van der Stoel as being a diplomat of the old school", [...] he did "conflict prevention in the old-fashioned way" (Ignatieff, cited in Kemp, 2001, page xiii), concentrating on high-level political contacts and closed-doors meetings, perhaps giving less space to informal civil society groups. In interviews with successive HCNMs, these elements of so-called "old-school diplomacy" remain the undisputed way of operating: behind-the-scenes persuasion through quiet diplomacy remains the 'institutional approach' to which successive High Commissioners have adhered to when taking up the mandate.

While Max van der Stoel's use of the mandate was to concentrate on high-level political negotiations, this did not mean that he did not have relations with civil society in the 1990s. As civil society organisations on minority issues were less developed and less structured than today, the context and priorities then were perhaps different, with a focus on engaging governments in creating conditions for sustainable peace. Francesco Palermo and Charlotte Altenhoener have observed "the extent to which these meetings [with civil society] are held might also depend on the personality of the various High Commissioners, on the interpretation that successive High Commissioners have made of their role." (Altenhoener & Palermo, 2011,

p. 206). Over the years, with the HCNM's work focusing increasingly more on thematic recommendations and the development of projects, civil society actors have found themselves more involved, also as experts and partners.

Interviews have reflected on the role of civil society actors for the HCNM to implement its conflict prevention mandate, both in its role in facilitating dialogue between governments and minority groups and in empowering the engagement of civil society for peaceful interethnic relations. For example, Astrid Thors valued the discussions and input of civil society interlocutors when she noted that protocol rules requiring that the first meeting of a HCNM to be with State officials were perhaps not the best sequence as so “much more could be discussed at the end of the visit, after having travelled with the country and met interlocutors from civil society.” And Knut Vollebaek concluded his interview with a reference to civil society as a source of inspiration and the hope that “[the HCNM] support gave them motivation to continue their work.”

3.2.2 *Quiet v. silent diplomacy*

As Max van der Stoel explained during a speech at the Royal Institute of International Affairs in London: “I think that I must be one of the few guests to Chatham House who tries to avoid making headlines. This has nothing to do with my modesty. Rather it is in the nature of my mandate” (van der Stoel, 1999). For that very reason, as pointed out by Lamberto Zannier, “the quiet diplomacy approach will never disappear, that will remain a part of the job”, or as underlined by Kairat Abdrakhmanov, quiet diplomacy is a “crucial to initiating and maintaining the dialogue with [...] interlocutors because it eliminates the pressure and predisposes people to an open and frank conversation.”

Yet, there are substantial differences between avoiding making the headlines and being secretive about the HCNM's engagement; between being quiet and being silent. Conversations with former advisers reminded us that Max van der Stoel established the practice of exchange of letters – a practice that was discontinued after his time: Max van der Stoel would send his recommendations in the form of a letter to the Foreign Minister of the State concerned; the latter would become public after the government concerned had had the opportunity to send a response. In this way, quiet diplomacy is pursued for some time, but there is ultimately some public information, with this correspondence being circulated to OSCE delegations (see examples of OSCE HCNM correspondence, 1993 and 1995). In addition, he did not shy away

from making tactical use of media statements. These had “to be beneficial to [the HCNM] work”, by for example expressing “support for a particular action”, for “getting ideas and recommendations on the record” or “as a means of clarification” (Kemp, 2001, p. 80). A reading of the earlier statements shows that these were remarkably detailed and argumentative (see some example of OSCE HCNM statements, 1995 and 1999). Later High Commissioners resorted also to such statements in instances of escalation of inter-ethnic tensions (see examples of OSCE HCNM statements 2012, 2014 and 2022). In the current times of divisive power plays and reduced opportunities to engage States, the challenge may be to keep the HCNM’s established practice of quiet diplomacy, avoiding any provocative statement or sensationalism but keeping the public and partners informed on the HCNM’s ‘core work’.

3.2.3 Diplomacy in the digital age

Online communication about the HCNM’s activities was already developed by the end of the second decade of the HCNM’s existence. A turning point, however, was the regular use of social media under HCNM Zannier, for whom the HCNM’s engagement on minority-majority issues required more communication. As he explained, there was a need to open a “new angle” to adapt the HCNM’s communication to a changed context, which was more complex and with many actors. Perhaps the underlying concern here was that the status quo in communication, i.e., abiding to a strict vision of quiet diplomacy, would risk making the HCNM a marginal actor. Starting around 2018, this adaptation translated into the regular use of Twitter (now X), followed by short videos of the HCNM’s country visits as well as other videos presenting the HCNM recommendations or guidelines in short animated videos (OSCE HCNM website, *The High Commissioner's thematic work explained in short animated videos*).

Independently of the styles of the different HCNM in using social media, the existence of new media is an unavoidable reality. Social media has brought a new level to what some would call the ‘transparency’ of the HCNM’s work, with regular information provided on the whereabouts of the High Commissioner and the type of issues discussed. It may also be a way to counter disinformation, a challenge that the first High Commissioners were not faced with in the early 2000s.

A key challenge in this era of hyperconnectivity may be to ensure that the strategic use of both social media and traditional diplomatic processes is maintained. Some interlocutors have, for example, questioned how visible or transparent one needs to be as conflict prevention

approaches do require confidentiality in order to build trust, understanding, and to explore new ideas to reach more effective outcomes in a tense situation.

3.3 Collective support for the HCNM within and outside the OSCE

3.3.1 Collective support from OSCE participating States

All HCNMs have had to deal with the fragility of domestic engagement to make reforms for long-term peace. Knut Vollebaek recalled the doubts and frustrations that some politicians may have created in politically committing to a proposal and then withdrawing from it the following day, or even implying that there was never any commitment or agreement in the first place. Astrid Thors highlighted those countries that “would say yes to [her] suggestions but in practice did not mean it.”

Political support for the HCNM’s proposals may indeed be in a flux at the national level. What is of particular importance for an institution like the HCNM, based on OSCE principles and commitments as well as accountable to the Organisation, is to enjoy the collective support of its participating States. As Knut Vollebaek noted, “the High Commissioner doesn't have an enforcement mechanism. It doesn't have sticks, it has only carrots, and good friends in the OSCE are important.”

The need for this collective support has been frequently underlined in the interviews with the HCNMs as well as in other contexts. For example, in 1996 Max van der Stoel noted that while his mandate “allow[ed] [him] to operate with a large degree of independence, it is clear that [he] could not function properly without the political support of the participating States” (van der Stoel, 1996), adding in a previous context that “even the most talented High Commissioner would fail if he would not be able to count on the support of the CSCE member states” (van der Stoel, 1992, cited in Kemp, 2001, p. 35). Van der Stoel once rhetorically asked what impact one man can possibly have in such conflict-prone situations, recalling a comment by the then Latvian President who dismissed his recommendations on the Latvian Language Law by saying “Van der Stoel is not Europe, he is only one voice” (van der Stoel, 1999).

In their interviews, some High Commissioners have deplored a disappointing level of participating States’ support, even from their own country. Others have emphasized the importance of proactively reaching out to OSCE participating States for support. For example, Rolf Ekéus reported that, as he looked back through his archive files, he realised that he still had many of the briefing papers he used to keep participating States informed of his work. In

the same way, Lamberto Zannier pointed out his efforts to bring Vienna closer to the work of the HCNM as he realised, when taking up the position, that the HCNM was more a series of bilateral engagements than a collective engagement.

Behind the question of the OSCE support lies the question of the international community throwing its weight behind an institution that they have created and the responsibility of participating States to ensure their proper functioning (Kemp, 2020). In this respect, some OSCE Chairmanships may be stronger than others, also depending on domestic considerations. In his interview, Knut Volleback warned that there were already signs of a leadership vacuum in the OSCE and, related to this, the increased risks that all sorts of other interests may come in.

This collective responsibility of OSCE participating States is not only important for the conflict prevention work of the HCNM and its actual implementation; it was also important in the earlier stages of the HCNM's appointment, as Brands Kehris noted in her introduction to the ECMI 20th anniversary publication: "the relevance of the institution, is also closely linked to the responsibility first and foremost of the OSCE participating States—individually or in groups—to ensure appropriate candidacies, and collectively to ensure efficient and effective appointment procedures" (Brands Kehris, 2013, page 2).

3.3.2 Support from partner institutions

Furthermore, the HCNM cannot act alone on preventing interethnic conflicts (for a concrete case study analysis of the HCNM conflict prevention mandate and other partners co-operation and support, see Machl, 2010). Beyond the key collective support of OSCE participating States, international partner institutions are also needed to increase the impact of the HCNM's endeavours. In their interviews, the successive HCNMs recalled their efforts to mobilize other international stakeholders either to have them explicitly signal that they politically back the HCNM-proposed interventions or recommendations or to have them use their own influence over others to further advance the HCNM-proposed solutions. In this respect, the network of high-level contacts built over time by the post-holder will be of importance to ensure that the HCNM may not only be able to call key partners, but also that these partners can call on him/her to seek insights on the interethnic issues at stake in the country concerned.

3.3.3 *The Council of Europe (CoE)*

Since the outset, the CoE's Advisory Committee on the FCNM has been the HCNM's natural ally in engaging governments in investing in adequate minority policies and implementation for long term peace. Overall, successive HCNMs have paid attention to cooperation and coordination with the Council of Europe, not least to ensure full alignment on their messages, even if there may have been differences between the more 'problem-solving approach' of the OSCE HCNM and the more legal approach of the Advisory Committee on the FCNM. Interlocutors have noted that according to which HCNM was in charge, the fluidity of exchanges between the two institutions and the depth of their cooperation may have varied over time: while some HCNMs have used closed-door meetings with the ACFC to engage in substantive discussions on overall challenges identified in their conflict prevention work, other HCNMs have preferred to limit themselves to more formal cooperation. It is also understood that the HCNM's own history of past relations may also play a role in smooth relationships with the leadership of other partner institutions.

3.3.4 *The European Union and other international actors*

Some High Commissioners also shared their difficulties of being heard outside of the circle of human and minority rights organizations. For example, the role of the EU in the post-enlargement phase has left the HCNM with fewer incentives to engage member states, and with the accession process slowing down, the support of the EU for bolder policy initiatives may have faded away.

A constellation of factors that makes the message of the High Commissioner inaudible was noted by the HCNMs in their interviews: lack of interest; lack of knowledge of those remote places where ethnic disputes may escalate; lack of domestic scrutiny by Parliament or media on the interethnic situation in need of attention; and an overall prevailing short-term approach which focuses on the conflict of the day while the HCNM is grappling with the potential conflict of tomorrow.

Some of the HCNM interviews focused on how the world has become more complex, with more actors being engaged (Lamberto Zannier, Astrid Thors). Thors, for example, recalled during her engagement in Ukraine between 2014-2016 that she empathized with local actors in the field for the confusion that may have been created by the waves of different international

interlocutors who had reached out to them, with some having no known track record of working in the country.

3.4 The HCNM and his/her team

In their interviews, successive HCNMs recognised the role that their team had played in supporting them, not only by making them well-informed actors close to the events, but also by making them confident that they had “solid arguments” to lead a negotiation with governments, as Knut Vollebaek highlighted.

Whether they are called “experts” (Astrid Thors) or a “fantastic group of people” (Knut Vollebaek) or “brilliant, thoughtful, and hardworking collaborators” (Rolf Ekéus), the question of how to effectively draw from this pool of knowledge depends on each HCNM’s personality, their approach to institutional structures and hierarchies, as well as their conception of leadership. Their prior experience in other positions may also have shaped this practice too.

In the early days of operating, organising in-house expertise was not a salient issue: Max van der Stoel had to build the office from scratch, starting with an assistant as well as a few advisers seconded by a few OSCE participating States (Kemp, 2001, p. 19). Later on, with the number of staff increasing and staff roles being divided between legal advisers, political advisers, and project officers, the office has been progressively structured to respond to each HCNM’s preferred way of working. As was reiterated by former advisers, van der Stoel insisted on a flat structure for the office, being himself not a believer in hierarchies and the straitjacket of bureaucracy that often comes with it. Rolf Ekéus spoke of his team acting hierarchically, with the HCNM being the main recipient of the team’s trust. This came in contrast to his previous UN experience, where a relationship of trust existed at all levels within the team. During his first mandate, Knut Vollebaek created geographical sections headed by a Chief of Section, which channelled advisers’ input and managed what some former staff have referred to as competition among the advisers for the HCNM’s attention. This could be seen as an attempt to structure the office, and the advice given, along a Foreign Ministry type of framework.

Today, that structure of the office remains largely unchanged. Whether it is used to implement a top-down style of management with limited room left for advisers to directly convey their advice to the HCNM, or a structure used in a flexible way, is very much left to the personality of the High Commissioner. For example, Lamberto Zannier, who worked with

the office's two-section structure, also made sure that he was "in touch with everybody" by holding periodical meetings involving all staff, as well as issue-specific meetings with an individual adviser working on a subject or coming unannounced to listen to discussions between advisers.

Concluding remarks

This paper has focused on the personal dimension of the HCNM mandate, and in particular on how the six High Commissioners have approached that mandate as well as how they have shaped its implementation over the institution's 30 years of existence. It has highlighted that the creation of the HCNM as a 'one-person institution' dedicated to preventing conflict was a reaction to the wars in the former Yugoslavia, and the HCNM's remarkable and unique mandate is a result of the need to draw lessons from these tragic times and take action. The urgency was there, as was the resolve of the OSCE participating States. The intrusiveness of the HCNM mandate and the freedom given to the post-holder to carry out his/her mandate was accepted.

Adaptations to the HCNM *modus operandi* were unavoidable in the changing political and security environment, especially starting from the second decade of the HCNM's existence. Plainly put, we have moved away from the time of the EU accession process, "the time when the OSCE HCNM and the Council of Europe mattered" (Sabanadze, 2018, p. 47), and the time when OSCE participating States were attentive to the HCNM's messages and warnings on interethnic developments. In the last decade, High Commissioners have reflected on the challenges of their time, and indeed the difficulties of acquiring an adequate level of political support for their prevention work amidst the OSCE leadership crisis.

Despite the shrinking access and possibilities to engage States, the solid legacy of Max van der Stoep, the quiet but not silent diplomat, has helped the institution to be resilient over time by offering successive High Commissioners the tools of a comprehensive approach to address interethnic tensions which combines operational, structural, and normative aspects. A key challenge remains, however, regarding making use of existing possibilities for the HCNM to engage and relatedly, the willingness or capacity of the post-holder to take calculated risks. As was mentioned, the political clout and the profile of the post-holder matter in upholding a strategic approach to conflict prevention that captures the critical connections between the security and human dimensions of conflict prevention. Admittedly, there are limits to what one person may achieve without a cooperative and supportive environment. However, at a time when war is resounding in Europe, would it not be precisely the time for participating States to at least try to give

the instruments that they created, such as the HCNM, the leadership they need to make the continent a safer place?

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Appendix I: Biographies

Max van der Stoel (Netherlands), 1924-2011

The First High Commissioner on National Minorities (1993-2001)

Max van der Stoel was a senior statesman with a long and distinguished career as a Dutch politician and diplomat. Twice Minister for Foreign Affairs of the Netherlands (1973-1977, 1981-1982), he held seats in both the upper and lower houses of the Dutch Parliament. He was also a member of the European Parliament (1971-1973), the North Atlantic Assembly (1968-1973, 1978-1981), the Council of Europe Consultative Assembly (currently known as Parliamentary Assembly), and the Western European Union Assembly. Between 1983 and 1986 he served as Permanent Representative of the Netherlands to the UN and in 1992, he was appointed by the UN Commission on Human Rights as Special Rapporteur on Iraq.

Max van der Stoel worked closely with the Conference on Security and Co-operation in Europe (CSCE, now the OSCE) as Foreign Minister during the Helsinki Consultations and as Chairperson of the Netherlands Helsinki Committee for several years, as well as being the Netherlands head of delegation during the CSCE conferences on the human dimension in Paris, Copenhagen, and Moscow.

Van der Stoel studied law at Leiden University in the Netherlands.

Ambassador Rolf Ekéus (Sweden), 1935-

The Second OSCE High Commissioner on National Minorities (2001-2007)

Rolf Ekéus has had a long career in the Swedish diplomatic service. He represented Sweden for many years in a number of diplomatic posts such as Bonn, Nairobi, New York, and The Hague. He was Ambassador to the United States from 1997-2000. Arms control and disarmament have been a focus in Rolf Ekéus' career. From 1978 to 1983, he was the Swedish representative to the Conference on Disarmament in Geneva, and was, from 1991 to 1997, Executive Chairman of the United Nations Special Commission on Iraq (UNSCOM), the UN body charged with overseeing Iraqi disarmament. Ambassador Ekéus was active in the CSCE during the period of post-Communist transition. He headed the Swedish delegation to the CSCE from 1988 to 1992 and played a key role in drafting the Charter of Paris for a New Europe (1990).

Previously, he was Permanent Representative of Sweden to the Conference on Disarmament (CD) in Geneva from 1983 to 1988 and Chairman of the CD's negotiations on the Chemical Weapons Convention from 1984 to 1987.

Rolf Ekéus studied law at Stockholm University in Sweden.

Ambassador Knut Vollebaek (Norway), 1946-

The Third OSCE High Commissioner on National Minorities (2007-2013)

Ambassador Vollebaek joined his country's foreign service in 1973 and has been posted to New Delhi, Madrid, and Harare. In 1991-1993, he was Norway's Ambassador to the Central American States (based in Costa Rica) and in 1993, Ambassador Vollebaek was Deputy Co-Chairman of the International Conference on the former Yugoslavia and responsible for the negotiations between the Government of Croatia and the so-called Krajina Republic.

He was Norway's Foreign Minister between 1997 and 2000. In that capacity, he laid the groundwork for the Norwegian-sponsored peace process in Sri Lanka to assist discussions between the Sri Lanka Government and the Liberation Tigers of Tamil Eelam aimed at resolving the interethnic conflict. As Foreign Minister, he was the Chairperson-in-Office of the OSCE in 1999 at a time when crises fuelled by interethnic tension erupted in the OSCE region and played a key role in attempting to find a peaceful solution to the Kosovo situation in the run-up to the war. In 2005, Vollebaek led the seven-member Panel of Eminent Persons appointed to review the work of the OSCE and advise on its future reforms. In 2001–2007, served his country as the Norwegian Ambassador to the United States. (1997-2000)

Ambassador Vollebaek holds a master's in economics and a bachelor's in political science from the University of Oslo, Norway.

Astrid Thors (Finland), 1957-

The Fourth OSCE High Commissioner on National Minorities (2013 - 2016)

Astrid Thors is a Finnish politician: from 1996 to 2004, she was member of the European Parliament where she chaired the Joint Parliamentary Committee (JPC) with Romania (1999–2002) and was a member of the JPC with Slovakia (1997–1999) and Latvia (2002–2004), respectively. She was a Member of the Finnish Parliament from 2004 to 2013. She also served as Minister of Migration and European Affairs from 2007 to 2011 and took then responsibility for the Finnish migration policy, Finnish EU policy, relations with the autonomous region of the Åland Islands, and the Finnish Baltic Sea Policy. She was responsible for issues relating to both migration and integration; during her time as minister a new law on integration was adopted.

Astrid Thors is a lawyer by education (Helsinki University).

Lamberto Zannier (Italy), 1954-

The Fifth High Commissioner on National Minorities (2017 - 2020)

Ambassador Zannier joined the Italian Foreign Ministry as a career diplomat in 1978. From June 2008 until June 2011 he was UN Special Representative for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK). From 2006 to 2008 he was Coordinator for CFSP and ESDP (now CSDP) in the Italian Ministry of Foreign Affairs, dealing *inter alia* with EU foreign policy issues and with Italy's participation in EU operations.

From 2002 to 2006, Ambassador Zannier was the Director of the Conflict Prevention Centre of the OSCE, where he focused on political-military issues, as well as crisis management, and was responsible for managing the OSCE's field operations and was OSCE Secretary General for two consecutive three-year terms (2011 to 2017).

Ambassador Zannier holds a law degree and an honorary degree in International and Diplomatic Sciences from the University of Trieste in Italy.

Ambassador Kairat Abdrakhmanov (Kazakhstan), 1964-

The Sixth OSCE High Commissioner on National Minorities (from 2020)

Ambassador Abdrakhmanov joined the Kazakhstan Ministry of Foreign Affairs in 1993 and held a number of key positions. He was Foreign Minister from 2016 to 2018, and twice held the position of Deputy Foreign Minister. From 2013 to 2016, he was Kazakhstan's Permanent Representative to the UN, when he led Kazakhstan's bid to become the first Central Asian State elected as a non-permanent member of the UN Security Council. He then represented his country as the Foreign Minister on the UN Security Council between 2017 and 2018.

Ambassador Abdrakhmanov served as Kazakhstan's Permanent Representative to the OSCE from 2007 to 2013 and chaired the OSCE Permanent Council in 2010, when Kazakhstan became the first post-Soviet country to hold the Chairmanship. He also served as the Ambassador of Kazakhstan to Sweden and Denmark, to Austria, and to Israel. He was Deputy Chief of Mission at the Embassy of Kazakhstan to the United Kingdom from 2001 to 2003.

Ambassador Abdrakhmanov holds a degree in history from the Kazakh National University.

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