



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Address by Mr Max van der Stoep CSCE High Commissioner on National
Minorities to the Rome Meeting of the Council of Ministers for Foreign
Affairs of the CSCE
Rome, 30 November - 1 December 1993**

Mr Chairman,
Distinguished members of the Council,
Ladies and gentlemen,

[Purpose and mandate of the HCNM]

Capital invested in conflict prevention is capital well spent. In humanitarian, financial and political terms conflict prevention is much cheaper than peacekeeping or rebuilding societies after a violent conflict. This understanding lies at the basis of the increased role the CSCE is playing in the prevention of conflict arising out of minority issues. It has led to the establishment of the post of CSCE High Commissioner on National Minorities.

Almost a year ago, the CSCE Council at its Stockholm Meeting decided to appoint me as the first CSCE High Commissioner. Since I did not have a predecessor from whose experience I could profit, I stated at the Stockholm Meeting that I would have to explore a path which had not been trodden before, a path that might sometimes be quite slippery. Now I can say that I have become acquainted with large stretches of this road and its pitfalls.

According to the mandate, the High Commissioner is an instrument of conflict prevention who will provide early warning and, as appropriate, early action at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage. As High Commissioner, therefore, I have a two-fold mission: first, to try to contain and de-escalate such tensions, and second, to act as a 'tripwire', meaning that I will have to alert the CSCE whenever such tensions threaten to develop to a level at which I would not be able to contain them with the means at my disposal.

In a general way my mandate elaborates guidelines for determining whether or not I should become involved in a particular situation. I am content to note that my mandate provides me with the necessary freedom of initiative in this

regard. Importantly it allows me to operate with the essential amount of independence. Once the decision to become involved has been taken, the question of timing has to be carefully considered. In most situations the answer has to be: the sooner, the better.

I have been able to make use of this independence without, I trust, diluting my final accountability to the CSCE as a whole. Furthermore I feel that my reports to the Committee of Senior Officials, the CSO, and in general my contacts and discussions with the CSO and the Vienna CSO Group are essential to the effectiveness and credibility of the High Commissioner. In addition it is very important that my mandate requires me to work in close consultation with the Chairman-in-Office. I am glad to say that I have considered this not as an arduous duty but as a privilege. At all levels the Swedish Chairmanship-in-Office was invariably most helpful and has provided me frequently with sound advice. I am very grateful to Minister af Ugglas and Ambassador Bjurner for this.

[General characteristics of HCNM approach]

Mr Chairman,

As far as the nature of my actual involvement in a particular situation is concerned and basing myself on my experience in 1993, I would describe it in three words: impartiality, confidentiality and cooperation. These factors are essential if the High Commissioner is to function effectively over a longer period of time.

To start with, impartiality. The High Commissioner is not an instrument for the protection of minorities or a sort of international ombudsman who acts on their behalf. This is reflected in my title: I am CSCE High Commissioner on National Minorities and not for National Minorities. If CSCE commitments such as contained in the Copenhagen Document are violated the High Commissioner has, of course, to ask the Government concerned to change its line, reminding it that stability and harmony are as a rule served best by ensuring full rights to the persons belonging to a minority. However, he has also to remind the members of the minority that they have duties as well as rights.

Then, confidentiality, which serves more than one purpose. Confidentiality is important since often parties directly involved feel they can be more cooperative and forthcoming if they know that the discussions will not be revealed to the outside world. Conversely parties may make much stronger statements in public than in confidential conversations, feeling that they should be seen to maintain strong demands or trying to exploit outside attention. The risk of escalation of the conflict which is inherent in this can be considerably reduced if a low profile is adopted.

Lastly, I would emphasise the cooperative and non-coercive nature of my involvement. Durable solutions are only possible if there is a sufficient measure of consent from the parties directly involved.

In practice, an approach based on these three considerations has served me well, and I think that its application has contributed to the good relationship I have been able to establish with the Governments of the States I visited. I would like to stress that the Governments concerned have been very cooperative and open towards me. On the whole they have received my recommendations well, and I trust that these will be implemented to the advantage of all parties directly involved.

[Concrete cases, general aspects]

Mr Chairman,

Let me mention just briefly the situations in which I have become directly involved in 1993: the Baltic States, particularly Latvia and Estonia ; Slovakia; Hungary; the Former Yugoslav Republic of Macedonia; Albania; and Romania. At the request of the CSO I have noted the situation of the Roma, or Gypsies as they are often called, in a number of CSCE participating States, and have submitted a more general report on their problems to the CSO. These situations all require long-term attention and do not dissolve after a first visit by the High Commissioner. Therefore I would hope for the continuing necessary political and operational support on the part of the participating States in the execution of my mandate. One aspect of this is expert assistance which is essential. I would hope that the participating States will soon nominate more minority experts on the ODIHR resource list of experts.

Mr Chairman,

When addressing situations falling within my mandate, I do not have the illusion that I can come up with a solution which is generally applicable. There are many different situations where minorities are concerned, and each case has to be assessed in light of its particular aspects and circumstances. Nevertheless a few general remarks can be made.

The first remark is that the protection of persons belonging to minorities has to be seen as essentially in the interest of the state and of the majority. Stability and security are as a rule best served by ensuring that persons belonging to national minorities can effectively enjoy their rights. If the state shows loyalty to persons belonging to minorities, it can expect loyalty in return from those persons who will have a stake in the stability and well-being of that state.

My second remark is that solutions should be sought as much as possible within the framework of the state itself. The most essential contribution to the elimination of minority problems as destabilising elements in Europe is the promotion of a better and more harmonious relationship between majority and minority in the state itself.

My third remark is that preventing ethnic conflict requires that the net be thrown widely to include human dimension aspects, economic factors, and often highly political issues such as the territorial integrity of states and the inviolability of borders.

[Human dimension and HCNM]

Mr Chairman,

Allow me to elaborate a bit on my third remark. Firstly, then, the place of the human dimension in my activities. The High Commissioner is defined as an instrument of conflict prevention, not of the human dimension. However, the CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights, fundamental freedoms and democratic principles. CSCE efforts at conflict prevention need to take full account of the human dimension or else they will founder. This also applies to situations involving national minorities, perhaps even more so in view of the numbers of people concerned. All situations with which I have had to deal contained human dimension aspects and many of my recommendations refer to specific measures that could be taken to address minority concerns in this regard.

One cannot overestimate the importance of effective democratic institutions in this regard. They are essential to guaranteeing and organising the participation in public life of all and to channeling and resolving the conflicts of interest which are normal to all societies. They can prevent populists from playing the ethnic card and from exploiting and exacerbating existing differences and tensions. I would add that it is also up to individual Governments, to responsible leaders of minorities and to the CSCE community as a whole to make sure that such radicals do not get the chance to cause new explosions of violence.

[Communication, participation, integration]

Mr Chairman,

In this context I would call particular attention to three constant aspects of the relationship between minorities and the states they live in, aspects which I have very frequently encountered in my work as High Commissioner. Let me indicate them by three words: communication, participation and integration.

Firstly, communication. As far as the dialogue and mutual trust between the authorities, the majority and minorities are concerned, things can often be improved. In many cases an effective solution would be the establishment of an interethnic council providing for a structural dialogue between the authorities and representatives of the minorities and for meaningful minority input into government policies. Sometimes, what is needed is an independent body like an ombudsman to which persons belonging to minorities can turn when they feel that the authorities are not paying due attention to their problems and concerns.

Secondly, participation. Of immediate relevance in this respect is the right of persons belonging to national minorities to effective participation at all levels in public affairs, including those relating to the protection and promotion of the identity of such minorities. This helps avoid a situation in which persons belonging to minorities might feel that they should resort to other, less acceptable means for representing their interests. It also helps to create links of loyalty to the state and the society.

Thirdly, and building on the first two aspects, the issue of integration. Questions concerning language laws, citizenship requirements et cetera all have to do with this issue, which is crucial to a lasting and equitable solution to many minority situations. Integration is quite different from assimilation, in which case a minority is absorbed by the majority, loses its identity and disappears as a recognisable group. A minority is entitled to resist assimilation by making determined efforts at preserving its identity and by opposing attempts at forced assimilation.

Integration, on the contrary, presupposes the maintenance of the separate identity of a minority, and persons belonging to minorities should dispose of appropriate means to preserve and develop it without this leading to discrimination of persons belonging to the majority. At the same time, the persons belonging to the minority also have to choose to be part of the society and make an effort at integration, for instance by learning the language of the majority and by showing its loyalty towards the state they are living in.

For integration to succeed, it has to be recognised by authorities, majorities and minorities alike that a state does not have to be ethnically homogeneous in order to be able to survive. Also, the notion that the state can serve only the interests of one ethnic or cultural group is antiquated. Through the conflict in former Yugoslavia, we can see daily the horrors to which it can lead. Furthermore, it is no solution to deny the existence of minorities or to quote solve the problem unquote by pursuing policies of forced assimilation, deportation or even 'ethnic cleansing', as it is euphemistically called.

[Importance of economic factors]

Mr Chairman,

My second point of elaboration is that for two reasons economic factors are important to conflict prevention in relation to minority questions. Firstly, an economic downturn in a country will in all likelihood lead to social tensions, and some people will be looking for a scapegoat, a minority being a likely candidate for that role. Secondly, effectively addressing minority issues often requires investments in certain projects, such as minority language education. With relatively modest amounts of money important results can be achieved, whereas if a conflict erupts the cost of helping countries afterwards would be much greater. Undeniably, it is the individual participating States themselves which carry primary responsibility for the implementation of the CSCE commitments on their territory. However, by declaring the legitimacy of international concern for human rights and minority questions, the CSCE community has assumed as its responsibility the burden of supporting individual CSCE States which cannot by themselves solve the problems which are confronting them. I would underline the necessity that interlocking institutions do really interlock so that their efforts are mutually reinforcing. With a view to conflict prevention a concerted effort is needed, and that applies to the human dimension as well as to financial and economic aspects.

[Self-determination, territorial integrity, borders]

Mr Chairman,

I now come to the third and last element of my elaboration. One sometimes hears that secession could be an answer to minorities' problems and aspirations. I think that in almost all cases secession is not helpful, nor is it necessary.

To pick up my first point, in view of the number of minorities and of the fact that they are often dispersed over large regions, living intermingled with persons belonging to other groups, I think it is impossible that changing borders would be a feasible or desirable solution. Secession might very well lead to an increasing number of unstable states with new minorities within their borders. Instead of greater security, we would have a Europe which is less stable and safe.

Secondly, self-realisation as a minority could very well be achieved within the framework of the State. It would not necessarily have to find a territorial expression but could often be realised through legislation promoting the development of the identity of the minority in various fields, for instance culture, education, local government et cetera.

Thirdly, I have not yet encountered a Government faced with minority problems which is prepared to cede even a small part of its territory as element of a solution. The very mentioning of such an option already leads to a greater rigidity in the attitude of such a Government vis-à-vis the minority in question.

Sometimes, bilateral treaties with neighbouring countries confirming the existing borders and guaranteeing the protection of minorities can be helpful. They can promote a more relaxed attitude on the part of the Government of a State with a minority, while at the same time providing reassurances to the kin-state of the minority in question.

However, three factors ought not to be forgotten: - Firstly, there are situations in which relations between neighbours are such that efforts to conclude a bilateral treaty only serve to underline the differences of opinion between them. - Secondly, even in cases where bilateral treaties might be within reach, any attempt to force the tempo of negotiations may produce the opposite of what is intended because usually some very sensitive issues have to be dealt with. - Thirdly and most importantly, the best contribution to the elimination of minority problems as destabilising elements in Europe is the promotion of a better and more harmonious relationship between majority and minority in the country itself.

[Conclusion]

Mr Chairman,

I would like to make two concluding remarks. In the first place, I would hope for an increased coordination and cooperation with the other international bodies which are active in the field of minority issues in Europe, in particular the Council of Europe. The different approaches of the CSCE and the Council

of Europe, one giving priority to a political line and the other to a legal one, should guarantee a mutually reinforcing complementarity of efforts while avoiding a wasteful duplication of activities. The series of coordination meetings which the Swedish Chairman-in-Office has initiated can be very useful for this.

Secondly, I think it is especially important that both the CSO and the individual States continue to endorse and support the recommendations I make to the Governments of participating States. In the final analysis effective conflict prevention by the CSCE High Commissioner on National Minorities is dependent on the willingness of the participating States, individually and as a whole, to support his efforts.

Thank you.