

## **Q2 Legal/Reference 8**

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THE HAGUE, 25 August 2008 - The OSCE High Commissioner on National Minorities (HCNM), Knut Vollebaek, issued the following statement today:

"During the current conflict between Russia and Georgia a number of statements have been made by several leaders of OSCE participating States in connection with the rights of States to protect their citizens and, in particular, national minorities residing abroad. The tendency to make reference to the need to protect national minorities abroad as a reason for certain policy choices is of profound concern to me because of its implications for relations between States. I would therefore like to draw attention to the existing international norms and principles on this matter.

"Both the past and the present have shown us that when States take unilateral actions to defend, protect or support their citizens or "ethnic kin" abroad, there is a risk of increasing political tensions, including inter-State conflict and regional instability.

"One of the bedrocks of international law is that the protection of human rights, including minority rights, is primarily the responsibility of the States where minorities reside. This also holds true in the case of minorities holding dual citizenship.

"Protecting minority rights is also the responsibility of the international community, including the so-called "kin-States." This, however, does not entitle or imply the right under international law to exercise jurisdiction over people residing on the territory of another State. The HCNM's Recommendations on National Minorities in Inter-State Relations to be launched in Bolzano/Bozen in October 2008 clarify how States can support and extend benefits to people belonging to national minorities residing in other countries in ways that do not strain interethnic or bilateral relations.

"States should refrain from conferring citizenship en masse to residents of other States, which is in violation of the principles of sovereignty and good neighbourly relations. The presence of one's citizens or "ethnic kin" abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States.

"When human rights, including minority rights, are violated on a large scale as in cases of ethnic cleansing, mass expulsion and acts of terror, the international community has a duty to intervene. The purpose, legitimacy and effectiveness of such intervention are best assured through multilateral operations. If unilateral steps are taken, particularly by neighbouring States, the motives and credibility of their actions may be brought into question."