

Organization for Security and Co-operation in Europe

"Living Together: Fostering Inter-Ethnic Co-operation in Post-Conflict Yugoslavia"

Speech by the OSCE High Commissioner on National Minorities Max van der Stoel

at the Conference "Development of a Multi-Cultural and Multi-National Society"

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Mr. Chairman, Distinguished colleagues, Ladies and Gentlemen,

Thank you very much for the invitation to address this conference. In my opinion, the theme that is being discussed here is one of the central questions of our time and one of the greatest challenges in the new Yugoslavia.

The Federal Republic of Yugoslavia is one of the most ethnically diverse countries in Europe. This diverse mix of cultures should not be considered unusual. In today's world, multi-ethnicity is the norm. Nation-states are the exception. This region of Europe, more than most, has witnessed the profound ruptures and enormous costs of what happens when one tries to create ethnically pure states from ethnically diverse ones.

There is nothing inevitable about inter-ethnic conflict, nor is there anything sacred about nation-states. But how do we reconcile the interests of national groups with the concerns of states? How can we give multi-ethnic states a better chance of holding together, and of representing the needs and aspirations of their various communities in a democratic environment?

Human rights are an important basis of stable and prosperous multi-ethnic societies. Democracy, based on the rule of law, is the fundamental framework for protecting human rights, including the rights of persons belonging to national minorities. A constitution that reflects the true character of society and includes guarantees for the rights of all citizens, regardless of ethnicity, is a cornerstone. Sometimes additional legislation is necessary to protect minority concerns: for example legislation on minority education or language use. These rights do not privilege persons belonging to minorities, but act to ensure equal respect for their dignity, in particular their identity. They serve to bring all members of society to at least a minimum level of equality in the exercise and enjoyment of human rights and fundamental freedoms.

These measures create a legal space which can be filled by a variety of means. Some of these are psychological. For example, recognition is vital. People on all sides of an issue have to acknowledge each other, respect the opinion of their counterparts and recognize the equal rights and value of all individuals. This goes beyond putting up with or 'tolerating' one's neighbor. It means appreciating the fact that there are other cultures and that people belonging to different ethnic or religious backgrounds should be allowed to protect and promote their identities as long as it is not to the detriment of the rights and identities of others. The media and education have important roles to play in this regard. So too do political representatives and community leaders who can lead by example.

Such understanding and recognition are the basis for dialogue. Through dialogue, all participants can form a greater understanding of each other's interests and concerns. Through dialogue, they can find common ground and reconcile possibly conflicting positions.

Closely related to this point is participation. States should not only protect minority rights, but they should also establish specific arrangements for national minorities. Such arrangements enable minorities to maintain their own identity and characteristics while including them in the overall life of the State. It also means that minorities ought to participate in decisions that directly affect them. In the liberal democratic tradition, the more inclusive a political system, the more representative it is. I hope that the participation of minority representatives in the governing coalition in this country will give further evidence of this fact.

A number of countries in Central and Eastern Europe have established government departments for minority issues, and have appointed Ombudsmen or Commissioners on Ethnic and Human Rights Issues. Several have also established minority consultative or advisory councils, either connected to legislative bodies or free-standing. I am encouraged by the Government's intention to create the position of Ombudsman. I hope that further steps can be taken to ensure that decision-making structures at the federal and state level allow for meaningful input from minorities.

Accommodating minority interests should not be interpreted as political correctness or pandering to special interest groups. Nor should it be diminished through tokenism or short-term concessions. Instead, there should be a genuine commitment to protect the ethnic, cultural, linguistic and religious identity of national minorities and create conditions for the promotion of that identity. After all, we live in a world of diversity. All of us define ourselves in different ways. Because we are all unique, we need to be allowed the freedom to express ourselves and to protect and promote our identities. In the same way that bio-diversity enriches our environment, cultural diversity strengthens the fibres of society.

Minorities can be ignored or marginalized, but that merely strengthens their sense of isolation and makes them feel as though the State does not represent their interests. That creates the danger that minorities might feel that their only recourse is to develop parallel structures or even seek to disengage themselves from the life of the state.

Therefore, the best way to create a harmonious, prosperous and dynamic society is to realize the merits of pluralism and seek to integrate diversity. When integrating groups within society we must pursue equality, not in terms of sameness, but in terms of meaningful opportunities. This requires an attitude of mutual respect on the part of both the majority and minorities. It also requires a rejection of any policies which protect and promote the interests of one group over those of another. This is a two-way street. Governments should create the conditions where minorities have an opportunities in a way that allows them to fully enjoy their rights while honoring their obligations as members of the state. In this way, people will be able to enjoy their individual interests while contributing to the common good. We have had enough evidence of the harmful effects of excessive nationalism and the pursuit of exclusive, narrow interests at the expense of the rights of others.

For society to be cohesive, it should be inclusive. In multi-ethnic societies, this means that minorities should have the opportunity to be involved in the life of the state. Participation in decision-making should be at all levels of government. This could include: special arrangements for minority representation in the legislative process; mechanisms to ensure that minority interests are considered within relevant ministries; special measures for minority participation in the civil service as well as the provision of public services in the language of the national minority. The electoral system should also facilitate minority representation and influence. These are some of the recommendations made by international experts in the so-called Lund Recommendations on the Effective Participation of National Minorities in Public Life.

The Lund Recommendations also provide food for thought on the concept of selfadministration or self-governance. When most people think of self-governance, they immediately think of forms of self-determination that lead to secession. Territorial selfgovernance should not be equated with secession. It simply means the shifting or decentralization of certain functions and competences from the centre to regional, community or local level. In such arrangements, the central government usually exercises control over major matters of national interest, such as defense, foreign affairs, immigration and customs, macroeconomic policy, and monetary affairs, while the territorial administration could assume significant authority over education, culture, forms of public administration, environment, local planning and so on. Other functions could be shared between the central and territorial governments.

The division of these competences is not hard and fast, nor are these types of arrangements applicable in all cases where there are significant minority communities. Furthermore, functions may be allocated asymetrically to respond to different minority situations within the same State. The discussion of this topic is not restricted to Yugoslavia; decentralization is also an issue which is currently being considered and implemented in a number of European countries.

There are also non-territorial ways in which specific interests of national minorities may be assured. For example, individuals and groups have the right to choose their names in the minority languages and obtain official recognition of their names. Minority education institutions should play a role in determining the curricula for teaching of their minority languages and cultures. Minorities should be able to determine and enjoy their own symbols and other forms of cultural expression. The point is to give minorities, especially those that are dispersed throughout a State, ways of maintaining and developing their identities and cultures. Of course, the bottom line is protecting their human rights.

To conclude, the Federal Republic of Yugoslavia is entering a period of renewal. The entrenchment of democratic society together with sound economic growth should be complemented by a process designed to encourage the integration of multi-ethnic diversity. This may require decentralization in some areas, and central guidance in others. The key is to begin the reconstruction of a democratic and multi-ethnic Yugoslavia on a sound basis. There are blueprints available in international documents and the experiences of other countries. There are also rules to follow from international standards. International organizations, including the OSCE, may provide expertise. But the architecture and the building of the new Yugoslavia are in your hands. Let the future of Yugoslavia offer inspiration to others that multi-cultural societies can prosper and provide an environment where people of different ethnicities can live peacefully together.

Thank you for your attention.