



## High Commissioner on National Minorities

**CHECK AGAINST DELIVERY!**

**Speech by Max van der Stoep  
(unidentified occasion)**

**13 May 1994**

Perhaps you will allow me to begin my remarks with a comment on the subject of European integration. You have, Mr Chairman, raised the question whether the maintenance of the national identity and the process of European integration would go hand in hand, or, in other words : is there a risk that continued integration might endanger the national identity ? I think the answer is very simple. If further European integration would indeed threaten the national identity, the process of integration would come to a stop. I cannot imagine that there would be a willingness on the part of the various states now participating in the Union or prospective members of the Union to give up their national identity. On the other hand, I do think that further progress in the field of integration - in the economic field, but also in the field of foreign and security policy - is possible without affecting the national identity.

But let me return to the main subject of this afternoon : the question of minorities in Europe. Suppose that a miracle would happen and that a group of wise men would get a mandate from all European states to redraw Europe's borders as they would wish. I would not dare to predict the outcome. But of one aspect I am certain. They would not manage to create homogeneous nation-states. Even if they would try hard to avoid it, they would end up with a considerable number of states with national minorities within their borders. The minorities live so intermingled in various states of Europe that it is simply not possible to create homogeneous national units.

We are all speaking about national minorities, but we speak far less about how to formulate a proper definition of them. Perhaps this is a good thing because for decades many distinguished lawyers have tried to agree with each other on such a definition, but until now they have not succeeded. I will abstain from trying to formulate an appropriate definition myself. Let me just mention what in my view are the most essential characteristics of a national minority. In the first place, a national minority has an identity of its own which clearly distinguishes it from the majority in the state where they are living. And in the second place they want to maintain this identity and, where possible, to strengthen it.

Since the collapse of communism we have seen an increasing emphasis on national identity and on ethnic self-determination. There are many strong manifestations of nationalism, sometimes even excessive nationalism. Perhaps it is not so difficult to explain why this has happened. As Prime Minister Klaus reminded us during his lunchtime address, the period of communism was the period of proletarian internationalism, a concept which is basically hostile towards the full expression of the national identity and towards ethnic diversity. Now the years of proletarian internationalism are behind us, and it is quite understandable, as national identity and ethnic diversity have been neglected for so long, that various population groups are even more attached to it than in the pre-communist years. No doubt other factors have also contributed to this, but the denial of national self-expression in the communist years is certainly the main reason for the strong revival of the sense of national identity in the present post-communist period.

Together with the new interest in ethnic diversity and national identity, the debate has been resumed about self-determination. But a proper discussion of this subject has to start with making a distinction between what one could call external self-determination on the one hand and internal self-determination on the other. External self-determination, if one would try to think it through to its extreme consequences, would mean that each ethnic group would have the right to establish its own sovereign state. The number of member states of the United Nations would probably grow to about 2,000, and the number of European states might be trebled. Quite a number of these states would be neither politically nor economically viable, and in addition the basic problem of creating homogeneous national states would not be solved. There would still be peoples that would partly live in other states. Above all, it has to be feared that such a process of fragmentation would not be unopposed and might lead to much violence and loss of lives. So in my view the emphasis has to be on internal self-determination. In other words : what can be done within the framework of the existing states to ensure national minorities their full identity and to enable them to live free and achieve their aims, especially in the cultural and educational fields. I think there is a great variety of possibilities here which have to be explored in order to solve the problem of national minorities in a satisfactory way. And that brings me to the theme of the rights and duties of the state on the one hand and of the minority on the other.

As far as the state is concerned, it has the obligation scrupulously to respect full equality of rights for the members of the minority group. It has to respect the right of members of the minority to organize themselves freely; there must also be the certainty, in the ethnic, the religious, the cultural and the linguistic fields, that the national identity of the minority group can find its expression. This is not asking too much I would say. I would even go a bit further and argue that it is in the interest of the state itself to follow such a liberal line towards members of a national minority. If a state treats its minority well, the chances that the minority will be loyal to the state will be much greater. If on the other hand a state suppresses a minority, the chances of the minority becoming hostile or even starting to entertain secessionist aims will inevitably grow.

Members of minorities do not only have rights, however. They have also obligations towards the state in which they live. They have to understand that they have on the one hand the right to reject any effort at assimilation and to insist on the right to express their identity in various fields, but also that they live in a state where the majority also has its rights. For their part, they have also to make an effort to ensure harmonious relations. In this respect it is of special importance that they would not try to completely isolate themselves from the majority but that they also take part in an effort to ensure a certain degree of integration. For instance, the 1990 CSCE Copenhagen Document insists on the need to ensure for members of minorities adequate opportunities for instruction of their mother tongue or in their mother tongue, but it also stresses the need to learn the official language or languages of the state concerned. This is also in the interest of the young generation of those belonging to minorities. They will have better job opportunities if they have a full knowledge of the language of the majority.

In the context of the problem of minorities there is one specific element to which, in my view, we have to give proper attention : that is the relation between what we sometimes call "the kin-state" or "the mother-country" and the minority which lives in the neighbouring country. In my view it is quite logical that a kin-state shows interest for the fate of its ethnic kin living in another state and that it wants to maintain close contacts with that minority. I also think it is understandable that the kin-state expresses its concern if the government of the other state does not respect its international obligations concerning the rights of members of the minority. On the other hand the kin-state has also the duty to see to it that such expressions of concern will not develop into a sort of system of interference into the affairs of the other state. Here there is a fine line which it is not always easy to draw. One conclusion is evident, however. To try to solve the problem by trying to change borders is tantamount to playing with fire. No state in Europe is presently willing to give up voluntarily parts of its territory. To try to impose a change of borders leads therefore to a great risk of war.

A far more constructive approach - in fact I think the only approach which ought to be followed by a responsible state - is to try to work as hard as possible for regional arrangements, which will ensure that borders become more transparent and therefore less of a barrier for contacts between the minority and the kin-state.

It often strikes me, that in so many discussions about the problems of minorities and reviving nationalism, the risk of new ethnic explosions is being discussed in a nearly fatalistic way, as if such explosions are bound to occur just as earthquakes are about to occur from time to time. I think we have to refuse to accept the inevitability of new earthquakes concerning minorities. There is a very good chance to find these solutions and to avoid new explosions and new dramas like the one that is still going on in former Yugoslavia provided that the prerequisites are met. On the one hand there must be a constant effort to ensure that all states respect their international obligations regarding rights of members of minorities in the framework of the CSCE, the Council of Europe and the UN. At the same time the international community must also keep a close watch regarding possible escalation of tensions regarding minority questions. It must not wait until it is too late to try to avoid the worst.

This brings me to the concept of the preventive diplomacy and conflict prevention. I think most European states have a sort of bad conscience about Yugoslavia. The question has been put forward again and again : has enough been done to try to prevent such a drama ? It is of course very easy to be wise after the event, but I do think that it is difficult to maintain that very strong coordinated efforts were made to prevent this terrible conflict - the first war in Europe since the Second World War. Perhaps these efforts would have failed anyway, but is the risk of failure an excuse for not doing everything possible to help to avoid an armed conflict ? We have to draw the necessary lessons from this sad experience. In the first place it is clear that there is a need for the international community to come into action at a very early stage of a developing conflict. If one waits too long, it might be too late. Passions and emotions might prevail over rational considerations and it is no longer possible to avoid conflicts. Early action is required. In fact my mandate as CSCE High Commissioner on National Minorities tells me to do exactly that : to try to come into action at an early stage of a developing conflict concerning minorities. But it is, of course, not enough if one functionary of one international organization comes into action. He can offer solutions and can ring the alarm bell if these recommendations are not heeded, but what is really needed, if things get worse, is that the international community gets involved. And this in turn requires a re-thinking of the functioning of various foreign offices. With due respect to them : they still deal mainly with acute crises. Quite understandably these require a lot of time and attention. But the need to concentrate more on what might be the crises of tomorrow remains. This is not an easy thing to do, but if we really try to think about building up a more stable and secure Europe, there is the urgent need in various capitals to

spend more time, energy and attention at a high level on the potential crises of tomorrow.

The main danger for the destabilization of Europe at present is the danger of nationalist extremism that can upset delicate balances. One single incident can lead to bloodshed. But it is not sufficient to conclude simply that this risk exists; we also have to analyse the question why extreme nationalists can have success and are able to mobilize people, even people who were living peacefully with their neighbours of another ethnic origin a few months before. And in this respect we certainly also have to analyse the economic factor. Deterioration of the economic situation and the lack of prospects for improvement of the standard of living provide fertile ground for extreme nationalists. In other words : efforts to improve the economic situation can also help to stabilize the internal situation. However, I am afraid that these lessons have still not been learned. I will give you one example, though I could give several more. Half a year ago the Former Yugoslav Republic of Macedonia was in urgent need of some tens of millions of dollars to help it through the winter. The twenty richest states of the world were approached for assistance. It scarcely proved to be possible to get the very minimum of what was needed, and this only after months of efforts. At the same time nobody disputes the greatest importance to avoid destabilization of this state. In a recent article of Foreign Affairs President Havel called for greater sacrifices in order to secure a more stable world order. However, the rich Western states have all been too eager to collect what has been called "the dividend of peace" after so many years of costly cold war. They still have not sufficiently realized that a big effort and also considerable sacrifices are inevitable in order to avoid new disasters in Europe. If we want the united and stable and peaceful Europe, we will have to do more, even if this requires sacrifices than we have been unwilling to make in the recent past.

## DISCUSSIONS OF THE AFTERNOON SESSION

13 MAY 1994

CHAIRMAN : MICHAEL LOBKOWICZ

Replace the second paragraph of page 2 by the following :

Van der Stoel : May I just react briefly and say that the way I analysed the role of the Foreign Ministers was not a completely correct one. I do agree that usually specialist knowledge about crises which might develop in the near

future is available. The problem is above all to get high-level attention for these questions, but even if this can be secured, there still is the problem, as Mr Roper has correctly underlined, to harmonize the positions of various countries. In my view, the Permanent Committee of the CSCE can play a useful role in this respect.

Page 5, fifth paragraph

The text of my answer has to be replaced by the following :

Van der Stoel : I don't know whether I would like to answer because it is a very difficult question. But I will try to answer it. Frankly, in my view there are no quick fixes. If a situation worsens, the first and foremost task is to prevent it from worsening further and then to try to make an opening towards the eventual solution of the problem. Most minority questions will require long term attention. In this respect quite a number of useful steps can be taken. One of the things which, for instance, the Scandinavian states and the European Commission are beginning to do is to help in the funding of language training in the Baltic States. This addresses an important aspect of the vital problem of integration of the Russian minorities in this region. As I mentioned already in my speech, economic assistance can, in an indirect way, help to reduce the danger of nationalistic explosions. What is very much needed - and here the community of CSCE states can play a key role - is that any CSCE state which fails to respect its obligations concerning the rights of members of minorities as laid down in 1990 CSCE Copenhagen Document has to be reminded in no uncertain terms of its political commitment to do so. Individual or collective steps of CSCE states can help to convince the government concerned of the need to change its policy.

Last paragraph of page 6 and first paragraph of page 7 have to be replaced by the following :

Van der Stoel : Well, I think we have to make a distinction between what is a political or even a legal commitment to do something or even to abstain from doing something on the one hand, and the desirability of a specific solution like autonomy on the other. The 1990 CSCE Copenhagen Document which I think is the most detailed and far-reaching text concerning the rights of members of minorities, does not specifically oblige a state to grant autonomy to a minority - it is simply one of the options. As far as the desirability is concerned, there are widely different views on this matter. For example, I know that the Romanian and Slovak governments are opposed to this idea, while Italy for instance has accepted an autonomous status for Alto Adige. There are of course various forms of autonomy. One can think of autonomy in purely territorial terms or in more functional terms, for instance in the field of culture and education.

The final paragraph of page 8 and the first paragraph of page 9 have to be replaced by the following :

I can only say that I wholeheartedly agree with the remarks just made by Mr Schwartzenberg about the problems of the Roma. It would be a mistake to think that the problem presents itself only in one or two countries. It is a much wider problem which so far has been consistently underestimated. I have submitted a report to CSCE in which I underlined the seriousness of the question. This has resulted in a decision to convene a Seminar in Warsaw in September 1994 focused on the problems of the Roma. That is a modest step, but I hope the Seminar will add to our knowledge of the problem and that it will help to convince governments about the need to take stronger action.

The last paragraph but one of page 9 has to be replaced by the following :

Van der Stoel : May I perhaps make two brief remarks. When I spoke about external self-determination, I mentioned the danger of conflicts. There was a velvet divorce between the Czech Republic and Slovakia but I am afraid that in most of the cases where external self-determination would be sought, the state concerned would not be prepared to see part of its territory develop into a separate state. On the other hand I think internal self-determination does offer a wide range of options which could to a very large degree meet the demands of various minorities, while the risk of bloody confrontation would be much smaller.