Early warning — no action?

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On 12 June 2010, the OSCE High Commissioner on National Minorities (HCNM), Ambassador Knut Vollebaek, issued a formal ‘early warning’ to the OSCE Kazakh Chairperson-in-Office (CiO), the State Secretary and Minister of Foreign Affairs Kanat Saudabaev. This was only the second time in the history of the HCNM that this instrument had been used. An early warning is a last resort open to the OSCE HCNM to draw the attention to a situation that has gone beyond a level which he is able to contain with the measures at his disposal as is clearly spelled out in the mandate (Arts.13-15):

(13) If, on the basis of exchanges of communications and contacts with relevant parties, the High Commissioner concludes that there is a prima facie risk of potential conflict (as set out in paragraph (3)) he/she may issue an early warning, which will be communicated promptly by the Chairman-in-Office to the CSO [today the Permanent Council].

(14) The Chairman-in-Office will include this early warning in the agenda for the next meeting of the CSO. If a State believes that such an early warning merits prompt consultation, it may initiate the procedure set out in Annex 2 of the Summary of Conclusions of the Berlin Meeting of the Council (‘Emergency Mechanism’).

(15) The High Commissioner will explain to the CSO the reasons for issuing the early warning.

In other words, the HCNM uses this formal early warning when he no longer sees any opportunity to prevent a conflict by means of quiet diplomacy or with the tools afforded to him according to the mandate.

There has been much speculation about the timing of this early warning and, by means of this article, I would like to set some of the facts straight. Kyrgyzstan, like the other States of Central Asia, is faced with long-term challenges in the area of majority-minority relations. These challenges have, in the last few years, increased in seriousness, primarily as a result of political developments in the region. For quite some time now the HCNM has been concerned that frictions

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2 The first time was at the 229th meeting of the Permanent Council on 12 May 1999 in the case of the former Yugoslav Republic of Macedonia, when the then High Commissioner Max van der Stoel issued a formal early warning.

stemming from majority-minority issues could have a substantial negative impact upon the inter-State relations of the region.

The potential for violence inherent in majority-minority relations in Central Asia is best highlighted in the final years of the Soviet Union, when bloody, interethnic clashes broke out in the Ferghana Valley (Uzbekistan and Kyrgyzstan) in 1990. In the years following independence, the governments of the region primarily relied on a firm hand and bureaucratic measures to manage interethnic relations. Little has been achieved with regard to genuine integration, which is necessary for long-term stability. A failure to address the sources of discontent between majorities and minorities has led to the build-up of ethnic tensions and the recent violence we have been witnessing in the case of Kyrgyzstan.

The HCNM’s engagement in response to these developments in Central Asia is designed to reinforce the basic principle of international law prescribing that a State may only act within its jurisdiction that extends to its territory and citizenry. In his discussions the High Commissioner repeatedly underlines that the protection of the rights of persons belonging to national minorities is an obligation of the State where the minority resides. The HCNM approach to Central Asia is therefore based on the idea of mutual security in the area of interethnic relations through reciprocal respect for the sovereignty and responsibilities of each State, inter alia, respecting the rights of persons belonging to national minorities. 4

The HCNM has been actively involved in Kyrgyzstan since the Institution’s inception in 1993. Central Asia has been a priority for all three High Commissioners and they have all made frequent visits to Kyrgyzstan. Back in 1998 the first High Commissioner, Max van der Stoel, set up a monitoring network in the south of the country to provide monthly confidential reports to the HCNM as well as to the Kyrgyz Government. From the outset special emphasis has been given to the interethnic situation in the south, but more recently coverage has been extended to the north of the country. The reports function as a barometer indicating tendencies and trends in the field of interethnic relations as well as how the nation and the national minorities perceive certain events and respond to developments in the country.

In addition to the recommendations the High Commissioner provides to Kyrgyzstan, a number of other activities have been carried out over the years. In particular in the sphere of education, for example support for multilingual and multicultural teaching as a means to address interethnic relations in the longer term. Since 2005 the HCNM has also been engaged in a large project on multi-ethnic policing, which in 2008 was integrated into the police reform programme of the OSCE Centre in Bishkek.

It is therefore not surprising that Ambassador Vollebaek has been particularly alert to the changing trends in Kyrgyzstan over the last few years and has become deeply worried. During the Bakiev era a policy of nationalism became highly

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4 These principles were brought together by the HCNM in the form of the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (June 2008), available at the OSCE/HCNM website http://www.osce-hcnm.org/.