High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

Remarks of M. van der Stoel, High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe (CSCE)

Global Panel: 6th International Conference "Patterns of Changing World"
Maastricht, 26 November 1993

Mr. Chairman,
Ladies and Gentlemen,
Thank you for this opportunity to address you on problems concerning national minorities in Europe. In the course of my remarks on preventing ethnic conflict in the region, I will of course refer specifically to the role of the CSCE High Commissioner on National Minorities as an instrument of preventive diplomacy.

As events of the last three years have shown, so-called ethnic conflicts are the greatest danger to peace and stability in the wider European region. The violent conflicts in the former Yugoslavia, Georgia, and Nagorno-Karabakh have shown us this danger all too clearly. The short-term costs have been considerable. Thousands of lives have been lost. Millions of people have been forced to flee their homes, thus burdening the fragile economies of other countries and the scarce resources of the international community. But the long-term costs may even be greater. These conflicts are not just internal disputes. They generally involve neighboring and nearby countries as well. Not merely "domestic" affairs, these conflicts disrupt regional stability and cause enormous damage to commerce and economic development in the region.

These wars have also shown us the need to prevent future outbreaks of such large-scale violence. The difficulties of the transition from communist rule in Central-Eastern Europe and the former Soviet Union have of course provided ample context for problematic inter-ethnic relations. These problems often start at the political level, generally due to the extremism of very small cliques. Let me say directly, in fact, that so-called ethnic conflicts are not inevitable, even during the break-up of larger state structures. Such conflicts have political origins, especially since most communities co-exist in relative harmony, interacting, interrelating, and often intermingling. Some politicians and other leaders, however, have used the psychological uncertainties and

the material scarcities of this transition period as a opportunity for increasing their hold on power. They may advocate acceptable policies for restoring and enhancing a group's ethnic or national identity. But they may also single out other groups as culprits in a long history of victimhood. If this scapegoating then results in measures to exclude or harm the interests of the other group, then large-scale violence is likely to ensue. Such is the tragic pattern that we have already observed in the former Yugoslavia, Georgia, Nagorno-Karabakh, and elsewhere in the region.

The political origins of these conflicts would suggest, again, that the fighting is not inevitable, but rather that opportunities for peaceful resolution do exist, especially at the earliest stages of tension. The international community has essentially two choices in this regard: crisis management, or conflict prevention. A full-blown conflict generally takes years to resolve, and much damage is likely to be done in the meantime. As we have seen with tragic clarity in the former Yugoslavia, outside intervention only seems to become more difficult, more costly, and perhaps less effective the longer the fighting persists.

The second option is conflict prevention. It is easier, more cost-effective, and more constructive for the international community to prevent conflicts before they erupt. Bargaining positions have generally not yet hardened, and the parties may still have considerable interest in peaceful solultions, particularly at the earliest stages of friction. The cycle of violence and revenge has also not yet taken hold. Violence after all is a desperate act. Early on, there may still be numerous possibilities for resolving specific differences. More importantly, there may still be possibilities for creating processes and mechanisms for managing inter-ethnic relations peacefully. Outsiders who are independent and impartial may play a crucial role in this pre-conflict stage, and here I would like to speak concretely about the role of the CSCE High Commissioner as an instrument for preventive diplomacy.

Since the early 1970s the Conference on Security and Cooperation in Europe, or the CSCE, has been an important means for multilateral engagement in the region that is said to extend from Vancouver to Vladivostok. Indeed, the CSCE comprises U.S., Canada, all states on the territory of the former Soviet Union, and all other European states (except the former Yugoslav Republic of Macedonia, which has observer status). Therefore, all of the countries in the region participate in the CSCE, unlike other regional institutions which have more limited memberships. Established initially as a forum for East-West dialogue during the Cold War, the CSCE was instrumental in spreading the values of democracy and human rights throughout the former communist bloc. Groups of citizens in the formerly communist countries banded together around the basic human rights enshrined in the so-called Helsinki Final Act. The courageous activism of these so-called Helsinki committees contributed incalculably to the eventual fall of communism.

The CSCE, now comprising over 50 member countries, faces a vastly different geopolitical landscape. It has begun to re-define itself as it attempts

to respond to the actual problems of the region. As I already suggested, the greatest threats to peace and stability in the region arise now from conflicts within countries, rather than from conflicts immediately between countries. At the same time, the region's experience in responding to the wars in former Yugoslavia and elsewhere has shown that conflict prevention may be far more preferable than crisis management.

Last year, the CSCE's participating states decided to establish a High Commissioner on National Minorities to respond proactively to ethnic tensions that could develop into a conflict affecting peace, stability, or relations between states. The High Commissioner is mandated to provide "early warning" and "early action" in these situations so that tensions do not escalate to violent and unmanageable proportions. The High Commissioner is not a "watchdog," so to speak, on behalf of national minorities, and he or she is also not supposed to function as an investigator of individual complaints from minorities. Rather, the High Commissioner is mandated to identify and help resolve ethnic tensions that could develop into a conflict with international implications.

In carrying out this function, the High Commissioner is to operate independently of all parties involved in the tensions. Furthermore, the High Commissioner is empowered to conduct on-site missions and to engage in preventive diplomacy among disputants at the earliest stages of tension. In addition to obtaining first-hand information from the parties concerned, the High Commissioner may promote dialogue, confidence, and cooperation between them. When tensions threaten to erupt into violent conflict, the High Commissioner can issue an "early warning" to CSCE, formally calling attention to the seriousness of the situation.

I should also mention that there are some restrictions on the mandate, which is after all the product of negotiations between more than 50 governments. One restriction, for example, is that the High Commissioner is precluded from communicating with, and acknowledging communications from any person or organization that practices or publicly condones terrorism or violence. The High Commissioner is furthermore prohibited from engagement in situations involving organized acts of terrorism.

Since assuming the post on January 1st of this year, I must say, though, that the mandate provides considerable latitude in how the High Commissioner actually carries out the tasks of conflict prevention. I have already become involved in approximately a half-dozen situations throughout the region: in the Baltic states, particularly Estonia and Latvia; in Slovakia and Hungary; and in Romania, Macedonia, and Albania. In addition, I was requested to study the situation of the Gypsies, or Roma, in the CSCE region. In September I submitted a general report on their problems and on constructive measures that governments should take to address them.

Although the specifics of these situations vary enormously, I have been struck by a number of constant elements. Quite often, relations between different ethnic and national groups seem relatively calm and stable at the

community level. Different groups interact, sometimes intermarry, but rarely harbor deep-seated animosities toward each other. At the political level, however, government-minority relations are usually more strained, sometimes provoking the involvement of the minority's so-called kin-state or "mother country." And here I would note that there are perhaps three steps that could be taken to improve government-minority relations. I would sum up these measures in the following words: communication, participation, and integration.

First, communication. During my missions I have often found that dialogue and mutual trust between the authorities and minorities could be greatly improved. In some cases, an effective solution is a council or roundtable at which the authorities and representatives of the minorities can discuss specific problems together. All parties must of course engage in this dialogue in good faith and try to make it succeed. These bodies should provide for meaningful input by minorities into government policy on issues that affect them, and not be just window-dressing for the outside world. In other cases, an independent governmental body within the country, such as an ombudsman or a special ministry, can serve to receive and respond to complaints by minorities.

Second, participation. One cannot overestimate the importance of effectively functioning democratic institutions in this regard. If minorities feel that their voices are being heard through the democratic process, then they will be unlikely to resort to less acceptable means for representing their interests. Participation in public affairs is also very important to create links of mutual loyalty between the state and the minorities.

Third, and building on the foregoing, the need for integration. Integration is quite different from assimilation, in which case a minority is absorbed by the majority, loses its identity, and disappears as a recognizable group. Integration assumes instead that the distinctive identity of the minority will be maintained, but that persons of the minority are encouraged to be part of the society at large.

Sometimes, a change of perception by government authorities and minority leaders is required. Protecting and improving the status of minorities has to be seen in the interest of the entire society. If the majority society shows loyalty to minorities, then it can expect loyalty in return. For their part, national minorities should understand that developing their identity does not necessarily have to lead to territorial secession, independence, or reunification with a kin-state. There are other possibilities for self-realization, such as cultural autonomy, local government, and so forth.

When it comes to the work of the High Commissioner, the obvious question arises: what can one international official really do to promote the positive steps I just mentioned? It is important to note three factors here. First, my experience as High Commissioner has shown me repeatedly that in most cases, parties to these ethnic tensions are themselves interested in peaceful solutions. An impartial and independent outsider with an international

mandate can act as a useful catalyst or even facilitator for more direct contact between the parties. Second, I have noticed that High Commissioner recommendations to the governments are often reiterated by other international actors, thus reinforcing the importance of constructive measures by the governments. Third and most important, the High Commissioner is in fact an instrument of the CSCE, a collectivity of all of the states in the region. More and more, the weight of consensus among 50-plus governments is strengthening the impact of High Commissioner functioning. For example, during the summer the High Commissioner was requested to give on-the-spot comments to a controversial aliens' law in Estonia on behalf of the entire CSCE. These suggestions resulted in noteworthy amendments to the law.

There is of course much more that still needs to be done, particularly in promoting greater dialogue, confidence, and eventual cooperation between governments and minorities. Here I would like to underscore the need for outside support. Sometimes government authorities and minority leaders have actually reached agreement on some preliminary steps to be taken. Too often, however, the capacity for implementing these modest ideas is missing. Without implementation, this goodwill and cooperation cannot be properly developed. The international community can provide immeasurable support here, even through extremely minor expenditures. I am thinking, for example, of assistance for an accurate census in one country, or perhaps language education for integrating a minority in another.

Simply put, I am saying that future outbreaks of so-called ethnic conflicts are not inevitable, but may be largely preventable. International engagement is necessary for two purposes: to understand the unique nature and dynamics of inter-ethnic relations in each country, and to help check the influence of the small groups of extremist nationalists who wish to capitalize on the opportunities of this transition period. International goodwill is then necessary to support the constructive approaches of moderate, democratically oriented leaders who do exist in each situation. The violence need never erupt.

Thank you.