



# High Commissioner on National Minorities

CHECK AGAINST DELIVERY

## Early Warning and Early Action:

Preventing Inter-Ethnic Conflict

Speech by **Max van der Stoel**

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Mr. Chairman,

Ladies and gentlemen,

I know that the Royal Institute for International Affairs is famous for attracting high profile speakers – the kinds of people who

make the headlines. I think that I must be one of the few guests to Chatham House who tries to avoid making headlines. This has nothing to do with my modesty. Rather it is in the nature of my mandate. As High Commissioner on National Minorities for the Organization for Security and Co-operation in Europe, my job is to prevent conflict, or at least conflicts concerning persons belonging to national minorities. In my line of work, no news is good news.

## **No News is Good News**

Preventive diplomacy is seldom discussed in the popular press. If a crisis is averted – especially at an early stage – nothing "newsworthy" has occurred. And yet, for the people involved this is the best possible outcome.

The logic of preventive diplomacy is simple. Timely and effective action can help to avert a costly crisis. However, this logic is often not applied. What is mainly lacking is political will, or at least foresight, when it comes to preventing conflicts.

I find this ironic, for in our Internet and media-driven world of rapid communications there is no shortage of information. But attention spans are short, and sometimes longer term trends are not properly analyzed. As a result, warning signs are often overlooked. Decision-makers at the highest levels are often unable - or simply fail - to draw the logical conclusions from the facts. In many cases, they are so preoccupied with the crisis of the day that they do not think about the potential crises of tomorrow.

When warning signs are clear, there is too often a paralysis. Action is usually only in reaction to what is on the screen in front of us. . . and by then it is too late. In that respect, one of the saddest aspects of the Kosovo crisis is that it developed in slow motion. Despite the stated intention of the international community to learn from the lessons of Bosnia, the problem did not move to the top of the international agenda until it was too late.

This is costly in human, political and material terms - another strong argument for investing in preventive diplomacy. As the old saying goes, "an ounce of prevention is worth a pound of cure."

We are now pouring millions of EURO into South-East Europe by way of post-conflict rehabilitation. Would not a fraction of these resources and efforts, invested at an earlier stage, have helped to prevent the *malaise* that we now find ourselves in? This is a rhetorical question and I do not want to engage in a retrospective counter-factual analysis of how we could have avoided the Kosovo crisis. However, I raise the Kosovo conflict to illustrate the paradox of preventive diplomacy and political will, namely that by the time that a crisis gets most people's attention, it is very difficult to avert. But unless a crisis has people's attention, they

won't address it.

There is no shortage of current examples. In the former Yugoslav Republic of Macedonia, inter-ethnic relations, which were already strained before the war, have been seriously shaken as a result of a massive influx of Kosovar Albanians. Even though most of them have now returned, this does not mean an end to inter-ethnic problems. Indeed, the fact that Albanians will have a considerable amount of autonomy in Kosovo may well have an impact on the views of ethnic Albanians in Macedonia. The lack of communication between the two ethnic groups is cause for concern. In Ukraine, the Crimean Tatars are becoming increasingly politically active and outspoken in their criticism of the Government's inability to deal with their plight. I know that there is also a growing sense of disillusionment with the international community which has demonstrated an insufficient willingness to contribute to their resettlement. No progress is being made in solving the problem of Abkhazia. Nonetheless, the conflict constitutes a threat to the stability of Georgia and the region. A lesser-known, yet equally important issue, in Georgia is the status of the Meskhetian Turks. In Vojvodina we must keep a close eye on the protection of minorities in order to prevent a spillover of the ten-year Yugoslav crisis to that region. The situation of the Roma (or gypsy) populations in Europe has long been an issue that has been swept under the carpet, but at long last we ought to realize that it has become a major European problem. We tend to think about issues like these only when they have a direct impact on our lives, for example when people affected by crises start arriving in our countries as refugees. But by then the crisis is already well-advanced, and very difficult to resolve. It is my role to try to address such issues at an early stage in order to prevent them from developing into conflict situations.

### **Preventive Diplomacy and the High Commissioner**

The Office of OSCE High Commissioner on National Minorities was created in 1992 as an instrument of conflict prevention at the earliest possible stage. According to my mandate, my role is to provide early warning and, as appropriate, early action at the earliest possible stage in regard to tensions involving national minority issues which have the potential to develop into conflict in the OSCE area - from Vancouver to Vladivostok. The mandate is unique insofar as it was designed to deal mainly with intra-state conflicts which have an international dimension, it allows for a considerable amount of independence and intrusiveness, and it requires discretion on the part of the High Commissioner.

Confidentiality has been a key aspect of my work. My meetings are restricted, I seldom talk to the press, and my recommendations are kept out of the public domain for a considerable length of time. One could say that I am constantly working under the Chatham House rule. This has been important for building up trust and credibility with my interlocutors, and for avoiding the sensationalization of issues that I have been dealing with. This discretion has also alleviated any feelings of suspicion or

stigmatization that Governments may feel by having an international figure involved in what they would normally regard as their "internal" affairs.

I see my mission as having three main elements. Firstly, to contribute to solutions of particular inter-ethnic problems and, in this way, to contain and de-escalate tensions involving national minority issues. Secondly, to regularly inform and, if necessary, alert OSCE participating States about developments relating to national minority issues in the OSCE area. And thirdly, to work with OSCE participating States to develop long-term frameworks for the protection and promotion of national minorities.

Very often we speak of "fire fighting" as an analogy to describe how crises can be solved. In peace-keeping or peace enforcement operations, NATO or the United Nations are referred to as the fire brigade, trying to put out the flames of war.

The role of my office is to prevent fires caused by inter-ethnic tensions from breaking out in the first place. If there are signs of smoke, my job is to address the situation and try to put it out or, if that fails, to raise the alarm.

How is this done?

To begin with, one needs information. My advisors and I are constantly analyzing information on various developments that concern national minorities. Visits to OSCE participating States, in order to meet with the parties directly involved, are an important element of information gathering. As a result, I travel around 150 days a year. My mandate allows me to go wherever I want (even without the formal consent of the state concerned) and to gather information from any source. The one limitation is that I am not to speak with any group or organization which practices or publicly condones terrorism or violence.

On the basis of this information and my assessment of the overall situation, I make recommendations and try to facilitate resolution of matters in dispute. I mainly address the Government of the State in which the situation has arisen. But I also address other states and, importantly, representatives of minority groups whose grievances and claims are often at the heart of the matter. I always try to look at the specific issues at stake to try to understand why a situation has developed to the point that it has and to therefore see what issues need to be reconciled, both in terms of the substance and the political processes involved.

In general terms, one may consider nationalism to be a principal cause of national minority problems, but this does not adequately explain why people act or react as they do, particularly why they resort to violence. People's reactions are usually based on perceptions, particularly in relation to things which are dear to them. These can be manipulated through xenophobic and

chauvinistic slogans – both of which ring of incitement to hatred. In situations where people feel insecure and vulnerable, unscrupulous elites can play on threats to identity and security, and exploit popular feelings in order to achieve or maintain power. Such excessive nationalism is often at the expense of minorities, either because they are perceived as a threat, an historical enemy, or they are seen as a soft target.

Of course, malign nationalism is not a one-way street. Nationalism among minority groups is often perceived as a threat by the majority population. The reactive national consciousness, suspicion and fears that are aroused can fuel inter-ethnic tensions.

History is littered with examples. So is contemporary Europe. Excessive nationalism poses a grave danger to the rights of individuals and to the security of States. To my mind, malign nationalism remains one of the biggest dangers to European security.

Even when we do not witness the symptoms of excessive nationalism, there are acute questions relating to national minorities which need to be addressed. Minority issues will always exist – one can never "eliminate" nationalities problems. We have seen regimes in this century which think that a Final Solution is possible, through ethnic cleansing. But this is abhorrent and untenable. Moreover, attempts to eliminate ethnic issues through forced assimilation or brute force usually arouse, rather than diminish, national consciousness - and can provoke violent resistance.

To confront the root causes of excessive nationalism, one has to break down "nationalist" issues to their core elements. More often than not, these concern political participation, education, language, culture, or resource allocation. Debates on these issues are often complicated by historic, symbolic and/or demographic factors. In many cases that I have encountered, political debates become issues of identity as either the minority or majority community feels that their way of life is threatened by "the other". My goal is to avoid sensationalizing such situations, to lower the political temperature and to help the parties find accommodation that is both politically possible and in line with international standards. Examples that I am currently addressing include minority language rights in Slovakia, Estonia and Latvia, tertiary minority education in Romania and the former Yugoslav Republic of Macedonia, legislative and policy reform concerning minorities in Croatia, the further development and strengthening of mechanisms for dialogue and interaction between ethnic groups in Kazakhstan and Kyrgyzstan, and the implementation of integration strategies in Latvia and Estonia. I have also been engaged in issues relating to the reintegration of the formerly deported peoples of Crimea (primarily the Crimean Tatars), I have paid considerable attention to the situation of the Meskhetian Turks and my office is in the process of preparing a report on the Roma which will contain a number of recommendations. All of these situations are presently not what one would consider to be situations of acute crisis. But they affect inter-ethnic relations and, in my opinion, could cause serious tensions within states and communities - and sometimes between states - if they would remain

unresolved.

I employ various methods to try to resolve these issues. Broadly speaking, I try to promote dialogue, confidence and co-operation between the parties directly involved. This may require defusing specific explosive situations, working with the parties to modify a contentious piece of legislation, or developing longer term frameworks for dialogue and co-operation.

You may ask, what impact can one man possibly have in such situations? This very point was made a few weeks ago by the new Latvian President who dismissed my recommendations on the Latvian Language Law by saying "Van der Stoel is not Europe, he is only one voice". I may have small teeth and few carrots, but I am mandated by 55 States acting as part of a wider framework of European security organizations. I regularly report to the OSCE Permanent Council in Vienna where the representatives of all OSCE participating States meet on a weekly basis. My recommendations usually have the support of the OSCE participating States. In fact, they often follow-up my recommendations in bilateral contacts, through making demarches, strong public statements on my behalf or through other channels.

I do not work in isolation. Protection of the rights of persons belonging to national minorities is seen as a reflection of a country's willingness and ability to live up to its international commitments. The way that a country acts towards its own people is a good indicator of how it will act with its neighbors and in the international community. This point is kept in mind by the European Commission, when considering accession, and by the Council of Europe which is constantly insisting upon respect for human rights among member and prospective member countries. In the most recent Latvian case, I should note that within three weeks both the European Commission and the Council of Europe strongly supported my recommendations, as have individual OSCE participating States. This is just the latest example of co-operative security in action – co-operative in the sense of my office working with other international organizations and in the sense of working with OSCE participating States to assist them in solving their problems.

It is not up to me to give an assessment of what my office has achieved in the past six and a half years. However, I have registered a general recognition that my work has been regarded as a success. Some of the specific issues that I would highlight are: the improvement of inter-ethnic relations in Latvia and Estonia; acting as a catalyst in the Hungarian-Romanian Treaty of 1996; making a major contribution to the settlement of the status of Crimea and to the improvement of relations between the Crimean Tatars and the Ukrainian Government; guarding against the rolling back of the rights of Hungarians in Slovakia during the Meciar era; and helping to find a compromise solution to the delicate issue of minority education in Romania and the use of minority languages at the Babes-Bolyai University in Cluj.

## **Integrating Diversity**

In these and other situations that I have dealt with, one of my philosophies has been that the best way of preventing inter-ethnic tensions is to properly integrate minorities into the wider society. To use the fire fighting analogy again, one can never completely make a structure fire proof, but one can implement effective standards, install internal alarms and avoid combustible situations in order to reduce the chances of igniting a spark. In other words, if minorities feel that they have a stake in society, if they have input into discussion and decision-making bodies, if they have avenues of appeal, and if they feel that their identities are being protected and promoted, the chances of inter-ethnic tensions arising will be significantly decreased. Ideally, members of minorities should feel that they belong not only to their particular ethnic or linguistic community, but also that they share and value an important sense of belonging to the wider society. Following this logic, I encourage States to take care of their own problems and to develop institutions, legislation and mechanisms to pre-empt the types of crises that would necessitate my involvement.

Integrating diversity is a fundamental aspect of both conflict prevention and civil society. This is a recurrent theme which I have stressed throughout my six years as High Commissioner on National Minorities. Recently, at my request, a group of international experts has completed a set of recommendations (the so-called Lund Recommendations) on ‘the Effective Participation of National Minorities in Public Life’. These will be publicly available shortly. Allow me to summarize some of the recommendations.

Effective participation by national minorities in public life is an essential component of a peaceful and democratic society and should take place across a wide range of areas. For example, states should ensure that opportunities exist for minorities to have an effective voice at the level of the central government, including through special arrangements as necessary. This also applies to regional and local levels of government. The electoral system should facilitate minority representation and influence. States should establish advisory or consultative bodies within appropriate institutional frameworks to serve as channels for dialogue between governmental authorities and national minorities. These bodies should be able to raise issues with decision-makers, prepare recommendations, formulate legislative and other proposals, monitor developments and provide views on proposed governmental decisions that affect minorities. Government authorities and minorities should pursue an inclusive, transparent and accountable process of consultation in order to maintain a climate of confidence.

One way of enabling effective participation of national minorities in public life is

for states to devote resources to self-governance. In this way, minorities may have a measure of control over specific matters,

which concern them alone, or predominantly. This may be achieved through regimes of territorial autonomy where minorities may be concentrated. Where minorities are dispersed, regimes of personal autonomy or cultural autonomy may achieve the same end. Such autonomies should not be confused with separatism since they rely upon common understandings and shared institutions of rule of law, respect for human rights, common security and destiny. Self-government should also not be confused with external self-determination. In my view, the notion of self-determination is a loaded concept that means different things to different people. It is indiscriminately used to mean either internal self-determination or secession.

Self-determination, in its external dimension, is a battle cry for many dissatisfied minorities and a red flag for governments who want to preserve the territorial integrity of their state. The clash of self-determination and territorial integrity is one of the central and most pressing questions of our time. Kosovo is the latest example of what happens when these principles are not reconciled. Other less high profile cases include Nagorno-Karabakh, Trans-Dniestria, Abkhazia and South Ossetia.

I would argue that secession is seldom a viable option for achieving long-lasting peace and security. Although it can not be ruled out, it is not a panacea for protecting national identity. The creation of new states leads to the creation of new minorities and the proliferation of fragile mini-states. It is also usually a violent affair: we have witnessed very few Velvet Divorces. Self-determination breeds self-determination: what's good for one minority is good for another. Where territorial units are ethnically defined, the congruence of nation and state becomes a new norm, thereby breaking down multi-ethnic and multi-cultural societies and strengthening the politics of difference. I submit that ethnically pure territorial units are a myth, and efforts to achieve them are conflict causing and fraught with serious violations of human rights.

Maintaining territorial integrity should not be a justification for the rejection of minority rights. Protecting the rights of persons belonging to national minorities is not only required by international law, it is good governance. One element of this can be self-governance. I think that there is considerable scope for devolution and decentralization, particularly in former Communist societies where there was an over reliance on the central government. Drawing on the principle of subsidiarity, states should favorably consider a territorial devolution of powers, including specific functions of self-government, particularly where it would improve the opportunities of minorities to exercise authority over matters affecting them. Of course, the key is to strike a balance between functions to be undertaken by the central authorities and those to be carried out by regional or autonomous authorities. I realize that this is not a new argument to an audience used to discussing such issues in the context of the devolution in this country, or subsidiarity in the European Union. But I do believe that it can be considered more broadly and creatively – and with less trepidation.



In my view, insufficient attention has been made to the possibilities of non-territorial autonomy. The toolbox relating to "internal" rather than "external" self-determination is full of interesting and relatively untested possibilities. Certain forms of self-governance can be introduced to facilitate the protection and promotion of the rights, identity and culture of national minorities. This usually relates to education, culture, the use of minority language, religion and the use of symbols and other forms of cultural expression. By allowing national minorities to have a measure of control over affairs which directly affect them, they will be able to protect and promote their interests and identities without jeopardizing the stability and integrity of the state in which they live. This so-called "internal self-determination" can balance the seemingly antithetical concepts of self-determination and the maintenance of frontiers.

To conclude, we can not predict the crises of the future. But we can be more sensitive to the warning signs and more responsive to the root causes. Clearly we must intervene at an early stage in order to head off potential conflict situations.

The best type of early action is building civil societies that protect human rights, including minority rights. In such systems, minorities will feel that they have a stake in the society in which they live. It will also be easier for them to realize that they have obligations and not just rights. This will foster a sense of cohesion and co-operation within the state that will benefit the whole of society.

Kosovo demonstrates both the necessity and the difficulty in reaching this goal. We must remain vigilant and be committed to preventing future inter-ethnic conflicts. The goal for all of us should be to ensure that inter-ethnic tensions do not make headlines.

Thank you for your attention.