



# High Commissioner on National Minorities

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## **International response to ethnic conflicts: Focusing on prevention**

**Keynote Address by Max van der Stoep, CSCE High Commissioner on National Minorities, to the Fourth International PIOOM Symposium: "Ethnic Conflicts and Human Rights Violations in Europe" 25 June 1993 Leiden, The Netherlands**

Ladies and gentlemen,

Good morning.

I am honored to have been invited to address your symposium, and I deeply regret not being able to provide my remarks in person. Please accept my apologies, and as a modest contribution to these proceedings, I would like to offer the following thoughts:

Over the last four years, PIOOM, or the Interdisciplinary Program of Research on the Root Causes of Human Rights Violations, has initiated important work aimed at understanding the factors contributing to abuses of basic rights, and I am pleased to serve as a member of its advisory committee. The topic of this conference is particularly important for understanding some of the most alarming dangers to human rights today. As the tragic events in the former Yugoslavia and elsewhere in the region have clearly demonstrated, so-called ethnic conflicts may be the most difficult challenge to the protection of human rights in post-Cold War Europe. In such conflicts, civilians themselves are often targeted for forced deportation, for severe abuses including rape and torture, and even for physical extermination. Frequently they may be targeted on the basis of their ethnic-national, religious, or other affiliation.

Against this rather somber backdrop, I should like to focus my comments on how international mechanisms for collective security may be able to prevent such conflicts and the massive suffering they produce by responding constructively to inter-ethnic tensions at the earliest stages. In particular, I will discuss the role of the High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe (CSCE) in the early identification and possible resolution of ethnic tensions that could develop into violent conflict endangering peace, stability, and relations between states.

To provide effective response to such looming crises, the international community needs to develop and strengthen mechanisms for the prevention of violent ethnic conflicts. It is far more humane, cost-effective, and constructive for the international community to contain, de-escalate, and eventually resolve inter-communal strife in its early stages, rather than to intervene in a conflict, belatedly, reluctantly, and perhaps unsuccessfully, once violence has erupted. As you know, the fifty-some participating states of the CSCE, including the United States, Canada, states on the territory of the former Soviet Union, and all other European states, last year endorsed an approach emphasizing conflict prevention, specifically by establishing a High Commissioner on National Minorities.

The challenge for conflict prevention is four-fold: (1) understanding the nature of so-called ethnic conflicts, (2) developing effective democratic institutions to resolve underlying inter-communal differences, (3) conceptualizing an appropriate role for outside parties in facilitating the resolution of inter-ethnic tensions, and (4) bringing sufficient, and properly coordinated, resources to bear on these problems. In discussing the third point in particular, I will make specific reference to the work of the High Commissioner.

#### Understanding ethnic conflicts

From the start I would like to emphasize the political nature of many of the so-called ethnic conflicts. To my mind, most ethnic conflicts are not "natural" or "inevitable" occurrences, even in the wake of dissolving multi-ethnic and multi-national state structures. Ethnic conflicts are the result of extremist politics, as well as the basis for future rehearsals of political extremism. Such conflicts can and must be avoided.

To this end, definitions are often of limited importance. Indeed, I cannot pretend to improve on the work of many experts who over years have been unable to agree on the definition of such terms as "minority" or "people" or "nation." I would instead like to note that within the CSCE framework, the existence of a minority is a question of fact and not of definition. In this connection I would like to quote a text of fundamental importance to minority issues within the CSCE, the 1990 Copenhagen Document. It states that (quote) To belong to a national minority is a matter of a person's individual choice (unquote). The Copenhagen Document, as well as other international texts on minority rights, should be seen as general principles guiding governmental policy vis-à-vis minorities. Rather than definitions, perceptions are often more important for harmonious inter-ethnic relations. Specifically, a minority must be able perceive that there are legitimate opportunities for maintaining and developing its distinctive identity, and the majority must see that no dangers, but instead perhaps some benefits, arise from the expression of cultural differences.

To be sure, many communities harbor antipathy and even animosities toward neighboring communities of a different origin. Stereotypes abound, and popular memories may readily revive long-past, and even not-so-distant, atrocities committed by one side or the other. But even so, such communities

often co-exist in relative harmony, interacting, interrelating, and at times intermingling. In fact, during my recent visits to so-called ethnic "hot spots," I have been repeatedly struck by the depth and extent of this relative harmony at the inter-personal and inter-group level.

At the political level, however, this relative harmony can be quite fragile, particularly during periods of transition, when there may be pervasive uncertainty about the functioning of basic societal structures such as the economy and the political system. During such times, leaders, both elected and unelected, may see the potential for popular support by pursuing or advocating policies aimed at the restitution or enhancement of a ethnic or national identity. The process of re-invigorating this identity may single out neighboring groups as the culprits in a long history of victimhood, of which the last decades may only be the most recent period of injustice. Parochial aspirations, often excluding the aspirations of neighboring groups, may be defined. Disengagement from, if not retribution against or expulsion of, neighboring groups may then be rhetorically justified.

In an increasingly polarized environment, extremists can more easily gain support as moderates are forced aside or must re-invent themselves in more extremist terms. Irresponsible use of the media may be particularly culpable in the escalation of tensions. All sides may soon see the need for armed action, either to realize nationalistic goals or to defend themselves against such attacks. And thus the threat of violent conflict may quickly grow.

#### Developing effective democratic institutions

The development of effective democratic institutions is an invaluable step towards preventing political polarization along ethnic lines and thus averting the threat of violent conflict. As the Copenhagen Document notes, (quote) the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary (unquote). Effective democratic institutions are essential for guaranteeing basic rights, organizing participation in public life for all citizens, and channeling and resolving the communal differences which are normal to all societies. Participation in public affairs is particularly important for strengthening links of loyalty to the state and to the society of which the minorities form a part.

If democratic mechanisms are absent, the likelihood of violence increases, as does the cost of containing and resolving the conflict. I would like to state that violence can never be a solution, neither for groups in a state nor for the state itself. Again referring to CSCE guidelines, I would like to quote a passage from last year's Helsinki Document, which emphasizes that states should (quote) address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned (unquote). Of course, the implied non-recourse to violence should be respected by all parties concerned.

Sometimes, as I hinted before, a change of perception is needed on all sides. The protection of persons belonging to minorities has to be seen as essentially in the interest of the state. If the state shows tolerance and good will towards minorities, it can expect loyalty in return. For their part, the political representatives of minorities need to be able to articulate specific, concrete concerns with government policy and not lapse into alarmist, provocative generalities that only inflame passions further. Specificity in representing its interests demonstrates the minority's genuine commitment to improve state policy while generalities are often understood as attacks on the state itself.

Balanced and equitable policy reconciles the interests of the minority and the majority on the one hand, and those of citizens and the state on the other. Very often, such a policy will entail a combination of three elements. Firstly, the state should ensure equal protection and non-discrimination on grounds of belonging to a certain minority. Secondly, the state should make efforts to promote tolerance, mutual acceptance, and non-discrimination in society. For both of these elements, "equality in fact" should accompany "equality in law." Thirdly, persons belonging to minorities should avail themselves of appropriate means to preserve and develop their language, culture, religion, and traditions without discriminating against persons belonging to the majority.

#### Creating space for impartial outside engagement

Mechanisms to channel and resolve tensions involving minorities should not just exist at the national level but also at the international level. The report of a CSCE experts' meeting on minorities, which took place in Geneva in 1991, clearly states the role of the international community in minority affairs: (quote) Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State. (unquote)

Indeed, the international community must involve itself proactively to contain and reduce ethnic tensions, particularly those that may one day develop into conflicts threatening international peace. The questions are when, how, and to what end. I would submit that, as in the case of the CSCE High Commissioner on National Minorities, outside involvement should be early, impartial, and with the aim of promoting a process of confidence-building and reconciliation. Here I would like to briefly review the origin, mandate, and functioning of my office:

Born of the Netherlands' experience in the European Community presidency during the initial Yugoslav conflagration, the idea for the High Commissioner was first proposed by the Dutch at a January 1992 meeting of CSCE foreign ministers in Prague and then ratified at the July summit of CSCE states in Helsinki. As specified in the Helsinki Document, the purpose of the High Commissioner on National Minorities is to (quote) provide early warning and, as appropriate, early action at the earliest possible stage in regard to tensions

involving national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability, or relations between participating States (unquote). I was appointed to the new post in December of last year, and the office itself began functioning in January of this year.

Intended not as an national minorities ombudsman, nor as a human rights investigator, the High Commissioner functions instead as a mechanism to promote the early resolution of ethnic tensions that might endanger peace, stability, or relations between CSCE's participating states. Operating independently of all parties involved in the tensions, 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. The High Commissioner advises the Chairman-in-Office, the CSCE's political coordinator, of his plans to visit a participating state and reports confidentially to the Chairman-in-Office upon completion of his visit.

When tensions threaten to erupt into violent conflict, the High Commissioner can issue a (quote) early warning (unquote) to the CSCE, thus formally calling attention to the seriousness of the situation. In cases in which further contact and closer consultations with the parties are deemed valuable for progress toward possible solutions, the CSCE may authorize the High Commissioner to undertake a formal program of (quote) early action. (unquote)

In the course of his work, the High Commissioner may collect and receive information on national minority issues from any source, including the media and non-governmental organizations. However, the High Commissioner is prohibited from communicating with, and acknowledging communications from, any person or organization that practices or publicly condones terrorism or violence. The High Commissioner is furthermore precluded from engagement in situations involving organized acts of terrorism.

To date, I have become involved in four situations of ethnic tensions in the region: in the Baltic states, with regard to Russian minorities; in Slovakia, regarding the Hungarian minority; in Romania, also primarily with regard to the Hungarian minority; and most recently, in Macedonia, regarding the Albanian minority. In addition, I have been tasked with studying the problems of the Roma (or Gypsies) in the region and reviewing the relevance of my mandate to their complex social, economic, and humanitarian situation.

As I am just now completing my first half-year in this position, it is perhaps premature to evaluate preliminary efforts in these various situations. Allow me to note, nonetheless, that all parties have been willing to meet with me, and I would like to think that they, as well as the CSCE's political authorities, have regarded my involvement as a constructive contribution towards understanding and perhaps resolving some of the underlying tensions. In all cases, I expect to develop an ongoing role in promoting dialogue, confidence, and cooperation between the parties concerned. Particularly encouraging has been the agreement, in principle, of the Slovak and Hungarian governments

to a High Commissioner proposal that a 3-4 person team of neutral minority rights experts make four, two-week-long visits to the two countries over the next two years.

Allow me also to make some general observations on the role of an instrument of preventive diplomacy, such as the High Commissioner, based on my experience thus far. As my mandate elaborates clear guidelines, in most cases, for determining involvement vs. non-involvement, the crucial questions become the timing and the nature of my involvement. In most situations, the answer is probably the sooner, the better. Conceivably, however, early involvement might actually escalate the dispute if parties are encouraged to exploit outside attention for support of extreme positions. This risk can be considerably reduced if a low profile is adopted. Indeed, the confidentiality of my initial report and recommendations serves precisely this purpose.

With the regard to the nature of third-party involvement, flexibility should be considered in devising an appropriate role and in employing various conflict-prevention strategies. To maximize the interest of disputing parties in outside involvement, the parties should feel that the High Commissioner's role is non-coercive, exploratory, and low-key. The goal is to catalyze a process of exchange and cooperation between the parties, leading to concrete steps to de-escalate tensions and to address underlying issues. Only rarely, I hope, when tensions have escalated beyond the point of preliminary mediation and threaten to erupt into open violence, will an "early warning," as defined in the mandate, be issued to CSCE.

At the earliest stages of a potential conflict, it is incumbent on the High Commissioner to assist in showing that de-escalation of the tensions and participation in a multilateral mediation process are beneficial for all sides. Fundamentally, the vast majority of people in this world share common interests in economic prosperity, political stability, and the universal enjoyment of basic rights. Political leaders and community representatives, to the extent that they are accountable to their constituencies, will see the value in joining a process that, ultimately, should lead to the enhancement of mutual security and the promotion of general well-being.

Committing to -- and coordinating -- greater efforts at conflict prevention

This last point brings us to the need for a more comprehensive approach by the international community to potential ethnic conflicts. The international community is coming around, perhaps gradually and somewhat tentatively, to the importance of multilateral mechanisms capable of preventive action in this arena. The creation of a CSCE High Commissioner on National Minorities is a laudable step in the right direction. The incipient efforts of this office must be adequately supported, and indeed additional modalities for early intervention and engagement must be amply explored, both within the CSCE and the United Nations.

But the international community must also see the prevention of ethnic conflicts in a wider context. Democracy, simply put, is paramount to the protection of basic rights. Too often it is the tyrants and dictators who are also virulent nationalists. In contrast, the democratic functioning of effective public institutions can increase popular trust in government and lessen the basis for ethnic conflict. The development of democratic institutions, not to mention the avoidance of inter-ethnic tensions, can also be aided at the grassroots level by the strengthening of responsible and independent actors in civil society, namely non-governmental organizations and the media.

Here I would like to note the extremely important work of the Council of Europe, which now has extensive experience and expertise in strengthening democratic institutions and the rule of law in individual European states and in the region generally. The CSCE's Program of Coordinated Support for participating states admitted since 1991 could also be a significant means for enhancing democratic institutions in the non-European states of the former Soviet Union, thus reducing the threat of violent inter-communal conflict there as well.

In addition, the international community must be willing to support genuine economic development in countries making the difficult transition from command economies. Popular anxiety about economic issues, often the fertile ground for ethno-nationalistic agitation, is greatly reduced by sustainable growth in which all citizens can enjoy the fruits of honest toil.

For all of these supportive efforts, proper coordination must be maintained by the multilateral institutions involved. Overlap should be minimized, and complementarity should be promoted, ideally with an eye towards a coherent approach by all of the international organizations involved in a particular situation.

In sum, the international community must be prepared to commit its full support -- both political and material -- to a more coordinated approach to strengthening democratic institutions and preventing inter-communal conflict. The costs of non-engagement only get higher and more difficult to pay as the war in the former Yugoslavia has graphically shown.

Thank you.

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