

Max van der Stoel

*Peace and Stability through Human and Minority Rights*  
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In July 1992, the Organization for Security and Cooperation in Europe (OSCE) established the post of High Commissioner on National Minorities, in part as a reaction to the violence in former Yugoslavia which many feared would be repeated elsewhere, especially in the former Communist states. The Office of the High Commissioner was seen as an agent of conflict prevention, based on early warning and a problem-solving approach which would prevent minority conflicts from leading to violence or terrorism. As Max van der Stoel often stresses *“In humanitarian, political and financial terms, conflict prevention is highly preferable over rebuilding societies and reconstructing economies after a violent conflict, and over resorting to peacekeeping or, if it comes to that, military intervention.”* On 1 January 1993, Mr Max van der Stoel, an experienced Dutch political leader and diplomat was named as the first High Commissioner.

This book, edited by Wolfgang Zellner and Falk Lange, is a collection of the reports of the High Commissioner to OSCE bodies as well as talks to universities.

The concept of national minorities is largely defined as *“situations involving persons belonging to national/ethnic groups who constitute the numerical majority in one State but the numerical minority in another State, thus engaging the interest of governmental authorities in each State and constituting a potential source of inter-State tension if not conflict”*.

This definition of national minorities leaves aside some of the most difficult situations, such as the Kurds in Turkey or the Basque in Spain who are majorities in no State but who consider themselves a “nation”. In practice, national minorities whose majority are outside the OSCE are also not a priority: the Algerians in France, the Ethiopians in Italy etc. The Roma (Gypsy) have been analysed in reports of the High Commissioner in 1993 and 2000 but are mostly the responsibility of the OSCE Office for Democratic Institutions and Human Rights located in Warsaw.

Basically all persons everywhere are covered by the human rights standards of the United Nations, in particular freedom from discrimination. All persons should be able to use the UN instruments which have been set up to monitor compliance with these standards. In practice, other levels of protection and other forums for negotiations are necessary, such as the Council of Europe to which many OSCE States belong.

Much of the work of the High Commissioner, as was expected, in the past decade has concerned the former Communist States which had complicated nationality policies. As he has said *‘It should not be forgotten that many states in Central, Eastern and South-eastern Europe as well as the successor states to the Soviet Union are political structures of very recent origin. Many of them will feel that calls for autonomy are a threat to their search for political identity, a search which is still going on.’*

Baltic States of Estonia, Latvia and Lithuania have large Russian-speaking minorities who are often considered as the remnants of Soviet occupation when the Baltic States were made part of the Soviet Union. Likewise, the Central Asian States such as Kazakhstan, Kyrgyzstan, Uzbekistan have Russian minorities as well as national minorities from other Central Asian States. The Soviet Union never considered the possibility of the Central Asian republics becoming independent States, and frontiers had been re-drawn several times during the Soviet period.

National minority issues in Hungary, Romania, and Moldova go back to the consequences of the First World War and remain sensitive and emotion charged. However, as van der Stoel points out *“Neutral third parties like myself, the OSCE, the Council of Europe, the European Union and other international organizations whose responsibilities include the furthering of democracy and democratization are thus forced to identify moderate forces and, as far as possible, to do what they can to ensure that further radicalisation and disintegration of the body politic is avoided”*.

Thus, there is a need to strengthen moderate voices, to develop a civil society that is open and fluid and able to integrate all persons while respecting diversity and other cultures. As the High Commissioner has said *“Full respect for human rights, a working democracy and the existence of the rule of law, are the best guarantees for a positive situation for national minorities... To confront the root causes of excessive nationalism, one has to break down ‘nationalist’ issues to their core elements. More often than not, these concern political participation, education, language, culture or resource allocation. Debates on these issues are often complicated by historic, symbolic and/or demographic factors. In many cases that I have encountered, political debates become issues of identity as either the minority or majority community feels that their way of life is threatened by ‘the other’. My goal is to avoid sensationalizing such situations, to lower the political temperature and to help the parties find accommodation that is both politically possible and in line with international standards.”*

Strengthening the voices of moderation, increasing the opening of society, developing greater respect for diversity are tasks that go beyond the functions of governments or intergovernmental bodies. It is a task needing cooperation between governments and the actors of civil society. As Max van der Stoel concludes *“ We cannot predict the crises of the future. But we can be more sensitive to the warning signs and more responsive to the root causes. Clearly we must intervene at an early stage in order to head off potential conflict situations. The best type of early action is building civil societies that protect human rights, including minority rights. In such systems, minorities will feel that they have a stake in the society in which they live. It will also be easier for them to realize that they have obligations and not just rights. This will foster a sense of cohesion and co-operation within the state that will benefit the whole of society.”*

Rene Wadlow

