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## **Human Rights in Conflict Prevention: The Case of the Former Yugoslav Republic of Macedonia**

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### **I. Introduction**

The prevention of armed conflict remains one of the most pressing challenges in the twenty-first century. As violations of human rights, including the rights of persons belonging to national minorities, are often a root cause of conflict, as well as a consequence of any violent acts committed during conflicts, it is imperative that the protection and promotion of human rights also lie at the core of conflict prevention. It is in this regard that monitoring, protecting and promoting human rights can serve as a crucial instrument in the conflict prevention toolbox.

The complex linkage between human rights and conflict prevention has long been recognised by a number of international and regional organizations as well as other international actors who have been involved in the protection and safeguarding of human rights and national minority rights. This chapter will explore one such actor, namely, the Organization for Security and Co-operation in Europe (OSCE), which has been at the forefront of the protection of national minority rights since 1992 when OSCE participating States established the position of OSCE High Commissioner on National Minorities (HCNM) as an instrument of conflict prevention. The only regional organization in the international arena to have established such an Office, the High Commissioner over the course of eighteen years has

been crucial in averting conflicts and tensions or their escalation, triggered over issues related to the rights of persons belonging to national minorities.

Before exploring more specifically the role of the OSCE and that of its High Commissioner particularly within the context of a well-documented case study, that of the Former Yugoslav Republic of Macedonia, this chapter will first take a closer look at the concept of conflict prevention and the historical background of its emergence as a political concept in international relations. The chapter will also briefly delineate the role of the High Commissioner in general, and then more specifically in the case of the Former Yugoslav Republic of Macedonia.

## **II. The Concept of Conflict Prevention**

In general, conflict prevention refers to any action that can be undertaken to prevent a conflict or crisis in the early phases of its emergence, when there is no violence yet, or at best only sporadic violence. It is important that preventive action occur before significant violent conflict erupts. A distinction is often made between '*primary prevention*' – that is in cases where “new conflicts threaten to erupt”, and '*post conflict secondary prevention*' related to those preventive actions that can be taken to prevent recent conflicts re-igniting. In this broader definition, therefore, conflict prevention also can apply to a "post-conflict environment" where the objective is to prevent the re-emergence of tensions or violence that may trigger once more an armed conflict.

There are also two different means of prevention – we therefore distinguish between ‘*direct*’ or ‘*operational prevention*’ and ‘*structural prevention.*’ In the first instance, direct or operational prevention refers to preventive action that is undertaken to address the immediate tensions. This can be done through political instruments such as good offices, dialogue facilitation, mediation, sanctions, or preventive deployments. Structural prevention addresses the underlying sources of conflict and crisis situations, such as state weakness, discriminatory policies, economic injustices, or other societal disparities.<sup>116</sup>

A third parameter of conflict prevention also exists, introduced, by the United Nations (UN) Secretary-General in his "Progress Report on the Prevention of Armed Conflict" to the General Assembly in July 2006. The Report refers to "systemic prevention" that is, "measures to address global risk of conflict that transcend particular States."<sup>117</sup> It entails that transnational threats, such as for example the illicit trade in small arms and light weapons and narcotics, environmental degradation, or underdevelopment are tackled, but also that trade in resources known to fuel conflict, such as for example, diamonds, are regulated, so as to reduce the vulnerability of certain States to armed conflict.<sup>118</sup>

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<sup>116</sup> Lund, M. (2009) Post Cold War Conflict Prevention: Progress and Gaps, **Presentation at the Conference on Preventive Diplomacy and Peacemaking**, Alexandria, Egypt, 4-5 November; also, Ackermann, A. (2003) The Idea and Practice of Conflict Prevention. **Journal of Peace Research** 40, 3, pp. 339-347.

<sup>117</sup> See United Nations General Assembly. (2006). **Progress Report on the Prevention of Armed Conflict**. Report of the Secretary-General, A/60/891, 18 July, p. 5.

<sup>118</sup> Ibid. p. 7

As to the historical development of the concept, it is notable that already in 1960 the term “preventive diplomacy” was used officially for the first time in the annual report by UN Secretary-General Dag Hammarskjöld. Its meaning was defined within the context of the Cold War and referred to ‘keeping regional conflicts localised so as to prevent their violent spill-over into the superpower arena.’<sup>119</sup> Then in 1992, UN Secretary-General Boutros Boutros-Ghali redefined the term “preventive diplomacy” to reflect on the changes in the post-Cold War environment, which were believed to allow for more concerted action in preventing armed conflicts. In his Report to the Security Council, "An Agenda for Peace," excerpts of which were later summarised and published in an article in the internationally-renowned U.S. journal, *Foreign Affairs*, Boutros-Ghali referred to preventive diplomacy as a policy aimed at preventing conflicts from emerging and also from escalating into violence. In this context, he listed five specific measures for conflict prevention in the politico-military domain: confidence-building measures; fact-finding missions, early warning networks, preventive deployment, and demilitarised zones. Root causes of conflict were to be addressed through economic and social development.<sup>120</sup> His successor, Secretary-General Kofi Annan, further advanced the idea and practice of conflict prevention. Among his more crucial initiatives was the articulation of the concept of a "culture of prevention" and his argument that the UN had a moral responsibility to prevent large-scale violence, such as genocide.<sup>121</sup>

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<sup>119</sup> Op. cit. Ackermann (2003) p.340

<sup>120</sup> Boutros-Ghali, B. (1992) **An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping**, Report of the Secretary-General adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277-S/24111, 17 June, New York, United Nations.

<sup>121</sup> Op. cit. Ackermann (2003) p.340

Since then, most of the international and regional organizations as well as many national governments have come to embrace conflict prevention as a policy tool. For example, apart from the UN, references to conflict prevention as a policy can be found in the documents of various regional organizations (sometimes also referred to as “crisis prevention”), including the European Union, the OSCE, the African Union, the Economic Community of West African States, or the League of Arab States. However, as far as the actual implementation of preventive action is concerned, there often remains a gap between rhetoric and actual realisation on the ground, with a few notable exceptions.

### **III. The Protection and Promotion of National Minority Rights as Objective and Tool in Conflict Prevention – The Role of the OSCE**

As mentioned previously, the protection and promotion of human rights, and in particular of national minority rights, which is the primary focus of this chapter, are both: an objective of, and a crucial tool for conflict prevention. In the OSCE, there are two major instruments in the conflict prevention toolbox for the monitoring and protection of human rights and national minority rights. Those issues related to human rights rest within the Office for Democratic Institutions and Human Rights (ODIHR); those applicable to national minority issues fall into the domain of the High Commissioner on National Minorities.

The importance of national minority rights in conflict prevention is clear : (1) the protection and promotion of such rights can be a primary and secondary preventive tool;

(2) violations of national minority rights and the failure to reach accommodation are among the root causes of conflicts; (3) politicisation of minority issues frequently affect negatively inter-state relations, especially if an ethnic group constitutes a numerical minority in one state but a numerical majority in another state. Inter-ethnic tensions can be a great source of inter-state frictions and can even result in inter-state armed conflicts, and therefore also tend to have wider regional security implications; and (4) there is empirical evidence that constructive conflict management regarding minority and majority issues can reduce the risk of political tension or even armed confrontations.

The creation of an OSCE High Commissioner on National Minorities as an instrument of early warning and conflict prevention involving national minority issues dates to the Helsinki Decision 1992 where the preventive role and functions of the HCNM are outlined, as part of the first dimension of security – the politico-military one. The 1992 Document is also a remarkable testimony to the constructive thinking among OSCE participating states that existed in the early 1990s. It provides evidence that the OSCE was, along with the UN, among the precursors of innovative thinking on conflict prevention.<sup>122</sup> What prompted, of course, such thinking was the political and inter-ethnic violence that engulfed the former Yugoslavia in the early 1990s.

Established as an autonomous institution within the OSCE, the High Commissioner in his mandate is empowered to provide “early warning” and, as appropriate:

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<sup>122</sup> See here, Ackermann, A. (2003) The Prevention of Armed Conflicts as an Emerging Norm in International Conflict Management: The OSCE and the UN as Norm Leaders. **Peace and Conflict Studies** 10, 1 (Spring), pp. 1-14.

*“early action” at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability, or relations between participating States.*”<sup>123</sup>

The High Commissioner’s work falls generally under what was described at the beginning of this chapter as “operational conflict prevention.” However, one can also consider the preventive activities on the part of the High Commissioner as “structural conflict prevention” because addressing “structural issues in majority-minority relations is essential if sustainable solutions are to be achieved.”<sup>124</sup>

The work of the HCNM continues to involve fact-finding in the field; providing legal and policy advice to governments; dialogue facilitation and mediation; and the initiation of tension-reducing projects. The HCNM also assists participating states in the implementation of their relevant commitments when it comes to minority rights issues. Among the specific areas for assuring an integrative minority policy are the following: participation in public life; integrative education; integration and recognition of the minority language in public life; broadcasting; and police services that are representative of society.

In his approach, the High Commissioner proceeds incrementally, or step-by-step, and his mandate emphasises the importance of “quiet diplomacy” which is designed to assure confidentiality and trust-building. Drawing on groups of experts, the High Commissioner also has over time

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<sup>123</sup> CSCE (1992) **The Challenge of Change**. Helsinki Document 1992, Helsinki Decisions, p. 5.

<sup>124</sup> OSCE High Commissioner on National Minorities Factsheet (2009), p. 2.

developed a series of thematic recommendations and guidelines, including those on educational and linguistic rights of minorities, participation of minorities in public life, media broadcasting in minority languages and policing practices in multi-ethnic societies.<sup>125</sup> Since the creation of the High Commissioner's Office, three eminent international personalities have served the OSCE in this position: Max van der Stoep of the Netherlands (1993-2001); Rolf Ekéus of Sweden (2001-2007); and currently Knut Vollebaek of Norway (since July 2007).

The following case study will delineate how the OSCE High Commissioner has been particularly involved in the case of the Former Yugoslav Republic of Macedonia.

#### **IV. The Case Study: Conflict Prevention in Practice**

When the Former Yugoslav Republic of Macedonia became independent in September 1991, in a region with already armed confrontations, there was major concern that the country might also be consumed by warfare. One determining factor was that the country also was home to different ethnic groups, the largest of which were the ethnic Albanians, with a distinct national and cultural identity.<sup>126</sup>

There were four overlapping issues that formed the core of the grievances of ethnic Albanians in the country: group status – that is protest over the status of minority group rather than recognition as a ‘constitutive nation;’ language and educational rights – and discriminatory practices,

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<sup>125</sup> Ibid. p. 3.

<sup>126</sup> Ethnic Albanians currently constitute about 25 percent of the population (2.1 million inhabitants).



primarily under-representation of Albanians in the administration, armed forces, and police. The preventive work of the High Commissioner was thus crucial in addressing these major grievance and demands.

This was done initially primarily through regular fact-finding missions and visits that were often followed up with specific recommendations addressed to the authorities on how to work towards accommodation. For example, between 1993 and 1995, one of the most critical periods, the then High Commissioner Max van der Stoel conducted twelve visits to the country, meeting with government officials and leaders of the various ethnic groups and parties. These visits addressed and investigated divisive issues that were included in the four categories of grievances and demands voiced by the ethnic Albanian community, including citizenship requirements, television and radio programs for minority groups, education in the minority languages, and professional representation of ethnic Albanians.

The results of such preventive involvement were most impressive. For example, the contentious issue of a separate ethnic Albanian university, the so-called “Tetovo University” that divided the two ethnic communities throughout much of the 1990s, was constructively resolved in 2000, with an agreement to build a multi-lingual institution of higher learning, the South East European (SEE) University, also informally referred to as the “van der Stoel University.” It was inaugurated in November 2001, with a curriculum in Albanian, Macedonian, English and other European languages. Broadcasting in all the minority languages was expanded over time. Educational and linguistic rights were enhanced to include education in the Albanian language in primary and secondary schools. A law

had also been introduced in July 2000 for the use of the Albanian language and other languages in private tertiary institutions, which allowed for the establishment of the SEE University. What was significant was that with the involvement of the High Commissioner, the rights of all minorities in the country were gradually expanded, and not only those of ethnic Albanians.<sup>127</sup>

The emergence of an armed insurgency movement in the Former Yugoslav Republic of Macedonia in 2001 caught many by surprise, and unfortunately drew attention away from the constructive and accommodative ways in which majority-minority relations had been managed in the country during the first ten years following independence. The insurgents claimed that not enough had been done to advance the rights of the ethnic Albanian population in the country, in particular with regard to constitutional rights and equality. After several months of violent acts and bloodshed, the armed conflict ended with the signing of a peace accord, the “Ohrid Framework Agreement,” that incorporated further measures and stipulations to enhance minority rights, including the introduction of a so-called “double majority” in Parliament, an increase in the number of police officers of Albanian origins, provisions for decentralisation, and expanded linguistic rights.

Since 2001, following the signing of the Ohrid Framework Agreement, minority rights have been further expanded and all minority communities in the country have

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<sup>127</sup> Ackermann, A. (2000) **Making Peace Prevail: Preventing Violent Conflict in Macedonia**, Syracuse, New York, Syracuse University Press; Ackermann, A. (2002) On the Razor’s Edge: Macedonia Ten Years after Independence. In: Institute for Peace Research and Security Policy at the University of Hamburg (IFSH). eds. **OSCE Yearbook 2001**, Baden-Baden, Germany, Nomos, pp. 117-135.

benefitted from further changes that were introduced over time. However, the preventive role of the HCNM continues in the Former Yugoslav Republic of Macedonia, in particular because of mounting concerns over growing “ethnic separation” particularly in the educational domain. The High Commissioner has emphasised that segregation is “unwelcome or even dangerous for inter-ethnic relations” because when minority communities speak the state language poorly, “their chances to fully participate in the public life of the country” is hindered. Misperceptions and ethnic stereotypes also continue to hold in such cases. Segregation was noted to be most evident in the western part of the country, with a more significant Albanian population.<sup>128</sup>

Although the country made great strides in the promotion of minority rights because of a policy of accommodation, this has not led necessarily to more integration. A number of reasons can be listed for such a development, including problems associated with decentralisation, deficiencies in the recruitment system for teachers, a lack of specific training for teachers with a perspective toward educating for a multi-ethnic society, as well as crowding in schools due to a lack of new school facilities.

The current High Commissioner, Ambassador Knut Vollebaeck, is actively promoting a policy of integrated education in the Former Yugoslav Republic of Macedonia to prevent a further politicisation of the educational system. Among his recommendations for an integrated approach to education has been to “depoliticise” the appointments of

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<sup>128</sup> See here for example, OSCE High Commissioner on National Minorities, Feature: “OSCE Works with Authorities in Skopje to reverse Segregation in Education,” 21 April 2009.

school directors; to “depoliticise” schoolbooks and curricula; and to “disarm” history, so that it cannot be misused as a political tool. To prevent a “linguistic separation” the High Commissioner has also recommended that there must be adequate instruction in Macedonian, that is, the State language.<sup>129</sup>

The HCNM has received support on this issue from the so-called group of “Principals” – consisting of the Heads of Mission of the EU, NATO, the OSCE and the United States in Skopje. In a statement in January 2010, they emphasised the importance of learning the State language in non-majority communities, and “taking into consideration the recommendations of the OSCE High Commissioner on National Minorities,” a proficiency in the Macedonian language will “promote integration of the different communities.”<sup>130</sup>

## V. Concluding Remarks

As the example of the Former Yugoslav Republic of Macedonia demonstrates, much progress has been made with regard to creating integrated communities but, at the same time, the case study shows how challenges remain. Moreover, minority issues are an important aspect of conflict prevention, and thus, of enhancing European security. This was also pointed out by High Commissioner, Ambassador

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<sup>129</sup> See here for example his speech, **Integrated Education: A Way Forward for Multi-ethnic Societies** Address by OSCE High Commissioner on National Minorities, Knut Vollebaeck, at the South East European (SEE) University, 29 January 2009.

<sup>130</sup> OSCE, Press Release. (2010) **Joint Statement by the Heads of Mission of the EU, NATO, OSCE and the United States in Skopje** SEC.PR/18/10, 29 January.

Vollebaeck, in his address on “National Minority Issues and European Security,” at the Corfu Process Meeting in February 2010, which featured a series of discussions on a number of concrete themes, including early warning and conflict prevention. He further emphasised that “we must build further defences together against interethnic conflict in the OSCE area, “ calling on states to “respect a certain ‘code of conduct’ with regard to national minorities.”<sup>131</sup>

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<sup>131</sup> **National Minority Issues and European Security.** (2010) Address by OSCE High Commissioner on National Minorities Knut Vollebaeck, 23 February.