



High Commissioner on National Minorities

CHECK AGAINST DELIVERY

National Minorities Issues in the OSCE Area

**Address by
Max van der Stoel**

OSCE High Commissioner on National Minorities

**To the Seminar on the
Organisation for Security and Co-operation in Europe
(OSCE)**

**Arranged by the Norwegian Ministry of Foreign Affairs,
assisted by the Norwegian Atlantic Committee
Oslo, 22 October 1998**

On 21 November 1990 OSCE Heads of States and Governments met for a summit in Paris. The Berlin wall had come down, the division of Europe had come to an end, communism had collapsed and the cold war had ended with a victory of the democracies. The way seemed to be open for the creation of a united, peaceful and democratic Europe. The Paris Charter, which was agreed upon during that OSCE summit meeting reflects the atmosphere of euphoria which then prevailed.

However, little more than a half year later, the first shots were fired in the bloody conflict which led to the dissolution of Yugoslavia. The collapse of the Soviet-Union which followed afterwards, was one of the major events in the history of the twentieth century, but fortunately did not result in the loss of many human lives. In the aftermath of this collapse, however, several conflicts erupted, which remain mostly unresolved and were characterised by the use of violence.

The euphoria of 1990 was of short duration. Governments which were accustomed to think in terms of internal conflict, now began to realise that the major threat to peace and stability in post-communist Europe emanated from internal conflicts within states. It took them some time to realise this. They underestimated the aspirations of various ethnic groups which during decades of harsh communist rule had no chance to manifest themselves and which, as a consequence, erupted now with increased strength. They underestimated above all the destructive effect of the forces of excessive nationalism, and the danger it constitutes for stability in Europe because it is indirectly based on feelings of racial superiority and disregard for the needs and interests of other ethnic groups.

Self-determination for the peoples is a battle cry which we have often heard in Europe during the nineties. Unfortunately less attention was given to the fact that external self-determination - in practice the aspiration of various ethnic groups to create their own state - could not solve the problem of national minorities. It is impossible because whatever way one would want to change borders in Europe, it would not lead to the creation of ethnically homogenous states. The minority, which would succeed in creating a new state in which it constitutes a majority, would again be faced with the problem of minorities within its borders. It will therefore be necessary to solve the interethnic problems by ensuring the vital interests of each state through a process of internal self-determination nation within the state.

As one ethnic crisis after the other developed, discussions started about using the tools of preventive diplomacy to prevent these. This discussion started too late. At least one year before the fighting started in former Yugoslavia, it was the common view of almost all qualified international observers that the country was heading towards a deep crisis. And already many years before, leading Yugoslav politicians conceded that the country had all the weaknesses of the former Austro-Hungarian Empire. Against this background, it is astonishing that the international community did not undertake any serious efforts to prevent a disaster until the conflict had actually erupted. Events since then demonstrated once more how difficult it is to bring a conflict to an end. In criticising the lack of efforts by the international community in the crucial months before the violence began in Yugoslavia, I do concede that even the strongest and best concerted international pressures might have failed. But my point is that it was not even tried. That was what the international community ought to have done.

It is in my view alarming that, notwithstanding the experiences of 1991, the international community failed once more to give the necessary priority to Kosovo until violence started there in the beginning of this year. I do acknowledge that some efforts were made before to promote a negotiated settlement. But these initiatives were based on illusions. At the end of 1997 the prevailing view amongst members of the Contact Group was that it might be possible to elaborate a formula on educational problems in Kosovo, which, once agreed upon, could lead to similar agreements regarding the field of public health and the judiciary. And

this in turn could lead to an atmosphere of increased confidence between the parties in which the most difficult problem, that of the future constitutional status of Kosovo, could be solved as well. It was not sufficiently realised that President Milosevic is a master in making half promises which he subsequently forgets, and, especially, that time was running out.

What causes these ineffective responses to clearly visible threats to peace and security? I am convinced that this is not because the relevant data are not available. In the Foreign Ministries in Europe the main problem seems to be that the ministers responsible are so fully preoccupied by current crises that they have not enough time to face the crises of tomorrow, at any rate in an organised international framework. The solution of this problem ought to get much more attention than it has at present. In the face of so many threats to stability and security because of internal crises, we simply cannot afford to make the same errors again and again. This brings me to the role that the OSCE has so far played in meeting the challenge of destabilisation as a consequence of internal crises in states. In the first place, I have to mention the document of the Human Dimension conference agreed upon by all OSCE states in Copenhagen in 1990. It contains a very important chapter on the rights of persons belonging to national minorities which provides a number of essential directives regarding the way ethnic problems have to be handled. Secondly there is the document of the 1991 Human Dimension meeting in Moscow which has a paragraph stipulating that issues relating to human rights, fundamental freedoms, democracy and the rule of law are not exclusively a matter to be dealt with by the government of the state concerned but that they also constitute a matter of legitimate concern for the OSCE community as a whole. This document, accepted by all OSCE states, also constitutes the basis for OSCE involvement in questions relating to the rights of minorities.

A third development was the creation of the office of the High Commissioner on National Minorities. In this connection I want to mention a widespread misunderstanding. Many think that it is my role to be an advocate of national minorities. That is not correct, even though I have to add that I do consider it my duty to urge a state to implement its OSCE commitments regarding the rights of minorities if it fails to do so. My mandate makes it quite clear, however, that my central task is to be an instrument of conflict prevention, or, to put in different words, to try to do what I can to help to prevent an incipient conflict to develop into something worse. My experience of nearly six years in office has taught me that it's essential to get involved in a very early stage. The position of the parties might then still show some flexibility. In a later stage, they tend to become more rigid. As a rule I also try to avoid publicity. Any public statement I make while on a mission creates the risk that parties will react by publicly presenting their views, thus making it more difficult for themselves to retreat from their position.

I frequently make recommendations to a state regarding a specific minority problem. One might wonder whether the views of a single individual can have much impact. However, these recommendations are also brought to the attention of all other OSCE states as soon as the reaction of a government to my recommendations has been received. It has happened very frequently that

other OSCE states make it quite clear to the government concerned that they support my proposals. As a consequence they carry a much greater weight.

I am not going in detail about my activities in the last six years in Estonia, Latvia, Croatia, Hungary, Slovakia, Romania, Georgia, Ukraine, Kazakhstan and Kyrgyzstan. Let me just express my pleasure about the outcome of the referendum in Latvia on 3 October last, which meant that the legislative changes, which I had suggested regarding the abolition of the so called window system and the granting of citizenship to children of stateless parents born in Latvia since it regained its independence, had been approved by the Latvian people. This means a big stimulus for the process of integration in Latvia. I express the hope that the Estonian parliament, which is considering identical proposals regarding the children of stateless parents, will soon follow suit.

Let me return to the problems of minorities in general. I am trying to convince governments that it is in their interest to give proper attention to the needs and interests of national minorities. By doing so, they will strengthen the loyalty of these minorities to the state. On the other hand I also say to the leaders of national minorities that while they have the right to resist attempts of assimilation and to maintain and develop their identity, they must at the same time not turn their back to the wider society surrounding them. In other words, they must also opt for integration and for participation and accept responsibilities in the public life of the country in which they are living.

The most fundamental guarantees for the legitimate rights of a national minority are the existence of an effective democratic system, the rule of law and the respect of human rights in general. But more has to be done to ensure for them the position in the state they are entitled to. In centralized states their needs can be better accommodated by more decentralization and more powers for local and regional organs. National legislation must ensure that there are adequate opportunities for having tuition in their mother tongue, especially in primary and secondary education. And finally more opportunities should be created for participation of representatives of national minorities in decisions regarding issues which are of special relevance for them. States can introduce forms of effective participation of minorities in public decision making, especially in matters that concern them, through electoral processes as well as special mechanisms for structured dialogue, consultation, and advice. States can introduce various forms of devolution to bring the political decision making processes as close as possible to those most directly affected by it. States can also establish various forms of autonomy, especially on a cultural or functional basis. Too little thought has been given so far to these subjects but if we want to build a Europe which will not be disturbed by constant tensions around minority issues, we will have to give much more thought to them in future.

We must not make the error to consider inter-ethnic tensions as something as inevitable as natural disasters. They can be

prevented provided we give sufficient attention to this task both internationally and nationally.

22 October 1998