



# High Commissioner on National Minorities

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## **"The role of the High Commissioner on National Minorities in OSCE Conflict Prevention"**

**Address to the Meeting of the Third Committee of the OSCE Parliamentary Assembly  
Ottawa, Canada  
4 July 1995**

Mr Chairman, Ladies and Gentlemen,

It is almost twenty years ago that the Helsinki Final Act was signed. It was an act of hope in a divided Europe, where some enjoyed freedom, whereas others suffered oppression. Who would have thought it possible, not only twenty years ago, but even as recent as in 1989, that today I would address a forum, uniting freely elected parliamentarians from all the countries from Vancouver to Vladivostok? Your gathering, Ladies and Gentlemen, is the ultimate proof that the division of Europe is a thing of the past. Freedom and democracy are no longer confined to one part of Europe, but now are taking root on the whole continent. Those of us with vivid memories of the era of the Cold War and of the devastation caused by World War II, can fully value the importance of this development.

However, we should recognise that freedom is not self-evident and that it is dangerous to view it with complacency as a quiet possession. On the contrary, I would say: It needs to be won again every day, exacting its daily price from us, who have the duty to give form and substance to freedom and to protect and develop it. This is an important duty no-one should be allowed to shun: neither individuals, nor states, nor the international community at large.

It has been clear from the beginning of its functioning that the Parliamentary Assembly does not shun its responsibility in the field of fostering democracy. Especially its activities in election monitoring should be mentioned. Many of you were active as election monitors in Russia, Moldova, Kazakhstan, Ukraine, the former Yugoslav Republic of Macedonia, Estonia and elsewhere. You have thus made an important contribution to the democratic development of these states, which is also a direct contribution to the defence of democracy in those of our countries with already fully established democratic institutions. Because in all our countries continuous vigilance is called for in order to keep our democratic institutions healthy and to maintain the rule of law.

Mr Chairman,

The OSCE and its member states are faced with enormous challenges. On the one hand, we are involved in a far-reaching process of redefining the relationship between our states and the multilateral economic and security structures. The discussions which are taking place within the OSCE on a security model for the 21st century give us an opportunity to analyse these and connected issues. On the other hand, we are confronted, almost on a daily basis, by immediate crises in various parts of the OSCE world. Whereas the first process requires careful consideration and reflection, the second demands immediate action. This puts enormous strain on our states, which are also, more often than not, faced with pressing internal problems. It is evident that under these circumstances international cooperation is by no means a gratuitous exercise, but an essential element in the construction of a peaceful and prosperous Europe.

In the recent past, it has become clear that in many cases internal problems can lead to international disputes. This understanding lies at the heart of the Helsinki process. It is the reason why OSCE member states have recognised the mutual right to follow the internal developments in the respective states. It is also the reason why the OSCE has the task to follow and influence developments in all our countries, as a benevolent third party, with at heart the interests of the state concerned, of its population and of the international community.

It goes without saying that, e.g., questions concerning minorities are of influence on the internal stability of a state and at the same time of importance to relations between states and to the stability in Europe as a whole. Tensions involving national minority issues can have the potential to develop into a conflict, as is tragically evident from conflicts such as in former Yugoslavia, Nagorny-Karabakh, Georgia and the like. Questions involving minorities are by their very nature highly political issues, requiring a primarily political approach in which human rights and legal considerations must be embedded. Often they are intimately connected to problems which go to the heart of the

existence of states, touching upon the relationship between regions and the centre, borders and the territorial integrity of states. Also, they often have to do with the self-awareness and common histories of groups of people.

Thus, minorities' issues can lead to serious conflict, which then no longer originates exclusively in the relationship between states, but is also a phenomenon arising from within a state, potentially leading to international consequences.

From this angle, democratisation and the treatment of minorities are interlinked. If a state is not prepared to treat its national minorities with respect, if it is not prepared to give them a say in their own affairs and to accord them fully the rights which citizens belonging to the majority also have, then one can have doubts about its overall preparedness to strengthen democracy. Moreover, tensions will arise which may have unforeseeable consequences. As in other areas, the community of OSCE states has the right and the obligation to be actively involved in the search of solutions to these problems.

Mr Chairman,

The OSCE has the potential to offer a way of dealing with minority questions and thus helping to prevent them becoming sources of conflict. The Helsinki process starts from a comprehensive concept of security which relates peace, security and prosperity directly to the observance of human rights and democratic freedoms and the existence of a market economy, encompassing both long-term and short-term aspects.

This approach is also very important with regard to issues concerning national minorities. Proceeding from a normative basis of political standards of behaviour, OSCE activities concerning national minorities take a broad view and are not limited to promoting the rights of persons belonging to national minorities. The emphasis is on conflict prevention, which in my view should be the core activity of the OSCE. Measures thus undertaken are not only directly aimed at forestalling violence, they are also instrumental in building a durable peace in Europe.

However, it should be kept in mind that conflict prevention activities can only be as effective as the political response by the OSCE states to it. It can only be a success if states are prepared to invest in the process by granting political and other support. Conflict prevention is a process requiring large-scale investments over a prolonged period of time, but it is an effort worthwhile undertaking. Needless to say that in humanitarian, financial and political terms it is much cheaper than peacekeeping or rebuilding societies after a violent conflict. But perhaps most important of all:

experience shows that most conflict, including ethnic conflict, is not an unavoidable natural disaster but can be prevented if the necessary efforts are made.

Mr Chairman,

It will not come as a surprise to you that I shall now concentrate on one particular OSCE instrument of (ethnic) conflict prevention, simply because I know that instrument rather well: the High Commissioner on National Minorities.

According to his mandate, the High Commissioner has a two-fold mission:

- first, to try to contain and de-escalate tensions involving national minority issues which could lead to violent conflict, in particular international conflict, and
- second, to alert the OSCE whenever such tensions threaten to develop to a level at which he would not be able to contain them with the means at his disposal.

The situations in which I am at present directly involved are the following, and I present them in chronological order of my involvement:

- Latvia and Estonia, with regard to the Russians living there
- Slovakia (the Hungarian minority) and Hungary (the Slovak minority)
- Romania, in particular concerning the Hungarian minority
- the former Yugoslav Republic of Macedonia and its Albanian population
- Albania with regard to the Greeks in southern Albania
- Ukraine, in particular the situation on the Crimea
- the inter-ethnic relations in Kazakhstan and Kyrgyzstan
- and finally, the situation of the Roma in the OSCE region

Mr Chairman,

During my actual involvement in these situations, I have tried to employ an approach which can be characterised in three catch words: impartiality, confidentiality and cooperation. 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. In other words, he is High Commissioner ON, and not FOR national minorities. During my fact-finding missions I listen to all parties concerned and I also offer all of them my advice, and not just governments.

Confidentiality is important since then parties involved often feel they can be more cooperative and are less inclined to maintain strong demands or trying to exploit outside attention. Lastly, I would emphasise the cooperative and non-coercive nature of the High Commissioner's involvement. Durable solutions are only possible if there is a sufficient measure of consent from the parties directly involved.

The High Commissioner's mandate allows him to operate with a large degree of independence. This being said, it is clear that the High Commissioner cannot function properly without the political support of the participating states. This becomes particularly acute whenever he presents his reports and recommendations to the state concerned and, afterwards, to the Permanent Council. At such a stage it becomes clear whether there is sufficient support for the High Commissioner's early warning information and preventive activities, and whether states are willing to give their own follow-up where needed.

The mandate also contains a number of restrictions to the High Commissioner's activities. Explicitly excluded are individual cases of persons belonging to national minorities. Also, the High Commissioner is not allowed to consider national minority issues in situations involving organized acts of terrorism nor to communicate with or acknowledge communications from any person or organization which practices or publicly condones terrorism or violence.

Mr Chairman,

With the experience of twelve concrete situations in mind, I would like to make a number of general observations concerning the task at hand.

In the first place, it is essential to understand that addressing minorities' issues in a specific state is not a question of passing judgement and of censoring the government. It is often a question of reconciling perceived or real diverging group interests. This is possible if the necessary political preconditions are strengthened. Sometimes, a change of perception on the sides of parties involved is required. The protection of minorities has to be seen as essentially in the interest of the majority and the state. If the state shows loyalty to persons belonging to minorities, it can expect loyalty in return.

Furthermore, I believe 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 a more harmonious relationship between majority and minority in the state itself.

Selfrealisation 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, such as culture, education, local government et cetera. The notion that the state can serve only the interests of one ethnic or cultural group is antiquated. It is essential that all parties recognise that a state does not have to be ethnically homogeneous to survive.

A third observation is that sometimes bilateral treaties with neighbouring countries confirming existing borders and guaranteeing the protection of minorities can be helpful. However, it should be kept in mind that such treaties can only be the end-product of a process of reconciliation and rapprochement, and not an instrument. They should not be used to "force the issue", so to speak. International treaties can never be a substitute for solutions within states.

Mr Chairman,

To conclude, let me say that conflict prevention is vital to the future of the OSCE world. Conflict prevention is impossible if it does not include attention to minority issues. Given the complex nature of these issues, it is obvious that there are no "quick fixes". The resolution of minority problems requires continuous attention over a prolonged period of time and the support of the international community, also in material terms. Obviously, the first responsibility falls to the state in question itself, but all the other OSCE states should feel called upon to do their bit in order to bring the situation of persons belonging to minorities up to standards and to safeguard durable peace and security in Europe.

**Max van der Stoel**

**4 July 1995**