



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Acceptance speech
to the Stockholm Meeting of the
Council of Ministers of Foreign Affairs of the CSCE,
15 December 1992, Stockholm, Sweden**

May I thank you, Madam Chairman, for the kind words you have addressed to me. May I also take this opportunity to thank all governments represented around this table for the confidence they have expressed in me by appointing me as the first CSCE High Commissioner on National Minorities.

Being the first in this newly created post, I will not be able to profit from the experience of my predecessors. In many ways I will have to explore a path which has not been trodden before - a path moreover, that might sometimes be quite slippery. More specifically, I will have to develop new methods and procedures in performing what I consider to be the essence of my future task: to try to help to avoid the developing into a conflict of tensions involving national minority issues, and to try, where appropriate, to promote dialogue, confidence and cooperation between the parties concerned. To put it more briefly: the essence of my task is a preventive one: to try to prevent tensions involving national minorities from getting worse, and, in this connection, to try to find ways to lessen these tensions.

Preventive diplomacy adds a new element to the classic methods of diplomacy; it opens new possibilities for creativity and imagination, but on the other hand, just because there is relatively little experience in this field, there is also the need to move cautiously in order to avoid pitfalls. Against this background, I am grateful that the Helsinki summit document of 1992 gives the High Commissioner a number of clear guidelines which I intend to follow scrupulously - even more so because the formulas which have been chosen, often after labourious negotiations, reflect the consensus of all states participating in the CSCE.

The mandate which the Helsinki document has given me makes it clear that it is not my task to get involved in any national minority issue. As I interpret it, there can only be question of my involvement if there are tensions involving national minority issues that, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating states. On the other hand,

the formulations chosen also make it clear that there is no role for the Commissioner in cases where a conflict has erupted. One could imagine, however, that the Commissioner could make a contribution once a conflict situation involving violence has come to an end, but the underlying causes which led to the conflict have not yet been removed.

The mandate, apart from excluding situations involving organised acts of terrorism, also makes it clear that he will not consider violations of CSCE commitments with regard to an individual person belonging to a national minority. It is not his task to act as a sort of Ombudsman even though one could imagine that in some situations involving national minorities the creation of the office of Ombudsman could be part of the solution.

The mandate uses the term national minority without actually defining it. There are of course various definitions, including one of the Permanent Court of International Justice in The Hague in 1923, but experience shows that it is extremely difficult to achieve consensus amongst a large group of states on such a definition. I wonder also whether there is a need for it. It seems to me preferable to proceed pragmatically. I feel strengthened in this view by what the Permanent Court of Justice stated in 1930: the existence of a minority, it said in essence, is a matter of fact, not a matter of law. In this connection I also draw your attention to the document of the 1990 Copenhagen meeting of the conference on the human dimensions of the CSCE which, in effect, also chose for a pragmatic approach by simply stating in para 30: "To belong to a national minority is a matter of a person's individual choice"

Let me now try to analyse in some more detail the tasks which the Helsinki mandate entrusts to me. When a particular national minority issue has been brought to the attention of the CSO, the involvement of the High Commissioner will require a request and a specific mandate for the CSO. But if this is not the case, it is the responsibility of the High Commissioner to decide, (after consultation with the Chairman in Office) whether or not to visit a participating state to address a tension involving national minorities. In my view, the best course to follow is on the one hand to avoid rushing to an area at the slightest sign of possible tension, but on the other hand not to wait to take the initiative for a visit until the atmosphere has become so heated that efforts to reduce tensions and to promote dialogue might no longer have a useful effect. The need not to wait too long is, in my view, also underlined by the mandate which refers twice to the need of activities by the High Commissioner at the earliest possible stage.

Once the Commissioner has made a visit, he can recommend to the CSO that he be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions, according to a mandate decided by the CSO. If the situation has not deteriorated to such an extent that the Commissioner will feel obliged to issue a so-called early warning, he might frequently feel the need for such a further mandate. Quite often a first visit may give him a closer insight on crucial areas of disagreement, but formulas to improve the situation or to promote confidence and dialogue,

might need some further reflection. In other words, one visit might not be enough to make both the diagnosis and to try various remedies.

In performing my task as commissioner, it is, of course, my duty (and also that of my staff) to be completely impartial and, moreover, to be discreet. Preventive diplomacy can in my view only have a chance of it is at the same time, to the maximum extent possible, quiet diplomacy.

Madam Chairman, in trying to help diminish tensions and to promote solutions, the High Commissioner will have to use certain standards as the basis for any formula he might propose. These standards cannot be of his own making; they have to reflect the consensus of the CSCE member states. Fortunately, these standards are not lacking.

There is, first and foremost, the 1990 CSCE Charter of Paris, which states, inter alia: "We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created."

There is moreover the document of the 1990 Copenhagen meeting of the conference on the human dimension of the CSCE, which devotes a special chapter to the rights of the national minorities. And finally, there is the report of the 1991 Geneva meeting of CSCE experts on minorities which, inter alia, make it clear that members of a minority have not only rights but also responsibilities by stating: The participating states affirm that persons belonging to a national minority will enjoy the same rights and have the same duties of citizenship as the rest of the population."

These three documents, with their carefully drafted formulations, I consider as indispensable guidelines for my future work. I am convinced that the task awaiting me will be an extremely difficult and complicated one, and that patience and perseverance will often be just as much needed as inventiveness and diplomatic skills. I will try to fulfill the mission entrusted to me to the best of my abilities, working in close cooperation with the ODIHR in Warsaw. But I am also convinced that even the most talented High Commissioner would fail if he would not be able to count on the support of CSCE member states.

In Helsinki this year, the CSCE heads of states and governments decided that in the present situation in Europe a High Commissioner on National Minorities was needed. A new instrument of diplomacy was created. I appeal to all CSCE governments not to hesitate to take the logical next step: to start trying to make maximum use of that new instrument. On my part whenever the Helsinki mandate requires me to act. In doing so, I will not fail to remain in close contact with the chairman in office, to carefully register views expressed by various governments on specific situations, and also to give careful consideration to any suggestions or comments a CSCE government might wish to make on the way I am performing my task.

Max van der Stoel

15 December 1992