Max M. Kampelman Papers

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ANNCR: The Voice of America presents ON THE LINE.

THEME: Up, hold under and fade

ANNCR: ON THE LINE -- a program that presents the policies of the United States government and significant discussion of those policies by informed outside observers.

This week, "Protecting the Rights of Minorities." Here is your host, VOA Director Richard Carlson.

HOST: In a recent speech in Berlin, U.S. Secretary of State James Baker noted that "with the collapse of Communism, ethnicity has re-emerged as a powerful political force." Today, in the Soviet Union, Yugoslavia and other nations of Eastern and Central Europe, resurgent nationalism threatens to overwhelm efforts to establish free societies tolerant of minority rights.

Next month in Geneva, a meeting of the Conference on Security and Cooperation in Europe will address this issue. Representatives of the United States, Canada, the Soviet Union, and thirty-two European governments will review implementation of existing C-S-C-E commitments and

consider whether additional steps are needed to ensure that the rights of minorities are protected.

Joining me today to discuss the rights of national minorities and U.S. policy are three experts. Ambassador Max Kampelman, who has been appointed to head the U.S. delegation to the C-S-C-E meeting in Geneva next month. Allen Weinstein, president of the Center for Democracy, a private non-profit organization that seeks to promote democratic change in Eastern Europe. And Adrian Karatnycky, director of research in the international affairs department of the A-F-L-C-I-O and author of a recent book on nationalities in the Soviet Union.

Ambassador Kampelman, let me begin with you, if I may. From the U.S. perspective, what exactly are the rights of national minorities and what role does the Conference on Security and Cooperation in Europe play in protecting these rights?

KAMPELMAN: I think it's important to recognize that which is fundamental. What's fundamental to American principles -- and now what's fundamental to the European principles, as well, since the Copenhagen document -- is the human dignity of all human beings who are a part of a body politic. As individuals their rights as human beings must be respected whether they belong to a majority or whether they belong to a minority. It is that individual component which the C-S-C-E process has emphasized and will continue to emphasize. When we talk about rights of minorities we're talking about that fundamental premise, plus. And

the plus is the form by which individuals form organizations either by virtue of their decision to be part of an organization as a result of their birth, their religious convictions, their political convictions. Whether the organizations they form are minority organizations or majority organizations, those organizations have a right to function freely under the principles of human dignity. They can compete politically. They ought to have the right to publish, to expound their views, to influence other people, to speak their own language, to attend their own churches, to act as a group of human beings with human dignity. And that has to be respected, short of their engaging in violence. We do not excuse the use of violence. Now that, I think, is as clear a statement as I can make about what we mean when we say minority rights.

HOST: Do you agree with that, Mr. Weinstein?

WEINSTEIN: Substantially. I think that the first rights of any minority in a country, whether in our country or in any other democracy in the world, is not to be persecuted for their minority status. And in several of the countries that we are dealing with in Eastern and Central Europe, this is still a major dilemma -- as no one knows better than Ambassador Kampelman, who has struggled to seek redress in many of these instances through the C-S-C-E process. I think that one of the dilemmas with the resurgence of the old or older ethno-cultural and national quarrels throughout Eastern and Central Europe in the last year or two, is that they have thrown the human rights community in this country and in Western Europe somewhat off balance. I presided as

moderator of a conference in Strasbourg, the Council of Europe, in which Ambassador Richard Schifter participated along with others. The Soviet representative to C-S-C-E, Ambassador Daryabin, was there and the rest. And this was a year ago January. And we were discussing the status of human rights under the Helsinki Accords as the theme. And somewhat to the surprise of everyone, the older human rights issues receded into the background, and the only subject that really attracted heated discussion was the very substantial questions of minority rights, country by country, among those who were present. A final point, these are not by any means self-evident, because Ambassador Kampelman stressed these as individal rights. And I, too, would stress them as individual rights. Is there a minority right to secede from a country and form its own country or enclave? Is there is a minority right to special protection or special attention to its grievances? Is there a minority right to group recognition and privileges? These are extremely complicated dilemmas for which no process, it seems to me, including the C-S-C-E process, has yet fully addressed.

HOST: Mr. Karatnycky, what are your thoughts on this?

KARATNYCKY: I agree with some of the cautionary notes that have been raised, but I also think that it ought to be pointed out that really tremendous progress has been made -- the re-emergence of civil society in Eastern and Central Europe, the beginnings of the birth of that civil society in the Soviet Union, and the rudimentary institutions which give body to the various principles that are enunciated in international documents and which make a sense of, create a sense of

community. All those sorts of things we're observing the birth of, in this collapse of Communism and re-birth of democracy and civic life. And it seems to me that one of the advantages of the instrumentality of the C-S-C-E is that it creates a structure through which the European nations or the North Atlantic nations can be integrated into a common community and standards can be set. And precisely those kinds of dialogues can be held. But it's very important that these dialogues not be limited to elites, but they really work their way through institutions, through non-governmental institutions, in particular. And I think that as the process, the C-S-C-E process unfolds, there has always been a component for non-governmental organizations, and it seems to me that that is one area where this kind of dialogue and this kind of discussion ought to percolate through and permeate through trade unions, through civic organizations, through non-governmental human and civic rights organizations in these emerging democracies.

HOST: Now Mr. Weinstein has mentioned the question: Do national minorities have the right to secede? And certainly there is no more volatile a subject in the Soviet Union at the present time than this very question. A number of Soviet Republics, including Armenia and Georgia, have made clear, through democratic means, their desire for independence from the Soviet Union. Do you think these secessionist movements are based on a legitimate assertion of national minority rights? What is the U.S. view on this, Ambassador Kampelman?

KAMPELMAN: For years we have been using the term self-determination of peoples. And for some, self-determination of peoples includes the idea of secession. In my opinion, that was not the intent of the framers of the Helsinki Final Act when they wrote that agreement and talked about the right of self-determination. There is a right of secession in the Soviet Union under the Soviet constitution. There is a right of secession in Yugoslavia under the Yugoslavian constitution. There is no, in my opinion, right of secession under the Helsinki Final Act. Lots of ambiguity exists about this concept of secession. What geographic area are you talking about? Very difficult, if not impossible, in an arbitrary way to define it. If you chose one geographical area, you might get one result if you took a vote. If you expanded that geographical area slightly or restricted it slightly, you might get a different majority result. That's not been defined in any way. So that I, for one, would be very cautious about equating the right of self-determination with the right of secession. You could see how this would be a source of terrible instability if there was just the blanket assumption that you could have the right of secession. There wouldn't be societies any longer.

HOST: But how you would apply this to the specific question of Baltic independence? Here is an interesting case in which...

KAMPELMAN: The Baltics have a right to be free, not by virtue of the right of self-determination. They have a right to be free because they became a part of the Soviet Union through an aggressive act stemming from the Nazi-Soviet pact, an aggressive act which we and the rest of the West never

recognized and never legitimized. For us, the Soviets never legally absorbed the Baltic states. And that remains our position and should remain our position today.

HOST: Mr. Weinstein.

WEINSTEIN: I agree with Ambassador Kampelman that we have an escape hatch in dealing with the Baltics, because we have, in fact, kept relatively clean diplomatic hands on this going back to that time. Nevertheless, it remains a question as to whether we should accept something like a statute of limitations on such aggression. Do the Georgians have a right to secede because they were occupied as early as 1919 or 1920? I think probably I would share Ambassador Kampelman's sense that the Helsinki Accords supersede. Whoever signed the Helsinki Accords was signing on to a view of the map of Europe that accepted boundaries and borders as they existed. That, recall, is one major reason the Soviets signed on, because they wanted to do away with the sense that their borders would be threatened.

KAMPELMAN: And when we had our agreement with the Soviets in 1933, Franklin Roosevelt acted on the assumption of those borders.

WEINSTEIN: I'd make only one point, one additional point, however, which is that we're dealing with societies which still lack constitutional legitimacy to a very substantial extent. The Czech and the Slovaks have, the Czech and Slovak Federal Republic, for example, has a bill of rights but no constitution agreed to yet. And this issue of ethno-cultural conflict is at the heart of the matter. The Yugoslavians

have no agreed upon constitution. The peoples of the Soviet Union, the Republics, have no agreed upon constitution.

HOST: Well, that raises really a more general kind of question. I mean after all, the United States was founded on an idea that all men are created equal and that this equality supersedes any differences in birth, blood or creed. And it seems that it is this idea of equality that is indeed sort of necessary in terms of creating a foundation for the respective individual and minority rights. How can we examine a political situation such as exists in the Soviet Union, in the states which are emerging from a past of forty years plus of totalitarianism? What sort of foundation is there for the respective minority rights, indeed individual rights, present today? Adrian Karatnycky?

KARATNYCKY: Well, it seems to me that here we confront a central issue in the West's or the democracies' attitude to the processes that are occurring in the Soviet Union and in Yugoslavia. To my mind, it is clear that predominantly the forces of nationalism that are emerging in the Soviet Union are those of a democratic nationalism. It also seems to me that in the case of Yugoslavia, you have a rather mixed picture, so I'd rather stay away from that. But in terms of the Soviet Union, the rise of civil societies has very often paralleled the re-birth of nationalism and national identity, and there is a great confluence, it seems to me, within the popular fronts. The movement, for example, to restore Russian sovereignty that Yeltsin has now embodied in his recent campaigns, both in the March 1990 elections and in the recent

presidential campaign, to restore a kind of a statehood to Russia on the basis of democratic principles. All of those trends are occurring now and are really unraveling the structures which had been integrated in the 1960s and in the 1970s. And the real issue at hand is, it seems to me, is our attitude towards the democratic process rather than taking a position on the separateness of this or that republic. It seems to me it would be useful to take a look at what kinds of interests are being advanced by the rise of these nations and their aspirations. If they are consonant with minority rights, with the protection of democratic procedures, it seems to me that we should not stand in the way of that process that is unfolding. If, however, they are antagonistic to those kinds of interests, I think that the international community has a great responsibility to exert a moral pressure and economic pressure or whatever pressure of a non-violent means to bear on the protection of minority rights and other rights.

WEINSTEIN: I think Adrian makes an excellent point which is that in the first instance, the resolution of these issues should be within the framework of the nation, that is to say, you can't race every issue over to the Helsinki process and say 'solve it for me.' And in the case of the Soviet Union, they're doing a pretty darn good job of communicating with one another in this manner. The Yugoslavians are doing a dreadful job. But these are two very different national instances. And it is likely -- the Czechs are doing a pretty good job and the Slovaks -- it is likely that the first major dilemma that Ambassador Kampelman confronts in Moscow and in some of the earlier preliminary meetings when he has to deal

with this issue for the United States, would be the question of Yugoslavia and how one handles a situation in which people are almost willfully unwilling to recognize the Europe and the world they live in.

HOST: Let me ask Ambassador Kampelman what enforcement mechanisms does the C-S-C-E in Europe now have to ensure that minority rights are respected, and what kind of additional steps might be needed that will be examined in Geneva?

KAMPELMAN: We have no enforcement mechanism. And this is an integral part of its strength. I think that has to be understood. Here is a body of law, one might say, which is fifteen years old, roughly, sixteen years old. And in that short space of time, without any rights of enforcement -- every decision made has to be made by consensus which mean unanimous consent -- that C-S-C-E has helped change the face of Europe significantly without enforcement. Now, we do not now have enforcement rights. What we have to do at our Geneva meeting and at our Moscow meeting, and what we intend to do, is to say that with a diminution of East-West tensions, what we're seeing rising are ethnic and national tensions which has to be appreciated. You have to understand that Eastern Europe, for example, has not had the opportunity for political maturation in forty years. Western Europe has had that opportunity. They're now making up for lost time and it's like keeping a top on a boiling pot. You take the top off and it's exploding. We're seeing that explosion now. What we, in C-S-C-E, are now trying to do and what the United States, through C-S-C-E,

and its allies are trying to do, is ask ourselves a question: Can we find a way of making a contribution towards a resolution of those disputes without coercion? And that is the challenge we face, and I hope we'll face that challenge constructively.

HOST: Gentlemen, I'm afraid that's all the time we have this week. I'd like to thank our guests -- Ambassador Max Kampelman, head of the U.S. delegation to the upcoming C-S-C-E meeting in Geneva on minority rights; Allen Weinstein, president for the Center for Democracy; and Adrian Karatnycky, author of a recent book on Soviet nationalities -- for joining me to discuss the rights of national minorities and U.S. policy. Tune in next week for another edition of ON THE LINE. This is Robert Reilly for the Voice of America.

ANNCR: You've been listening to ON THE LINE -- a program that presents the policies of the United States government and significant discussion of those policies by informed outside observers. This program was produced by Steve Munson.