



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

OVERCOMING THE RELUCTANCE TO CONFLICT PREVENTION

address by

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to the Seminar

"Operational Conflict Prevention"

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Your Excellencies, Ladies and Gentlemen,

It is an honour for me to be given the opportunity to address you today within the framework of the seminar entitled "Operational Conflict Prevention". I would like to commend and thank the driving forces and organizers behind the event, not least Mr. Max van der Stoel, my predecessor in the post of High Commissioner. As ever, this is indeed a timely initiative. It seems that no matter how popular and revered the concept conflict prevention may be, when it boils down to actually carrying out such action in practice, hesitation and nervousness often set in. Talking about the virtue of conflict prevention is far easier than putting into place the concrete mechanisms that would serve the purpose of preventing violent conflict. This is why I am particularly glad to speak at a seminar with the word "operational" preceding "conflict prevention" in its title.

The initiative is especially timely because it coincides with Secretary-General Kofi Annan's presentation of his second report on the prevention of armed conflict. As the Secretary-General pointed out in the introduction to his report, conflict prevention is one of the chief obligations set forth in the Charter of the United Nations.

There is no question that conflict prevention lies at the heart of the reason why the United Nations was created. As is written in the Charter: "The purposes of the United Nations are: to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace...". The questions then follow: what are those effective measures and how can the international community reach agreement on policies and mechanisms to accomplish conflict prevention? Efforts to create effective institutions to prevent conflict often seem to run into obstacles, while calls to focus on preventive activities are overshadowed by more pressing issues, crises, outright war and deadly conflicts which short-circuit the attention span of the international community.

The institution of the OSCE High Commissioner on National Minorities (HCNM), the post which I now hold, was established in 1992 to be an instrument of conflict prevention at the earliest possible stage, with the mandate to address tensions involving national minority

issues which in the judgement of the High Commissioner have the potential to develop into conflict. The decision to establish a High Commissioner focusing on national minorities was a recognition of the fact that violent conflicts in today's world are often fuelled and exacerbated by inter-ethnic tension and tensions between majority and minorities. Tensions that can originate from a sense of exclusion and alienation from society at large, or a sense of threat to one's identity – cultural, linguistic, religious and traditional. Tensions that flare into conflict in a situation where state borders are redrawn, where there is economic instability, social and political upheaval or where States seek to re-establish a national identity in the wake of newly achieved independence, sometimes at the cost of the identity of the minorities living within their borders. Such tensions within a state can have complex repercussions on security in regional and international contexts, not least through their impact on kin-states or neighbouring communities.

This was all too obvious in the early 1990s when the decision to establish the HCNM was taken – war was raging in the Balkans and violent inter-ethnic clashes had followed in the aftermath of the dismantling of the Soviet Union. In all these conflicts the elements of inter-ethnic tension and tensions between majority and minorities played a significant role. The OSCE participating States could not close their eyes to the ongoing bloodshed, nor could they stand back in apathy and wash their hands of the situation. Witnessing the human suffering, the participating States were able to accept the idea of an institution – which would be intrusive and one that would engage in domestic affairs – tasked to work to prevent future violent conflicts originating from tensions involving national minorities.

The decision in 1992 was not merely a reactive response to an ongoing crisis. Rather it was taken with a view to preventing future conflicts. I do believe that the decision was bold and insightful, and I do believe that the experience, recommendations and modus operandi of the HCNM can be put to use outside of the OSCE area. The potential for inter-ethnic conflict is certainly not confined to the European-Eurasian region.

Why is it that operational conflict prevention so often causes concern among States, and how does one overcome this reluctance towards operational conflict prevention?

One can understand the anxiety that preceded the decision to establish the HCNM, and the

prudence and caution employed when formulating every line of the mandate. The negotiations between the participating States of the OSCE were not easy. Governments were naturally reluctant to award rights of such a nature to an international organ. Conflict prevention with the duty to address national minority issues meant in practice involvement in the internal affairs of participating States. How were they to agree on such an instrument?

Yet, the participating States did decide to create the post of the High Commissioner on National Minorities and to give him the directive to act independently and – and here comes the quid pro quo – work "in confidence".

This requirement to work in confidence means that the High Commissioner pursues a line of quiet diplomacy in order to gain the trust of the parties involved and in order to be able to make recommendations and provide in-depth advice to governments on measures required to defuse tension – recommendations that governments find easier to adhere to when they are not made public.

Regional organizations play an important role in serving the interests of the United Nations in their respective geographical areas. As the Secretary-General highlights in his report, regional organizations play an increasingly important role in conflict prevention. Although an institution like the HCNM may possibly be easier to set up within a regional framework, at the same time, I strongly believe in the usefulness of such an instrument in a UN context.

Over the past fifteen years, the HCNM has been engaged in many of the States in the OSCE area, including the Baltic States and countries in Central, Eastern and South-Eastern Europe, Southern Caucasus and Central Asia.

I would like to take this opportunity to share with you some operational aspects of my engagement as HCNM. As High Commissioner, I frequently travel to the countries where I am engaged and visit not only the seats of governments but also regions where minority groups are located, in order to establish and maintain dialogue and co-operation with governments, authorities, civil society and national minority representatives as well as to experience the atmosphere and learn to understand the situation first-hand. My visits are followed up by concrete recommendations and advice to the governments concerned on such

issues as constitutional law, minority related legislation, the political and institutional frameworks and practices in areas such as education, language policy, media broadcasting, minority participation in public life and policing in ethnically, linguistically and culturally diverse societies.

I list these issues because they are recurring matters I come across in my work as High Commissioner and are areas where the HCNM over the years has gained experience and expertise on the adoption of appropriate policy and practices that can improve inter-ethnic relations. Unfortunately time is short, therefore I cannot go into great detail, but I stand ready to do so should there be any questions later. However, let me give you just one concrete example: the matter of language. This has proven to be a most contentious issue, and one that can cause grave concern and stir up tensions; especially in a situation where the majority population of a country having recently achieved independence, wishes to reinvigorate or strengthen the national identity. As language forms a central element of a person's identity, the efforts of the majority population to strengthen the State language as an element of nation-building can be perceived – sometimes rightly so – by the minorities as a threat to their language and in the long-term their identity, as well as a first step towards enforced assimilation. Debates on language can therefore be clouded by nationalistic connotations and lead to tension. As HCNM, I follow these debates closely and when I see a need, I intervene and offer my advice to the respective government – recommendations on legislation and on ways to strengthen the State language while at the same time respecting the right of the minorities to their mother tongue. I also emphasize to the minorities concerned, the need to learn the State language in order to further their participation in the political, economic and social life of the state. Education becomes a key aspect in this context.

Each situation requires its own solution. There are of course measures that are generally applicable, but as HCNM, I look at the individual situation in hand: the causes of tensions, and how one can address them at a given moment. I then propose policy steps or legislative measures to governments in writing or during discussions. This is all done in confidence. The HCNM is not tied by specific norms or standards. I look for politically viable solutions. It goes without saying that the HCNM recommendations are based on fundamental human rights standards enshrined in international law and frequently on the norms codified by the Council of Europe in the Framework Convention on National Minorities. The HCNM has

over the years also developed a number of thematic recommendations on issues that recur in many of the regions and situations of engagement. The recommendations are meant to serve as practical guidelines for legislators, governments, authorities and civil society on how best to address certain issues.

In support of the conflict prevention policy recommendations, the HCNM introduces and implements targeted projects in areas such as education, language, legal advice, participation policies, broadcasting in minority languages and policing.

There is of course no real way of measuring the effectiveness of a conflict prevention instrument like the HCNM. It is difficult to say with certainty that a conflict would have erupted had this or that not happened. Neither is it possible to know exactly what it was in the chain of events that had the decisive effect and prevented further escalation. I do dare to say with some confidence, however, that the efforts of the HCNM have yielded results during the fifteen years the institution has existed. The HCNM has managed to establish and maintain relations with the governments of the OSCE region, and work in such a manner that has allayed the fears and eased the reluctance that some participating States felt when the institution was first set up. In deciding to establish the HCNM, participating States themselves overcame one of the barriers to conflict prevention. That is not to say that the HCNM does not have to continually maintain the credibility and the confidence that allows the institution to be effective. It is my firm belief that instruments similar to the HCNM can also work in other parts of the world.

Let me try to sum up the argument for extending the concept of an institution like mine to other areas.

First, many violent conflicts, perhaps most, are rooted in and driven by inter-ethnic tension and tensions between majority and minorities.

Second, quite a lot is known about the factors which underlie such conflicts and about the means required to reduce those risks, and it is in all our interests that States have the best possible access to sound advice and to insights into methods used to deal with such matters.

Third, it is appropriate that such advice should be provided to States by the UN or by regional organizations.

What are the objections?

First, States are often concerned about the threat posed by such institutions to their sovereignty: is this another international busybody telling them how they should run their internal affairs? On this point I would like to draw attention to one crucial feature of my mandate. This is the requirement that I work employing quiet diplomacy and that my advice and recommendations to States are treated in confidence. I have no power to force States to follow my recommendations, only to urge them to do so in their own interests. My job is more that of a physician rather than a policeman.

The second is the argument that there is no proof that these methods work. I would respond by saying that while there can be no guarantees of success, there are plenty of examples of inter-ethnic, minority tensions being successfully defused by the application of appropriate measures. Our knowledge of how to address tensions involving national minorities in ways that prevent conflict can only be developed by experience. It is my firm belief that the lessons learned and the experience gained as a result of the OSCE's bold decision in 1992 to create the institution of the HCNM, could, with advantage, be applied in other parts of the world and by other regional groupings.

Thank you.