



Organization for Security and Co-operation in Europe

Preventive Diplomacy

Muller Lecture

by **Rolf Ekéus**

High Commissioner on National Minorities for
the Organization for Security and Co-operation in Europe (OSCE)

The Hague, 30 January 2003

Mr. Chairman,

Excellencies,

Ladies and Gentlemen,

Conflict Prevention

We live in a dangerous world. The warning signs are all around us, and we face real threats to security that used to be only science fiction. The challenge today is to identify and address security risks in order that they do not become security threats. Preventive diplomacy is one tool at our disposal.

The terms preventive diplomacy and conflict prevention are widely used, but – to my mind – often out of context. Sometimes peace-keeping is referred to as conflict prevention. Crisis management is in some cases also identified as a rapid reaction to simmering tensions.

These approaches may reduce the spread of violence, but they are usually applied once the threat is clear and present. The key to *preventive* diplomacy is to respond to the warning signs before they ignite. The challenge is to prevent rather than manage an unstable situation.

If that fails, one moves on to crisis management.

This is easier said than done. There is no foolproof system of identifying the factors that may trigger conflict. It is also possible that in one's haste to prevent conflict, one exacerbates a situation. Conversely, too many compromises for the sake of reducing tension may turn preventive diplomacy into appeasement.

What is required is reliable information, contacts with the parties, a mandate to intervene, political support, and a timely response.

The end of the Cold War and the collapse of the Soviet Union did not only mean the end of a global ideological confrontation. This great historic event implied fundamental changes of the structure and character of international security as well as of the NATO and the EU - both with new tasks and new members.

This transformation has also changed the nature of contemporary conflict. The clashes and tensions between States under the Westphalian system of sovereign States, appears to have been replaced in Europe by conflict generated out of tension between ethnically defined groups as, for example, between a national majority and national minority. The violent break up of the Socialist Republic of Yugoslavia brought home a new awareness of how explosive disputes between nationalities could be when the overarching logic of the Cold War no longer kept sentiments and national interests in abeyance.

While wars between States in the old times were carried out under the Grotian world order, characterized by at least a minimum of respect for the rules of conduct of war, there seems to be no rules and no principles respected in ethnic conflicts.

When the CSCE, now OSCE, ten years ago created the institution of an High Commissioner on National Minorities this office was the first instrument specifically designed for the post-Cold War era.

The institution of High Commissioner is therefore much of a creation of his time. The HCNM should play a preventive role to 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, but, in the judgment of the High Commissioner, have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating States.

This prose, I admit, does not merit a Nobel prize in literature, but it quite shrewdly puts the fundamentally humanitarian or human rights oriented principles of minority protection in a security context. In other words the High Commissioner's mandate directs him to apply the international normative system relative to minority situations for the purpose of prevention of conflict.

As one can see from the mandate, the original primary intention was to use the HCNM merely as a sort of alarm bell. When the sound of early warning was ringing other, and

presumably more potent, institutions or forces, should in most cases take over the responsibility.

However, already from the outset the HCNM interpreted the mandate in a way that he moved briskly towards “early action” and hardly ever sounded the “early warning” signal.

It is important to note that not all minority issues fall within the mandate. Only such inter-ethnic issues which, in the judgement of the HCNM, have a potential to develop into a conflict should be considered. And as I have pointed out only if the issues have not developed into a full-fledged confrontation, where other tools like conflict management or conflict resolution apply, is the HCNM to engage himself.

The High Commissioner

The institution of OSCE High Commissioner on National Minorities was established ten years ago this month here in The Hague. The office was opened by my predecessor Max van der Stoel in January 1993.

The High Commissioner’s mandate is one of the few which is tailor-made to deal with the prevention of violent conflict. The drafters of the mandate – including the delegation of the Netherlands led by Bert Venendahl playing a leading role – wanted to create a means for addressing the threatening inter-ethnic conflicts appearing in many parts of Europe in the early 1990s. The collapse of Yugoslavia and the break-up of the Soviet Union had ushered

in a period of instability in some OSCE states and in many cases this manifested itself in tensions between minority and majority communities. Thus the High Commissioner was and is expected to take early action or to provide early warning to deal with the situations.

The implication is that there *is* a stage in the conflict cycle where effective intervention can significantly reduce the threat of potential outbreak of violent conflict. One has to be ahead of the curve. Experience shows that if one can identify warning signs early enough and take timely action, conflicts *can* indeed be prevented. This may not make headlines, but that is the point. The HCNM should seek to address the causes of tension by acting pre-emptively.

Practically how does this work?

Early and credible information is vital. This is seldom a problem in our information age. Indeed sometimes information overload can bog us down. The key is to look for indicators of possible problems which may be exacerbated if left unattended. In that respect there is no substitute for on the spot contacts with a range of parties – not only those who advocate the official position, have an ax to grind or feel threatened. Indeed, while the High Commissioner's office is part of an inter-governmental organization, I spend a considerable amount of time talking to minority representatives who may not be part – indeed, may be opposed to – the government. In addition the resources and expertise of the OSCE field offices, other international organizations, NGOs and the media help in providing as accurate a picture as possible. Allow me in this context to pay a special tribute to the in-house area specialists of the High Commissioner's office, my advisers, who have acquired unique

insights in respective region of responsibility and provide me with high quality and indispensable data.

In evaluating this information it is important to look at the context and the players, but especially the underlying issues. What often reaches public attention are the symptoms to a problem. I seek the causes. Only by addressing these will one be able to outline solutions to a problem. These may include questions of minority participation, in local or central legislature and in the executives like law courts, prosecution and police and local administration and generally in public administration. Critical are furthermore matters of minority education and language use, as well as possibilities of freely expressing cultural and religious identity. I am frequently engaged in efforts to solve a dispute over a specific grievance or incident. The point is to identify those issues which are in dispute and address them before positions harden and extremism takes hold.

I must then decide how to act on that information. Early warning must be followed by early action. Some may say that it is not good to become involved – that it is up to the parties concerned to sort out their own problems and one should not put one's nose into the internal business of a state. Certainly a state must have internal dispute-settlement mechanisms to try to head-off and resolve disagreements. It is also not good for the international community to immediately react to every warning sign without the confidence that the parties involved can not sort out their differences. But there may be times when a third party can play a useful role. I am fortunate to have a mandate that allows me to act when *I* see the potential for conflict.

Important to bear in mind in this context is also the 1991 Moscow conference on the human dimension, when all the representatives of the then CSCE categorically declared that “commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”. In other words, human rights are everybody’s business and while sovereignty matters, there are inalienable rights and international standards which can not be compromised by the so-called "national interest”.

This, then, is the basis for preventive diplomacy. It gives me the legitimacy to go to countries where I believe that my involvement could be beneficial and this is the reason why OSCE governments feel obliged to co-operate with me.

It was the OSCE states that created this instrument. They recognized the merits of preventing inter-ethnic conflict and that there is an individual and collective interests in reducing tensions.

Quiet Diplomacy

That being said, nobody wants to be singled out or stigmatized as having a so-called “ethnic problem” or “minority issue” or even more problems of such complexity that they constitute a potential for violent conflict. That is why my mandate says that I should work in confidence. Even if such an approach was not prescribed, experience shows that quiet

diplomacy – especially when it comes to conflict prevention – is usually the most effective approach.

By keeping a low profile, issues do not become sensationalized. If the parties know that their remarks are being made and treated in confidence, they will usually be more forthcoming and more constructive than if the debate is played out in the media. To name and shame may be a necessary approach for the UN Human Rights Commission, the HC of Human Rights and even for the Council of Europe, but because of the political and security dimension of my work it would undermine my effectiveness. As a result, it becomes easier to focus on specific issues and to find common ground.

Operating confidentially also helps to maintain a good working relationship with the parties. Effective diplomacy requires trust. If that trust is eroded, people may harden their positions and may be reluctant to pursue dialogue. That is why third party involvement can be crucial. If confidence is lost in the third party, the chances of a resolution will be hampered.

Take the concrete example of the so-called Hungarian Status Law. In 2001, just before I became High Commissioner, the Hungarian Government passed a law designed to give benefits to Hungarians living in some neighboring countries on the basis of their Hungarian nationality. This has caused considerable consternation between Hungary and some of its neighbors, as well as complicating the position of the Hungarian minority in countries like Slovakia and Romania. My engagement in the question started in October 2001 with a statement on the principles of the Status Law but without naming or specifically criticizing

Hungary. On the basis of this statement I have in the past eighteen months, visited Budapest, Bratislava, and Bucharest on several occasions in order to facilitate a resolution to this issue. In Hungary I have worked with the Government, while being aware of the position of the opposition. At the same time, I have tried to be sensitive to the position of the neighboring countries where the law has effects. I have also developed good contacts with representatives of Hungarians abroad who are the intended beneficiaries. Because of the complexity and sensitivity of this issue, I have tried to ensure that the dialogue is discreet and focused, and I have encouraged the parties to do the same. This is yet another example of how preventive diplomacy is usually best served when done quietly.

Reducing tensions requires patience and persistence. One must constantly follow-up in a constructive step-by-step way in order to keep the momentum heading in the right direction. Even when other crises erupt and dominate the agenda of the day one can not abandon important projects and processes which require long-term engagement. Otherwise we would merely step from one crisis to the next trying to put out fires.

In the High Commissioner's approach to complex issues it is essential to be concrete and specific. For my part, I give recommendations on specific pieces of legislation, advice on sensitive processes, and support projects that can reduce tensions and encourage integration. In this way, one can reduce immediate tensions and build inter-ethnic trust and social harmony. It is a major asset of my office to be able to draw upon outstanding in-house expertise with regard to constitutional and human rights law. It is my experience that

Governments frequently and gratefully accept offers to receive assistance in drafting language for legislative with a bearing on the majority situation in their country.

The job of the international community should be to facilitate this process if necessary, to intervene if it goes off the rails, and to provide support and expertise to ensure that short-term good intentions develop into long-term results.

This requires co-operation and co-ordination. Different organizations – inter-governmental and non-governmental – have different strengths and capacities. It is essential to bring the right expertise and resources to bear in the most effective way. Sometimes a situation requires legal advice, or the expertise of education or language specialists. Other times it may require trainers to help with capacity-building or providing public servants with new approaches and skills. At times, preventing a conflict may require the creation of new mechanisms or bodies or reforming the media in order to give minorities voice. It may require monitoring of a volatile situation, or providing funding to tension-reducing projects.

I draw on the support of sympathetic Governments, partner organizations and internationally recognized experts. This is the case, both in terms of the diplomatic process and in terms of more operational activities. In the OSCE, I am accountable to the participating States and rely on the support of the Chairman-in-Office. Such support gives me increased leverage in effecting change, it makes my activities more transparent, and it can target the resources of others who may have greater capabilities than my office.

Take, for example, the case of Samtskhe-Javakheti. This is a rather remote and little-known region of Georgia where the majority of the population is ethnic Armenian. There, few people speak Georgian, the economy is dependent on a Russian military base which is due to close, and there are few contacts with the central authorities. This fragile situation is further complicated by the fact that Meshketian Turks – who were deported from the region by Stalin in 1944 – are supposed to return to their old habitat in the region. This is a complex issue and one which could become fractious if not carefully handled. I have thus judged that I need to take a comprehensive approach on this region and I have been working with the Georgian Government, local officials, and numerous international organizations involved (like UNDP, UNHCR and the Council of Europe) to see what can be done. A strategy for the strengthening of the integration of this region has been developed with project components like language training and media accessibility. Samtskhe-Javakheti is a good example of how multi-faceted preventive diplomacy requires the co-operation of a number of actors. It also demonstrates the extent to which aid can be a useful means of conflict prevention. The political health and stability of Georgia is more than a national interest, it is an international interest of great relevance for peace and security in the sensitive region of the Caucasus.

Briefly, let me give a few other examples of my engagements within the OSCE region.

In the Baltic States of Estonia and Latvia I am following up Max van der Stoep's work with regard to supporting development of the national and linguistic identity of Estonia and Latvia

while at the same time preserving the wellbeing of the Russian speaking minority. This includes support for integration policies and naturalization programs.

In the Balkans the relation between the ethnic groups are still sensitive, especially between ethnic Albanians and the various Slav majorities. With the assistance of my office, some progress has been achieved with regard to success in the development and adoption of improved legislation with regard to minorities and human rights in Yugoslavia (Serbia) as well as in Croatia. The inter-ethnic situation in this region obliges me to remain actively engaged.

I have recently returned from Ankara where I have been able to enter into dialogue with the new Government of Turkey. This was the first time ever that the HCNM was able to visit Turkey. It goes without saying that this opens up for a major breakthrough which could have significant impact upon the future role of Turkey in Europe.

I have significantly expanded my presence and activities in Central Asia where many unsettled minority issues, terrorism, fundamentalism, drug trafficking, language issues, education all combine with a serious democratic deficit to constitute a powder keg with a potential of exploding with severe consequences. Success for the efforts in support of integration between the various groups and interests in the region is crucial for the success of conflict prevention as well as the fight against the spread of terrorism, tasks which recently have been added to my responsibilities.

In all these cases of tension and potential conflict between ethnic groups I am guided by the fundamental ambition of promoting integration within the State entity with respect for cultural and language diversity thus countering extreme solutions such as, on the one side, forced assimilation, and on the other, secession or separation.

This reflects the vision of a Europe the strength of which, is not a uniform and streamlined one-nation idea, but the realization of a Europe developing and drawing upon its diversity of culture and languages and upon the manifold of ethnic groups living in harmony and mutual respect.

The Copenhagen criteria for the enlargement of the European Union adopted in 1993 insisted with regard to the candidate countries upon “the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and the protection of minorities”.

I can assure you that these criteria have been useful to quote from in my work in States with a perspective of joining the EU.

However, in spite of being required from applicant countries as a formal condition of membership, the minority rights are not included among the EU's founding values as listed in the EU Treaty. This is of considerable concern to me. That could in effect mean that new member States having passed, with the assistance of the HCNM, the bar of respect for minority rights in the context of joining the EU, may after having become full Members of the Union, consider themselves no longer obliged fully to respect minority rights in the absence

of a formal requirement in the EU Treaty of such a provision. It is of great importance that this lacuna in the EU Treaty be corrected in the context of the ongoing EU Convention process and the drafting of a Charter for the EU. One must keep in mind that the enlarged Europe will contain a number of national minority issues of considerable complexity. Would the High Commissioner be prevented to address under the pretext of the non-existence of a minority rights provision in the Treaty, this could bring harm to the internal peace and stability in the Union.

A society at peace with itself will more likely be at peace with its neighbors. We have to be careful not to fall into the trap of complacency and believe that EU enlargement will bring with it the end of ethnic tensions in the same way as Frances Fukuyama predicted the End of History.

I agree that the chances of inter-ethnic conflict – in terms of violent conflict – will be greatly reduced for the same reasons that bilateral conflicts have been reduced: it goes against the enlightened self-interest of the members of the Union. But inter-ethnic problems will not go away, languages like Russian and Roma will be spoken by millions of EU-citizens. Tension because of language is a reality but the EU Treaty does not address the issue of language among its defined grounds for discrimination. The concern I hold in general in this regard is real. There are worrying signs that discrimination, racism intolerance and xenophobia not only persist across Europe, but in some cases are gaining strength. Therefore Europe must address these issues in order to prevent intra-State cleavages from cracking the great inter-State project.

The aim of our shared values and common standards is not to create a single identity but rather to give space to the very diversity that defines the essence of Europe. If we fail to act responsibly, that diversity could be a source of tension within our cities and States and across borders - and so the European project will be jeopardized. I am confident that we can avoid this, while building not only a larger but also a better European Union.

Conclusion

To conclude, I would like to note that an effective Chairman-in-Office of the OSCE needs to be a master in the art of preventive diplomacy. Based on the preparations that the Netherlands have made over the past year, I believe that 2003 will offer us a good example of preventive diplomacy in action. I wish the Netherlands the best of luck in its Chairmanship of the OSCE.

Internationally, I hope that the merits of preventive diplomacy will be more highly appreciated in order that we may live in a world of peace and security.

Thank you.

