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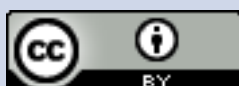
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Author:

Stefan Wolff
*University of Birmingham,
United Kingdom*

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The OSCE High Commissioner on National Minorities: A Changemaker on the Ground

Stefan Wolff

University of Birmingham

Abstract

Established in 1992, the High Commissioner on National Minorities of the Organization for Co-operation and Security in Europe has made significant contributions to conflict prevention and management in multi-ethnic societies. In this article, I trace how, over the three decades of its existence, the institution has adopted the notion of “integration with respect for diversity” as the guiding principle of its work. I demonstrate that successive High Commissioners have relied on three main tools in their efforts – mediation and facilitation, advising on legislation and policy making, and capacity building – and illustrate this approach with examples from across the OSCE area before providing two detailed case studies of how the institution has supported Kyrgyzstan and Moldova in the development of their respective national integration strategies. I conclude that the sustainability of positive change that follows from the engagement of the High Commissioner depends significantly on the institution’s ability to build local capacity to manage the process of integration with respect for diversity in the long term and with a wide range of national and international governmental and non-governmental stakeholders.

Keywords: *integration; national minorities; High Commissioner on National Minorities; OSCE; conflict prevention; mediation; capacity building*

Integration with respect for diversity is the guiding principle of the HCNM's work.

(OSCE High Commissioner on National Minorities 2012, para. 10)¹

Introduction

Since its establishment in 1992, the OSCE High Commissioner on National Minorities (HCNM) has assisted states and societies in the OSCE region “in the search for compromise solutions for inter-ethnic conflicts” (van der Stoep, 1999a, p. 430). As evident in the practice of the HCNM and the guidelines and recommendations issued by the institution, integration with respect for diversity has been the underlying principle of these efforts. This reflects an understanding of such integration as a balance of rights and responsibilities for both minorities and majorities, a middle ground “between the extremes of forced assimilation on the one hand and separatism on the other, [which] is likely to be the best way to promote social cohesion and reduce the risk of conflict” (Vollebaek, 2010c, pp. 4–5).

Over the past thirty years, successive HCNMs have invested a great deal of time and effort into achieving integration. While the results have been mixed, the goal of integration is worth pursuing. It requires the careful design of a set of institutions, laws, and policies aimed at achieving social cohesion and striking a careful balance between inclusiveness and distinctiveness. This means that states and societies need to be both “sufficiently cohesive around a basic constitutional consensus [...] and allow for, and guarantee, the individual, group, and institutional expression of distinctiveness, be it qua the recognition of a second (or third) official language, cultural autonomy arrangements in the areas of religion and education, and/or territorial self-governance and power sharing” (Wolff, 2013, p. 71).

Relying on the analysis of a wide range of primary and secondary sources, the purpose of this article is to investigate how the institution has employed its main tools of changemaking – mediation and facilitation, advising on legislation and policy making, and capacity building – to promote integration of societies in OSCE participating States. In order to accomplish this, I proceed in three steps.

First, I provide a brief background on how the approach of the HCNM to integration with respect for diversity has evolved over time and became the central, and most clearly and concisely articulated, objective of the work of successive HCNMs. This section will also outline in more detail the logic that underpins the assumption that pursuing integration can lead to the building of a society in which “the benefits of diversity can be enjoyed by all and any possible tensions arising from diversity, which could lead to instability or conflict, [...] attenuated or eliminated” (Vollebaek, 2010b, p. 6).

Second, I examine the tools of change-making that are available to the HCNM – mediation and facilitation, advising on legislation and policy making, and capacity building. I illustrate the use of these tools with examples from the wide-ranging practice of the HCNM over the last thirty years, demonstrating both the continuity of efforts and highlighting some of the challenges involved in applying these tools.

Third, I conduct a more in-depth analysis of two cases that demonstrate the HCNM’s approach to integration in a comprehensive way – Kyrgyzstan and Moldova. Both cases represent instances of prolonged HCNM involvement and thus allow observation of the application of the different tools of changemaking and their impact over time. At the same time, the two cases represent very different contexts for HCNM involvement – triggered by a serious crisis in inter-ethnic relations in Kyrgyzstan and a request by an incoming government intent on preventing a deterioration in inter-ethnic relations – thus allowing for a comparison of the applicability and effectiveness of changemaking tools in such different situations. This in-depth comparative analysis, therefore, offers an opportunity to assess the extent to which the key underlying assumptions of the principle of integration with respect for diversity were translated into these two national strategies and how the different tools available to the HCNM contributed to this.

On the basis of this analysis, the article concludes with some observations on how effective the HCNM is in assisting states and societies in making integration a reality and how sustainable the changes made to integration policy, and the process of change-making itself, are. The key findings in this respect are that the sustainability of any positive change depends significantly on the HCNM’s ability to build local capacity to manage the process of integration with respect for diversity in the long term and engage with a wide range of national and international governmental and non-governmental stakeholders.

1. Making change over time

1.1 The mandate of the High Commissioner

In the 1990 Copenhagen Document, the participating States of the then Conference on Security and Co-operation in Europe (CSCE) noted that “questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary” and affirmed “that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States” (Conference on Security and Co-operation in Europe, 1990, para. 30).

Aware that such respect for human and minority rights, and the establishment of the requisite institutional and legal frameworks, were hardly self-executing and self-implementing assumptions, the participating States created the High Commissioner on National Minorities (HCNM) in 1992 as a political instrument of (early) intervention to deal with inter-ethnic relations as a security issue by issuing recommendations to the participating State(s) concerned on how best to defuse tensions and prevent them from escalating. In the context of the high levels of inter-ethnic tensions and violent conflict in the early 1990s, the HCNM was initially meant to serve primarily “as the instrument of an indirect strategy which presses for the granting of minority rights because their observance is a necessary condition of peace and stability” (Zellner, 1999, p. 9).

The HCNM was at the time, and to some extent remains, a unique institution, which “continues to perform one of the OSCE's most important early warning functions” (Raith, 2020, p. 43). The original mandate of the HCNM was clearly defined in terms of conflict prevention:

The High Commissioner will provide “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO. (Conference for Security and Co-operation in Europe, 1992, para. II/3)

The focus of the mandate on national minority issues as a security matter makes the HCNM a mechanism of the politico-military dimension, limiting the institution’s involvement to “those minority-related issues that have potential security implications, rather than acting as a

minority-rights monitoring body or engaging in hands-on human rights work” (Zannier, 2017, p. 2).²

Implementing the mandate was to be accomplished by collecting and receiving relevant information, including through in-country fact-finding missions, providing an assessment of the tensions and their conflict potential, and “where appropriate promote dialogue, confidence and co-operation” between the parties involved (Conference for Security and Co-operation in Europe, 1992, para. II/12). Subsequently, and subject to a mandate issued by the Committee of Senior Officials, the HCNM could also request to “be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions” (Conference for Security and Co-operation in Europe, 1992, para. II/16).

On the basis of this mandate, the HCNM was involved in conflict-prevention activities throughout the 1990s, for example, in relation to ethnic Russian and Russian-speaking minorities in the Baltic states (e.g., Zaagman, 1999b) and in relation to ethnic Hungarian minorities in Romania and Slovakia (e.g., Horváth, 2002; Skovgaard, 2009), as well as in the former Yugoslavia (e.g., Packer, 2000).

In all of these cases, the HCNM assessed that there was a potential for conflict in inter-ethnic relations. The HCNM’s engagement, moreover, reflected an acute awareness that, historically, unresolved inter-ethnic relations in one state had negatively affected the relations between states, especially between the host- and kin-states of a national minority and often because the states and societies affected lacked social cohesion and the mechanisms to promote integration of diverse population groups (Wolff, 2001; 2003; Wolff and Cordell, 2003; Cordell and Wolff, 2005; Kartsonaki and Wolff, 2023). Consequently, “the stability imperative makes the interest in integration such a fundamental element of the whole process of majority-minority relations” (Packer and Sieminski, 1997, p. 190).

1.2 Managing inter-ethnic relations through integration

There is nothing in the original mandate of the HCNM to suggest that achieving integration would become the focus of the work of subsequent holders of the office, who all subscribed to the idea that integration provides a solution to the potential security challenges arising from inter-ethnic relations in diverse societies. Significantly, they did so by framing integration as within the parameters set by both relevant OSCE principles and commitments and existing international and human rights standards,³ thus emphasising the importance of the balance

between promoting social cohesion while protecting individual human and minority rights, encapsulated in the notion of integration with respect for diversity.

The underlying logic of the approach is that integration, based on the protection of minority rights and combined with opportunities for members of national minorities to participate in public life, provides a framework in which inter-ethnic tensions and conflict can be avoided because disputes between minorities and majorities can either be prevented altogether or resolved within the (democratic) institutions established and consolidated through the process of integration. This connection between integration and security is forcefully expressed in the *Ljubljana Guidelines on Integration of Diverse Societies*, which state that “lasting peace, stability, internal and external security, and prosperity are linked to enabling the process of integrating all the constituent parts of society” (OSCE High Commissioner on National Minorities, 2012, p. 8). The underlying logic of achieving stability and security through integration continues to drive the work of the HCNM and by now reflects three decades’ worth of experience, summarised by Kairat Abdrakhmanov in 2021 as follows:

If the growing diversity within our societies is left unattended or not governed well, then we risk seeing an increase in divisions along the lines of identity, leading to exclusion and marginalization, and creating preconditions for tensions, thus challenging security within and between States. (Abdrakhmanov, 2021b, p. 3)

It is important to emphasise in this context that, in the way in which it has been conceptualised in the work of the HCNM, “integration does not mean the assimilation of minorities” but “involves a balance of rights and responsibilities on both sides” (Vollebaek, 2010c, p. 4).⁴ In this sense, striving for integration does not place a singular responsibility on minorities to achieve integration. Rather, integration needs to be understood in a context of pluralism as an “ethic of respect that has mutual recognition and belonging as its core constitutive principles” and thereby creates “greater resilience to the challenges of diversity based on the willingness and ability to manage diversity peacefully” (Wolff, 2020, p. 1; see also Kymlicka, 2017). This perception of integration is clearly reflected in the *Ljubljana Guidelines* (OSCE High Commissioner on National Minorities, 2012, p. 19):

The sense of belonging to a common society implies that, when the right conditions are in place, individuals, irrespective of their identity, should not only respect the legislation and the rights of others, but should also avoid self-isolation and take full advantage of their opportunities to channel claims through the legitimate instruments provided by the authorities.

From the earliest days of the HCNM's activities, this understanding of, and focus on, integration led to an approach centred on assisting OSCE participating States in the development of state (or national) strategies for integration, with the HCNM's involvement in Estonia and Latvia among the early, well-documented examples (Galbreath, 2003; Feldman, 2002; Zaagman, 1999a; Sarv, 2002; Hansson, 2002; Dorodnova, 2003; see also European Commission, 2003), albeit also one that has remained on the agenda of the HCNM to date (Abdrakhmanov, 2023a, pp. 6-7).

In addition to these practical steps in line with the original mandate (i.e., to provide confidential advice on how to address potentially escalating inter-ethnic tensions), from the mid-1990s onwards the HCNM also began to develop a repository of recommendations on how existing international and regional minority rights standards could be best translated into meaningful legal and policy frameworks in OSCE participating States in general, i.e., without there being an actual situation requiring the proactive involvement of the HCNM.

Drawing on conflict prevention experiences in the then Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Ukraine, the HCNM and his advisers concluded that “when persons belonging to a minority feel that the opportunity to ensure their linguistic and cultural survival and development through education is threatened by the majority, resentment and conflict may ensue ... [and] contribute eventually even to violence” (Packer and Sieminski, 1997, p. 187). Because education-related minority issues appeared to play such an important role in the early work of the HCNM, it therefore made sense to develop the rather general and sometimes vague elements of international law into more precise and detailed provisions which can guide educational policies ... and reduce the likelihood of disputes and disagreements” (Eide, 1997, p. 165). And thus came into being the first of now nine sets of recommendations and guidelines that have been issued by successive High Commissioners.⁵

The Hague Recommendations and associated commentary also underline the imperative of integration in the HCNM's work. The opening paragraph explicitly notes

The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, *persons belonging to national minorities have a responsibility to integrate into the wider national society* through the acquisition of a proper knowledge of the State language. (OSCE High Commissioner on National Minorities, 1996, para. 1, emphasis added)

The Explanatory Note accompanying the Hague Recommendations reiterates this point about integration, emphasising that “the attainment of multilingualism by the national minorities of OSCE States can be seen as a most effective way of meeting the objectives of the international instruments relating to the protection of national minorities as well as to their integration” and that, “with integration in mind, the intellectual and cultural development of majorities and minorities should not take place in isolation” (OSCE High Commissioner on National Minorities, 1996, p. 13, p. 15).

The integration theme continues through subsequent Recommendations and Guidelines issued by successive High Commissioners. For example, the 1998 Oslo Recommendations emphasise

balance between the right of persons belonging to national minorities to maintain and develop their own identity, culture and language and the necessity of ensuring that they are able to integrate into the wider society as full and equal members. From this perspective, such integration is unlikely to take place without a sound knowledge of the official language(s) of the State. (OSCE High Commissioner on National Minorities, 1998, p. 13)

One year later, the Explanatory Note to the Lund Recommendations makes the point that “the ... notion of social and political integration is distinguished from processes and outcomes which constitute coerced assimilation” (OSCE High Commissioner on National Minorities, 1999, p. 16). The 2008 Bolzano Recommendations then consolidate some of this thinking on integration, stating that

Integration with respect for diversity is not a matter of “either/or”, but a question of finding the appropriate balance, acknowledging the right of minorities to maintain and develop their own language, culture and identity and at the same time achieving an integrated society where every person in the State has the opportunity to take part in and influence the political, social and economic life of mainstream society. (OSCE High Commissioner on National Minorities, 2008, p. 15)

While “the overarching goal of integration with respect for diversity has been central to the HCNM since the beginning of his mandate” (Vollebaek, 2007, p. 11), integration as such was never a specific focus of any of the thematic recommendations and guidelines until 2012, when the then HCNM, Knut Vollebaek, issued the *Ljubljana Guidelines on Integration of Diverse Societies* (OSCE High Commissioner on National Minorities, 2012), now considered the HCNM’s “most comprehensive thematic publication” (Abdrakhmanov, 2022b, p. 3).

The Ljubljana Guidelines reflect the specific concern “that simply recognizing and accommodating minority culture, identity and political interests, and promoting the participation of all may not be sufficient to build sustainable and lasting peace” (OSCE High Commissioner on National Minorities, 2012, p. 3). This is so because in the absence of meaningful integration, “there is the danger that different communities [...] may become increasingly separate” and “such separation into parallel and unconnected societies poses a considerable risk to the viability and stability of any multi-ethnic State” (OSCE High Commissioner on National Minorities, 2012, p. 3). In that sense the Ljubljana Guidelines also represent “an attempt to summarize the lessons learned in discussing and influencing the political choices made in accommodating minority cultures and competing interests” (Marsal, 2020, p. 270) that had been accumulated over the first two decades of work by the institution of the HCNM (cf. Vollebaek, 2012d, p. 2).

To summarise thus far, the implementation of the HCNM’s conflict prevention-focused mandate evolved through a practice of assisting states and societies in dealing with the challenges arising from diversity. Over time, this practice, and reflection on it, crystallised the idea that policies supporting a process of sustainable integration of societies were the best way of mitigating these challenges. This was underpinned by the logic that integrated societies can better cope with challenges arising in the context of inter-ethnic relations because they have the institutional, legal, and policy frameworks in place through which claims from different segments of society can be negotiated and accommodated politically, thereby avoiding the escalation of tensions and potentially violent conflict.

In this sense, effective conflict prevention, is about striking a balance between “creating the legal framework for protecting minorities” and introducing “concrete and long-term structures, mechanisms, and programs [...] in an effort to integrate diversity” (van der Stoel, 1999b, p. 3). At the same time, these legal and institutional frameworks of minority rights protection and integration enable, and for their effectiveness require, that individuals and groups “participate in and influence the political, economic, social and cultural life of society as a whole” (OSCE High Commissioner on National Minorities, 2012, p. 20).

2. The tools of change-making

Considering that the HCNM has a clear mandate to contribute to conflict prevention and, over time, has developed a specific approach – integration with respect for diversity – to implement

it, the question that arises next is about the tools available to do so.

As noted earlier, the original mandate of the HCNM identified several working practices for the HCNM, including in-country fact-finding missions, providing an assessment of the tensions and their conflict potential, and “where appropriate promote dialogue, confidence and co-operation” and engage in “further contact and closer consultations with the parties concerned with a view to possible solutions” (Conference for Security and Co-operation in Europe, 1992, para. II/12, 16).

Specifically on integration, the Ljubljana Guidelines provide a few operational recommendations on how it can be achieved. These are useful to consider from the perspective not only of the states and societies concerned but also in terms of the tools that they provide to the HCNM for assisting government and minority representatives in their efforts to manage integration as a two-way process, with the ultimate aim that “all members of a given society accept common public institutions and have a shared sense of belonging to a common State and an inclusive society” (OSCE High Commissioner on National Minorities, 2012, p. 18).

Key among these operational recommendations is that the state “needs to provide policies, legislation and mechanisms that enable and support the expression and negotiation of diversity within a shared institutional and legislative framework” and that “individuals and groups have to accept such instruments and contribute to their functioning” (OSCE High Commissioner on National Minorities, 2012, p. 18). Put differently, integration requires both the right institutional, legal, and policy framework to be in place and individuals and groups to participate in it.

The mandate of the HCNM provides a basis for assisting states in establishing mechanisms, drafting legislation, and formulating policies conducive to enabling integration. It is less clear, however, what the HCNM can do to facilitate individuals’ and groups’ participation, let alone get them to accept that “all members of society share the duties of obeying the laws and the responsibilities of contributing to society and to the integration of society” (OSCE High Commissioner on National Minorities, 2012, p. 20).

Ultimately, therefore, the HCNM’s tools of change-making are limited to assisting states in putting in place better frameworks for integration. This, however, does not imply working only with state representatives. Rather, the mandate, and the existing practice, of the HCNM both demonstrate the HCNM’s focus on working with majorities and minorities alike in negotiating, implementing, and operating such frameworks. This, in turn, means that HCNM

tools of changemaking fall into three broad categories: mediation and facilitation, advising on legislation and policy making, and capacity building.

2.1 Mediation and facilitation

Mediation and facilitation are fundamental to the approach taking by successive HCNMs to achieve meaningful and sustainable integration.⁶ Whether this happens by talking to government and minority representatives separately or by bringing them together, mediation and facilitation reflect a consensus-focused approach, which, in turn, is essential if the aim of integration is that “all members of a given society accept common public institutions and have a shared sense of belonging to a common State and an inclusive society” (OSCE High Commissioner on National Minorities, 2012, p. 18). As a form of operational conflict prevention to mitigate an impending crisis, mediation and facilitation supplement long-term structural prevention (Vollebaek, 2011b, p. 3), but they also complement it, for example in the HCNM’s practice in assisting states in developing national integration strategies in an inclusive process involving representatives of majorities and minorities alike.

Mediation and facilitation are primarily process or instrumental tools that are “acceptable to the adversaries in the conflict”, “not aimed at helping one of the participants to win”, and “concerned with helping the adversaries to communicate”, and in which “mediators suggest ideas for a compromise, and [...] negotiate and bargain directly with the adversaries” (Zartman and Touval, 1985, pp. 31–32). That is, they serve the purpose of accomplishing more specific substantive goals, such as changes in the legal and policy frameworks of the states and societies with which the HCNM engages. However, as noted by several HCNMs (e.g., Vollebaek, 2007; 2010g; Thors, 2013; Zannier, 2018) and observers (e.g., Brenninkmeijer, 2006; Evers, 2012), the process itself often has substantive benefits in improving relations between the sides, increasing their confidence in each other, and building a reservoir of goodwill that can be drawn upon in the future (van der Stoel, 1999a, pp. 433–434).

Mediation and facilitation efforts by the HCNM not only involve relations between governments and minorities within participating States but also relations between governments – with these dynamics often overlapping, such as when the then HCNM, Knut Vollebaek, facilitated dialogue between minorities and the Slovak government and between Bratislava and Budapest in the context of amendments to the Slovak State Language Law in 2009 and its implementation guidelines (Vollebaek, 2009b, p. 2). A similar example concerns the Romanian

minority in eastern Serbia and Romanian-Serbian relations (Thors, 2013, p. 5) and the ethnic Albanian community in southern Serbia (Abdrakhmanov, 2023b, p. 9).

The broader mediation literature is primarily focused on the role and effectiveness of mediation in conflict termination (e.g., Bercovitch and DeRouen, 2005; Clayton and Dorussen, 2022), with fewer studies concerned with conflict prevention (e.g., Eisenkopf and Bächtiger, 2013; Sheranova, 2020; Wolff, 2020). The key findings across these studies, echoed also in the literature on OSCE mediation (e.g., Guliyev and Gawrich, 2021; Hill, 2010; Lanz, 2016; Remler, 2016; 2021), are that mediation is more likely to succeed when local parties are committed to a settlement and have the capacity and resources to agree and implement one – factors that can be substantially shaped by third-party support. As the following case studies indicate, these findings are broadly confirmed when it comes to the work of successive HCNMs.

2.2 Advising on legislation and policy making

In most cases in which the HCNM has been involved over the years, the outcomes have been changes to countries' institutional, legal, and policy frameworks. In this sense, the advice that the HCNM provides constitutes a substantive tool of change-making that can be applied in context-sensitive ways. In providing such advice, successive HCNMs have relied on their own expertise and that of their staff, and have also drawn in outside experts.

This approach was very evident from the inception of the institution onwards (Kemp, 2001). For example, the first HCNM, Max van der Stoep, provided extensive advice to the Romanian government on the 1995 Law on Education (Babbitt, 2006, p. 200), while one of his successors, Knut Vollebaek, engaged with Bucharest on minority language education more than a decade later (Vollebaek, 2008, p. 9), as he did with Slovakia and Tajikistan (Vollebaek, 2010d, p. 2; 2010f, p. 8; 2010a, p. 3). Apart from these cases, and those of Kyrgyzstan and Moldova (see further below), other cases in which different HCNMs provided advice on language legislation and its implementation include Latvia and Estonia in the 1990s and early 2000s, Georgia in the early 2000s and since 2015, and Ukraine since the mid-1990s (Hadîrcă, 2018, p. 32).

In Central Asia, a unique regional programme focused on multilingual and multicultural education was launched by the HCNM in 2012 (Vollebaek, 2012d, p. 7) and has been supported ever since with expert advice as well as the facilitation of regional cooperation (Stoianova and

Angermann, 2018; see also Zannier, 2019, p. 6; 2020, p. 8; Abdrakhmanov, 2021a, p. 6; 2021c, p. 4; 2022c, p. 11). The origins of the programme go back to another HCNM-supported project, the Inter-State Dialogue on Social Integration and National Minority Education in Central Asia, and in particular its Samarkand Review conference (Vollebaek, 2009a, p. 6; 2011c, p. 9).

2.3 Capacity building

While the HCNM can facilitate dialogue between the sides, mediate negotiations between them, and assist in drafting laws and formulating policies, responsibility for their implementation ultimately rests with the parties concerned. In many of the contexts in which the HCNM has been active, this raises a question about the necessary capacity to do so, which is often insufficient or missing. Leaving aside the issue of financial resources, this is also an issue of technical capacity at a human level and importantly goes beyond legal and policy implementation, involving also the capacity to monitor and evaluate.

In this sense, capacity building is an important tool of sustaining change and enabling subsequent changemaking by local actors. Crucially, “integration of society [...] is a long-term process that cannot be driven by international actors alone”, meaning that governments “as a whole ha[ve] to take the lead and involve all stakeholders” (Vollebaek, 2012d, p. 11). This has been recognised as important in the work of successive HCNMs, including the fact that “capacity-building [...] should be understood as a fundamental aspect of prevention (Vollebaek, 2012a, p. 5), a point already made by Max van der Stoep in 2001 (van der Stoep, 2001, p. 3).

Examples of relevant efforts by successive HCNMs are numerous. Before the beginning of the full-scale Russian invasion of Ukraine in February 2022, the HCNM’s office helped to “build the capacity of the newly established [Ukrainian] State Service on Ethnic Affairs and Freedom of Conscience [and] continued [...] to improve civil servants’ and public officials’ capacities in mainstreaming and managing diversity in their daily work” (Abdrakhmanov, 2021a, p. 11), issues that were also tackled by one of his predecessors more than a decade earlier (Vollebaek, 2007, p. 9). Thematic recommendations, like those on policing in multi-ethnic societies, have provided a key resource for a range of relevant capacity-building efforts undertaken by successive HCNMs, including in Kazakhstan, Kyrgyzstan, and Tajikistan (Abdrakhmanov, 2021a, pp. 5–6; Ekéus, 2005a, p. 2; 2005b, p. 1; 2006, p. 2; Vollebaek, 2007, p. 5; 2012b, p. 9; see also Altenhoener, 2009; Hadirca, 2017).

3. Case studies: National integration strategies in Kyrgyzstan and Moldova

As outlined in the previous section, advising on institutions, legislation, and policy making is the most widely used tool of the HCNM in pursuit of the integration agenda. Mediation and facilitation activities play an important role, both in cases where tensions are acute (operational prevention), including in inter-state relations and in longer-term structural prevention efforts. Capacity building is recognised as important, and capacity deficits are acknowledged as critical impediments to participating States ability to implement recommendations by the HCNM. Yet, it is equally important to note that the capacity of HCNM as an institution itself to address capacity deficits of and in participating States is often limited to appeals to governments and donors. In the following, two case studies will serve as detailed illustrations of how the HCNM has approached change-making on the ground, using the three set of tools available to promote changes to institutional, legal, and policy frameworks that can foster integration of societies.

Examining the crisis in Kyrgyzstan, and the response to it by the HCNM, offers an opportunity to consider the limits of integration as a concept to inform short-term operational prevention and at the same time the catalytic effect that a serious crisis, like the violence in southern Kyrgyzstan in June 2010, can have to focus the minds of states and societies on the need to get serious about integration. By contrast, the HCNM's involvement in Moldova was not triggered by a crisis of inter-ethnic relations as such but more by an opportunity represented by the change of government in Moldova in 2009. The HCNM's involvement in the country since then, however, also highlights that political instability and fragile institutions of governance pose serious obstacles to integration even when the requisite political will to engage with change is present.

3.1 Kyrgyzstan: "Strengthening the Unity of the People and Inter-ethnic Relations" in the aftermath of violence

By the time that the OSCE HCNM became involved in Kyrgyzstan through assisting the country with the development of a national integration strategy, this was no longer a question of conflict prevention. Despite the fact that the HCNM had issued a formal early warning about the evolving crisis – the second and so far last time that an HCNM had done so – the OSCE, its participating States, and the international community as a whole proved themselves unable and unwilling to prevent the inter-ethnic violence that engulfed Kyrgyzstan in June 2010,

echoing similar earlier outbreaks in 1990, 2005, and April 2010 (Evers, 2012; Independent International Commission of Inquiry, 2010; Vollebaek, 2010e; 2011b; 2012a). As Knut Vollebaek, the HCNM at the time, noted

“The serious state of affairs that developed in Kyrgyzstan is the culmination of several years of increasing alienation of the minority communities from state institutions. My concern about the situation in the country was conveyed to the Permanent Council on several occasions, culminating in the early warning issued on 12 June.” (Vollebaek, 2010e, p. 2)

The outbreak and escalation of violence in June 2010 reflected the fact that Kyrgyz society was not well integrated: few efforts had been made prior to 2010 to achieve the kind of integration that successive HCNMs had promoted for more than a decade-and-a-half by then. This was expressed clearly in the HCNM’s conflict assessment at the time, which pointed out that “a lack of consistent and genuinely inclusive policies on national minorities was one of the main underlying causes [of the violence in June 2010]. Kyrgyzstan is currently facing a rise in nationalism, tensions between ethnic communities and further marginalization and isolation of national minorities.” (Vollebaek, 2011a, p. 2)

As has been recognised in the work of the HCNM, integration of diverse societies requires long-term efforts. Hence, it is not suited for the kind of operational conflict prevention that would have been required in Kyrgyzstan in the spring of 2010. Yet, the failure to prevent the escalation of tensions into violence then led to a reappraisal of what needed to be done in the view of the HCNM:

“focus should rightly be on the integration of Kyrgyz society rather than into it. The onus is not placed on national minorities to adapt and adjust to the majority. Instead, the beneficiary of these integration policies is the multi-ethnic State as a whole.” (Vollebaek, 2011a, p. 3)

In response to the crisis and the advice achieved, the Kyrgyz government established a Department of Inter-ethnic Relations, Civil Society, and Public Relations within the Presidential Administration. Between 2011 and 2013, the HCNM assisted that department in the drafting of the country’s first-ever *State Concept of Strengthening the Unity of the People and Inter-ethnic Relations* and advised on its implementation, including in the context of the drafting and implementation of the *National Programme on State Language and Language Policy* (Thors, 2013, p. 8).

In 2016, the Kyrgyz government established an Expert Council to Strengthen National Unity and Religious Policy to support the formulation and implementation of relevant policies in these areas. As a result, the initial implementation of the *State Concept* was completed by 2017, and the Kyrgyz presidential administration commissioned an evaluation, which the HCNM supported with expert advice. In 2018, HCNM further assisted the Expert Council with the elaboration of the *State Concept on Civic Integration of Kyrgyzstan* and an associated action plan, which was approved in 2019.

The main changemaking tool for the HCNM was providing expert advice on the development of first the *State Concept of Strengthening the Unity of the People and Inter-ethnic Relations* and then the *State Concept on Civic Integration of Kyrgyzstan* (through an international expert and one of the HCNM's political advisors). This was embedded in a process of dialogue facilitated by the HCNM that involved various government agencies, NGOs, and the Kyrgyz parliament, as well as regional roundtable discussions with government and civil society representatives. These resulted in a number of recommendations that were incorporated into the final draft of the *State Concept*. Some capacity building was achieved through the work of the international expert with the members of the Kyrgyz expert council who acquired new skills in policy development, implementation, and evaluation. (OSCE High Commissioner on National Minorities, 2017; 2019)

The overall success of the HCNM's efforts to assist the Kyrgyz government in developing a balanced policy on integration was partly enabled by the sustained interest of the government to do so and its support for the project over almost a decade, including coordination across relevant government agencies, including the Expert Council and the State Agency on Local Governance and Inter-ethnic Relations. The HCNM's own internal evaluation of 2019 (OSCE High Commissioner on National Minorities, 2019), however, acknowledges that more capacity needs to be built to ensure sustainable implementation and operation of the *State Concept on Civic Integration of Kyrgyzstan*, reflecting similar concerns expressed in the internal evaluation of 2017 (OSCE High Commissioner on National Minorities, 2017).

In November 2020, Kyrgyzstan adopted the *Concept for the Development of Civic Identity for 2021–2026*, with the HCNM committing to assist the relevant authorities (including the reinstated State Agency for Local Self-Governance and Interethnic Relations) in developing an action plan for its implementation (Abdrakhmanov, 2021a, p. 6; 2021c, p. 4). This support has been provided throughout 2021 and 2022, and technical assistance has

continued to be available to the HCNM's new main partner in Kyrgyzstan, the Ministry of Culture, Information, Sport and Youth Policy, since 2022 (Abdrakhmanov, 2022a, p. 7; 2022c, p. 8), including through the organisation of a regional event that "facilitated the exchange of experiences between OSCE participating States on the promotion of multilingual and multicultural quality education programmes as well as strategies for ensuring that the State language can be learned while preserving cultural identity by using the mother tongue" (Abdrakhmanov, 2023a, p. 6).

Throughout the process of engagement, successive HCNMs have thus applied the three main tools of changemaking effectively. The *State Concept* that resulted from the HCNM's engagement reflects both the initial conflict assessment and the broader understanding of integration and how to achieve it. For example, the *State Concept of Civic Integration* is considered well-aligned with the Kyrgyz national development strategy to 2040 and aims at reducing social inclusion, increasing political and economic participation and representation of different ethnic groups, all within a single political and legal space (OSCE High Commissioner on National Minorities, 2019, p. 4). While the HCNM's changemaking capacity has clearly been sustained over a period of more than a decade, the sustainability of change itself will significantly depend on Kyrgyz authorities and representatives of national minorities.

3.2 Moldova: a "National Strategy for Consolidation of Inter-ethnic Relations"

In contrast to the situation in Kyrgyzstan, the HCNM's engagement in assisting with the formulation of Moldova's *National Strategy for Consolidation of Inter-ethnic Relations* was not in response to a specific crisis in inter-ethnic relations. Rather, HCNM support for Moldova dates back to the early 2000s and a "multi-year project to improve the teaching of the State language to children from minority communities" (Hadîrcă, 2018, p. 35). By the end of the first decade of the 21st century, the change in government in Moldova created further opportunities for engagement and led to a dialogue between the HCNM and the government in Chisinau which began in 2010. An HCNM non-paper⁷ of February 2010 noted that

as a result of its history and past governmental policies, linguistic and other divisions continue to exist within Moldova's society. This situation may have a negative impact not only on the cohesion of society but also on the possibilities of persons belonging to national minorities to fully participate in the political, economic, social and cultural life of the country. (OSCE High Commissioner on National Minorities, 2010, p. 1)

The non-paper also identified crucial elements of a comprehensive social integration strategy, including “reforming and modernizing the legal framework for the protection of the national identity of minorities” and “updating and improving the administrative and institutional capacity of the government in dealing with minority issues” in priority areas such as language and education, participation, and non-discrimination (OSCE High Commissioner on National Minorities, 2010, p. 2). Subsequently, a baseline concept for such a strategy was produced. On this basis, the then Prime Minister, Vlad Filat, tasked the Bureau of Interethnic Relations with the development of a full-fledged strategy for national integration. The strategy was adopted in December 2016, and a first three-year action plan was drafted in 2017.

Similar to the process in Kyrgyzstan, the HCNM’s main tool was the provision of expert advice through an expert consultant initially embedded in the Bureau for Interethnic Relations and subsequently contracted as HCNM National Programme Officer and based in the OSCE Mission to Moldova, thereby providing continuity and benefitting from the trust established between the individuals and institutions involved. This also created an important level of resilience for the overall process of developing the *National Strategy* at a period of extreme political instability in Moldova between late 2014 and 2016, which saw a succession of five prime ministers and changing leadership in the Bureau for Interethnic Relations, resulting in multiple revisions of the initial draft of the strategy and the need for repeated stakeholder consultations. In addition, the HCNM provided four international experts to advise on the drafting of the *National Strategy* in 2014 and 2016 respectively, and three in 2017 to offer input into the first action plan. The HCNM also provided two experts advising on communication strategy and the budget for the action plan.

In contrast to the approach in Kyrgyzstan, public consultation on the *National Strategy* was limited, with different drafts of it available for consultation online only, and a public conference to mark its launch and discuss the first action plan was held in February 2017.

According to the HCNM’s own internal evaluation of the project, its main shortcoming has been the limited ability to build capacity in the Bureau for Interethnic Relations, which lacks qualified managerial, technical, and administrative staff. During the period 2014-16, when most of the HCNM’s engagement on the development of the *National Strategy* took place, political instability in Moldova also resulted in high levels of fluctuation in the Bureau’s leadership, further reducing the capacity to absorb the advice and expertise on offer.

That a sense of government ownership of the *National Strategy* is lacking is also apparent from the limited budgets available under the action plan, including for minorities to learn the state language (Zannier, 2020, p. 3). That said, the HCNM has continued to engage with the government, “supporting an inclusive consultative process for the development of a new Action Plan for the Strategy on the Consolidation of Inter-ethnic Relations” (Abdrakhmanov, 2021a, p. 8) and continuing “to provide capacity-building support to the Agency on Inter-ethnic Relations and the Ministry of Education and Research, as two key policy making and implementation institutions in the area of national minorities” (Abdrakhmanov, 2022c, p. 8).

The first action plan, adopted in 2017, well reflects the broader understanding of integration and how to achieve it, in line with the *Ljubljana Guidelines*. Under four broad headings, the action plan details objectives that can reasonably be expected to enhance integration. Its specific activities are frequently geared towards building capacity and providing a better evidence base for policymaking.

Under the theme of participation in public life, they include efforts to encourage participation in state administration and public services, more effective communication between state authorities and civil society (e.g., more minority participation in consultative bodies and thematic commissions and working groups), and improving the evidence base of policymaking.

In the similarly important area of language policy, the action plan tries to strike a balance between improving the conditions for mastering the official state language and ensuring the protection and development of minority languages. While the former had traditionally been under-resourced (Zannier, 2020, p. 3; CIVIS, 2020, pp. 50–52), the latter was often a concern in terms of more restrictive state policy (e.g., Vollebaek, 2010d, p. 7; 2013, pp. 11–12).

In relation to intercultural dialogue and civic belonging, a stronger focus is put on more social events that provide opportunities for exchange and better reporting of these in the media, as well as the creation of better conditions for intercultural education and the prevention and eradication of discrimination, xenophobia, ethnic stereotypes, interethnic tensions, and segregation (e.g., through more civil society engagement and more capacity to deal with individual complaints).

Concerning the role of mass media, the action plan emphasises the importance of ensuring that members of minorities have access to information and programmes in their languages and of promoting multilingualism and diversity through mass-media (e.g., by developing and applying instruments for monitoring and reporting negative stereotypes and incitement to hatred in the mass media).

An indication of the (lack of) progress achieved under the *National Strategy* after the first action plan can be gleaned from the results of the 2020 Ethnobarometer survey (CIVIS, 2020) and an evaluation report commissioned by the HCNM office (Burdellini, 2021a).

For example, only just under forty per cent of respondents were willing to learn the state language, and even then, only if classes were free, with another obstacle being a perception of the low quality of teaching provision (CIVIS, 2020, pp. 51–52). At the same time, all ethnic groups consider “language policy and practice as an obstacle to their employment in the public sector” (CIVIS, 2020, p. 29), which does not bode well for public participation.⁸ Finally, only every third respondent believed “that the multicultural aspect of Moldova is reflected enough in the mass media, and only 24 per cent believe that the mass media is objective enough when covering issues related to different ethnic groups” (CIVIS, 2020, pp. 61–62). This latter point is also reflected in the HCNM evaluation report, which noted that “[e]xisting mass-media programs targeting national minorities lack effectiveness due to little appeal for the communities [which] contributes to a sense of marginalisation amongst national minorities and results in the consumption of foreign media by many people belonging to national minorities.” (Burdellini, 2021a, p. 6)

More generally, the issues identified in the evaluation report cast serious doubt on the relevance, effectiveness, efficiency, impact, and sustainability of the National Strategy and the first action plan. For example, the evaluation found that “[p]rovisions of the AP for 2017-2020 are not fully coherent with the priorities and needs identified in the Interethnic Relations Strategy” (Burdellini, 2021a, p. 19). Similarly and echoing the above-mentioned survey results, the evaluation found that in relation to one of the strategic areas – Language as a Means of Integration – there were “insufficient opportunities to national minorities to effectively obtain proficiency in the state language and languages of national minorities due to the shortage of suitably trained teachers, high quality teaching and learning materials and disabling linguistic environment in some regions densely populated by national minorities” (Burdellini, 2021a, p. 22). The evaluation also identified internal government resource and capacity deficits as a

major impediment to the effective and efficient implementation of the 2017-2020 action plan, noting that progress was primarily dependent on donor financial assistance and the implementation capacity of local NGOs (Burdellini, 2021a, e.g., p. 22, p. 24, p. 29).

In light of these findings, in the context of the ongoing development of its programme for the consolidation of interethnic relations, a project for further assistance by the HCNM to the government of Moldova was drafted by the HCNM office with an external consultant in late 2021 (Burdellini, 2021b). Recent efforts by the HCNM office and a local expert (co-located in the OSCE Mission in Moldova) reflect the critical evaluation of the implementation of the first action plan. For example, recognising the limited availability and poor quality of multilingual education, the HCNM worked closely with the Ministry of Education and Research and the authorities of Gagauzia to support mother tongue-based multilingual education in Moldova to “ensure that everyone, including minorities, acquires proficiency in the State language while ensuring the use and maintenance of minority languages” (Abdrakhmanov, 2023, p. 8). Concerning the lack of youth participation in the public sector, the HCNM office “piloted a Public Administration School initiative to enable minority youth, including young minority women, to participate in public life and to foster civic engagement” (Abdrakhmanov, 2023, p. 8).

Similar to the Kyrgyz case discussed above, HCNM engagement in Moldova has been sustained over a period of more than a decade during which successive HCNMs have employed all three main tools of changemaking, encountering similar domestic challenges (especially lack of local capacity and resources) which were further exacerbated by external, geopolitical uncertainties, especially in the context of the evolving crisis in neighbouring Ukraine and the full-scale Russian invasion there in February 2022. That the HCNM has been able to sustain this engagement over time is in itself a significant achievement.

Conclusion: the sustainability of change and change-making

Is integration adoptable and functional as an approach to conflict prevention?

Integration with respect for diversity has emerged as the fundamental guiding principle of the work of the HCNM over the past thirty years, but the way in which it is adoptable and functional in practice manifests itself in different ways across the OSCE participating States.

Its adoptability, i.e., the degree to which both majorities and minorities ‘buy into’ the idea of integration is first and foremost a question of political will on the part of communities’

leaders and their ability to forge a sustainable consensus on integration. Where integration gets onto the political agenda as a response to failures of both structural and operational conflict prevention, such as in Kyrgyzstan, the necessity to de-escalate and stabilise minority-majority relations often works as powerful driver of the adoption of integration policies, at least in the short term.

In the long term, the sustainability of integration as a policy choice also depends on its functionality, i.e., the effectiveness with which integration policies deliver more security and stability for minorities and majorities alike. If sustained over time, integration should deliver structural conflict prevention. However, this is often hampered by the fact that integration is rarely delivered as anything other than a piecemeal of particular, individual strategies (e.g., language, education, citizenship) that do not, even cumulatively, cover all aspects of the areas specified in the *Ljubljana Guidelines* or do not cohere into an overall national strategy.

Particularly critical in this respect is also the question of the economic integration of minority communities who, more often than not, will have experienced long-term structural disadvantages to their economic participation and are also frequently worse affected by economic crises or shocks like the COVID-19 pandemic. If gaps in living standards between majorities and minorities persist over time, the functionality of integration will be called into question. If this happens, resistance by majorities and minorities alike to pursue meaningful integration strategies will increase, trust between communities will decrease, and potentially negative impacts of inter-state relations will be exacerbated, as has been the case on and off in Moldova over the past decade and more.

Even where integration policies are pursued, this often happens only in a half-hearted way and at glacial pace (e.g., the slow pace of reform and implementation of citizenship policies in Estonia and Latvia), and it can at times even be counterproductive (e.g., the proposed introduction of fines in Slovak and Tajik language laws). This suggests that the mere adoption of integration policies does not automatically result in their functionality.

Despite these and other challenges, the two case studies above provide some evidence that integration efforts in both Kyrgyzstan and Moldova have made some contribution to more stable interethnic relations since both countries embarked more decisively on the path to developing and implementing their respective integration strategies, despite the obvious resource and capacity constraints that both countries continue to experience.

Are the tools that the HCNM has fit for purpose?

The deployment of the HCNM's tools of changemaking varies across time and cases, as does their effectiveness. HCNM practice in general, and what has been discussed in more detail in the two case studies above, indicates that there are no hard boundaries between mediation and facilitation, advising on legislation and policy making, and capacity building, and that these tools are often employed together and mutually reinforce each other.

While the HCNM as an institution itself operates under significant resource and capacity constraints, these are often even worse in the countries in which HCNM becomes involved. Thus, even where the HCNM has, or can mobilise, the required expertise and transfer it, the capacity to absorb and internalise it, implement it, and monitor and evaluate any subsequent impact in-country is often limited.

That said, the data presented here, including from the two case studies, suggests that impact is often greater and more sustainable where the HCNM helps to initiate and sustain processes that involve not just elites but also communities more broadly, and where integration policies are given time to become embedded culturally in minority and majority communities, including through mechanisms of claim-making, claim-negotiating, and claim-accommodating in an institutional and legal framework.

The often long-term engagement of the HCNM with majorities and minorities, including in protracted situations of tension and conflict, can have positive impacts through providing a depository of institutional memory that transcends changes in personnel, leadership, and institutions of governments and minority organisations, as well as an ability to keep integration on the long-term political agenda regardless of changing day-to-day priorities. This can help sustain dialogue even at times of increasing tensions between communities. It also offers opportunities for informal monitoring and evaluation, the revisiting of agreed goals and actions, and a feedback loop between local, national, and international stakeholders.

Because of the widespread engagement of the HCNM across a large number of cases over the past thirty years, the advice on legislation and policymaking that the institution can provide encompasses both applicable standards and local perspectives on their interpretation. If taken up, this comparative and evidence-based expertise can enable societies to move beyond lowest common denominator approaches and reach meaningful consensus on their integration.

Ultimately, the sustainability of change depends significantly on the HCNM's ability to build local capacity to manage the process of integration with respect for diversity in the long term. As an institution with few resources and limited leverage, this has always been, and remains, a key vulnerability to the success of conflict prevention. The experiences of the HCNM in Moldova and Kyrgyzstan, however, indicate that persistent and constructive engagement can effectively mitigate this risk.

Notes

¹ The phrase “integration with respect for diversity” was first used in an official HCNM document in the Explanatory Note to the 2008 Bolzano Recommendations on National Minorities in Inter-State Relations. See OSCE High Commissioner on National Minorities (1998 Explanatory Note, para. 7). Its importance as a “principle underpinning the conflict-prevention work” of the HCNM was reiterated in 2021 by the current HCNM (Abdrakhmanov, 2021c, p. 15).

² A similar point about the HCNM not being “an ombudsman for national minorities or a human-rights watchdog” was made by Vollebaek in 2012 (Vollebaek, 2012c, p. 3).

³ These principles, commitments, and standards are a frequent reference point in the work of the HCNM and in the thematic recommendations and guidelines; their origins can be traced back to the Helsinki decalogue, especially principles VII (Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief) and X (Fulfilment in good faith of obligations under international law) (Conference on Security and Co-operation in Europe 1975; see also Babbitt 2012; Kemp 2001).

⁴ A decade earlier, the first HCNM, Max van der Stoep (2000, p. 4), had expressed the same sentiment: “Minorities must be integrated into the mainstream of society. But at the same time, integration should not be seen as a euphemism for assimilation.”

⁵ For the full list, see OSCE High Commissioner on National Minorities (2023).

⁶ “I can therefore summarize the *modus operandi* of the High Commissioner as mediation between the majority and the minority, and the searching for solutions that accommodate the concerns of all communities.” (Vollebaek, 2010c, p. 4)

⁷ A non-paper is an informal document circulated among relevant parties, usually without any official status or implying any particular commitment to its contents by the author or the audience.

⁸ This is also a concern repeatedly highlighted by Council of Europe monitoring. For example, in its 2016 Opinion on Moldova, the Advisory Committee on the Framework Convention for the Protection of National Minorities (2017, p. 32) notes “with regret that the limited availability and quality of state language teaching in Russian-language schools remains one of the main concerns of minority representatives.”

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