

TIPPING THE BALANCE:

Cases such as the Yugoslav crisis could make possible the development of stronger international mechanisms for protecting human rights and "minority rights" in particular. Moving in that direction, in order to establish a better balance between standards and machinery, and between traditional actors (the State) and other, new and legitimate actors on the international stage (peoples, minorities) does not necessarily require radical changes. It means:

- using the mechanisms already in place by injecting a badly-needed infusion of political will;
- improving and expanding some mechanisms, for which there is precedent, ensuring the principle of "universality" of treatment;
- making recourse to such mechanisms less dramatic and less politically charged, in order to enable them to be used more often or even routinely;
- introducing confidence-building measures in this area, as has been done in other areas far more forcefully;
- making the peaceful settlement of these disputes more objective and neutral; and
- introducing the concept of "automaticity", in which machinery is invoked not for political reasons but by automatic or impartial triggering mechanisms.

Above all, the task is to give existing instruments the credibility they lack, so that they might play a useful role in the management of ethnic conflicts. We need to look at machinery and mechanisms which might play two distinct roles: first, those which might apply to the beginnings of a crisis, when problems have been identified but prior to the outbreak of violence; and, second, those which can facilitate solutions following conflict.

In the United Nations context, the following are measures or steps which build on existing international law and practice, but which could lend themselves to work over the next months and years:

- (1) All states should be encouraged to ratify the ICCPR and the Optional protocol and to make appropriate declarations under article 41 in addition to ratifying other useful and relevant instruments (CERD, CEDAW); ratification and acceptance of these steps should be prerequisites for entry into the club of democratic nations, and