



High Commissioner on National Minorities

CHECK AGAINST DELIVERY

THE ROLE AND IMPORTANCE OF INTEGRATING DIVERSITY

**Address by
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Mr. President, Excellencies, Ladies and Gentleman

Twenty-five years have passed since the initiation of the Conference on Security and Cooperation in Europe. In those early days, I had the honour to attend those meetings in the capacity of Foreign Minister of my country. I recall the tentative way in which began what subsequently became known as "the Helsinki process". I also recall the keen sense of necessity and responsibility that

many of us felt in that dark period of European history.

It took almost 20 years to move beyond that period - to move out of the darkness into the light of a free continent committed to democratic government and the free market economy. Certainly, the signing of the Charter of Paris for a New Europe was a remarkable achievement following the progressive development of the Helsinki process. But it was by no means a foregone conclusion. It came as the result of steady efforts from many quarters, some more apparent than others. Nonetheless, in Paris in November 1990 we essentially closed the door on the Cold War and opened a new era of a Europe united by common values.

Unfortunately, the new era in Europe has been more difficult than most anticipated. The 1990s have been a period of uncertainty and instability as we have been moving through a difficult transition from the old to the new. We are still very much in the midst of this transition - and not only for the new democracies. In the midst of our own European transition, we have all been experiencing a global transformation of relations with serious consequences also for the old democracies. This has resulted in the simultaneous forces of integration and disintegration - each tugging at the fabric of the State. In this period, we have seen, and some have discovered for the first time, how democracy and the market economy are not self-realising. Nor are they ends in themselves. Rather, they are means to an end. That end, to which all are now committed, is a peaceful, just and prosperous life. Democracy and the market economy are fundamentally processes through which we seek to achieve our desired end. These processes of political decision-making and production and distribution of goods require the establishment and functioning of institutions and regulations. Essentially, they require the rule of law with respect for human rights in order to limit arbitrariness and to realise a minimum of social and political justice.

Our commitment to peace, justice and prosperity is intended for the benefit of all. This is so both in terms of relations between peoples and States, and in terms of relations within the State. This has been clear for all OSCE Participating States since the adoption of the Helsinki Final Act. The principles of this accord are contained in the well-known Decalogue. At the level of inter-State relations OSCE States are committed to respect the principles of: sovereign equality; non-use or threat of force; inviolability of frontiers; territorial integrity; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms; self-determination of peoples; cooperation among States; and fulfilment in good faith of obligations under international law.

All OSCE participating States are expected to respect these political commitments both in general and in terms of their specification through subsequently elaborated OSCE standards. It is also intended that these principles are to be respected as a whole and with the appropriate balance.

The aim of our commitment to these principles is ultimately to achieve human security and prosperity that is to benefit the

millions of people whom we represent and are bound to serve. The OSCE principles tell us how to do this. For not only do they declare values and standards which are each valid in themselves, but together they reflect an underlying logic. Based on European history, this logic declares that prosperity is only possible when there is peace and stability, and such peace and stability is only really achievable through a just order between and within States. This is a lesson not only of the Cold War, but equally of the two World Wars which caused such misery on our continent in the first half of this century. We learned then what is perhaps the most vital part of the puzzle - that justice is only really achievable on the basis of respect for human rights. The logic affirms that human rights must be respected not only because of the inherent worth and dignity of every human being, but because peace and security depend upon it. I believe that this is constantly being reconfirmed by experience.

Of course, the application of this logic and these values is not so simple. To be sure, our era is one of uncertainty and insecurity not only for States, but also for individuals within the State. In confronting these challenges, we have essentially two choices: either we can seek to retreat to the past and waste our energies in constructing barriers, which surely will be overwhelmed, or we can take a pro-active approach and meet the challenges with enlightened understanding and creative solutions derived and implemented through cooperation.

Evidently, I strongly support the latter approach.

In doing so, I also firmly believe that we must respond better to the concerns of all legitimate interests within the State. If Justice is fairness, we must seek to achieve fairness not only in relations between States and for individuals within States, but also for communities within States which may not find adequate opportunities for fulfilment through the simple processes of democracy. Our efforts to achieve fairness for individuals in terms of their fundamental civil, political and economic rights is yielding, good results, although we must remain ever vigilant in this regard. However, in terms of fairness between communities which find themselves in the position of minorities within the State and which often straddle inter-State frontiers, there is in many cases still a long way to go. Indeed, it has been recognized by many that the main challenge to European security arises from relations between such communities, that is mainly inter-ethnic relations, within the State and across State frontiers.

To be clear, I am not speaking about communities in terms of monolithic and static entities. Rather, I am speaking about communities formed of individuals who freely exercise their choice and display characteristics which evidently distinguish

themselves. In the terminology of human rights, we speak about individuals acting alone or in community. It seems apparent to me that the human being is a social being. We derive our sense of ourselves from our relations with others. First, we have our family from which we acquire basic values in the home. This is enhanced through our extended family - from our lineage and heritage. Our individual identity is further enhanced through our community with which we share traditions, customs and larger values, even a world view. Certainly, I am no sociologist, but I am convinced that this is an essential aspect of the human experience, and I know that it is asserted every day throughout the world. I would even say that human beings should not be conceived of or treated in an atomistic fashion, for then they risk becoming alienated, isolated and frustrated. We must not fail to respect the essential social nature of human existence. Human beings require community. This is the basis of our identity. For most of us, our mother-tongue, name, values, symbols, and culture largely define who we are and our sense of ourselves.

On the basis of my experience, especially over the past 6 years as OSCE High Commissioner on National Minorities, I am convinced also that it is wrong to frustrate the peaceful pursuit of the maintenance and development of one's identity, alone or in community with others. It is also highly dangerous. Experience teaches us that this can lead to tensions and conflict, sometimes even armed conflict. It is a matter of dignity that human beings must be free to define themselves and their identity. Indeed, this is the essence of human rights. The value of the freedoms of thought, expression, association, assembly, the free use of language and enjoyment of culture are all matters of dignity. For persons belonging to the majority in a democratic society, this is not so much of a problem - it comes in the course of things. But, for persons belonging to minorities, it is a problem. For them, enjoyment of their basic rights and freedoms are important, but not enough.

The OSCE was the first to realize this. On the basis of our sad European history during which minorities have been subjected to all manner of denial of rights, abuse and even attempted extermination, we have at the end of this century finally understood that persons belonging to minorities must not only be protected, but also supported. OSCE participating States have articulated this in the standards of the fourth chapter of the Copenhagen Document on the Human Dimension. This groundbreaking document, agreed even before the Paris Charter, marks a watershed in European history. It has spurred the Council of Europe to elaborate the first ever binding multilateral treaty for the protection of national minorities, and it even encouraged the rather weaker United Nations Declaration on Minorities. The essence of the Copenhagen Document is that persons belonging to minorities have equally legitimate needs and desires to maintain and develop their identity, that they are not only to be free in this regard, but that they enjoy a legitimate right to certain facilities within the State, in particular in relation to language, education and culture.

Another important point of OSCE consensus is found in the Moscow Document of 1991. Following the same logic of the interdependence of peace and security and respect for human rights, including the rights of persons belonging to minorities, OSCE

participating States have agreed that the issue of respect for human rights is not an internal affair, but is a legitimate interest of all other OSCE States. This important determination has allowed the subsequent development of the dialogue and institutions from which we benefit today.

In my work as High Commissioner on National Minorities, I have observed constantly recurring issues regarding, the specific needs and desires of particular minorities in various situations. There is a great variety of such situations, and no two are exactly alike. Nonetheless, they display some essential similarities. Most importantly, it is clear that minorities attach a very high importance to the maintenance of their identity and they will vigorously pursue their interests in this regard. There are all sorts of demands and challenges - perhaps more than we have previously realized. But, I have also come to see that it is quite possible to respond to such needs and to accommodate such desires within the State. We must only think of the possibilities and seek solutions on the basis of respect for others. Some solutions are easier than others; some are more complicated. It is important in this connection to realize that few things within the State require absolute uniformity. We can say this of the regulation of the highways, where everyone's security and access requires strict uniformity in respect of the rules. We cannot accommodate choice with regard to which side of the road drivers may choose. But, aside from such domains, much in the regulation and administration of the State is capable of variety without endangering the cohesion of the State. It is obviously possible to accommodate the use of more than one language. And the free space for cultural development can accommodate an untold diversity. We now view this increasingly in terms of the richness of cultures and of society as a whole, as we should. The key to find appropriate accommodations is the political will to do so within the framework of responsible governance.

While Governments have their obligations and responsibilities, it is also true that citizens have theirs. Responsible behaviour on the part of persons belonging to minorities and their representatives is required as of others within the State. The benefits of the State come from the combined efforts of the wider society, and persons belonging to minorities must make a genuine effort to integrate into the wider society and to be loyal citizens. Certainly, they should have a significant interest in doing so - I would go so far to say that they have even a virtual duty. For example, persons belonging to minorities should make an effort to learn the official language of the State and participate with the members of other communities in taking responsibility for public affairs. Above all, minorities should not isolate themselves or seek to establish parallel regimes within the State. Integration, with benefits for all, is quite possible. Again, the key is the good will to create the conditions for the pursuit of particular interests within the context of the unified State.

Perhaps the most difficult question is that of the effective participation of minorities in political decision-making. Aside from the normal democratic processes, there must be means by which minority concerns and interests may be taken into account and, so far

as possible, accommodated within public policy and law. According to paragraph 35 of the Copenhagen Document, OSCE participating States "will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities." Admittedly, existing international standards so far only hint at how this should occur. Paragraph 35 of the Copenhagen Document goes on to "note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing,, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned." Evidently, this does not constitute a clear road-map. In interpreting and applying this standard, we must be consistent with the logic of democratic governance, including respect for human rights, and we must remember that our aim is to achieve peace, justice and prosperity for all. Democracy is not only for some or for the majority alone. We affirm that democracy is the best system for the whole population.

Majority rule is a fundamental tool for democratic decision-making. It has its own justice: one vote per person. But simple majority rule risks injustice by its failure to accommodate special needs and interests. Minorities could thus be disadvantaged by the majority rule. The imperative of justice, therefore, requires an effort to respond to the special needs and interests of minorities. Good governance requires this. However they may be democratically elected, it is the pledge of all democratic governments to serve the whole population - not just the narrow interests of their own electors, not just the majority. An effort must also be made on behalf of minorities. The best approach is to integrate their concerns and interests into overall policy and law. It is thus a procedural question as to how to do this. Thus we come to the issue of participation.

Democracy is tremendously flexible, offering many forms of structures, parliaments, special arrangements and so forth. In order to integrate minority concerns and interests into policy-making, it seems obvious that it is necessary in some way to ensure that minority representatives are present and active. There exist a wide variety of means to achieve this objective, and there is similarly a wealth of experience in the practice of OSCE States and beyond. In the next two days, we will hear about these alternatives and experiences. Important among these are decentralization and subsidiarity in decision-making. These ideas aim to bring the decision-making closer to those most affected, to involve them in the process and, thereby, to achieve better policy and law. There are various ways to achieve this. It may be through federal forms or through devolution in the unitary State. It may be in terms both of legislative and of administrative jurisdiction, whether along territorial lines or personal lines. In our discussions, I encourage delegates to share their experiences and views so we may learn from each other. To share our experiences and to study the range of alternatives is, in fact, the main aim of this conference.

Perhaps the most important point which I hope will be retained is that unnecessarily centralised systems do not - in fact, cannot - respond adequately to the diverse demands of plural societies. Aside from the domains of national security, monetary policy, maintenance of inter-State frontiers, central administration, foreign policy and possibly one or two other fields, most policy and law within the State can be divided many ways. This is true in terms of all levels and divisions of government. The challenge in each State is to find the best way to respond to the plurality of interests. It is thus imperative to examine the range of alternatives.

Over the next two days, we will hear more about what is possible and desirable in terms of decentralisation and subsidiarity. The essence of these alternatives is that those most directly affected should be able to decide on the measures. At a minimum, they should have the opportunity of a say. If possible, they should have control. These are two different things which can be accommodated in different ways. It is relatively easy to arrange for those affected to have a say in policy-making. Indeed, in the absence of such a say, it is quite likely that decisions will be poorly made and will require revision. In the interest of good decisions, there exist a variety of ways in which those specially affected may have in-put. To grant control over certain decisions is more difficult where there is a plurality of interests. But it is not impossible. We know this in terms of the often disputed and always sensitive fields of language and education policy. There are many ways to accommodate the use of various languages within the same State, even in public administration and the courts. There is, of course, a long history in Europe of having alternatives for education in terms of curriculum, school administration, public and private institutions and at all levels. There are many international standards applicable in these fields. In my work as High Commissioner, I have encouraged two groups of internationally recognized independent experts to elaborate specific recommendations on the best way to implement the international standards. These are The Hague Recommendations regarding the Education Rights of National Minorities, and the Oslo Recommendations regarding the Linguistic Rights of National Minorities; copies of these are available for delegates at this conference. I wish to stress that none of these standards, recommendations or alternatives affect the cohesion of the State, but they do create more opportunities for the realization of a plurality of interests and aspirations within the State. Indeed, they offer routes to greater satisfaction for all and, therefore, they strengthen the State. It is also for these reasons that we are devoting two sessions of this conference to the subject of education.

In my view, the most important ingredient to solving problems in this area is the spirit with which policy-makers address the issues. In the first place, there must be recognition of the legitimate interests - recognition of the plurality of communities and interests. This means an official acknowledgement of the existence of minorities, of the fact of diversity within the State. OSCE participating States have committed themselves in paragraph 32 of the Copenhagen Document to the standard that "to belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice."

It is not up to the State unilaterally to make a determination as to the existence of a minority. This is a matter to be determined on the basis of the individual choice of the persons concerned, freely exercised and according to objective criteria.

Following from the recognition of minorities, meaningful response to the expression of their legitimate interests begins with a genuine dialogue in an atmosphere of mutual respect and understanding. There must be structures for this to take place. These may be permanent or ad hoc, depending upon the situation - although I would argue that the availability of a standing structure for organized and civil dialogue is always a good thing, especially when substantive disputes may arise suddenly. However, I would also caution that structures for dialogue without meaningful competences will achieve little. Indeed, they may be counter-productive. Participants must feel that there is some real value to their dialogue that their views will contribute to some concrete outcome. Powers of advice and consultation must be both exercised and treated seriously. Only on this basis may lasting solutions be found. I would also add that such an open and meaningful dialogue will already contribute to the loyalty of minorities and thereby to the strengthening of bonds with the wider society and, overall, the State.

It must also be observed that failure to proceed in such a way gives rise to a worrying possible scenario. Aside from the disrespect to the individuals and communities concerned, failure to respond to their concerns and interests causes frustration, breeds resentment and leads to alienation. It is my experience that alienated communities will not accept this over the long term. Rather, they will search for other ways to realize their ends. There will be increasing tensions leading to conflicts. We still see this throughout Europe. We know the cost in terms of human and material loss.

In the Helsinki Decalogue, both the principles relating to maintenance of frontiers and territorial integrity of States and the principle of self-determination are included. It is sometimes argued that these principles are irreconcilable. I strongly disagree. One can only come to that conclusion on the assumption that the vital interests of minorities can only be safeguarded by external self-determination, that is secession. The essential aim of self-determination is to ensure that the vital interests of people can be safeguarded. In my opinion, the Contemporary State has a great deal of instruments at its disposal to accommodate these interests. History also teaches that disregard by a minority for the principles relating to maintenance of frontiers and territorial integrity of States leading to the creation of a new State is often accompanied by bloodshed and misery. Moreover, in many parts of the world, including much of Europe, it is not possible to draw boundaries in such a way to create ethnically homogeneous States. Inevitably, the minority of yesterday becomes a majority in the new State, and must thus face the problem of the new minority within its own borders. According to the same logic, these new minorities may pursue their own external self-determination and so, like a Matriyoshka doll opened one stage at a time, there is the prospect of a never-ending reductionism which cannot be reconciled with the requirements for viability of a State. For all these reasons, we must seek to realize the right

of self-determination through internal alternatives. In my view, this requires the full respect of human rights, including, the rights of minorities, together with decentralisation and subsidiarity so far as possible to accommodate the diversity of interests within the State. In other words, we require an integrative rather than a dis-integrative approach.

I have said that this is not so easy. Certainly, it will require all of our best efforts. It will also require a greater realization on the part of governments and parliaments that the security and stability of our continent in the next century will depend to a very great extent on their success in dealing with the problems. Against this background, the still too strong reluctance to invest more human and material resources for this purpose will have to be overcome.

Above all, we must realize that the forces of extreme nationalism constitute the greatest enemy of a peaceful Europe. Driven by feelings of superiority and hatred towards other ethnic groups, they often block the road to constructive solutions for inter-ethnic problems. Worse still, they are directly responsible for the bloody conflicts which have erupted in the last ten years. Permit me to offer just one example. The drama in Kosovo has its origins in the nationalist politics of President Milosevic who robbed the ethnic Albanians of their autonomy in the late 1980s.

We must ask why do the forces of extreme nationalism have such resonance. Given the considerable uncertainty and insecurity affecting so many people on our continent, the apparently simple solutions of extreme nationalists appear attractive to many people who seek explanations and solutions for their problems. Unscrupulous individuals are all too ready to exploit these weaknesses. We have seen how fast the ethnic card, once played, can create an atmosphere of suspicion, hatred and fear. We have seen how difficult it is to withdraw the ethnic card once played. And we have seen how some are quite prepared to play it to its most bloody and horrific end. We have also seen how people who once lived together as neighbours and joined their families through inter-marriages have been driven to inhuman acts against one another. Extreme nationalism profits from the division of societies through the demonization of "the other" and it attributes guilt by association such that even the most innocent are forced to withdraw to the security of their purported "nation" notwithstanding the absence of strong ties. We know this story in the former Yugoslavia, and we have observed the tendency elsewhere. Responsibility lies with irresponsible leadership, with hate speech, with incitement to racism and acts of violence. But it is our responsibility to recognize these threats at their origin and to root them out as soon as possible. We must treat the threat as extremely serious and we must not tolerate its manifestation. In this regard, we must guard against a false and misguided sense of liberalism leading us to create the conditions for extreme nationalists to exploit various situations. Surely, we have learned this much from the harsh reality of European experience this century.

At the end of a century characterised by division, leading often to hatred and bloodshed, Europe should concentrate, on the eve of

the New Millennium, on the realization of our commitment to ideals of peace, justice and prosperity. We are a community of values. We have overcome a great deal and we have much to be thankful for. But, we also face a tremendous challenge. Our future is not simple, easy or certain. What is required is responsible leadership with a firm commitment to the realization of our declared values. We must act vigorously and creatively to translate these values into meaningful terms for our various peoples. In this, we must act individually and collectively in the full spirit of cooperation. I hope this conference will make a contribution to this end.

In ending my remarks, I wish to express my deep appreciation to those Governments who stimulated and supported this Conference, both conceptually and materially. I want to thank especially President Cotti for opening this Conference with such an inspiring speech. I also want to express my gratitude for the generous hospitality provided by the Swiss Government and the canton of Ticino. Ambassador Stoudmann and I hope that we can count on the support of all OSCE participating States, both individually and collectively, to follow-up this Conference with concrete actions, in particular through a vigorous commitment to the implementation of OSCE standards in their inter-State relations and in domestic policies. In my view, the issues addressed in this conference deserve careful analysis and sustained dialogue with a view to discerning the best means by which the legitimate interests and aspirations of minorities can be integrated within the State, in particular through the effective participation of those most concerned and affected. I look forward to interesting and fruitful discussions over the next two days.

Thank you.