



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

International response to ethnic conflicts : focusing on prevention

**Address by Max van der Stoel, CSCE High Commissioner on National Minorities
to the Closing Banquet of the Martin Ennals Memorial Symposium on Self-Determination
Co-sponsored by College of Law, University of Saskatchewan, and International Alert
March 6, 1993
Saskatoon, Saskatchewan, Canada**

Ladies and gentlemen, good evening. I am honored to have been invited to address this august gathering, 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 days of this conference, much attention has been given to the issue of self-determination and its relationship to collective security. Without entering the debate on the nature of a "right to self-determination," I should like instead to focus my comments on how international mechanisms for collective security must begin to respond to inter-ethnic tensions, often portrayed in terms of competing bids for "self-determination," 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 resolution of ethnic tensions that could develop into violent conflict endangering regional security.

In the highly interrelated world of today, the need for effective international response to nascent conflicts is self-evident. In addition to concerns about the human costs of inter-ethnic conflict, the international community should be anxious that such a conflict would threaten peace, stability, or relations between states. The world may be burdened not only with widespread suffering, or even with massive refugee flows, but also with disastrous regional wars.

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.

The challenge for early and effective response is three-fold: (1) understanding the nature of so-called ethnic conflicts, (2) conceptualizing an appropriate role for outside parties in the mediation process, and (3) bringing sufficient resources to bear on the resolution of inter-communal tensions, often by addressing economic and political circumstances that may exacerbate them. In discussing the second 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 be sure, many communities harbor antipathy and even hatred toward neighboring communities of a different origin. Stereotypes abound, and popular memories of past and even not-too-distant atrocities are easily revived. But even so, such communities often co-exist in relative harmony, interacting, interrelating, and at times intermingling.

This relative harmony, however, can be 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 perceive the potential for popular support by pursuing or advocating policies aimed at the restitution or enhancement of a national identity. The process of re-invigorating a national 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 soon the violence ensues.

Creating space for outside mediation

Clearly 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 mediation. 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 "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" (Decisions, para. 23). 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 of CSCE's Committee of Senior Officials 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 an "early warning" to CSCE, 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, CSCE may authorize the High Commissioner to undertake a program of "early action."

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 prohibited from engagement in situations involving organized acts of terrorism.

To date, I have made two missions, one to look into tensions between the Baltic states and the Russian-speaking populations there, and the other to investigate tensions between ethnic Hungarians and the authorities of the

Slovak Republic. Confidential reports on the missions, along with recommendations for further action, have been prepared, but aside from mentioning the willingness of all parties to meet with my delegation, it is perhaps too early to judge my preliminary efforts in these situations. In both cases, I expect to develop an ongoing role in promoting dialogue, confidence, and cooperation between the parties concerned.

Allow me, however, 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.

With the regard to the nature of third-party mediation, 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 resources to 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 mediation must be amply explored.

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 be aided at the grassroots level by the strengthening of responsible and independent actors in civil society, namely non-governmental organizations and the media. Furthermore, popular anxiety about economic issues, often the fertile ground for nationalistic agitation, is greatly reduced by sustainable growth in which all citizens can enjoy the fruits of honest toil. The international community must be willing to support these beneficial developments as well.

In conclusion, it may not be enough to merely create new means for preventive diplomacy and watch them be rendered ineffective by the breakdown of democratic institutions and the stagnation of potentially vibrant economies. If we understand the greater potential for ethno-political polarization during times of economic scarcity and political uncertainty, then we can begin to take proper steps towards the prevention of inter-ethnic strife. The dynamics of each situation of growing tensions must be carefully considered, and an appropriate role for the international community must be devised. In just about every case, I suspect, the engagement of the international community through an instrument of preventive diplomacy, such as the High Commissioner on National Minorities, should be early, impartial, and with the aim of promoting a process of dialogue, confidence, and cooperation between the parties.

Thank you.