



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Intervention by Max van der Stoel
CSCE High Commissioner on National Minorities
at the Human Dimension Implementation Meeting.
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[I. Human Dimension]

Mr Chairman,

Thank you for giving me the floor. This gives me the opportunity to share with you some thoughts about the human dimension of the CSCE and how, from my practice as CSCE High Commissioner on National Minorities, I see the human dimension in relation to my conflict prevention task.

[1. Three general principles]

Right at the outset, I would like to underline three principles which are fundamental to the concept of the CSCE human dimension and without which the human dimension would be deprived of its significance, and thus the CSCE as a community of values robbed of its heart.

First, the commitments and responsibilities undertaken in the field of the human dimension of the CSCE apply in their entirety and equally in each and all of the participating States. The human dimension is indivisible; there can be no zones of lesser humanity.

Second, the human dimension commitments are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. The argument of non-interference in internal affairs with regard to the human dimension is not valid; it never has been.

Third, the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions are a vital basis for the comprehensive security of the CSCE States. CSCE efforts at conflict prevention cannot ignore the human dimension or else they will founder.

These three principles are interrelated and mutually reinforcing. Taken together, they give life and substance to what we call the CSCE community of values. Applied in isolation, they will lose their compelling power and the

CSCE will be greatly reduced in its capacity to build a lasting order that is peaceful and just.

These principles evoke the individual and collective responsibility of the participating States, as part of the collective conscience of the CSCE community, towards all people in the CSCE area. Undeniably, it is the individual participating States themselves which carry primary responsibility for the implementation of the CSCE commitments on their territory. Consequently, it is at the national level that they should seek first and foremost to devise and implement solutions.

At the same time, however, by declaring the legitimacy of international concern for human rights, 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 submit to you that a political and moral duty rests on the participating States to extend their support to partners in need. This is what may be called cooperative implementation.

We should look upon the process of the increasing role of the CSCE community in the human dimension in light of this crucial aspect of cooperation. Starting with the discussions on implementation at CSCE meetings, through the adoption and application of the Vienna and Moscow Mechanisms, to the establishment of on-the-spot short-term and long-term missions to participating States, the possibilities of the CSCE community to address human dimension issues in participating States have increased. So has the cooperative component of the tools which are at the disposal of the CSCE to monitor and improve implementation of human dimension commitments. The Programme of Coordinated Support to recently admitted participating States, which I believe will be discussed during this meeting, provides a useful framework for such cooperative implementation.

[2. Human dimension and conflict prevention]

Mr Chairman,

The CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights, fundamental freedoms and democratic principles. Violations of human dimension commitments lead to tensions, to societal conflicts and distrust. At times, they may have cross-border consequences, such as involuntary migration. Especially if large groups are affected, the stability of states or even a region may be at risk. In the particular case of minorities, there may be kin-states which feel they should speak up at the international level, sometimes increasing bilateral frictions.

On the other hand, democratic states are more likely to treat their citizens with dignity and respect, and more likely to look for peaceful, constructive relations with neighbouring states. A democratic framework as laid down in the CSCE documents, in particular in the Copenhagen Document, provides the vital basis for the prevention of human dimension violations or, when they occur,

for their redress. Democratic institutions 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.

It flows logically from this analysis that concepts like early warning and conflict prevention are relevant to the human dimension. It is necessary to distinguish between two concepts: short-term and long-term conflict prevention. Short-term conflict prevention aims at the prevention or immediate correction of flagrant violations of human dimension commitments which may cause an escalation. It is here in particular that early warning has to play its crucial role. Long-term conflict prevention is really about building a viable democracy and its institutions, about creating confidence between the government and the population and groups within the population, about structuring the protection and promotion of human rights, and about fostering tolerance, understanding and mutual acceptance in society. This almost always takes a long time, and support and encouragement by the CSCE community will often be needed.

Both forms of 'human dimension conflict prevention' should be pursued in parallel. Efforts at laying the groundwork for a real democracy are in vain if in the meantime tensions escalate into bloody civil war. The reluctance or even refusal of states to build democracy, create confidence, protect human rights and promote a tolerant society nullifies all short-term conflict prevention activities. Indications of such an attitude are an early warning to us, too, and should be treated as such.

These remarks concerning conflict prevention and the human dimension should naturally be understood to cover situations involving national minorities as well, perhaps even more so in view of the numbers of people concerned.

[II. Human dimension, conflict prevention, and the High Commissioner]

Mr Chairman,
Where does the CSCE High Commissioner on National Minorities belong in this picture? The High Commissioner has not been defined as an instrument of the human dimension, nor as a spokesperson or ombudsman for minorities or persons belonging to them. At the same time, however, all situations with which I have had to deal naturally contain many human dimension aspects. The protection of persons belonging to national minorities starts with the respect of general human rights. These rights are applicable to all people including persons belonging to national minorities.

Conflict prevention regarding situations involving national minorities and implementation of human dimension commitments are incontestably strongly interlinked. It is therefore only logical that the Committee of Senior Officials requested me to provide information on my activities to the implementation meeting of the human dimension.

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 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.

Thus, my mandate puts me first and foremost in the category of short-term conflict prevention. At the same time, however, to be effective I cannot pass by the important longer-term aspects of the situations with which I have to deal. A longer-term perspective is necessary if sustainable solutions are to be achieved. Immediate de-escalation of a situation can only be a first step in the process of reconciling the interests of the parties concerned. The goal is to start, maintain and enhance a process of exchanges of views and cooperation between the parties, leading to concrete steps which would de-escalate tensions and, if possible, address underlying issues. It is in particular from the longer-term perspective that the intimate relationship between conflict prevention and the human dimension becomes apparent, but I would submit that human dimension concerns are often a critical component of conflict prevention in the short term as well. In this connection, it is important to note that many of my recommendations to Governments often refer to specific legal, political and institutional measures that could be taken to address minority concerns and thereby improve conditions for dialogue.

I should stress, however, that there is not one magical human dimension recipe for minority issues. There are many different situations where minorities are concerned and each case has to be assessed in light of its particular aspects and circumstances. At the same time, preventing ethnic conflict requires that the net be thrown wider than the human dimension. Minority questions are so intimately connected to issues which go to the heart of the existence of states that an approach based exclusively on the human rights aspects would be incomplete and therefore insufficient.

Still, I would say some words about what I think a Government's policy towards minorities should contain. It will have to be the result of a balanced and equitable approach which reconciles the interests of the minority and the majority on the one hand and the interests of human beings (individually or collectively) and the state on the other. Very often, such a policy will entail a combination of three elements. First, in its policies the state should observe non-discrimination on grounds of belonging to a certain minority. Second, the state should make efforts to promote tolerance, mutual acceptance and non-discrimination in society. For both these elements applies that 'equality in fact' should accompany 'equality in law'. Third, persons belonging to minorities should dispose of appropriate means to preserve and develop their language, culture, religion and traditions without this leading to discrimination of persons belonging to the majority.

[III. High Commissioner activities]

[1. Nature of HCNM involvement]

Mr Chairman,

The establishment of the office of High Commissioner was another step in the process of increasing involvement of the CSCE community in the human dimension of the CSCE. Ethnic conflict prevention is of course not identical to the human dimension, but they overlap to a great extent. Once again, I would stress the cooperative nature of this external involvement. The parties concerned should feel that the High Commissioner's role is non-coercive, exploratory and low-key, as indeed it is. It is important that they are as much as possible interested in this outside involvement. In practice, this guideline 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. So far, they have received my recommendations well, and I trust that these will be implemented to the advantage of all parties directly involved.

Briefly, let me just mention the situations in which I have become directly involved during the last nine months: the Baltic States, particularly Latvia and Estonia, with regard to the Russian populations; Slovakia, with regard to the Hungarian population; former Yugoslav Republic of Macedonia, with regard to the Albanian population; Albania, with regard to the Greek population; and Romania, with regard to the Hungarian population. In addition, I have noted the situation of the Roma (Gypsies) in a number of CSCE participating States, and just last week I submitted a more general report on their problems to the Committee of Senior Officials. It is my hope that this implementation meeting will also provide an opportunity for considering measures for addressing constructively and concretely the grave problems facing the Roma in the region.

[2. Communication, participation, integration]

Mr Chairman,

Allow me to highlight some aspects of the situations I have addressed. To be sure, many substantive issues have been identified that needed to be addressed responsibly. In the course of the first nine months of my tenure, I have come across three more general issues to which I would call particular attention. They could almost be characterised as constant aspects of the relationship between minorities and the States they live in. Let me indicate them by three words: communication, participation and integration.

First, communication. During my missions I have often found that as far as the dialogue and mutual trust between the authorities and minorities are concerned, things can be improved. In many cases an effective solution might be the establishment of a minorities' council or roundtable through which the authorities and representatives of the minorities can engage in a structural dialogue and consultations on minority issues. It is necessary that all parties involved engage in this dialogue in good faith and make an effort to make it succeed. A special governmental department dealing with specific minority issues also often seems useful. Of course, these bodies should provide for

meaningful minority input into government policies on issues affecting minorities and not be mere window-dressing.

Sometimes, what is needed is an independent State body to which persons belonging to minorities can turn when they feel that the authorities are not paying due attention to their problems and concerns. The figure of an ombudsman comes to mind, an independent personality who can take up cases and make the authorities pay attention to them and to the concerns expressed. Of course, the authorities in general and the central government in particular should also invest sufficient time and energy in engaging in a dialogue with minority communities. Third-party involvement in issues between the authorities and minorities may very often be useful to stimulate communication between the parties and sometimes even be instrumental in bringing it about.

Second, participation. One cannot overestimate the importance of effectively functioning democratic institutions in this regard. Of immediate relevance in this respect is the right of persons belonging to national minorities to effective participation in public affairs. That includes participation in the affairs relating to the protection and promotion of the identity of such minorities, in the first place in parliament and government. 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. Participation in public affairs is also very important to create links of loyalty to the state and the society of which the minorities form a part. Once again this requires good faith efforts on both sides.

Third, and building on the two general aspects I have tried to describe, the issue of integration has presented itself. Questions concerning language laws, citizenship requirements et cetera all have to do with this issue, which I think 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. Integration, on the contrary, presupposes the maintenance of the separate identity of the minority, be it ethnic, linguistic, cultural, religious or a combination thereof. At the same time, the persons belonging to the minority also choose to be part of the society at large.

Sometimes, a change of perception on the side of the parties involved is required. The protection of persons belonging to minorities has to be seen as essentially in the interest of the state. If the state shows loyalty to persons belonging to minorities, it can expect loyalty in return from those persons. For their part, persons belonging to national minorities should understand that self-realisation as a group or the maintenance of the identity of a minority does not necessarily have to lead to or require secession, either as a step towards an independent state of one's own or towards joining another state. There exist other possibilities of self-realisation, such as cultural autonomy, local government et cetera. The 1991 Report of the CSCE Meeting of Experts on National Minorities contains a number of approaches towards such self-realisation.

[IV. Conclusion]

Mr Chairman,

My work as High Commissioner has made me both optimistic and pessimistic with regard to the issues which my mandate requires me to address. On the one hand, I am optimistic because I have found that in all cases there is a basic willingness among the ordinary people to live side by side with neighbours who belong to other groups. The foundations for tolerance and mutual acceptance are there. On the other, I am pessimistic because I see also small groups of radicals trying for whatever reason they may have to exploit and exacerbate existing differences and tensions. It is 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.

Thank you, Mr Chairman.