



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

ADDRESS

by

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to

the conference

"The Responsibility to Protect: A Framework for Confronting Identity-based Atrocities"

Panel: Minority Protection in Conflict Prevention and Rebuilding

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Check Against Delivery!

New York, 10 March 2008

Madam Chair,

Ladies and Gentlemen,

I would like to thank the Cardozo Law School and its conference partners for having organized this conference on the concept of the *Responsibility to Protect* and its potential to prevent identity-based atrocities.

As we know and have heard here, inter-ethnic conflict is one of the ills that is crippling many countries. While hostilities between States are much more popular with the media, our perception of the nature of contemporary conflict has undergone a profound change. Indeed, most of today's wars take place within States. A total of 228 armed conflicts have been recorded since World War II and 118 since the end of the Cold War.¹ According to Minority Rights Group International an estimated 70 per cent of the combat was internal. A conservative estimate of the total death toll as a direct result of these conflicts is 16.2 million, five times the inter-State toll.² I dare say that a high proportion of these conflicts arise, at least in part, because governments, or other state actors, discriminate against minorities or indigenous peoples and do not recognize their rights.

All experience tells us that it is crucial to address majority-minority tensions at an early stage. Conflicts once started, cause great human misery and are difficult to stop. The World Bank provides startling statistics to this effect: by the end of a typical civil war incomes are around 15 per cent lower than they would otherwise have been, implying that about 30 per cent more people are living in absolute poverty.³ High military expenditure, capital flight, heightened mortality and morbidity rates

¹ Harbom, Lotta and Peter Wallensteen, "Armed Conflict and Its International Dimensions, 1946-2004." *Journal of Peace Research* 42(5):623-635, 2005.

² Fearon, James and David Laitin, "Ethnicity, insurgency, and civil war." *American Political Science Review* 97(1): 75-90, 2003.

³ Collier, Paul. *Breaking the Conflict Trap: Civil War and Development Policy (World Bank Policy Research Reports)*,

and psychological trauma all add to this appalling balance sheet. In Africa alone, conflicts since the end of the Cold War are reported to have cost the continent \$300bn. It is obvious that the damage these conflicts inflict on people, the economy and the environment could take decades and huge resources to repair.

Madam Chair,

As the wars broke out in the Balkans in the 1990s, we in Europe became bitterly aware of the fact that security and stability are not a “given” in today’s world and they need to be nurtured. A consensus has emerged on our continent that democracy, economic prosperity and good neighbourly relations also depend on respect for minority rights. This has led to the development of a number of instruments and norms to give conflict prevention a real chance of success. Further, the European States have decided to hold each other accountable for making progress in this area and to do away with hiding malpractice under the guise of internal affairs.

While the international community devised a comprehensive framework for the protection of human rights, including minority rights, these norms had to be supplemented with a mechanism to promote their implementation. This is why the OSCE, the largest regional security organization in the world, established the post of the High Commissioner on National Minorities, or HCNM, in 1992 to prevent further inter-ethnic conflict and to sound the alarm when violence is about to erupt. The HCNM has not averted all crises, but my predecessors, Minister Max van der Stoep and Ambassador Rolf Ekéus, may take a lot of the credit for defusing inter-ethnic tension in the Baltic Region, the Balkans, the Caucasus and Central Asia.

The HCNM mandate is far-reaching. I sometimes joke that the participating States often regret they signed up to it. It allows me to investigate national minority issues within a State and is based on the particular principle of the OSCE acquis that “commitments undertaken in the field of human rights are matters of direct and legitimate concern to all States and do not belong exclusively to the internal affairs of the State concerned.” The rationale behind this principle is that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order.

The High Commissioner can act independently and does not need approval from the OSCE decision-making bodies or from the State or States concerned. This is crucial in order to be able to act in a timely manner. On the other hand, the political backing of the OSCE participating States is important, especially regarding any recommendations made to particular States.

There is one basic starting point for my examination of any particular national minority situation: the State of residence of minorities is responsible for the protection and promotion of their rights. I will be reconfirming this in the recommendations currently being elaborated by my office on minority protection and State responsibility, which are intended to provide guidance on the involvement of kin-States regarding minority issues. However, as minority rights are a matter of legitimate international concern, they do sometimes require the engagement of the international community, including the HCNM within the limits of his mandate.

Long-term harmony between ethnic communities can only be achieved if States in which the HCNM is engaged are themselves convinced of the added value of this approach. If there is a lack of political

will on the part of the actors involved, I cannot effect any structural change. Imposed solutions do not work if they are not subsequently supported by the parties concerned. I can therefore say that I am someone who is often in the persuasion business, trying to convince the State authorities that it is in their best interests to respect human rights in general and minority rights in particular and to listen to and accommodate minority concerns. There is less chance that minority groups will resort to non-democratic means in order to make their voices heard if they feel part of a society which respects them and recognizes their diversity.

This brings me to the criticism which is often levelled in relation to the current catalogue of international minority rights and their international implementation mechanisms, namely that it constitutes a weak framework without teeth, and therefore creates a perverse incentive, according to the critics, for minority groups to raise their voice and even to take up arms to pursue their cause. And the international community, confronted by such action, can only, post facto, recognize the new reality.

I would like to counter this criticism. In my experience as HCNM, self-assertion as a minority can well be achieved within the State itself. It does not necessarily require a territorial expression; it may be achieved through legislation promoting the development of the identity of the minority in fields such as culture, education or public affairs. It is in fact the responsibility of each government to provide for the security and protection of everyone inside its jurisdiction – including minorities – and promote an inclusive national identity.

Violence is not the clear-cut recipe for success for minorities that these critics would like to suggest. They actually only highlight those cases which have been successful, where minorities managed to

obtain autonomy or even independence. However, for every successful case there are many more failed attempts resulting in considerable material damage and terrible human suffering, with minority groups sometimes losing everything.

Madam Chair,

The good news is that ethnic diversity does not mean that a state is prone to civil war. This has recently been confirmed by a rich body of both qualitative and quantitative research (Fearon, Laitin, Collier). This maxim is also a guiding principle in my work, as I regularly argue that a plurality of ethnic communities can be brought together around the unifying goal of building a successful multi-ethnic state.

The practical philosophy applied to achieve this end is the integration of different ethnic communities within the state. We should be clear, however, that integration does not mean the assimilation of minorities nor their separation from society. Rather, I am trying to find the middle ground, integration with respect for diversity. As HCNM, I strive to identify the best ways to accommodate the legitimate concerns of majorities and minorities; seeking the means by which they can build national society together in such a way that the state is the common home for them all; where none are treated as second-class citizens.

Integration involves a balance of rights and responsibilities on both sides. On the one hand, the state respects the right of minorities to maintain their identity, for example by facilitating education and broadcasting in the language of the minority and by encouraging their participation in public life. On the other hand, members of the minority give their allegiance to the state, pursue their objectives by

means of their participation in the public life of the state and refrain from challenging the territorial integrity of the state.

The exact nature of the measures that constitute integration will vary from society to society and a different balance will be appropriate in each case. Nonetheless, some form of integration, avoiding the extremes of forced assimilation on the one hand and separatism on the other, is likely to be the best way to promote social cohesion and reduce the risk of conflict.

In order to promote integration and reduce risks of tension, the HCNM has, over the years, encouraged experts to produce written guidance on key issues such as education, language, political participation, minority language broadcasting and policing. I am able to draw on this valuable source of expertise when formulating my recommendations to the parties concerned in a particular case. These issues usually form the core concern of persons belonging to national minorities and require particular attention and resources from governments. By addressing these matters, we move into concrete conflict prevention.

Integration is however doomed to fail without complimentary steps in the socio-economic dimension. It is well established that economic marginalization and/or disparity in economic status and opportunities – actual or perceived – between ethnic groups can lead to inter-ethnic tensions that may result in violent conflict. Where the boundaries between economically deprived groups and ethnic or other minority groups coincide and individuals feel themselves peripheral to the economic establishment and marginalized in the political process – and ascribe their position at the bottom of the economic hierarchy to their ethnic group identity – a seedbed is created for the mobilization of collective action against the (usually majority-dominated) system.

I therefore advise States faced with the economic marginalization of minorities to strictly apply non-discrimination, especially in terms of access to jobs and professions – including the public sector – and a presence in commercial enterprise – including, for instance, access to capital, land and material property. This is closely linked with education and training, especially access to tertiary education and technical or vocational training. Effective political participation is important too in terms of breaking down discriminatory economic barriers.

The title of this panel today includes an emphasis on rebuilding. Rebuilding and conflict prevention are, in my view, closely linked. In fact, my conflict prevention mandate sometimes prevails upon me to engage in a post-conflict situation in order to avoid the outbreak of a new conflict. The conflict cycle often comes in waves and it is therefore important to interrupt the sequence and try to change a situation structurally.

One such case is the post-conflict situation in Kosovo where the HCNM is supporting the process of reconciliation between the majority and non-Albanian communities. My key argument here is that Kosovo will have to deal with its difficult past sooner rather than later. Transitional justice and reconciliation are key components of the process of conflict resolution and post-conflict rehabilitation of war-torn societies. Practice has shown that different and conflicting interpretations of the past, or grievances not properly addressed, can cause conflicts to erupt again in post-conflict areas. Tackling issues of transitional justice, particularly the role played by institutions and leading opinion makers, is therefore a relevant and essential element of conflict prevention programmes for regions that have known inter-ethnic violence and strife. Promotion of mutual understanding and reconciliation is also my focus in Abkhazia, Georgia, where I have become involved with a project aimed at building the

confidence between communities in the area of education.

Madam Chair,

My famous compatriot Henrik Ibsen, Norwegian dramatist and poet, once remarked that a thousand words will not leave so deep an impression as one deed. In 1990, euphoria reigned at the CSCE Summit in Paris. World leaders called it "a glorious day for Europe" and "a turning point in the history of our age"; they praised "revolutionary change". In less than a year, we were awed into silence as "ethnic cleansing" and "genocide" re-entered our vocabularies.

It is therefore vital to make sure that the momentum generated by the endorsement of the principle of the Responsibility to Protect at the World Summit in New York in 2005 continues unabated when it comes to conflict prevention. I would like to stress the importance and prevalence of "prevention" over the other aspects of the responsibility to protect, namely the responsibility to react and the responsibility to rebuild. The human and material costs involved in reacting to a conflict and rebuilding afterwards are an immeasurable multiplication of the budget needed for prevention efforts.

So far, only Europe has established an institution of a High Commissioner on National Minorities with a mandate that empowers him with the authority to address these issues without previous invitation by the nation States. Now action has to be taken on a global scale. Prevention of inter-ethnic conflict must become as much a priority as the fight against poverty, famine, AIDS or any other problem of immense scale that humanity is currently facing. This can be done in various ways: by means of the United Nations format, the work of regional international organizations, the involvement of international NGOs and civil society groups. Europe has plenty of experience – both

positive and negative – in diversity management. The rest of the world could learn from our own mistakes and our achievements.

Thank you for your attention.