



High Commissioner on National Minorities

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Early response to ethnic conflicts: Focusing on prevention
Address by Max van der Stoep, CSCE High Commissioner on National
Minorities,
to the Parliamentary Assembly of the Conference on Security and
Cooperation in Europe
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Ladies and gentlemen, Good afternoon,

I am honored to have been invited to address the Parliamentary Assembly of the CSCE. I consider this a particularly important opportunity to share with you some of my thoughts as High Commissioner on National Minorities.

As democratically elected legislators, parliamentarians can play an invaluable role in strengthening human rights protections, the rule of law, and popular participation in the processes of governance. These elements are indispensable in ensuring the effective functioning of democracy, an essential pre-condition for constructively addressing problems in the relations between a country's different ethnic groups. Thus, I look to you as colleagues and as partners in coming to terms with the often-difficult issues raised in connection with inter-ethnic relations. And I look forward to working together to improve mutual understanding between ethnic groups, to strengthen the legal basis for human rights protections, and to enhance institutions for harmonizing inter-ethnic relations.

I will return to some ideas for parliamentary response to these issues. First, however, I would like briefly to review the nature of so-called ethnic conflicts, mention the importance of effective democratic institutions in addressing inter-communal differences, and discuss the role for outside parties in facilitating the resolution of inter-ethnic tensions. On this last point, I will refer to the work of the High Commissioner on National Minorities in the early identification and possible resolution of ethnic tensions that could escalate into a conflict endangering peace, stability, or relations between states.

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 the dissolution of multi-ethnic and multi-national states. Ethnic conflicts are very often the result of ill-considered or even extremist politics, and they can and should be avoided.

To this end, definitions are often of only limited importance. Indeed, I cannot pretend to improve on the work of many experts who over years have been unable to agree on the definition of the term "minority." I would instead like to note that the existence of a national minority is a question of fact and not of definition. In this connection I would like to quote a text of fundamental importance to minority issues within the CSCE, the 1990 Copenhagen Document. It states that (quote) To belong to a national minority is a matter of a person's individual choice (unquote).

Rather than definitions, perceptions are often more important for harmonious inter-ethnic relations. Specifically, an ethnic group must be able to perceive that there are legitimate opportunities for developing its distinctive identity and for participating in the economic, social, and political life of the country. The majority group must see that no dangers, but instead only benefits, arise from the expression of cultural differences and the full participation of all citizens in society, governance, and the economy.

In fact, during my recent visits to so-called ethnic "hot spots," I have been repeatedly struck by the relative harmony between ethnic groups at the inter-personal and community levels. At the political level, however, this harmony can be quite 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. While re-invigorating ethnic or national identities, some 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. These voices may define their group aspirations by excluding the aspirations of neighboring groups, thus justifying disengagement from, if not retribution against or expulsion of, neighboring groups.

In an increasingly polarized environment, extremists can more easily gain support, and moderates may be forced aside or may have to re-invent themselves in more extremist terms. Irresponsible use of the media often exacerbates tensions at this stage. All sides may soon see the need for armed action, either to realize nationalistic goals or to defend themselves against such attacks. And thus the threat of violent conflict may quickly grow.

Developing effective democratic institutions

The development of effective democratic institutions is an invaluable step towards preventing political polarization along ethnic lines. As the Copenhagen Document notes, (quote) questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary (unquote). Effective democratic institutions are essential for guaranteeing basic rights, organizing participation in public life for all citizens, and channeling and resolving the communal differences which are normal to all societies. Participation in public affairs is particularly important for strengthening links of loyalty to the state and to the society of which the minorities form a part.

If democratic mechanisms are absent, the likelihood of violence increases, as does the cost of containing and resolving the conflict. I would like to state that violence can never be a solution, neither for groups in a state nor for the state itself. Again referring to CSCE guidelines, I would like to quote a passage from last year's Helsinki Document, which emphasizes that states should (quote) address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned (unquote). Of course, the implied non-recourse to violence should be respected by all parties concerned.

Sometimes, as I suggested before, a change of perception is needed on all sides. The protection of persons belonging to minorities has to be seen as essentially in the interest of the state. The state should show tolerance and good will towards minorities by providing for their constructive input in government policy. The state will then be able to expect loyalty in return. For their part, the political representatives of national minorities must articulate specific, concrete concerns with government policy. Specificity in representing its interests demonstrates the ethnic group's genuine commitment to improve state policy. General criticisms, on the other hands, are often understood as attacks on the state itself. Neither side should resort to alarmist, provocative generalities that only inflame passions further.

In the end, a balanced and equitable policy on minorities reconciles the interests of the minority and the majority, as well as the interests of citizens and the state. Very often, such a policy will entail a combination of three elements. Firstly, the state should ensure equal protection and non-discrimination on grounds of belonging to a certain ethnic group. Secondly, the state should make efforts to promote tolerance, mutual acceptance, and non-discrimination in society. For both of these elements, "equality in fact" should accompany "equality in law." Thirdly, persons belonging to minorities should be able to avail themselves of appropriate means to preserve and develop their language, culture, religion, and traditions without discriminating against persons belonging to the majority.

The effective functioning of democratic institutions within a country, particularly the parliament or legislature, is essential for developing appropriate policies on national minorities. Often the establishment of additional institutions, such as a human rights ombudsman, a special commissioner on ethnic issues, or even a consultative or advisory body for ethnic groups, can help considerably in identifying, analyzing, and resolving problems related to national minorities.

International support is available for strengthening democratic institutions through various means including the CSCE. At last year summit meeting here in Helsinki, the CSCE agreed on the so-called Program of Coordinated Support for recently admitted participating states. Those states admitted since 1991 may request expertise and advice on issues related to the CSCE, including in the area of the human dimension, that is to say, human rights, democracy, and the rule of law. The Warsaw-based CSCE Office on

Democratic Institutions and Human Rights, or ODIHR, is responsible for coordinating this assistance.

Creating space for impartial outside engagement

As the CSCE's interest in strengthening democratic institutions indicates, there should be efforts aimed at resolving ethnic tensions not just at the national level but also at the international level. The report of a CSCE experts' meeting on minorities, which took place in Geneva in 1991, clearly states the role of the international community in minority affairs: (quote) Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State. (unquote)

Indeed, 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. I would submit that, as in the case of the High Commissioner on National Minorities, outside involvement should be early, impartial, and with the aim of promoting a process of confidence-building and reconciliation. 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. Here I would like to briefly review the origin, mandate, and functioning of my office:

As you well know, last year's Helsinki summit of CSCE states decided on the establishment of the High Commissioner. As specified in the Helsinki Document, the purpose of the High Commissioner on National Minorities is to (quote) 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 (unquote). I was appointed to the new post in December of last year, and the office itself began functioning in January of this year. From the start, the High Commissioner has enjoyed ODIHR's support and assistance in various forms.

Intended not as a national minorities ombudsman, nor as a human rights investigator, the High Commissioner functions instead as a mechanism to promote the early resolution of potentially destabilizing ethnic tensions. 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 consults with the Chairman-in-Office of his plans to visit a participating state and reports confidentially upon completion of his visit. In fact, there has been a close and constructive collaboration between the High Commissioner and the Chairman-in-Office during this crucial start-up period.

When tensions threaten to erupt into violent conflict, the High Commissioner can issue a (quote) early warning (unquote) to the Committee of Senior Officials, also known as the CSO, thus 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, the CSCE may authorize the High Commissioner to undertake a formal program of (quote) early action. (unquote)

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 precluded from engagement in situations involving organized acts of terrorism.

To date, I have become involved in four situations of ethnic tensions in the region: in the Baltic states, with regard to Russian minorities; in Slovakia, regarding the Hungarian minority; in Romania, also primarily with regard to the Hungarian minority; and in Macedonia, regarding the Albanian minority. In addition, I have been tasked by the CSO with studying the problems of the Roma (or Gypsies) in the region and reviewing the relevance of my mandate to their complex social, economic, and humanitarian situation.

As I am just now completing my first half-year in this position, it is perhaps premature to evaluate preliminary efforts in these various situations. Allow me to note, nonetheless, that all parties have been willing to meet with me, and I would like to think that they, as well as the CSCE's political authorities and participating states, have regarded my involvement as a constructive contribution towards understanding and perhaps resolving some of the underlying tensions. In all cases, I expect to develop an ongoing role in promoting dialogue, confidence, and cooperation between the parties concerned. Particularly encouraging has been the agreement of the Slovak and Hungarian governments to a High Commissioner proposal that a 3-person team of impartial experts on minority rights make up to four, two-week-long visits to the two countries over the next two years.

Parliamentary response to ethnic issues

In various ways parliaments have a unique role to play in addressing minority issues. Parliaments themselves are a reflection of a country's diversity and a significant means for inter-group contact. In addition, parliaments have at their disposal very significant powers for identifying, analyzing, and resolving societal problems, including those relating to ethnic issues. As law-makers, parliaments can of course legislate improvements in the legal protections for minority rights, and various international documents, including CSCE texts, would serve as excellent guides.

But parliamentary action could also address ethnic issues through other, potentially innovative means. Appropriate committees, for example, could

review current governmental agencies for dealing with ethnic issues and identify possibilities for improvements before the escalation of inter-ethnic tensions exceeds institutional capacities for containment and resolution. Proposals for a human rights ombudsman, a special commissioner on ethnic issues, or a consultative mechanism or advisory body for national minorities might emerge from such a review. In addition, committees or special all-party parliamentary groups could undertake impartial and objective inquiries into specific problems related to national minorities and make concrete recommendations for improvements in policy or practice.

I mention these ideas as examples -- as parliamentarians, you are far better placed to evaluate and to initiate such activities yourselves. The key here is for innovative and responsible action before tensions become a violent conflict.

Conclusion

By way of conclusion, I would like briefly to suggest how the CSCE might be able to cooperate with parliamentarians within the region in addressing ethnic issues. I have already mentioned the Program of Coordinated Support for the integration of recently admitted states into the CSCE. In these countries it may be appropriate for parliament to suggest that the government consider these activities, to be coordinated by the ODIHR, in strengthening state policy on minorities. In addition, the Parliamentary Assembly of the CSCE is itself a potential resource on these issues. As a whole, the Assembly may be able to support CSCE efforts in the area of inter-ethnic relations, and within the Assembly, members may want to exchange information and experience on parliamentary action on minority issues, perhaps through the relevant committees. My office would of course seek to support constructive initiatives in this realm.

Finally, I would want only to stress that the potential severity of inter-ethnic strife demands that we, as political authorities, take responsible, preventive action on these issues. In doing so, you may well find that the stature and effectiveness of parliaments is enhanced, and the important role of parliamentarians is even more widely acknowledged.

Thank you

Max van der Stoep

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