Introducing Recommendations on Policing in Multi-Ethnic Societies — a new tool for the OSCE High Commissioner on National Minorities

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Initiation and Presentation
On 9 February 2006 the OSCE High Commissioner on National Minorities (HCNM) — Ambassador Rolf Ekéus — officially presented the ‘Recommendations on Policing in Multi-Ethnic Societies’.2 In his address to the 592nd Plenary Meeting of the OSCE’s Permanent Council (PC) in Vienna the High Commissioner introduced the Recommendations which were the result of work carried out by a group of experts gathered by him to take a closer look at the profoundly important and topical issue of ‘the role of the police in de-escalating tensions and promoting harmonious inter-ethnic relations’.3

This new set of Recommendations constitutes the fifth case of the High Commissioner resorting to general recommendations or guidelines of a thematic nature which have become yet another tool in addition to recommendations on individual countries, thus addressed to a specific government with regard to specific factual or legal circumstances concerning national minority issues. As far as general recommendations are concerned the HCNM has already addressed a number of problems or situations of a general nature by commissioning experts with the task of drawing up the following thematic instruments:

1. The Hague Recommendations Regarding the Education Rights of National Minorities (October, 1996);
2. The Oslo Recommendations Regarding the Linguistic Rights of National Minorities (February, 1998);
3. The Lund Recommendations on the Effective Participation of National Minorities in Public Life (June, 1999);

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2 See a booklet in English published by the Office of the High Commissioner on National Minorities (ISBN 90-75989-05-9), The Hague, 2006, which contains an ‘Introduction’ (pp. 1-4), ‘Recommendations on Policing in Multi-Ethnic Societies’ as such (pp. 5-8) and the ‘Explanatory Note’ thereto (pp. 9-42).

3 See the Statement by Rolf Ekéus, OSCE High Commissioner on National Minorities to the 592nd Plenary Meeting of the OSCE Permanent Council, Vienna, Austria – 9 February 2006, p. 3 (available on the HCNM’s website: www.osce.org/hcnm/).

4 The texts of all five general Recommendations and Guidelines as well as 58 examples (status
Demands of the HCNM's Mandate

There is an inherent and close causal relationship between thematic recommendations or guidelines and the demands of the HCNM's mandate. These instruments have been designed to serve as practical tools for accomplishing the role assigned to the High Commissioner. Established within the OSCE in 1992, the post was envisaged as ‘an instrument of conflict prevention’.

To achieve this end the High Commissioner is to 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 OSCE area, affecting peace, stability or relations between participating States.’ (paras. 1-4 of the mandate).

It is therefore often concluded that he is a conflict-prevention rather than a human dimension instrument. Such a characterisation of the mandate may be found to be adequate in a purely formal sense but it largely seems to be too categorical and overlooks the momentum accumulated in the course of the operational activities of the HCNM, notably during recent years when high-level tensions have been seriously reduced. It is submitted that the mandate’s focus on conflict prevention has neither deprived him of nor prevented from being involved in a concomitant monitoring of human dimension commitments, notably those on minority rights. This stems, firstly, from the interpretation of Paragraph 6 of the mandate (Helsinki Document, 1992), whereby the High Commissioner ‘will take fully into account the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved’.

The potentials of Paragraph 6 cannot be underestimated, particularly from the perspective of the achievements of other sets of HCNM Recommendations.

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6 In this respect, some scholars point out in even stronger terms that ‘it goes without saying that the HCNM is deeply involved in the monitoring of minority rights in those states where he has become active.’ – see A. Bloed, ‘Monitoring the Human Dimension of the OSCE’, in G. Alfredsson et al. (eds.), op. cit., p. 636.

7 The extent of the impact of the HCNM’s thematic recommendations can best be demonstrated by the case of the Lund Recommendations - see for more K. Drzewicki, ‘The Lund Recommendations on the Effective Participation of National Minorities in Public Life – Five Years After and More Years Ahead’, in International Journal on Minority and Group Rights, 2005, no. 2-3, pp. 123-131. In the same issue see particularly the contributions by K. Henrard (pp. 133-168) and S. Holt (169-188) on that impact.