



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Keynote Address of Mr Max van der Stoel
CSCE High Commissioner on National Minorities
at the
CSCE Human Dimension Seminar on "Case Studies on National Minority
Issues: Positive Results"**

Warsaw, 24 May 1993

Mr Chairman,
Distinguished representatives of the participating States of the CSCE,

Questions concerning minorities are of great importance for developments within many European states and for the stability of Europe as a whole. Already some time ago, the participating States of the CSCE realized the importance and relevance of minorities questions to peace and security in Europe. They stated in the 1990 Charter of Paris for a New Europe that quote friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created unquote.

The realization that tensions involving national minority issues can have the potential to develop into a conflict within the CSCE area has been reinforced by conflicts such as in former Yugoslavia, Nagorny-Karabakh, Georgia and the like. Spurred on by the incidence of these conflicts and the human suffering they are causing, a general awareness has grown that CSCE has an important role to play in conflict prevention and crisis management. A major part of this function is of course the prevention of conflict arising out of minority issues. The logical result of this line of thinking was the establishment by the CSCE Summit of July 1992 of the post of High Commissioner on National Minorities.

Mr Chairman,

What is a minority? I do not pretend to improve on the work of many experts who over the years have not been able to agree on a definition, so I won't offer you one of my own. I would note, however, that the existence of a minority is a question of fact and not of definition. In this connection I would like to quote the Copenhagen Document of 1990, which is of fundamental importance to minorities' issues within CSCE. It states that quote To belong to a national minority is a matter of a person's individual choice unquote.

Even though I may not have a definition of what constitutes a minority, I would dare to say that I know a minority when I see one. First of all, a minority is a group with linguistic, ethnic or cultural characteristics which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.

Mr Chairman,

The Copenhagen Document has another statement to offer which merits quotation. Paragraph 30 reads, *inter alia*, that quote the 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. One cannot overestimate the importance of effective democratic institutions. They are essential to guaranteeing and organizing the participation in public life of all and to channeling and resolving the conflicts of interest which are normal to all societies. Effectively functioning democratic institutions can prevent populists from playing the ethnic card.

Of immediate relevance in this respect is that the Copenhagen Document also provides for the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities. This serves to avoid a situation in which persons belonging to minorities might feel that he or she should use other means which may be less acceptable. 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.

Third-party involvement in issues between the authorities and minorities may also very often be useful. 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. Sometimes, an independent body is needed 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. Of course, at the same time the authorities and in the first place the central government should invest sufficient time and energy in engaging in a dialogue with minority communities.

If democratic mechanisms as touched upon before are absent, the likelihood of violence increases and even more so do the costs 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. Paragraph (26) of the human dimension chapter of the Helsinki Document states quite clearly that the participating States quote will address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments unquote. Of course, the implied non-recourse to violence should be respected by all parties concerned.

Mr Chairman,

Some people are of the opinion that if the requirements of a democratic framework and those of the general observance of human rights are met, nothing else needs to be done concerning minorities. I tend to disagree with this sweeping assumption which, by the way, is not implied in the Copenhagen paragraph I quoted before. To be sure, the Copenhagen requirements have to be fulfilled as a *conditio sine qua non*. I would even say that the protection of minorities starts with the respect of general human rights which are applicable to all people including persons belonging to national minorities.

However, there are many different situations where minorities are concerned and each case has to be assessed in light of its particular aspects and circumstances. Moreover, as I said in the introduction of my statement, minorities' 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 very incomplete and therefore insufficient. As I found during the trips I made as High Commissioner, additional measures are necessary.

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. Part of this would seem to be that states should not make empty promises as these are a sure way to erode confidence.

Minorities policy 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. Firstly, in its policies the state should observe non-discrimination on grounds of belonging to a certain minority. Secondly, 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". Thirdly, 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.

Mr Chairman,

I stated before that a democratic framework and the respect of human rights are essential but not sufficient for reaching satisfactory solutions of problems concerning minorities. In this connection, one sometimes hears that self-determination through secession could be an answer to minorities' problems and aspirations. As we know, opinions on what constitutes self-determination differ widely. I think we should realize that self-determination and secession are not one and the same thing. Self-realization 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-realization, such as cultural autonomy, local government etcetera. What has become known as the shopping list in the report of the 1991 Geneva Meeting on National Minorities contains a number of options.

Furthermore, 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. It would lead to a Europe that is fragmented to an unheard-of degree. Furthermore, many new states would also have new minorities within their borders. Instead of greater security, we would have a Europe which is less stable and safe.

It should be recognized that a state does not have to be ethnically homogeneous in order to be able to survive. Switzerland is a very good example in this respect. This has to be recognized by all parties, authorities, majorities and minorities alike. 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.

Mr Chairman,

Mechanisms to channel and resolve tensions involving minorities should not just exist at the national level but also at the international level. The CSCE offers a wide range of possibilities to address tensions in general, and of course these can also be applicable to situations involving minorities. As I have been entrusted with a very specific task in this regard, allow me to make some general observations in this context on the role of the High Commissioner as an instrument of preventive diplomacy, based on my experience thus far.

In most cases, my mandate elaborates clear guidelines for determining whether or not I should become involved in a particular situation. The crucial questions then are the timing and the nature of my involvement. As far as timing is concerned, I should become involved before the situation has escalated too far. If I would have to issue an early warning notice, it means that I would not have been able to fulfil the most essential of my tasks which is to prevent the matter from getting out of hand. Therefore, in most situations the answer to the question of timing is probably the sooner, the better. It is, however, possible that early involvement might actually escalate the dispute if parties are encouraged to exploit outside attention. This risk can be considerably reduced if a low profile is adopted. Indeed, the aspect of confidentiality which is characteristic of my mandate serves precisely this purpose.

With regard to the nature of third-party involvement in general, flexibility should be considered in devising an appropriate role and in employing various conflict-prevention strategies. It is important that the parties are as much as possible interested in outside involvement. Specifically for the High Commissioner's involvement, they should feel that his role is non-coercive, exploratory and low-key. The goal is to start 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.

In practice, these guidelines have served me well and I think that their 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. The limits I have encountered in my activities have to do with the fact that my budget is too limited and not with the attitude of the states I visited.

In a number of instances states cannot by themselves solve the problems which are confronting them. This also applies to minorities questions. In such cases, support by the CSCE as a whole and individual participating States may be badly needed. I would put to you that in a sense there even exists a political and moral duty on the participating States to extend their support to partners in need. To my mind, this duty is the other side of the coin minted in Geneva and I give you this coin in my last quotation, this time from the Geneva Report: "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." The Programme of coordinated support for participating States which were admitted since 1991 might provide a framework for such support. At the same time, I would make reference to the Council of Europe with its vast experience and expertise in relevant matters.

Mr Chairman,

So far, my story has been focused on the problematic side of the matter. We should be aware of the fact that there are also many cases in which minorities issues have been dealt with successfully and which do not have conflict potential any more. A number of them will no doubt be presented during this seminar. No doubt, they will provide us with numerous suggestions of possible solutions or elements thereof. The presentation of these positive results will also serve to underpin the conviction of those such as I who maintain that such questions can be settled in a peaceful way and that we should therefore do our utmost to do so. It is too important not to try.

Thank you for your attention.