



Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

Supplementary Human Dimension Meeting
“Promoting Tolerance and Non-Discrimination”

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TOWARDS
FULL FREEDOM AND DIGNITY
FOR ALL

Address of Max van der Stoep

18 June

[Check Against Delivery!]

Mr. Moderator, Excellencies, Ladies and Gentlemen,

It is an honour to address you on this important subject which touches the core of our community of values. Perhaps it is so central an idea that we may be guilty of paying it inadequate attention. I believe this is true, and I have some suggestions for how we may remedy this problem. But before I comment upon the specific elements of the programme which has been set out in our agenda for the next day and a half, permit me some brief reflections of a more general character.

As many of you know, I have been actively involved in the Helsinki process since its very inception. Then, as now, we were driven by the simple idea of building a better world where, in our common interest, we would, in the first place, achieve some minimum security and then build upon this with a view to developing stable and prosperous societies. From the beginning, we took an inclusive approach, respecting the sovereign equality of all participating States in particular through constant respect for the principle of consensus decision-making. As to the content of our discussions, we also immediately recognised that we could not discuss or pursue our common security objective through a narrow definition. Rather, through the notion of “comprehensive security”, we recognised that all of the dimensions we discuss are inter-linked and inter-dependent – that we can neither achieve security nor develop peace and prosperity in the absence of attention to economic and environmental matters, or human rights and humanitarian concerns. From my own perspective, I have always believed that the human dimension lies at the heart of the matter. After eight and a half years heading an OSCE institution conceived and established as part of the politico-military dimension, I believe all the more that we can not escape addressing the root causes of conflict. These lay in experiences of systematic exclusion, discrimination and alienation. They are heightened and sharpened by expressions of intolerance emanating from xenophobic or racist views.

What I am observing and recounting is not new. Indeed, it is the basis of the world order established in the aftermath of two World Wars in Europe... and in our efforts in the Helsinki process, through which it may be argued we contributed to the collapse of Communism. But, for some reason, we seem unable to learn the lessons of history well. Even after the bloody conflicts of the early 1990s in Croatia and Bosnia and Herzegovina, we failed to pay sufficient attention, or to pay attention early enough, to the boiling crisis in Kosovo. And it now seems clear we were also insufficiently attentive to the situation in the former Yugoslav Republic of Macedonia; at least, we plainly failed to act early enough. There are other situations which I could mention.

So, Mr. Moderator, I believe it is self-evident that we still have a substantial programme of unfinished business to which to attend. And I believe this applies to all of us, without exception. If we are serious about our declared values, then we must act with determination and vigour to realise them through concrete action. This is both a matter of consequential behaviour and integrity, according to which others will judge us. More simply, I believe it is simply an imperative which follows from the evident motivations to avoid bloody conflict and create conditions of life for all of us, individually and collectively, to satisfy our basic needs and interests and to pursue our aspirations.

We have been quite successful in developing fora for dialogue, substantive standards of behaviour, and institutions for follow-up. Seen in the wider context of the composite of other applicable international standards and institutional arrangements, whether those of the United Nations, the Council of Europe, or sub-regional organisations, I believe there is no shortage of standards or institutions. I wish to emphasise, moreover, that we have a well established base-line for behaviour. This is in the minimum standards for respect of human rights, including minority rights. Fundamental among these are the principles of equality and non-discrimination. By “equality”, we do not mean a sterile measurement of human beings without sensitivity to special needs or, importantly, cultural differences. Rather, we mean, as Article 1 of the

Universal Declaration of Human Rights asserts, that “All human beings are born free and equal in dignity and rights.” On this basis, there is a human right not to suffer discrimination, in other words, not to be treated in an arbitrary fashion which does not respect the equality of human beings in dignity and rights. The composite of rights and freedoms have been spelled out in many instruments, and even incorporated in most constitutions of OSCE participating States. This is a base-line, in the sense that there should be no deviation from this. I will return to this subject in a moment, with reference to its implications for policy and law.

Beyond our commitment not to discriminate, the idea of equal dignity implies that we must tolerate differences of view, belief, taste, and behaviour within the limits of law and respect for the rights and freedoms of others. Whatever we may think or believe of others, our commitment to tolerance directs us to conform our actual behaviour to a minimum of mutual respect... even if grudgingly paid. Again, this is a base-line... a minimum.

Unfortunately, in far too many OSCE participating States, this base-line is not being met. There are still policies and laws in many States which discriminate, if not by intention, then by effect. And there are some places within the OSCE area where there is precious little tolerance. Worse, there are policies and laws which aim, if not declare, to run against the base-line. Indeed, much of my time these past years has been spent responding to policies and laws which constitute, or would constitute, discrimination on the basis of ethnic origin, language, and so forth. I have also confronted manifestations of intolerance not only at popular levels, but from among community leaders including some persons holding positions in government.

On the basis of my experience, permit me to suggest that we need to establish a bulwark against the forces of discrimination and intolerance. These are not passive forces. In fact, some of them are aggressive and extreme, proceeding on the basis of chauvinist and racist views. These hate-mongers, whether extreme nationalists, religious extremists or others, must be held in check. Simply, we must be intolerant of such intolerance. We must do this through clear and dedicated action at the community level, in particular through responsible journalism, and above all through responsible leadership.

Let me add some further thoughts on nationalism, which I have confronted in many forms during my terms as High Commissioner. You know I have on several occasions spoken against the dangers of “aggressive” or “extreme nationalism”. I still hold this view strongly. But, perhaps there is something deeper we need to address. On reflection, I am increasingly worried about nationalism per se, that is as a political project, with a specific agenda and programme (if not always clearly articulated), which aims to elevate some over others. This seems at odds with our commitment to full respect for the equal dignity and rights of all human beings. Moreover, if you are not among those to be elevated, or, worse, such elevation would occur at your expense, then I can hardly see that people will long suffer such politics. Indeed, this seems a recipe for conflict creation. To be more precise, perhaps we need to distinguish kinds of nationalism. Of course, we reject the aggressive and extreme forms. But, I am not arguing against the ideas of loving one’s country, one’s language, one’s community, for these are normal, healthy sentiments which might be captured in the notion of patriotism. On these and other bases, we even expect people dutifully to defend their community and country. Nor am I speaking about the need or interest of people to protect and promote their culture, language or the general welfare of their community – which surely applies to all of us. Moreover, if we are striving to get out from under the yoke of cultural or related suppression (even oppression), then such a striving for freedom is both an understandable reaction and wholly compatible with international human rights. My concern, Mr. Chairman, is where conditions of freedom essentially exist – where there may even be existing advantages for, among others, those constituting the majority or the so-called “State-forming nation” within a particular State – there are those who seek to “purify” the State, to entrench advantages, to limit the opportunities of others or even exclude them altogether. This

kind of nationalism, usually ethnic in character, plays upon myths and promotes a climate of fear and hatred (the “threat”) of others. In my experience, such xenophobic, racist nationalism often masks the small politics of self-interested individuals who might better be described as “ethnic entrepreneurs”. I am sure we all know examples of such politics and persons. But, I am concerned that there are far too many such persons and movements, both among majority and minority communities, whether East or West, North or South. And, aside from the damage they do to the fabric of our societies and Europe as a whole, they sometimes capture or influence mainstream politics. Let me be clear: such nationalism is a danger to us all and must be vigorously opposed. I see no redeeming value in it. Indeed, we must be prepared resolutely even not to tolerate some expressions of such nationalism.

Mr. Moderator, the programme for this Human Dimension Supplementary Seminar is divided into three Sessions, each of great importance. Allow me to offer some suggestions for the discussions.

With regard to **Session 1 on Education**, the specific focus will be on school materials and textbooks. There is much to say on these matters of particular concern, and I am delighted that the Session will be introduced by Ms. Machnyikova from my Office who will share some reflections and offer some suggestions derived from our own experience. Certainly, your attention should be drawn to the relevant international standards and practices in this large field. Let me just note that *The Hague Recommendations regarding the Education Rights of National Minorities* have a particular recommendation which follows exactly from the ideas of full respect for equal dignity and also the importance of teaching tolerance. I should also add, at the risk of stating the obvious, that some groups (such as the Roma) do not yet enjoy equal access to education or equality of education in terms of outcomes. But, I would hope that the discussions will go beyond this obvious minimum content or just the technicalities of such important matters. I would hope that participants will discuss the wider notion of multi-cultural education in the public interest. Education can and must go beyond merely equipping students to survive in an increasingly competitive world – and it must teach more than just how to “get along”, avoid conflicts, and respect the minimum of law and order. Certainly, education must do all of this. But, good education can and must aim higher, seeking to shape future generations for responsible citizenship. Our common project is to build a better world where individual talents and skills may be developed, where interests, aspirations and dreams may be pursued and fulfilled. Such a project can and must recognise and build upon the richness of our collective cultural wealth, not only as a matter of mutual respect, but foremost as a matter of developing our civilisation, preserving and even increasing the diversity we enjoy and drawing more from it. As such, education must do more than just introduce us to basic knowledge. It must direct us in our attitudes and experiences, teaching us to learn, and thereby to understand and even to enjoy. In my view, this implies not only multi-cultural education in terms of content, but also inter-cultural education in terms of approach and process.

Turning to **Session 2 on Legal and Administrative Means**, for the purpose of securing the base-line of minimum respect for human rights, it is imperative that each particular State develops a non-discriminatory framework of legislation and practice, including effective action against hate-speech. Constitutional entrenchment of the principle of non-discrimination is welcome. Also, it is imperative to ensure that ordinary legislation and daily administrative practices are not discriminatory. On the basis of Article 26 of the *International Covenant on Civil and Political Rights*, and also in the light of new *Protocol 12 to the European Convention on Human Rights* along with *EU Directive 43/2000* (the so-called Race Directive) which are of special relevance to member States of the Council of Europe and the European Union, it seems important to adopt special legislation on non-discrimination in general. In my view, to be really effective, such legislation should include creation of an independent and impartial national institution for the supervision and implementation of the law, by means of a specialized Ombudsman or Ombudsman-like institution, an “equality commission” or commissioner, or similar institution. Such institutions should be

mandated to be pro-active in implementing the law, not only in terms of receiving complaints, but of initiating action including legislative reform as may be necessary. Of course, these institutions must become publicly well-known and accessible to merit and build public confidence, and so they will evidently require the provision of adequate human and material resources.

Aside from such protective institutions, good public administration requires responsive and responsible public servants. To this end, special training, aimed at improving knowledge and teaching sensitivity and relevant skills, may be warranted especially for the judiciary and law enforcement agencies, including the police. The same may be considered necessary for civil servants of all kinds since fair and sensitive dispersal of public services is of importance for everyone. To the same end, civil service recruitment policies should also take into account and reflect the diversity of the citizenry.

Session 3 will address the subject of **Multicultural Relations**. This is perhaps the least discussed, understood and acted upon area of our concerns. Of course, we may begin with a general agreement about what we should not be doing, namely forcibly or otherwise coercively assimilating some into the cultures of others. But, in recognising the cultural diversity which is, to a greater or lesser degree, the fact in all our societies, we must take steps to create the space for cultural expressions and development for all within the limits of the law. This means creating opportunities, both in the private and public domains, for the maintenance and development of cultural identities. Further, it may require sometimes disproportionate facilitation, in particular for small or relatively under-resourced communities. To develop good policies in this domain, we need first of all to open up public dialogue and decision-making processes, to make them more inclusive and participatory. Let me add that this may imply some reflection on the nature of "citizenship" in our increasingly open and sometimes transient societies. Since the development of human rights, citizenship is no longer the principal means by which to protect, promote or secure one's identity. Moreover, the increasing reality of multiple and over-lapping identities and interests requires us to rethink certain ideas about relationships between people, communities and the State. In this regard, we may wish to address not just the idea of rights, but also duties.... duties of good

and responsible citizenship not only to respect the minimum requirements of the law, but also to behave with due regard for others.

Mr. Moderator, there is obviously a great deal more that could be said, and I do hope that participants will engage in an open and dynamic exchange of views. I encourage new thinking so we might find ways of building a stronger, better OSCE area where everyone can live in full freedom and dignity according to our most basic values and commitments.

Thank you for your attention.