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The Role of the OSCE High Commissioner in Conflict Prevention

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CONFLICT PREVENTION IN THE OSCE CONTEXT

The Organization for Security and Cooperation in Europe (OSCE) is one of a number of security-oriented intergovernmental organizations in Europe. Although their aims overlap in some instances, these organizations each have a clear role to play, and their boundaries have been gradually determined by the states involved. The OSCE applies the concept of “comprehensive security,” which it understands as directly relating peace, security, and prosperity to the observance of human rights under democratic governance and the market economy. Of all security organizations in Europe, the OSCE is probably best placed to engage in conflict prevention and conflict transformation in the wider sense, meaning not only the immediate prevention of violent conflict but also the process of establishing security and stability in the region. Indeed, one could say that the development of this wider, nonmilitary security role has allowed for an evolution in

the purpose of the OSCE, and that striving to achieve the broad goal of conflict prevention has become one of its core activities.¹

To achieve this comprehensive approach to security, the OSCE has embarked on developing various organs and institutions. The post-Cold War instability born of various disintegrative processes (e.g., the bloody dissolution of the former Yugoslavia) revealed the need for an independent and impartial actor with the power of initiative who could work quietly, behind the scenes, to address some of the underlying problems relating to national minorities and to settle the root causes of interethnic disputes before they could lead to more heated tensions or erupt into open conflict. Ethnic conflict is one of the main sources of large-scale violence in Europe. Strains in interethnic relations, and particularly tensions between majority and minority populations, have often been a prologue to conflict and violence. To address this aspect of conflict, and to develop a process of early warning and preventive diplomacy, the Conference on Security and Cooperation in Europe (the CSCE, as the OSCE was formerly known) established the High Commissioner on National Minorities (HCNM), the mandate for which was adopted at the CSCE Helsinki Summit Meeting in July 1992.²

THE HIGH COMMISSIONER'S MANDATE

The HCNM's function is to identify and seek early resolution of ethnic tensions that might endanger peace, stability, or friendly relations between participating states of the OSCE. The HCNM's function is described in paragraphs 2 and 3 of the mandate, included in a separate chapter of the 1992 Helsinki Document, as follows:

(2) The High Commissioner will act under the aegis of the CSO and will thus be an instrument of conflict prevention at the earliest possible stage.

(3) The High Commissioner will 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 judgement of the High Commissioner, have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the [Ministerial] Council or [Senior Council].

The HCNM's mandate contains five innovative and important elements for the OSCE, the first three of which are essential for the effective functioning of any instrument of conflict prevention. First, an external third party can become involved at the earliest possible stage of a potential conflict.

Second, such involvement is at the third party's own discretion: approval from the Ministerial Council, the Senior Council, or the state concerned is not needed. Third, the third party has far-reaching competencies, including the right to enter a participating state without that state's formal consent or the explicit support of other participating states. Fourth, and most revolutionary, the third party is a nonstate entity that can operate independently. Finally, the OSCE has developed an early warning and early action capacity sensitive to the volatile problems involving national minorities.

While these elements are significant to the wider OSCE community and its operations, the following aspects are of more specific importance to the HCNM in carrying out the duties involved. The HCNM mandate provides two principal instruments for conflict prevention: early action and early warning. Within the first instrument, the HCNM may collect information, conduct on-site fact-finding missions, and issue recommendations to the governments concerned in order to contain and de-escalate tensions involving national minorities. The second instrument consists of issuing an early warning to OSCE participating states (in practice through the Permanent Council in Vienna)³ when there exists a serious risk of violence that the HCNM does not have the means to contain.

In addition to obtaining firsthand information from the parties concerned, the HCNM may promote dialogue, confidence, and cooperation between them. In my work as HCNM, I collect and receive information on national minority issues from a very wide variety of sources, including the media, nongovernmental organizations, individuals, central governments, political parties, representatives of national minorities, cultural organizations, academic centers, and all manner of institutions of civil society. Moreover, I travel to areas where the minority in question is particularly sizable, where problems may be acute, or where the local situation may be indicative of a broader problem. I meet with local authorities, minority representatives, and other relevant personalities, often constituted as political opposition. However, as prescribed by the mandate, I do not communicate with any person or organization that practices or publicly condones terrorism or other forms of violence. Indeed, I am expressly precluded from considering situations involving organized acts of terrorism. Nor may I act on the basis of one person's complaint alone. In this connection, it should be noted that the situations with which I have had to deal do contain many human rights aspects, and my activities may have some positive effect on implementing the rights of persons belonging to national minorities and building respect for human rights in general. But this is not the purpose of the HCNM's work: my task is to try to prevent violent conflict.

The HCNM's mandate contains general guidelines for determining whether or not involvement in a particular situation would be appropriate and provides the necessary freedom to initiate involvement. Importantly, it allows the HCNM to operate with the essential amount of *independence*. As a result, I may act swiftly—as is often necessary. This independence of action is crucial to the timing of my involvement. The sooner third-party conflict prevention is initiated, the greater the chance that the dispute will not reach a high level of tension and that the parties may still be willing (and politically able) to find compromises and accommodate each other's demands. Early action, that is, action taken before tensions become acute or political positions have been staked, is much more likely to be welcomed by all parties concerned. The longer the HCNM waits, the more difficult the HCNM's work becomes. In terms of process, then, lack of independence would imply the necessity for time-consuming consultations and political accords.

There is also a vital substantive aspect to the HCNM's independence. The independence that the HCNM enjoys from the political interests of individual OSCE participating states (and that is denied to many other security mechanisms) reflects the belief of some OSCE states that drafted the HCNM's mandate that conflict prevention must be carried out in the absence of the narrow political interests of individual states.⁴ In my view, the HCNM's independence follows naturally from the logic of international public interest that underlies the concept of comprehensive security. Indeed, I believe it is now well established that the multilateralism that created and sustains the HCNM offers opportunities to address highly charged and potentially violent situations in a somewhat depoliticized manner—at least at arm's length through an impartial intermediary.

In the course of my work I may decide to bring before the government in question a report with recommendations. Indeed, in most cases I have issued several recommendations, each one building on my past ones. Consistency in terms of involvement and recommendations is important in order to persuade governments about the necessity of solving certain problems and to gain their support for proposed solutions. Of course, although the mandate allows the HCNM to operate with a large degree of independence, it is clear that he or she could not function properly without the *political support* of the participating states. Such support is crucial whenever the HCNM presents reports and recommendations to the state concerned and, afterward, to the Permanent Council of the OSCE where all participating states are represented. At this stage it becomes clear whether there is sufficient support for the HCNM's activities and recommendations,

and whether states are willing to conduct their own follow-up where needed. To avoid acting in isolation, I maintain close contact with the chairman-in-office (the presiding foreign minister) to whom I report in strict confidence after visiting an OSCE state. By expressing their appreciation and support for the HCNM's activities, reports, and recommendations, the participating states give the HCNM the necessary political backing to influence governments in dispute with a national minority.

However, it can be difficult to balance wide political support for my work with the confidentiality and low profile required for conflict prevention. This can be critical when a particularly sensitive negotiation process cannot be talked about openly for fear of inviting counterproductive publicity, but for which more international diplomatic pressure would be welcome.

In certain situations my efforts are strengthened by organizations such as the Council of Europe and the United Nations that share my concerns and publicly support my conclusions and recommendations. It is therefore necessary to *coordinate* efforts among organizations to maximize the effectiveness of outside involvement—and to avoid the duplication of efforts and the consequent waste of resources. Coordination may entail an organization deciding to refrain from addressing a situation that it might otherwise have engaged in, or it may entail several organizations mobilizing their resources and persuasive power in support of a common aim. As HCNM, I have been able in some cases to mobilize different international organizations and gain their political support, in particular the Council of Europe and the European Union. Where our mandates overlap, we have generally sought to coordinate our positions and sometimes have acted jointly. A significant example is the joint HCNM–European Commission–Council of Europe dialogue with the Slovak government regarding language legislation.

The HCNM's mandate also emphasizes strict *impartiality*, which works to my advantage. It is essential for the effectiveness of the HCNM as a third party to preserve at all times a reputation of impartiality. Because I must often address sensitive political issues, I cannot afford to be identified with the parties in a dispute. As paragraph 4 of the HCNM's mandate stipulates, "the High Commissioner will work in confidence and will act independently of all parties involved in the tensions." Of course, this does not preclude me from finding credible and meritorious various positions held by one or other of the parties. Indeed, though I seek to reduce tensions by reconciling conflicting positions, I may well have to discern the better of competing claims that are mutually exclusive in substance. Strict impartiality

allows me to do this, preserving my vitality as a third party insofar as my impartiality is recognized by government authorities, minority representatives, and other relevant persons.

The condition of *confidentiality* results in a generally low profile for the HCNM. Among other things, this allows me to work diplomatically and avoid drawing media attention to my activities—attention that might be counterproductive insofar as it escalated tensions. Parties directly involved often feel they can be more cooperative and forthcoming if they know that the content of their discussions will not be revealed to the outside world; it gives them more space for political maneuvering to achieve mutually beneficial ends. Electoral politics is such that parties, fearful of appearing irresolute in the eyes of voters, may make much stronger statements in public than they would in private. On the other hand, in some instances I have considered it necessary to make public statements to prepare the public in different countries to understand and accept a certain situation and to support an envisaged policy or measures previously agreed by the politicians.

For example, after visiting Romania at the end of August 1995 amid the controversy surrounding the recently adopted Law on Education, I issued a statement in which I shared various clarifications and assurances that I had received from the government.⁵ I intended my statement to dispel some popular misunderstandings and to reduce tensions. For another example, I issued two statements in the autumn of 1998 about the controversial efforts of the governing coalition in Romania to reach a compromise for the difficult problem of providing tertiary-level education in the languages of national minorities (mainly the Hungarian and German languages).⁶ Again, I intended these statements to dispel popular misunderstandings that were causing tension and undermining the political confidence required to solve the problem. A more unusual example was my decision to issue a public statement incorporating my recommendations for a comprehensive program to improve interethnic relations in the former Yugoslav Republic of Macedonia. I issued this statement on November 6, 1998, to help the newly formed government and the wider society focus their attention on solving matters that I believe are essential for the development of peaceful and constructive interethnic relations in their country and the region.⁷

Lastly, the *cooperative, noncoercive, and problem-solving nature* of the HCNM's involvement is also important. Durable solutions are possible only if there is a sufficient measure of goodwill and consent from the parties directly involved. I always endeavor to find such solutions and to bring the parties to a consensus. I always try to find mutually agreeable solutions and to offer my assistance in implementing measures. I am there to assist

OSCE participating states that are experiencing difficulties, and I work together with the parties on the basis of their good faith and their mutual interest in settling difficulties with a view to enjoying a more peaceful and prosperous life together.

THE HCNM'S EXPERIENCE AND OBSERVATIONS

There exist many minority-related problems, and each problem has to be assessed in light of its particular aspects and circumstances. Nevertheless, I am able to make some general observations based on my own experience. First, the resolution of a dispute between a government and a national minority or between two states is primarily in the long-term interest of the state or states concerned. As such, the protection of persons belonging to national minorities has to be seen as essentially in the interest of the state and of the majority. As a rule, peace and stability are best served by ensuring that persons belonging to national minorities can effectively enjoy their rights. If the state shows loyalty to persons belonging to minorities, it can expect loyalty in return from those persons who will have a stake in the stability and well-being of that state. Therefore, it is better to pursue an inclusive rather than an exclusive approach to minority-related problems. Moreover, solutions that allow for the full realization of the aspirations of persons belonging to minorities should be sought as much as possible within the framework of the state itself. Such development need not necessarily require a territorial arrangement, and may instead be realized through legislation promoting development and preservation of the identity of the minority in, for instance, the fields of culture, language, education, or self-administration on a nonterritorial basis. In such fields, social integration can take place through wide accommodation.

Substantive and constructive dialogue is essential in resolving disputes between majority and minority, as is effective participation by minorities in public affairs. Dialogue and participation need to be available and encouraged. Disputes frequently arise because of insufficient mechanisms for dialogue at the national level. This is why I have supported dialogue involving majority and minority representatives. Specifically, I have promoted the development of structures for dialogue and the establishment of other instruments for democratic discussion and decision making. Dialogue can occur in standing councils, round tables, and other fora where majority and minority representatives gather regularly to discuss issues of mutual interest or particular concern. I have recommended creating or strengthening standing interethnic councils in Croatia, Estonia, Kazakhstan, Latvia, the former Yugoslav Republic of Macedonia, and Romania. In addition, I have

initiated ad hoc round tables or consultations regarding specific issues of concern to governments and national minorities (see the later description of the Noordwijk round table on Crimean autonomy). Conclusions reached at such meetings can be submitted to authorities as recommendations, and can thus become an integral part of policymaking in their countries. The development of such institutions and processes of dialogue demonstrates, on the one hand, that authorities are willing to listen to minority concerns and, on the other hand, that minorities are willing to participate in the political life of the country in which they live. Moreover, in reaching compromises and finding solutions the whole society is able to move forward in pursuit of social and economic development.

The complexities and peculiarities of local problems often require wide consultation with all interested and affected persons, since persons belonging to national minorities are vulnerable to unaccommodating majoritarian decision making. In fact, insofar as disputes frequently involve problems of limited subject-matter jurisdiction for which centralized decision-making processes are not always best equipped, it is often the case that lower-level (i.e., decentralized) decision-making processes respond better to minority concerns. This follows from the notion of subsidiarity, that is, that decisions affecting a group at a lower legislative or administrative level should be taken at that level, or at least not without the group's consent.⁸ The decentralization that is thus needed may be achieved either territorially (e.g., in the form of devolution of authority through local self-government) or through distribution of limited powers of jurisdiction on a personal or community basis (so-called functional or cultural autonomy). In any case, it is an evident requirement of good and democratic governance that persons affected should be involved in decision making, at least in the form of consultative participation. These are ways in which persons belonging to minorities can be meaningfully integrated into political processes with a view to improving overall governance.

In 1998 I organized, together with the OSCE's Office for Democratic Institutions and Human Rights and the Swiss government, an international conference entitled "Governance and Participation: Integrating Diversity." The conference, held in Locarno, Switzerland, on October 18–20, placed special emphasis on the positive correlation between the principles of self-determination and respect for sovereignty, territorial integrity, and the inviolability of internationally recognized borders. We demonstrated that these principles are not irreconcilable—that while "external" self-determination through secession is fraught with the potential for conflict, there is a great variety of solutions available to accommodate the vital

interests and aspirations of various communities within the state through "internal" self-determination. This last idea amounts to a developed regime of democratic governance,⁹ including respect for minority rights (especially guarantees of effective participation in public decision-making processes), with carefully constructed electoral processes and special linguistic, educational, and cultural protections. These would include various forms of autonomy. There is, in fact, a wealth of positive experience among OSCE participating states, which was apparent at Locarno. However, it was also apparent that the international community could benefit from the further elaboration and specification of the various alternatives that promote integration of diversity within the state. To this end, I requested a group of internationally recognized independent experts to create a set of recommendations to which states could refer when developing the most appropriate and effective policies for their own situations. This has resulted in *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*, which suggest various ways in which persons belonging to minorities can have a say in, or control over, matters affecting them.¹⁰

With regard to recurrent issues, I have found that education and the use of minority language(s) are extremely important for the maintenance and development of the identity of persons belonging to national minorities. Certainly, there are important international standards that must be taken into consideration when developing policy and law in these areas. However, these standards are not always sufficiently precise for domestic policymakers and legislators to decide on appropriate application. Therefore, I initiated a series of consultations among internationally recognized experts from various pertinent disciplines to discuss the educational and linguistic rights of persons belonging to national minorities in the OSCE region. The consultations resulted in *The Hague Recommendations Regarding the Education Rights of National Minorities* (which address comprehensively the use of minority language or languages in education and issues regarding minority education more generally) and *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities* (which address the use of minority languages in all other fields).¹¹ These recommendations (and the explanatory notes attached to them), which are based on independent assessment of current international standards and which reflect the experts' knowledge of the range of possibilities and the most effective practices, essentially constitute balanced and practical guidelines that government officials and minority representatives can use. To the extent that these recommendations may usefully guide governments in developing and implementing appropriate and acceptable policies and laws on

minority languages and education, they will serve to resolve or at least to diminish significant sources of interethnic tension. Several states have already referred to *The Hague Recommendations* in national discussions. For example, in early April 1997, a conference in Riga discussed reform of the Latvian policy and law on education with special attention to minority education. At the conference, the minister of education stated that *The Hague Recommendations* would form the basis for Latvian policy and law in education. This statement was well received by minority representatives and, if translated into practice, will remove a major source of tension between the majority population and national minorities, in particular the large ethnic Russian population.¹² Through this kind of modest initiative, much can be done to respond to the root causes of interethnic tensions.

When addressing situations falling within my mandate, I have supported the conclusion of bilateral treaties confirming existing borders and guaranteeing the protection of minorities. One example is the Treaty between the Republic of Hungary and the Republic of Romania on Understanding, Co-operation and Good Neighborliness, concluded in Timisoara on September 16, 1996. In this treaty the two countries laid down a number of important principles regarding minorities. In particular, they recognized "that national minorities constitute an integral part of society of the state where they live," and they committed themselves to "promote a climate of tolerance and understanding among their citizens of different ethnic, religious, cultural and linguistic origin," to "condemn xenophobia and all kinds of manifestations based on racial, ethnic or religious hatred, discrimination and prejudice," and to apply international standards for the protection of persons belonging to national minorities and the development of their identities.¹³ Great importance is to be attached to the latter point because it stresses the duty of the state to protect and even to promote the maintenance and development of the identity of minorities, while rejecting the notion that minorities can maintain their identities only by isolating themselves as much as possible from the society surrounding them.

A variety of means are available to me to pursue my work, with different tools appropriate for different situations. Much of my work involves direct human contacts with decision makers, public authorities, and relevant minority representatives. Visits to countries and meetings help me to understand a situation better and to build confidence and trust with the relevant persons. Simply put, talking is important. In fact, in some situations the parties in dispute have no direct line of communication and so they are constantly "reading" (and often misreading) each other through distorted reports in the media. As I have emphasized, establishing structures for dialogue facilitates the exchange of honest and candid opinions. Sometimes

it has been necessary for me to help the parties formulate and better articulate their positions, separating the emotional from the substantive. Beyond this, I have endeavored to aid the parties in finding specific solutions to their disputes; sometimes I have suggested new solutions, and sometimes I have encouraged the parties to make compromises in response to their own suggested solutions.¹⁴

An example was my role in helping the governments of Hungary and Romania to overcome an impasse and conclude their 1996 bilateral treaty, mentioned earlier. Blocking conclusion of this historical treaty (which, *inter alia*, committed the two states to recognize definitively, and to respect, each other's frontiers and territorial integrity) was a dispute over the applicable standards for treatment of national minorities. This was a classic case of contiguous states with national or ethnic "kin" permanently living in the territory of, and being citizens of, the next (so-called territorial) state. Without conclusion of such a basic treaty, there persisted uncertainty about status and intentions, which particular interests could exploit for their own political purposes. My contacts with the two governments convinced me that they were serious about concluding a basic treaty that would be, in the words of the Romanian government, "a mutually acceptable, viable, and ratifiable treaty which constitutes a real point of convergence."

The main issue in dispute was a possible reference to Council of Europe Parliamentary Assembly Recommendation 1201 of February 1, 1993. The Hungarian government insisted on inserting a reference to the recommendation within the treaty, while the Romanian government resisted. Article 11 of Recommendation 1201 seeks to confer on persons belonging to a national minority "in the regions where they are in a majority" the right to "appropriate local or autonomous authorities." The Romanian government felt uncomfortable about the reference to "autonomous authorities," fearing it might portend a secessionist movement. To overcome this impasse, in the spring and the summer of 1996 I embarked on a kind of shuttle diplomacy between Hungary and Romania. I worked separately with the respective foreign ministers to learn their exact views (and the strength with which they were held), to help clarify each party's views to the other, to explain to both parties certain matters, and finally to propose my own compromise formula, which was accepted by both governments and ultimately led to the conclusion of the treaty. One source of instability in Europe was therefore settled as fears were removed and the foundation was laid for enduring cooperation and mutually beneficial bilateral relations.

I have also engaged in what might be called facilitative mediation or quasi-directed conciliation. An example is the way in which I helped the relevant parties overcome the impasse concerning adoption of a new

constitution for the Autonomous Republic of Crimea in Ukraine. In March 1996 I invited the main personalities from the Ukrainian government and parliament in Kiev and the Crimean government and parliament (including Crimean Tatar leaders) to meet with me in a hotel in the Dutch seaside resort of Noordwijk. I thus provided the opportunity for the relevant parties to focus (out of public view and away from the distractions of their offices) for three days on the persistent problem of the basic constitution of Crimea. To further assist the parties, I invited three well-respected independent experts on international law, minority rights, and economics to join the meeting. By structured dialogue and direct contact, the parties were able to move much closer to a resolution of their differences. I relied on the available expert advice to propose my own solutions. I also proposed to move forward on the many issues for which accord was at hand and to leave aside the others to be settled later. Ultimately, the main issues were settled and on April 4, 1996, the Ukrainian parliament adopted a new constitution for the Autonomous Republic of Crimea.¹⁵

In addition to these aspects of conflict prevention diplomacy, in the last few years I have become increasingly engaged in or actively supported special humanitarian or economic development activities within states. This follows from my observation that interethnic disputes may arise from or be exacerbated by material needs and disparities. Humanitarian or development projects that contribute materially to solving specific problems may alleviate pressures. For example, in Kyrgyzstan I have arranged for new schoolbooks to be published, including in a minority language. In Ukraine, I have acted with the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Refugees (UNHCR) to stimulate projects and to raise the necessary funds to assist with the material needs of the formerly deported peoples who have now returned in substantial numbers to Crimea. Recently, I have been in contact with the World Bank and the European Bank for Reconstruction and Development with a view to suggesting how their planned investments could be targeted to diminish interethnic tension (and certainly to avoid exacerbating it). These "tension-reduction projects" are all relatively small in financial terms, but they may make major contributions as they build confidence among people.¹⁶

Although the resolution of some sources of tension requires material resources, it is my experience that many of the root causes of interethnic tensions and conflict concern issues that may be largely addressed through appropriate and inexpensive policy formulation.¹⁷ For example, it costs relatively little to resolve disputes over citizenship. Similarly, the adoption of

policies assuring the freedom for everyone to maintain and develop their own identity, to pursue their own cultural interests, and to participate effectively in public affairs is fairly cost free. Certainly, some investment in the building of institutions and political structures may well be necessary; similarly, material resources may be required to implement measures aimed at helping persons belonging to minorities to enjoy their rights to the same extent that persons belonging to majorities do. But beyond these still relatively modest costs, the idea of good governance leads to meaningful solutions within the budget of every state. In any event, settlement of the root causes of conflict merits public expenditure since the alternative may well be to let the sparks of interethnic conflict ignite into extremely costly hot wars.

LONG-TERM CONFLICT PREVENTION

The present support enjoyed by the HCNM in general and in relation to specific situations—especially the wide acceptance of my recommendations by OSCE states—is not enough to resolve underlying problems and settle disputes in the long run. The present progress of conflict prevention work and the results my office has achieved are not sufficient to ensure long-term comprehensive security. This is primarily because there is a general lack of international financial support for societies in transition and, more particularly, for the socioeconomic needs of persons belonging to minorities, who need help in developing a civic identity within the country in which they live. Much more attention must to be given to the deeper causes of conflict that often underlie interethnic tensions. If people are unemployed, if they have little or no possibility for education, if no decent housing is available, if the prospects for their future are gloomy, they will be dissatisfied. In many countries in the OSCE area this situation is exacerbated by ongoing fundamental societal changes. Frequently, people in these countries are faced with huge problems in their day-to-day lives and an uncertain future. Past ideologies have failed them and new ideologies with tailor-made answers are not at hand. This is a condition of general insecurity.

It goes without saying that trying to prevent a conflict amid general insecurity is not an easy task. It can be a tedious process requiring considerable investment over a long period. Such expenditure of energy and time will usually have to be matched by a significant investment of financial capital as well as political capital. For example, the HCNM has developed a number of activities in Ukraine, in particular concerning the position of the Crimean Tatar population in the Autonomous Republic of Crimea. The Tatars (and other smaller populations who have returned from their

deportation to Central Asia under Stalin) are facing considerable difficulties in trying to build a future for themselves and their families. There are very few jobs, almost no housing, and limited opportunities for education. If these problems are not tackled, Tatar discontent might destabilize the situation in an area where other political problems have begun to show some improvement. Significant financial investment and assistance are required, but the Ukrainian authorities lack the necessary resources. The international community should be made aware of its responsibility and should step in with considerable financial aid. I am trying to mobilize the resources of international humanitarian, developmental, and financial organizations as well as national governments to support different tension-reduction projects and to assist in better-focused deployment of available resources. I have been working with the UNDP and the UNHCR to provide shelter, employment opportunities, job training, general education, and so on. So far, we have had modest success. As long as these needs persist there remains the potential for tensions to flare. Effective conflict prevention requires a genuine commitment over time through carefully designed and targeted tension-reducing projects.

Even more fundamental, however, is the serious and sustained application of the values to which all OSCE participating states have committed themselves. Beginning with the decalogue of principles in the 1975 Final Act of Helsinki and continuing through the 1990 Charter of Paris for a New Europe, the shared values of the OSCE are articulated in the developed standards of democratic governance and the free market under the rule of law with full respect for human rights, including those of persons belonging to national minorities. It is European experience that conflicts may be prevented only through the development of such democratic societies throughout the region. But security, stability, and prosperity do not flow automatically from declarations or the mere establishment of institutional frameworks. Constant vigilance is required in daily governance and in policymaking and lawmaking of all kinds. Too often, governments fail or hesitate to draw the necessary conclusions for policy and law, or they fail to invest the necessary political and material resources to build peace and prosperity in Europe. In particular, while governments remain prepared to commit billions in U.S. dollars for the purchase of expensive weapons to fight wars, they shy away from committing paltry sums for the prevention of such wars. It may be noted that the budget of the OSCE for 1999 is about \$50 million, with only about 20 percent of that available for the Office of Democratic Institutions and Human Rights and a mere \$1.4 million available for the Office of the OSCE High Commissioner on National

Minorities. If OSCE participating states really are serious about preventing conflicts in the future, they will surely have to do better than this.

CONCLUSIONS

When communism collapsed in Europe, the prevailing expectation was that the continent was entering an era of peace, stability, and respect for democratic values. However, in the years since the Berlin Wall came down, more blood has been shed than during the preceding decades of communist oppression in Central and Eastern Europe. The danger of war between European states has receded. But we have learned the bitter lesson that internal tensions can also lead to armed conflicts. Interethnic conflicts presently constitute the main threat to security in Europe. The problem is exacerbated by extreme nationalism, which has proven to be a potent force in many states. Extreme nationalism characterized by feelings of ethnic superiority and refusal to respect the legitimate concerns of other ethnic groups has led to the contemporary horrors of "ethnic cleansing."

The manifold challenges of making the transition from communist states to free and democratic states, and some of the ugly turns that this process of transition has taken in parts of Central and Eastern Europe, should not lead us to despondency or to the fatalistic conclusion that interethnic conflict is as unavoidable as natural disasters. Many good experiences show that interethnic conflict can be avoided if energetic efforts to prevent it are undertaken at an early stage, if sufficient resources are available, and if the necessary external pressures are applied.

This brings me back to the particular role my office has to perform. It is not enough to identify the danger of interethnic conflict in general or in specific situations. There is also the equally vital task of trying to find solutions. The work of the HCNM may not be mediation in the classic sense of the concept, but it certainly has the same essential aim of finding solutions for conflicting interests that take into consideration the reasonable concerns of both sides and it seeks to convince the parties that, whatever their differences, they share a common interest in avoiding escalation and, therefore, in finding accommodations. To the extent that the HCNM has been able to keep tensions from boiling over into violence, perhaps to bring disputing parties to some workable arrangement, and possibly even to resolve the root causes of certain tensions, then the HCNM has fulfilled his mandate of preventing conflict. If such efforts should fail, then the HCNM may still perform a valuable function by sounding an early warning of rising tensions and possible violence. I am convinced that the sustained commitment of the international community to this approach based on a

consistent understanding and effective application of our shared values is an important instrument not only for conflict prevention but also for building enduring peace and prosperity in the OSCE area.

NOTES

1. For a fuller understanding of the OSCE, see Arie Bloed, ed., *The Conference on Security and Cooperation in Europe: Analysis and Basic Documents, 1972–1993* (Dordrecht, The Netherlands: Martinus Nijhoff, 1993); Arie Bloed, ed., *The Conference on Security and Cooperation in Europe: Basic Documents, 1993–1995* (The Hague: Kluwer Law International, 1997); Michael Bothe, Natalino Ronzitti, and Allan Rosas, eds., *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management, and Peaceful Settlement of Disputes* (The Hague: Kluwer Law International, 1997); Victor-Yves Ghebali, *L'OSCE dans l'Europe post-communiste, 1990–1996: Vers une identité paneuropéenne de sécurité* (Brussels: Etablissements Emile Bruylant, 1996); and Walter Kemp, *The OSCE in a New Context: European Security towards the Twenty-First Century* (London: Royal Institute of International Affairs, 1996).

2. For a comprehensive description and analysis of the mandate, see Rob Zaagman, "The CSCE High Commissioner on National Minorities: An Analysis of the Mandate and the Institutional Context," in *The Challenges of Change: The Helsinki Summit of the CSCE and Its Aftermath*, ed. Arie Bloed (Dordrecht, The Netherlands: Martinus Nijhoff, 1994), 113–175.

3. The Permanent Council, the OSCE's principal forum, meets weekly in Vienna with delegations headed by permanent representatives at ambassadorial rank.

4. On the drafting history, see Rob Zaagman, "The CSCE High Commissioner on National Minorities: Prehistory and Negotiations," in *Challenges of Change*, ed. Bloed, 95–111.

5. The text of my statement is found in OSCE document HC/6/95, September 1, 1995.

6. The text of my statements is found in OSCE documents HCNM.INF/4/98, September 10, 1998, and HCNM.INF/6/98, October 8, 1998.

7. The statement is found in OSCE document HC/10/98, November 11, 1998. For a summary of the HCNM's work in the former Yugoslav Republic of Macedonia, see John Packer, "The Role of the OSCE High Commissioner on National Minorities in the Former Yugoslavia," *Cambridge Review of International Affairs* 12, no. 2 (spring-summer 1999): 169–184.

8. For an explanation and discussion of relevant OSCE commitments that generally support decentralization and inclusive public decision-making processes, see John Packer, "The OSCE and International Guarantees of Local Self-Government," in *Local Self-Government, Territorial Integrity, and Protection of Minorities*, proceedings of the UniDem Seminar organized in Lausanne on April 25–27, 1996 (Strasbourg: European Commission for Democracy through Law, Council of Europe, 1996), 250–272.

9. See Allan Rosas, "Internal Self-Determination," in *Modern Law of Self-Determination*, ed. Christian Tomuschat (Dordrecht, The Netherlands: Martinus Nijhoff, 1993), 225–252.

10. The *Lund Recommendations* are available through the Foundation on Interethnic Relations, Prinsessegracht 22, 2514 AP The Hague, The Netherlands; e-mail: fier@euronet.nl.

11. The texts of the two sets of recommendations are available from the Foundation on Interethnic Relations. *The Hague Recommendations* have been reproduced, together with related articles and speeches, in a special issue of the *International Journal on Minority and Group Rights* 4, no. 2 (1996–97). *The Oslo Recommendations*, together with related articles, have also been reproduced in a special issue of the same journal: vol. 6, no. 3 (1999).

12. For a description and an analysis of the work of the HCNM in the Baltic States (principally Estonia and Latvia), including educational matters, see Rob Zaagman, *Conflict Prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia, and Lithuania*, monograph no. 1, European Centre on Minority Issues (Flensburg, Germany: European Centre on Minority Issues, 1999).

13. For the texts of relevant bilateral treaties, together with some scholarly analysis, see Arie Bloed, ed., *The Protection of Minority Rights through Bilateral Treaties: The Case of Central and Eastern Europe* (The Hague: Kluwer Law International, 1999).

14. For a good summary of my approach in general and in relation to dialogue, see Stefan Vassilev, "The OSCE High Commissioner on National Minorities: A Non-Traditional Approach to Conflict Prevention," in *The New Yalta: Commemorating the Fiftieth Anniversary of the Declaration of Human Rights in RBEC Region*, comp. United Nations Development Programme (New York: United Nations Development Programme, 1998), 140–145, especially 143.

15. For a fuller description of my work in relation to Crimean autonomy, see John Packer, "Autonomy within the OSCE: The Case of Crimea," in *Autonomy: Applications and Implications*, ed. Markku Suksi (The Hague: Kluwer Law International, 1998), 295–316, especially 306–315.

16. For some further thoughts on "tension-reduction projects," see Jonathan Cohen, *Conflict Prevention Instruments in the Organization for Security and Cooperation in Europe: An Assessment of Capacities* (The Hague: Netherlands Institute of International Relations, 1998), 49–51.

17. For a brief summary of issues recurring in the work of the HCNM, see John Packer, "The OSCE High Commissioner on National Minorities," in *Human Rights Monitoring Procedures: A Textbook on How to Petition and Lobby International Organizations*, ed. Gudmundur Alfredsson, Goran Melander, and Bertrand Ramcharan (The Hague: Kluwer Law International, 1999).

