



High Commissioner on National Minorities

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**OSCE implementation meeting on human dimension issues,
Warsaw, 2 - 19 October 1995
Report of Max van der Stoel, the OSCE High Commissioner on National Minorities
Warsaw, 2 October 1995**

Madame Chair, Ladies and Gentlemen,

Thank you for giving me the opportunity to address the second human dimension implementation meeting. 1995 is indeed an important year for the OSCE. This meeting, bringing together representatives of the participating states as well as many representatives of NGO's, marks the climax of a year in which we also commemorate the fact that twenty years ago the Helsinki Final Act was signed. It was an act of hope in a divided Europe, where some enjoyed freedom while others suffered oppression. Since then the cause of democracy in Europe has made spectacular progress. The principles of Helsinki have contributed to the downfall of totalitarian regimes to a far larger degree than any of the signatories of the Final Act foresaw in 1975.

On the other hand, the drama of former Yugoslavia and several other armed conflicts in the OSCE area make it clear that an immense task still awaits us before security, stability, democracy and respect for human rights will be secured everywhere between Vancouver and Vladivostok. New challenges confront us and an adequate response is possible only if we develop new policies to meet them. While in the past conflicts between states constituted the most serious

threats to peace, we have now to face the fact that intrastate conflicts constitute a greater risk.

The OSCE has to play a role in trying to end armed conflicts. But experience shows that, once such conflicts have started, it is extremely difficult to bring them to an end. Nationalist passions, mutual suspicion and hatred often prove stronger than rational considerations.

Therefore, our efforts have to focus on the prevention of conflicts or, to formulate it more precisely, on efforts to try to prevent disputes from growing into conflict and perhaps even armed conflict. In order to have a reasonable chance of success, such efforts have to be undertaken at an early stage, before parties have blocked the way to compromise by committing themselves irrevocably to diametrically opposite positions.

Though preventive diplomacy is undoubtedly an important instrument of conflict prevention, we have to realise that it is not the only one. There are others, aimed more at trying to eradicate possible sources of conflict. I intend to return to the need of such a comprehensive approach to conflict prevention at the end of my speech. But allow me to begin by making a number of remarks on the relationship between conflict prevention and the human dimension of OSCE. In this respect I have to mention a number of principles which in my view are fundamental to the concept of the OSCE human dimension and without which the OSCE would no longer be a community of values.

The human dimension is indivisible. In the OSCE area there can be no zones of lesser humanity. In other words: commitments and responsibilities undertaken in the field of the human dimension of the OSCE apply in their entirety and equally in each and all of the participating states.

Also, human dimension commitments are of direct and legitimate concern to all participating states. No state can shun its responsibility in this area by using the argument of non-interference in internal affairs. This has always been a key principle of the Helsinki process.

Finally, comprehensive security of the OSCE states is impossible if it is not based upon the protection and promotion of human rights and fundamental freedoms and upon the strengthening of democratic institutions. Conflict prevention can be a success only if due account is taken of the human dimension.

These principles taken together form a strong fabric which is an indispensable component in building a stable and

peaceful Europe. They contain the core of the individual and collective responsibility of the participating states towards all individuals in the OSCE area. Each and every state has the responsibility to implement these principles on its territory. That is the extent to which all participating states have committed themselves.

But let us not forget that this responsibility lies also on the OSCE community as a whole. In other words: the OSCE has to assume as its responsibility the burden of supporting individual participating states which cannot by themselves solve the problems which are confronting them. This effort of cooperative implementation is not only a political duty of OSCE states but also a moral one.

It is my view that the importance of the human dimension in the OSCE lies precisely in this crucial element of cooperation. The establishment of on-the-spot missions to participating states has to be seen in this light.

Madame Chair,

As I pointed out earlier, the observance of human rights, fundamental freedoms and democratic principles is a precondition for a stable and peaceful Europe. The same also applies to observance of international rules and standards concerning national minorities. Lasting peace and stability on this continent are possible only if the Copenhagen Document, the UN Declaration on the Rights of Persons belonging to National Minorities and the Framework Convention of the Council of Europe are fully implemented in the OSCE area. We have seen in the past that non-observance of these commitments leads to tensions, to societal conflicts and distrust. Thus a dangerous process of destabilisation develops, which will often affect neighbouring states.

Compliance with these international norms and standards can help prevent conflicts, but this is by no means a panacea. International norms provide a framework, a base upon which to build; they do not provide instant solutions to all problems. If anything, my experience has taught me that problems facing national minorities can differ considerably from state to state and from case to case. The implementation of international norms and standards is essential for the protection of the identity of minorities, but will often not be sufficient to ensure an adequate solution to the specific problems with which a particular minority has to cope. In such cases it is in my view the duty of the state to see what it can do to help, just as it tries to help if other groups in society face problems they cannot solve on their own. The minority, on the other hand, has to realise that it cannot claim a privileged position. In formulating its demands, it also has to take into account the fact that poorer states can often not afford what richer countries can provide without much

effort.

The state, in turn, will have to realise that its interests are better served by following a generous policy towards minorities than by sticking to a minimalist approach. If persons belonging to a national minority feel that the state takes their interests into account, they will develop a more positive attitude towards it. Feelings of loyalty will prevail over any tendency towards separatism.

But let us not forget that minorities also have an important role to play in helping to prevent conflicts. If a minority refuses to recognise that it shares a common destiny with the majority in the state within which it is living, if it constantly seeks to isolate itself from the rest of society and insists on institutional arrangements which would promote such isolation, the reaction on the other side might be increasingly suspicious and negative. And thus a process of polarisation can develop, which can ultimately lead to confrontation and conflict.

On the other hand, the minority can also try to follow a policy which combines efforts to safeguard its identity with the recognition that living together on one territory and consequently sharing many common interests inevitably requires a certain degree of integration into society. By rejecting isolation, by recognising that the fates of minority and majority are linked, the minority will also be able to create more understanding for the vital need it feels to maintain its own identity.

Madame Chair,

The OSCE has the potential to offer a way of dealing with minority questions and thus helping to prevent their becoming sources of conflict. The Helsinki process starts from a comprehensive concept of security which relates peace, security and prosperity directly to the observance of human rights and democratic freedoms and the existence of a market economy, encompassing both long-term and short-term aspects.

This approach is also very important with regard to issues concerning national minorities. Proceeding from a normative basis of political standards of behaviour, OSCE activities concerning national minorities take a broad view and are not limited to promoting the rights of persons belonging to national minorities. The emphasis is on conflict prevention, which in my view should be the core activity of the OSCE. Measures thus undertaken are not only directly aimed at forestalling violence, they are also instrumental in building a durable peace in Europe.

However, it should be kept in mind that conflict prevention activities can be as effective only as the political response by the OSCE states to it. It can be a success only if states are prepared to invest in the process by granting political and other support. A policy of conflict prevention potentially saves many lives and in financial and political terms is much cheaper than peacekeeping or rebuilding societies after a violent conflict. But perhaps most important of all: experience shows that most conflict, including ethnic conflict, is not an unavoidable natural disaster but can often be prevented if the necessary efforts are made at an early stage.

Madame Chair,

It will not come as a surprise to you that I shall now concentrate on one particular OSCE instrument of (ethnic) conflict prevention, simply because I know that instrument rather well: the High Commissioner on National Minorities.

According to his mandate, the High Commissioner has a two-fold mission:

- first, to help to contain and de-escalate tensions involving national minority issues which could lead to conflict, and
- second, to alert the OSCE Permanent or Senior Council whenever such tensions are developing to a level at which he would not be able to contain them with the means at his disposal.

The situations in which I am at present directly involved are the following, and I present them in chronological order of my involvement:

Estonia and Latvia, with regard to the Russians living there; Slovakia with regard to the Hungarian minority; Hungary regarding the Slovak minority; Romania, in particular concerning the Hungarian minority; the former Yugoslav Republic of Macedonia and its Albanian population; Albania with regard to the Greeks in Southern Albania; Ukraine (in particular the situation in its autonomous Republic of Crimea), and finally the interethnic relations in Kazakhstan and Kyrgyzstan.

It would be wrong to assume that the simple fact of my involvement in these situations constitutes an implied criticism of the governments concerned. Let me stress again that, in my eyes, getting involved means only an acknowledgment that these states have to cope with particularly delicate and difficult minority problems. On the other hand, it is of course possible that, after a careful study of all the aspects of a specific situation and after having solicited the views of all parties concerned, I do consider it necessary to recommend to a government a number of changes in its policies or its legislation regarding national minorities. This would certainly be the case if I came to the conclusion that a state

was not respecting the internationally recognised principles regarding the treatment of persons belonging to national minorities, especially the standards laid down in the 1990 Copenhagen Document.

I do not intend to present to you a detailed account of the various recommendations I have submitted to the governments of the states I have mentioned. They have all been made public and my office can send them to you on request. Let me just share with you a number of the conclusions I have reached after nearly three years of work as High Commissioner.

In the first place, I have become more and more convinced of the necessity for adequate structures for dialogue between government and minority. Even if such a dialogue does not lead to full agreement on the issues at hand, the exchange of views in itself can help to create a better understanding of the problems and concerns of the other side and to lower walls of mutual suspicion. It is especially important that draft legislation relating to minorities is discussed in such a dialogue before being presented to parliament. The same applies to government plans for new policies of special relevance for minorities. I am glad to note that in the OSCE area there is a growing realisation of the need for an institutionalised dialogue between government and minority.

Secondly, I found that in many of the situations in which I am involved problems regarding minority language schools often play a key role. This is understandable, because without minority language schools there is a very real danger that persons belonging to a minority will be gradually assimilated. On the other hand, the state has a legitimate interest in ensuring that pupils belonging to a national minority acquire an adequate knowledge of the state language. The Copenhagen Document underlines the relevance of each of these aspects by committing governments to ensure that pupils belonging to a national minority acquire an appropriate knowledge of their mother tongue while recognising that there is also the need for them to learn the state language. Several governments tend to argue that these principles are respected if pupils belonging to a national minority are enabled to acquire a knowledge of the minority language and culture at the lower levels of education. But minorities - especially the larger ones - are often keen to secure minority language training irrespective of the level or type of education, and preferably in all subjects. To find compromises between these competing views is not an easy task, especially because international norms and principles do not provide - and cannot provide - a clear answer to the question of what is fair and reasonable in a specific situation. I have asked the Foundation on Inter-Ethnic Relations which supports my work to convene a conference with some outstanding experts to study these problems.

My third observation is that minorities often have a marked preference for territorial autonomy. They clearly see this as the best way to protect their interests and their identity. On the other hand, I have also registered a great reluctance on the part of several governments to grant such an autonomy. When relations with the minority are bad and the region selected for the territorial expression of the identity of the minority borders on the kin state, the government concerned quite often suspects that the insistence of the minority on territorial autonomy is only part of a hidden agenda which ultimately aims at unification with the kin state. Minorities will probably argue that this suspicion is completely unfounded but, as so often in politics, perceptions play a key role even if they are incorrect.

I should like to make two comments on this question. Firstly, I have to recall that territorial autonomy is mentioned as an option in the Copenhagen Document; the Document however does not commit governments to establish such autonomous areas. Secondly, I wonder whether there are not good reasons for minorities to consider a pragmatic approach. Even though the Copenhagen Document mentions territorial autonomy as an option, minorities should take into account the fact that such a demand will probably meet maximum resistance, whereas they might be able to achieve more if they concentrated on legislation that enabled them to have a greater say in fields of special interest for them, such as education and culture, or if they tried to concentrate on matters which, as well as having their support, also had the sympathy of many amongst the majority, such as an increase of the powers of local government.

A final element to which I should like to draw your attention is the role of the kin state. I think there is not a single kin state in the OSCE area which does not show an interest in the fate of minorities of the same ethnic origin outside its borders. Such an interest is in my view legitimate. But it is also clear that the government of the state where such a minority lives is often inclined to consider expressions of concern at its policies or legislation regarding such a minority as unwarranted interference in its internal affairs. There are, however, two ways - or perhaps I ought to say two complementary ways - to avoid frictions on this subject. One is to ask the OSCE - or, more specifically, its High Commissioner on National Minorities - to look into the matter. The other is to include in treaties of friendship and cooperation between the two states concerned a mechanism for periodic consultations which also offers opportunities for an exchange of views on minority matters. Such treaties do already exist, and usually contain mutual promises to respect international norms and principles regarding national minorities. These treaties can therefore be important instruments in promoting better relations. What they cannot achieve, however, is to ensure specific solutions to specific minority problems. The state where the minority lives is not prepared to accept this, because it considers such formulas an infringement of its sovereignty. Specific minority problems will have to be resolved within the state, on the basis of its commitment to international norms and principles. If difficulties arise, the High Commissioner will often find

it less difficult to play a role in efforts to find solutions than the government of the kin state, which might be suspected of acting as the advocate of the minority concerned.

Madame Chair,

During my involvement in various minority situations, I have tried to employ an approach which can be characterised in three catchwords: impartiality, confidentiality and cooperation. To start with, impartiality: the High Commissioner is not an instrument for the protection of minorities or a sort of international ombudsman who acts on their behalf. In other words, he is High Commissioner ON, and not FOR national minorities.

I attach great importance to the confidentiality of my conversations. In front of TV cameras, parties tend to stick to maximalist positions; behind closed doors they are more willing to indicate where there might be room for concessions.

Lastly, I would emphasise the cooperative and non-coercive nature of the High Commissioner's involvement. Durable solutions are possible only if there is a sufficient measure of consent from the parties directly involved.

The High Commissioner's mandate allows him to operate with a large degree of independence. This being said, it is clear that the High Commissioner cannot function properly without the political support of the participating states. This becomes particularly acute whenever he presents his reports and recommendations to the state concerned and, afterwards, to the Permanent Council. At such a stage it becomes clear whether there is sufficient support for the High Commissioner. So far, the response has in my view been satisfactory and encouraging.

To conclude, Madame Chair, let me say that effective conflict prevention is not possible if insufficient attention is given to minority issues. To resolve these problems, continuous attention is required over a long period of time. But in order to be fully effective, a policy of conflict prevention cannot restrict itself to efforts to stop disputes from developing into conflicts; it also has to try to remove the causes of dangerous frictions. The international community is still giving insufficient attention to this. Let me quote a recent example. Two weeks ago I attended an OSCE Round Table in Yalta with the Crimean Tatars as its main subject. They were deported to Central Asia during the Second World War, but in recent years 250,000 have come back. 100,000 of them are still living without adequate shelter; infant mortality is alarmingly high; unemployment amongst the Tatars is much greater than among the other inhabitants of Crimea.

The government of Ukraine is trying to help, but in the present difficult economic and financial situation of the country it cannot provide the minimum needed. Outside assistance is required both on humanitarian grounds and because continued misery and despair will inevitably lead to anger and frustration, with all the risks this entails for the stability of Crimea. But the international community has so far contributed only 400,000 dollar - a small portion of what is urgently needed.

While studying minority problems, I often come to the conclusion that even relatively modest amounts of money could do a lot to reduce the danger of incipient conflict. For instance, there are educational projects which the government of a country is unable to finance but which would greatly help to reduce tensions between the minority and the government. In some cases foreign governments and international organisations have begun to give assistance, but much still remains to be done. 0.01% of the total defence budgets of OSCE member states would be more than enough to set up a wide range of conflict prevention programmes. They might not completely eliminate the risk of new armed conflict, but they would considerably reduce it. The chances of building a stable and secure Europe will depend to a large degree on our determination to realise what we have neglected for much too long: a comprehensive policy of conflict prevention.

Thank you, Ladies and Gentlemen.

Max van der Stoel

2 October 1995