



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Keynote speech by Max van der Stoel, CSCE High Commissioner on
National Minorities
to the CSCE Seminar on Early Warning and Preventive Diplomacy
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[1. Introduction]

Mr Chairman,
Capital invested in conflict prevention is capital well spent. In humanitarian, financial and political terms conflict prevention is much cheaper than peacekeeping or rebuilding societies after a violent conflict. Early warning and preventive diplomacy are essential components of this core CSCE activity and deserve the intellectual and political focus which I hope this seminar will provide. This is also important because we frequently speak about this activity without having really thought through what we mean by it.

Early warning activities can only be as effective as the political response by the participating States to it. The success of preventive diplomacy ultimately depends on the concrete political and other support they are prepared to invest in it. The central question is of course what happens if the early warning system does produce a warning, whatever form it may take. One essential precondition for a timely and effective response forthcoming would seem to be that the participating States have an open eye for longer-term developments with a view to anticipating future crises and not only pay attention to already existing crises. Of course alarmism and precipitate actions have to be avoided. But it is never too early for a realistic assessment of worrisome developments.

Mr Chairman,
Having said this, I would like to stress that it is first and foremost up to the individual participating States to prevent conflict from arising, either on their territory or in their international relations. I would stress here that conflict prevention is of relevance not only to international relations but equally to internal developments. Many tensions which may lead to conflict are caused by intra-state factors or policies which may spill over into interstate relations, producing international tensions. Obviously it is States themselves which are responsible for developments within their own territory. States which fully respect the CSCE commitments to democracy and human rights, including the rights of persons belonging to minorities, are thus contributing to peace and stability because their political systems provide guarantees against intra-

state conflicts. Experience shows, moreover, that it is dictatorships, not democracies, which are often prone to aggressive policies.

If the efforts of individual States should fail or if they need outside advice and assistance, they themselves should be the ones to signalise this. I realise that this is an ideal which is somewhat removed from present-day reality and in the following I would therefore concentrate mainly on CSCE conflict prevention.

As a last introductory remark I would say that there should also be conflict prevention with regard to post-conflict situations. Even if violence has come to an end, very often the underlying causes which led to the conflict have not been removed. In situations in which the threshold between non-violence and violence had already been crossed before, renewed armed clashes are not unlikely.

[2. CSCE instruments]

Mr Chairman,

We need to clarify our thinking about what we mean by 'early warning' and 'preventive diplomacy' and what we think they should achieve. Only then can we assess the performance of the CSCE conflict prevention instruments and if necessary improve them. Given the CSCE's comprehensive approach to security, many CSCE instruments can be considered to have early warning aspects. In the military sphere there are what one might call the traditional confidence- and security-building measures, entailing a detailed and sophisticated verification regime, and CSCE States dispose of the procedural options of discussing at short notice so-called unusual military activities or military activities of a hazardous nature. More generally applicable are such CSCE tools as the emergency mechanism adopted in Berlin in 1991 and various procedures for the peaceful settlement of disputes. Furthermore I would mention the more specific human dimension mechanism and the various options contained therein. A special word, perhaps, for the missions in the field, for example those in Estonia, Latvia and the Former Yugoslav Republic of Macedonia, where people are doing a difficult but essential job. I would also mention ODIHR which through its human dimension activities greatly contributes to creating a situation in and between participating States which is democratic and peaceful and thus essential to the prevention of conflict.

These special instruments and procedures notwithstanding, a crucial role is of course played by the Committee of Senior Officials. I would include the Chairman-in-Office who on behalf of the CSO is responsible for the coordination of and consultation on current CSCE business. Indeed, within the CSCE framework the CSO has primary responsibility for early warning and preventive action, and through the discussions which take place in that framework and the decisions there taken it is politically speaking the most important CSCE conflict prevention body. According to the Helsinki Decisions, in several ways States can draw the attention of the CSO to situations which have the potential to develop into crises, including armed conflicts.

There is one CSCE instrument of conflict prevention which I have not yet mentioned, and which can also draw the CSO's attention to such situations. That is the CSCE High Commissioner on National Minorities. If in the following I devote a large measure of attention to what the High Commissioner can do and has done, it is not because I underestimate the importance of the other CSCE instruments. It is because I know the High Commissioner and his practical experience best, and because his mandate is the most elaborate CSCE text on early warning and preventive diplomacy.

[3. Early warning and preventive diplomacy]

Mr Chairman,

Neither the High Commissioner's mandate nor other CSCE texts define what is meant by early warning or preventive diplomacy, but we can make some assumptions. As a working definition I would say that early warning should provide the relevant CSCE bodies with information about escalatory developments, be they slow and gradual or quick and sudden, far enough in advance in order for them to react timely and effectively, if possible still leaving them time to employ preventive diplomacy and other non-coercive and non-military preventive measures. This also includes what I would call the 'tripwire function' of early warning and preventive diplomacy, meaning that the CSCE will be alerted whenever developments threaten to escalate beyond a level at which the 'preventive diplomat' would still be able to contain them with the means at his disposal. Competences vary of course, the High Commissioner having the widest scope of activities.

As far as preventive diplomacy is concerned I would say that it should contain particular disputes and threats and prevent them from escalating into armed conflict. If possible it should try to resolve those disputes but that may be too much of a task for preventive diplomacy alone; longer-term efforts probably will be needed for that. Preventive diplomacy relies on diplomatic and similar methods, such as negotiation, enquiry, mediation, and conciliation. The Australian Foreign Minister, Gareth Evans, has written an interesting book called *Cooperating for Peace*, in which he distinguishes between early and late preventive diplomacy. 'Early preventive diplomacy' involves the provision of skilled assistance through good offices, mediation and the like in order to resolve disputes well before eruption into armed conflict appears likely. The objective of early preventive diplomacy is to encourage and support efforts by contenders to seek accommodation. 'Late preventive diplomacy' is to persuade parties to abstain from violence when eruptions seem imminent. Obviously our prime task should be to engage in the earliest possible preventive diplomacy, so that ideally we need never cry out an early warning of imminent conflict, let alone have to engage in conflict management.

In the CSCE or at least in terms of the High Commissioner's mandate, preventive diplomacy would encompass, initially, fact-finding, discussions of the issue at hand, promotion of dialogue, confidence and cooperation between them, and subsequently, further contacts and closer consultations with the parties concerned with a view to possible solutions.

The distinction between early warning and preventive diplomacy may conceptually be clear: early warning has the function to provide the information on the basis of which preventive diplomacy can take place. In practice this distinction is often blurred as activities have characteristics of both. It may be that the mandate of an instrument combines both elements, as is the case with the High Commissioner. The distinction is perhaps more easy to make when we look at specific actions by for example the CSO in reaction to alerts from 'early warners' or 'preventive diplomats'. In general, however, I would see early warning and preventive diplomacy as a continuum of activities during what may be called the early warning stage, a term which I borrow from my mandate. Again, this term is not explicitly defined or described but can be understood as the period before a situation with tensions develops into a real conflict.

[4. Functions of early warning and preventive diplomacy]

Mr Chairman,

What specific functions then are essential for early warning and early preventive diplomacy purposes during the so-called early warning stage?

Roughly I would say the following three:

- firstly, gathering, assessing and distributing information. This provides the basis for the second and third functions;
- secondly, containing and de-escalating tensions and other negative developments, including through the promotion of dialogue, confidence and cooperation between the parties involved; and
- thirdly, whenever necessary involving the CSCE as a whole, be it in preventive diplomacy, either early or late, or in a longer-term peacebuilding process.

As far as the first element, information, is concerned, for it to be relevant it should be reliable, detailed and as much as possible up to date. However, even real-time data are only useful for early warning purposes if they are promptly analysed and communicated to the appropriate decision-taking bodies, in the first place the CSO, which should then give it the necessary attention and come up with a response.

The second element is containing and de-escalating tensions. This can of course be done in various ways. In itself the presence of missions on the ground may already be of psychological importance for the population and thus in itself already reduce apprehensions and tensions, and perhaps defuse unfortunate or even provoked incidents. Similarly the fact that missions can provide more objective and assumedly correct information can be a deterrent with regard to dispelling unfounded rumours. Often a more active attitude, approaching full fledged preventive diplomacy, may be called for.

[5. Approach of preventive diplomacy]

Mr Chairman,

What kind of approach should preventive diplomacy adopt? To start from my own experience, the nature of preventive diplomacy by the High

Commissioner in practice can be described in three catch-words: impartiality, confidentiality and cooperation. I would think that these characteristics are essential for preventive diplomacy in general if it is to be effective in the longer run. They serve to keep open the channels of communication and guarantee a minimum measure of mental openness of the parties directly involved.

Firstly, impartiality, which should guarantee that the conflict preventive activities and recommendations are, if not immediately acceptable to parties, then at least seen as genuine efforts at finding solutions.

Secondly, confidentiality, which serves more than one purpose. Confidentiality is important since often parties directly involved feel they can be more cooperative and forthcoming if they know that the discussions will not be revealed to the outside world. Conversely parties may make much stronger statements in public than in confidential conversations, feeling that they should be seen to maintain strong demands or trying to exploit outside attention. The risk of escalation of the conflict which is inherent in this can be considerably reduced if a low profile is adopted.

Thirdly, I would mention the cooperative nature of preventive diplomacy. Durable solutions are only possible if there is a sufficient measure of consent from the parties directly involved. Of course at a certain point forms of diplomatic pressure may be necessary to overcome a certain obstacle or to keep a party from steps which might escalate matters.

[6. Involvement of CSCE]

Mr Chairman,

The ways in which the CSCE as a whole can be involved vary greatly. The High Commissioner's mandate contains some specific procedures for involving the CSO. One of them is to formally issue a so-called early warning when there is a prima facie risk of potential conflict when the situation is grave and conflict may be imminent. The possibility is then provided of prompt consultations between the participating States through the so-called emergency mechanism which I would think would as a rule be justified. This is a typical example of late preventive diplomacy.

However, such a situation provides us with a dilemma. On the one hand it is necessary to alert the CSCE in time to a threatening situation and turn multilateral attention to it. On the other hand, however, too early exposure to the glare of international scrutiny may exacerbate matters, unnecessarily prompting parties to take up stronger and more intransigent positions. In each concrete case, therefore, a careful consideration has to take place of the arguments pro and contra such a step and the way it would be taken. To return to the High Commissioner, a way out might be that the CSO would be informed of the fact that a situation seems to be approaching in which the High Commissioner could feel the need to issue a formal early warning. This could for instance be done in a report to the CSO or during discussion with the CSO. Another option is that the High Commissioner hands matters over to

the CSO because he concludes that the situation is escalating into a conflict or if he deems that his scope for action is exhausted.

In the context of these reflections, another consideration should be whether or not 'going public', so to speak, would interfere with quiet preventive diplomacy exercised by another CSCE instrument. The question of consultation and coordination within the CSCE arises which for other reasons as well is very important. I will return to this later on if I may.

[7. Follow-up to early warning signals]

Mr Chairman,

Moving on to the issue of the follow-up to signals coming from the early warning system, such as the recommendations of the High Commissioner, we are dealing with the question of engaging the final responsibility of the CSCE States as a group for security and stability in Europe. Questions concerning the mobilisation of the necessary political will, of effective political decision-taking, and of the timing and adequacy of measures pose themselves. Partly it is those involved in early warning and preventive diplomacy who are confronted by the challenge how to interest the CSCE states in supporting their activities and, if necessary, in undertaking action. On the whole, however, it is the responsibility of the participating States themselves to be mentally and politically prepared to act upon signals from the early warning system.

This brings me to the question of decision-taking which is also the question of the rule of consensus. On the one hand one could argue that the rule of consensus stands in the way of effective decision-taking but on the other the consensus requirement is still of essential value when it comes to ensuring the political support for conflict preventive measures. A possibility could be that in the phase prior to or in preparation of consensus decisions not all States would be involved. For example the assistance of the Chairman-in-Office by an ad hoc group of States, as described in the Helsinki Document, could perhaps play a more important role in conflict prevention. However when push comes to shove, consensus may in a number of cases be essential to avoid the danger that conflict prevention decisions taken will not be sufficiently supported.

Perhaps I ought to mention in this context that the High Commissioner can take a number of steps without consensus being needed. Involvement by the High Commissioner does not require the approval of the CSO or the State concerned. This independence is crucial to the timing of the High Commissioner's involvement for which in most situations would apply the sooner, the better. However, it is highly important that the mandate provides for an adequate mix of independence of and accountability to the 'political' CSCE organs. Fundamentally, despite his latitude of independent activity, the High Commissioner cannot function properly without the political support of the participating states. This becomes particularly acute whenever the High Commissioner presents his reports and recommendations to the States and, afterwards, to the CSO. At such a stage it becomes clear whether there is

sufficient support for the High Commissioner's early warning information and preventive activities, and whether States are willing to give their own follow-up where needed.

Mr Chairman,

This brings me to the issue of the requirements which the follow-up by the CSCE States should meet. Drawing inspiration from Minister Evans' book which I mentioned before, I would underline the requirements of timeliness, graduated responsiveness and effective affordability.

Timely responsiveness means simply involvement at the time best calculated to secure optimal outcomes. Usually the earlier a problem is identified and an appropriate response applied, the more likely it is that the problem will be solved effectively and peacefully. An external third party should become involved in the earliest possible stage of an impending conflict in order to prevent things from getting worse and to establish personal contacts for the case that things do get worse.

Graduated responsiveness means seeking to resolve disputes and respond to a crisis beginning with the cooperative approach I mentioned before and only moving towards more intrusive measures when the more conciliatory approaches fail. What is needed, at least initially, are low-profile discussions and cooperational mechanisms. Generally, cooperative implementation of commitments and recommendations will in the end be more fruitful than enforcement.

The timeliness and graduation principles, if properly applied, should help to reinforce the effectivity of the CSCE's response. The earlier the response, and thus the more manageable the problem, the smaller the likely cost of the necessary response and the more likely it is that it will be affordable. Later in the process of escalation, responses which might have worked at an earlier stage could be reduced to affordable ineffectuality.

[8. Preventive deployment]

Mr Chairman,

According to the agenda, this seminar deals with the prevention of conflict through non-military means. I think it has been wise to exclude preventive military measures such as peacekeeping operations because it serves to concentrate our thinking and after all such measures are politically and psychologically in a category different from the other preventive activities. Nevertheless I would devote a few words to the possibility of preventive deployment, of which the deployment of foreign troops in the Former Yugoslav Republic of Macedonia is the prime example in Europe.

Preventive deployment involves the positioning of troops, military observers and related personnel between parties to a dispute or where there is an escalation towards conflict. It has the primary aim of deterring the escalation of such situations into armed conflict. A related task will be the performance of monitoring functions. How credible preventive deployment as a deterrent is,

will depend essentially on the perceived likelihood in practice of a strong international reaction if there is any resort to violence by one of the parties.

Preventive deployment should not be lightly considered. It belongs to a category quite different from preventive diplomacy. However in certain circumstances it may be the only effective method to keep an already instable situation from deteriorating into war. I would stress that preventive deployment in itself is not enough to defuse tension, let alone address the underlying issues. It should be part of a comprehensive preventive diplomacy strategy to contain and resolve a dispute.

[9. Short-term and long-term conflict prevention]

Mr Chairman,
Conflict prevention is a many-faceted affair in light of the CSCE's comprehensive approach to security. It is therefore perhaps useful to distinguish between short- and long-term conflict prevention. Short-term conflict prevention aims at the prevention, containment and/or immediate de-escalation of a development towards escalation. It is here in particular that early warning and preventive diplomacy have to play their crucial roles. It is probably too much to expect that preventive diplomacy can also resolve the substantive dispute at issue, although the possibilities should of course be explored.

Short-term conflict prevention should be seen and pursued in the context of long-term conflict prevention. Efforts to initiate a dialogue between the parties concerned and to recommend to them constructive measures can only be the first steps towards a less tense situation. I already mentioned the close interrelationship between peace and security and the respect for democracy and human rights. The prevention of conflict in Europe in the long run requires building a viable democracy and its institutions, creating confidence between the government and the population, structuring the protection and promotion of human rights, the elimination of all forms of gender or racial discrimination and respect for minorities. Economic factors are important to conflict prevention, too. An economic downturn in a country will in all likelihood lead to social tensions and divisions. Effectively addressing tension-generating issues often requires investments which economically weak states have difficulty in making.

These short-term and long-term aspects of conflict prevention should be seen as part of an integrated strategy and indeed in practice they can hardly be separated. Efforts at laying the groundwork for a real democracy are vain if in the meantime tensions escalate into bloody civil war or international conflict. The reluctance or even outright refusal of states to build democracy, create confidence, protect human rights endangers all short-term conflict prevention activities.

[10. Concertation and cooperation between CSCE efforts]

Mr Chairman,

Allow me to move from the contents and character of possible responses to the issue of concertation and coordination of such efforts. This is needed to maximise the effectiveness of outside involvement in a concrete situation. Ideally, coordination should be such that a duplication of efforts and concomitant waste of resources is avoided. This might even entail a conscious decision by a particular organisation or body to refrain from addressing a certain situation which it might otherwise have engaged in. If concurrent activities for whatever reason do take place, they should reinforce each other and not work at cross-purposes or be played off against each other.

For example, it would be helpful if the High Commissioner's efforts to influence a certain situation would be strengthened by the fact that the Council of Europe or the United Nations would share his concerns, conclusions and recommendations. In addition, these organisations may have special expertise which could benefit the High Commissioner. I would note here that it is the competence of the Chairman-in-Office to consult and coordinate with the United Nations, the Council of Europe and other relevant international organisations.

The same considerations with regard to coordination and concertation of efforts would seem to apply within the CSCE itself in view of the number and variety of CSCE activities with regard to early warning and preventive diplomacy. Clashes of competences, inadequate flows of information, and openly diverging assessments of situations may in fact render these efforts less effective and send the wrong message to the state concerned. Within the CSCE the issue of concertation and coordination may be more easily solved because of the fact that the CSO has primary political responsibility for early warning and preventive action, and its Chairman-in-Office is entrusted with coordinating tasks.

I would underline the necessity that interlocking institutions do really interlock so that their efforts are mutually reinforcing, both within the CSCE and between the CSCE and outside organisations. With a view to conflict prevention a concerted effort is needed, and that applies to all its aspects.

[11. Conclusion]

Mr Chairman,

Conflict prevention is vital to the future of our continent. I do not think that Europe can afford more of the bloody conflicts that devastate some of her regions. If we do not invest enough now and work in advance we will be presented with a much larger bill in the near future. I do sincerely hope that the present seminar will prove to be a fruitful and worthwhile contribution to the efforts of the CSCE to secure peace and stability.

Thank you.