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**REPORT ON THE WORKSHOP ON MINORITIES AND
CONFLICT PREVENTION AND RESOLUTION**

Geneva, 26-27 May 2005

**Chairpersons: Mr. Dzidek Kedzia, Ms. Reem Mazzawi,
Mr. Vladimir Kartashkin and
Mr. Julian Burger**

Rapporteur: Mr. Tom Hadden

* Pursuant to General Assembly resolution 60/251, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights will be assumed as of 19 June 2006 by the Human Rights Council, which will review them as appropriate.

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I. BACKGROUND

1. In order to contribute to the ongoing work of the Secretary-General to resolve and prevent conflicts, including those affecting or involving minority groups, to strengthen the human rights perspective of recommendations in work related to this issue, and in support of initiatives to increase civil society participation in the work of the United Nations, the Office of the High Commissioner for Human Rights (OHCHR) organized a workshop on “Minorities and conflict prevention and resolution” in Geneva on 26 and 27 May 2005.
2. The primary aim of the workshop was to provide an opportunity for the minority participants in the workshop to develop a series of concluding observations, based on their experiences, to be submitted to the international conference, “From reaction to prevention: civil society forging partnerships to prevent conflict and build peace”, to be held at Headquarters in New York from 19 to 21 July 2005.
3. During the workshop, participants requested that the report on the workshop with its concluding observations, together with a report on the conference in New York, be considered by the Working Group on Minorities at its twelfth session in 2006.

II. INTRODUCTION AND ORGANIZATION OF WORK

4. **Mr. Dzidek Kedzia**, Chief, Research and Right to Development Branch, OHCHR, made the opening statement. He welcomed everyone to this workshop on minorities and conflict prevention and resolution. He commented that the protection of the rights of persons belonging to minorities is an important element of human rights work and that the Secretary-General has repeatedly highlighted the importance of minority issues. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135) that the promotion and protection of minorities contributes to social and political stability within States. He noted that the workshop would hear the views of members of minority communities and experts and would explore ways for minorities to participate in the work of the United Nations. The concluding observations of the workshop would be submitted to the international civil-society conference on the prevention of armed conflict, “From Reaction to Prevention”, to be held in New York in July 2005.
5. Finally, Mr. Kedzia welcomed the five OHCHR Minority Fellows to the workshop. He expressed the hope that the skills they had gained during their three-month fellowships with OHCHR in Geneva would contribute to their work with their communities on their return home.
6. **Mr. Tom Hadden**, Queen’s University, Belfast, Northern Ireland, United Kingdom was appointed as Rapporteur for the workshop.
7. **Ms. Lucy Howen**, Indigenous Peoples and Minorities Unit, OHCHR, outlined the objectives of the workshop. It would ensure that the minority participants, in Geneva as part of a joint OHCHR/Minority Rights Group training programme, can contribute to the global civil society consultation on the prevention of armed conflict, initiated by the Secretary-General in 2001. As some of the participants would also attend the international civil-society conference to be held at Headquarters in New York in July, this presents a real opportunity for the minority perspective to be heard at the international level.

8. In addition the workshop would also contribute to the Secretary-General's reform agenda for promoting and supporting civil society participation in the work of the United Nations. The minority participants would look in detail at how they can contribute to and be part of ongoing conflict prevention and peacebuilding initiatives of the United Nations, both internationally and at the country level.

9. **Ms. Farha Ajir**, of the Global Partnership for the Prevention of Armed Conflict (GPPAC), spoke about the origins of the Global Partnership, its structure, and the three-year global civil society consultation processes that had led to the development of the Global Action Agenda on the Prevention of Armed Conflict, which would be presented at the civil-society conference in New York. She emphasized the need for a fundamental shift from reaction to prevention and highlighted areas for development identified through the consultations. These included the need for new partnerships between civil society organizations and Governments to prevent and resolve conflicts, greater recognition of the role of civil society in conflict prevention and peacebuilding, the strengthening of regional and international networks, the development of analytical frameworks and coherent, integrated approaches from different sectors, and the creation of better, civil-society-based, early-warning and early-action mechanisms.

10. She anticipated that the international conference, in addition to adopting a global action agenda to be implemented at the regional and international level, would also propose new mechanisms for interaction between the United Nations, civil society, regional organizations and Governments.

11. In the discussion that followed, several issues were raised. These included the need for objective mechanisms to identify all situations that could lead to conflict - not only internationally recognized ones, the need for greater tolerance by some Governments of civil society, the need for Governments to take action on early-warning indicators (with the example of the failure of the international community to react to these in the case of Rwanda), the proposed development of a "code of conduct" with regard to ensuring the safety of civil society actors in conflict situations, and the need for a wider definition of conflict, not limited just to armed conflict.

12. The Rapporteur emphasized the need for codes of conduct to be as widely drawn as possible and to include the possibility of confidential consultations between Governments and other groups involved in conflicts.

III. THE ROOT CAUSES OF CONFLICT - THE MINORITY PERSPECTIVE

Co-Chairs: Mr. Dzidek Kedzia and Ms. Reem Mazzawi

13. Three of the minority participants presented regional perspectives on the root causes of conflict affecting or involving minorities.

14. **Ms. Saniya Sagnayeva**, from the Central Asia Project, International Crisis Group, spoke about the root causes of conflict in multi-ethnic States, such as those in Central Asia that formerly formed part of the Soviet Union. She identified problems relating to refugees from conflict zones, threats to stability facing societies in economic and political transition, and

problems caused by a lack of recognition by States of tensions between ethnic groups. Other issues highlighted included problems faced by cross-border minorities, disputes over natural resources, land and water, and the impact of poverty. Lack of representation in the political system, discrimination against minorities in employment in the public sector, and lack of recognition for the cultures and languages of minorities were further causes of tension. In some States, minorities had no access to education or media in their own language. She commented that civil society in the region was still weak. Ms. Sagnayeva concluded by saying that the status of ethnic minorities was related to democratic reform and change and that now was the time to initiate reforms in the region to prevent future conflicts.

15. **Mr. Dino Dean Gracious**, of the Meghalaya Peoples Human Rights Council, spoke about the root causes of conflicts affecting or involving minorities in South Asia. He noted that the region was made up of multi-ethnic States, divided internally along linguistic, religious and cultural lines, but linked across national boundaries. He commented that, despite the intensity of violent confrontation between groups in the region, there was little national investment in peacebuilding. He identified the origin of many grievances as arising from the borders established in the post-colonial period. He noted the role played by States as a root cause of conflict. States may support the stronger group in society and these groups used State power to ensure their own position at the expense of the fundamental interests of the minority. Discriminatory policies towards minorities and lack of effective economic participation in minority areas exacerbated the situation. There was a lack of independent institutions in a position to mediate between groups. He noted a high level of mistrust between groups in the region and that a culture of violence had become established, with increasing militarization on both sides reducing opportunities for conflict resolution.

16. Finally, **Ms. Mary Omoye Okosun**, of the Civil Liberties Organization, Nigeria, spoke about the root causes of conflict in Africa from the minorities' perspective. She identified discriminatory legislation protecting the interests of the majority, poor governance, lack of transparency, corruption, electoral malpractice and the lack of genuine democracy or political representation as significant factors. In addition, many Governments, particularly in States under military rule or civilian dictatorship might be responsible for gross human rights violations. Such repression led to confrontation and conflict. Transnational corporations might also be responsible for human rights violations where they failed to comply with acceptable standards. Access to justice was limited and legal aid services inadequate. Traditional means of dispute settlement had been eroded. Poverty remained a root cause of conflict, and was aggravated by lack of social security provisions, the wide disparity of wealth within countries and the misuse of public funds. Infrastructures are not developed in minority areas. Many conflicts occur over access to natural resources, such as water, land or firewood. Poor education, lack of basic facilities and high unemployment amongst minorities also lead to confrontation. Ethnic bigotry, religious differences and the caste system remained causes of conflict and Governments failed to act on early-warning signals. Finally, insecurity and conflict in one region could easily spill over into another.

17. The Chairperson thanked the participants for their presentations. He commented that many of the issues raised were structural, including gender discrimination, the multi-ethnic dimension within States, the lack of institutional frameworks to resolve conflict, poor access to justice and lack of respect for culture and identity. During the discussion that followed, participants raised the problem of the differing "mindsets" of minorities and Governments,

which could lead to conflict. Instead, minorities and Governments should work together to find solutions. Governments had a responsibility to maintain public order, but minorities were excluded from participation in the resolution of problems. In some instances, action by minorities could threaten public order and States need to take action. Some States did not recognize the existence of particular minorities, so there was no system for protecting their rights as minorities. Development projects could lead to loss of land without compensation and conflict over natural resources. Caste systems and the effect of poverty caused by discrimination, social exclusion and the unequal distribution of wealth were also highlighted as root causes of conflict.

18. The Chairperson drew attention to key issues raised in the discussion, in particular the importance of effective participation in decision-making processes, the challenge of reconciling different needs and interests, and the importance of recognizing the legitimate concerns of minorities in reconciling these interests.

IV. OPPORTUNITIES FOR PARTICIPATION OF MINORITIES IN THE WORK OF THE UNITED NATIONS AND OPPORTUNITIES FOR ACTION BY THE UNITED NATIONS AND MEMBER STATES TO PROTECT MINORITIES

Co-Chairs: Mr. Dzidek Kedzia, Ms. Reem Mazzawi and Mr. Vladimir Kartashkin

19. **Mr. Anthony Cardon**, assistant to the Special Rapporteur on freedom of religion or belief, of the Commission on Human Rights, explained the work of United Nations special procedures. Special procedures are human rights mechanisms created by the Commission to look at either specific country situations or at thematic issues. They are usually either an individual, called a special rapporteur or representative or independent expert, or a group of individuals, called a working group. They are independent, and not the representative of any State. This independence and objectivity is especially important in the case of early warning and protection. Special procedures report to the Commission.

20. Special procedures issue communications to Governments, drawing attention to potential or actual human rights violations relating to their specific mandate. Special procedures can issue joint communications, where an issue is cross-cutting and may relate to several mandates. This may be particularly relevant to minorities. Through monitoring and analysing information received and communications issued, it is possible to identify trends and contribute to early warning and protection. Special procedures can also carry out country visits, whether to a country of concern to the mandate or to examine good practice, subject to the consent of the Government. In certain circumstances, they will request an invitation. Country visits allow for in depth assessments and mandate holders will meet with Governments and civil society during a visit. It is a good opportunity to detect situations which could deteriorate into conflict.

21. During the discussion that followed his presentation, Mr. Cardon noted that there was a clear link between minorities and the right to freedom of religion or belief. Concerns were raised by participants about the possibility of action by the United Nations when States refused requests for visits. Mr. Cardon responded that the special procedure was still able to receive information and issue communications which requested a reply from a government. These responses were

made public in the report of the special procedure to the Commission on Human Rights. He invited minority participants to submit any relevant concerns which would be brought to the attention of the appropriate special procedure. He noted that, informally, special procedures contributed to seeking resolution to conflict.

22. **Ms. Elisabeth Ellison-Kramer**, Counsellor, Permanent Mission of Austria, outlined what States agreed to do through the establishment of an independent expert on minority issues. Resolution 2005/79 to establish this mandate, co-sponsored by 40 States, was adopted by consensus at the sixty-first session of the Commission on Human Rights. Ms. Ellison-Kramer commented that meeting the aspirations of persons belonging to national, ethnic, religious and linguistic minorities and ensuring their rights acknowledged the dignity and equality of all individuals. It furthered participatory development and in this way contributed to stability and social development. Austria had traditionally co-sponsored a resolution on the rights of minorities at the Commission on Human Rights. However, within the United Nations system the only mandate that was previously devoted entirely to the issue of minorities was the Working Group on Minorities. This was not in a position to act in a timely and effective manner on issues concerning minorities, as it only meets for several days annually.

23. Under the new mandate, the independent expert would be nominated by the High Commissioner for Human Rights. He/she would be mandated to promote the implementation of the Declaration on the Rights of Minorities through consultations with Governments, taking into account existing international standards and national legislation and the views of NGOs. He/she would identify best practices and possibilities for technical cooperation by OHCHR, and cooperate closely with existing United Nations bodies and mechanisms and with regional organizations, being sure to avoid duplication. He/she would apply a gender perspective in his or her work and report annually to the Commission on Human Rights, including in the report recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities. This appointment of an independent expert means that one person would be focusing on the issue of minorities throughout the year.

24. **Mr. Jakob Möller**, Working Group on Minorities, explained the work of the United Nations treaty bodies, with particular reference to the Human Rights Committee. The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. They examine the reports submitted by States on the steps they are taking to fulfil the terms of the treaties and issue concluding observations to these examinations. They issue general comments, which interpret the terms of the human rights treaties. In addition, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture and the Committee on the Elimination of All Forms of Discrimination against Women, can examine complaints brought by individuals and groups. Complaints can also be brought under the 1503 procedure adopted by the Economic and Social Council.

25. Mr. Möller commented that the procedures and mechanisms through which groups and individuals could make complaints or raise issues with treaty bodies were not well known and not well used. Minority groups should consider submitting parallel reports to treaty bodies, through NGOs with Economic and Social Council status where necessary. These would be examined by the experts in addition to the reports from States. Governments were requested to disseminate the concluding observations made by Committees to State reports. Minority groups

and civil society could use these concluding observations in their advocacy for positive changes within countries. In addition, general comments by the treaty bodies should be used by minority groups as a tool to claim their rights.

26. **Mr. Martin Scheinen**, former member of the Human Rights Committee, emphasized the substantive importance of the International Covenant on Civil and Political Rights for minorities, as article 27 of the Covenant specifically refers to minorities, stating that “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”. He said that States have a duty to protect these rights. The Human Rights Committee has determined that the existence of minorities was not dependent on recognition by States and that minority rights are not restricted to citizens of States. He commented that respecting and implementing minority rights were key factors to prevent conflict, but that minority rights should not only be viewed in relation to other functions. Minority rights were an inherent part of universal human rights and article 27 of the ICCPR is to ensure the application of these universal rights.

27. **Mr. Chris Chapman**, International Officer, Minority Rights Group (MRG), commented that there was a clear link between minority rights and conflict prevention, but that the international community had been slow in creating mechanisms to address this link. He then spoke about the impact of the participation of minorities in the Working Group on Minorities and the participation of minorities in the work of MRG. This group has been running training programmes for minorities on working with United Nations human rights mechanisms for 10 years, in recent years in cooperation with OHCHR. In an evaluation of the programme conducted by MRG, participants had commented that their participation had led to improved dialogue with the authorities in their country, that they were taken more seriously, that it helped them establish links with other minority NGOs, that it helped with their advocacy work domestically and that it increased their own confidence in non-violent channels to express their grievances.

28. Mr. Chapman noted that minorities would now be able to work with the independent expert, in addition to the Working Group on Minorities and other mechanisms and bodies. He expressed the hope that the Working Group and the independent expert would cooperate closely, that the independent expert would receive the full support of States, would be able to carry out country visits and send letters of allegation, and that a voluntary fund should be established to assist minority representation at the Working Group on Minorities.

29. During the discussion that followed these presentations, questions were raised concerning the lack of a clear definition of “minorities”; the complexity of using United Nations mechanisms - especially for minority groups who may have a low level of education as a result of discrimination; the overlap between individual rights and minority rights; the lack of recognition by some States of minorities within their jurisdiction; and the best way to act in cases of discrimination against children in education. In their responses, the panel commented that recognition of minorities did not depend on States. The issue to be raised was rather one of whether the State was complying with its obligations under international law. On the issue of the definition of a minority, the panel commented that it was largely determined by self-identification by the group. In some cases, minorities might be happy to be members of the mainstream society, but might also wish to maintain their identity as a member of a minority.

30. Suggestions for improving the capacity of the United Nations to prevent conflict through effective early warning and action included strengthening work with humanitarian institutions at the country level, strengthening the organizational capacity of civil society within countries and making the link between development and human rights in United Nations agencies working at the country level.

31. The Rapporteur closed the session with a word of caution about taking a very legalistic view about the rights of minorities. Any solution to problems would involve a degree of compromise between a Government and a minority group and this would need to be worked out through a process of discussion and negotiation.

V. FROM REACTION TO PREVENTION: A ROUND OF SOLUTION-BASED PRESENTATIONS

Co-Chairs: Mr. Dzidek Kedzia, Ms. Reem Mazzawi and Mr. Julian Burger

32. **Ms. Lydia Habib** and **Ms. Reem Mazzawi**, OHCHR Minority Fellows, presented the “Minority Profile and Matrix” concept and discussed its potential as a tool for conflict prevention and resolution. The Profile and Matrix had been developed by the five OHCHR Minority Fellows during their fellowship programme. The concept arose, initially, from recognition of the need of minorities to better understand the terms of the Declaration on the Rights of Minorities, the Commentary to the Declaration and other international standards.

33. The Profile provided information concerning a minority, including its size, its characteristics, information relating to recognition and citizenship, and its position within a State. The Profile requested information provided by different sources, including Governments, national human rights institutions, NGOs and academics.

34. The Matrix used the rights outlined in the Declaration as indicators against which minorities can provide disaggregated information about their situation, legislative provisions and other measures relating to minorities, their application in practice, its impact, and evidence of discrimination and inequality in different areas of life. It also asked for suggestions to resolve problems and examples of good practice in addressing the promotion and protection of the rights of persons belonging to minorities. The Matrix could help to identify gaps in data and other information and in developing a checklist on human rights violations affecting minorities in a country. It could also be used to identify trends and situations which could lead to conflict or more serious problems.

35. It was hoped that the Profile and Matrix would be used by minorities, NGOs and experts to present information to their own Governments, national human rights institutions, other regional organizations or to United Nations mechanisms and bodies, including the Working Group on Minorities, the proposed independent expert on minority issues, other special procedures, human rights treaty bodies, and other United Nations bodies both at the country and international level. The information in the Profile and Matrix could also be used to assist Governments in developing their policies on minority issues. They could also serve as useful tools for raising awareness of minority issues in the international community.

36. During the discussion that followed this presentation, concerns were raised about the lack of quantitative data available in many situations and the amount of information required in the Matrix. Suggestions were made for additional indicators, including illiteracy rates, the number of students attending secondary school, infant and maternal mortality rates. While many of the participants welcomed the development of the Matrix and saw it as a powerful tool for monitoring and evaluation, and for bringing to light hidden conflicts, concerns were also expressed about the difficulty of harmonizing the views of Governments and minorities, about how the information provided in the Matrix would be verified, the lack of coherence in some of the current proposed indicators, and reconciling claims made by different groups about a minority or within a minority. It was proposed that the Matrix be presented to and discussed by the Working Group on Minorities, and if possible be adopted by them and developed under the provision of “conceptual support ... of the independent expert” within their mandate.

37. The Chairperson commented that developing tools such as the Matrix was a long exercise, but that the process of development is important in understanding the issues involved. The Matrix could help translate the language of principles as set out in the Declaration of the Rights of Minorities into specific situations. He agreed that the Matrix could be a useful tool for individuals, organizations, Governments and United Nations bodies and agencies at the country and international level.

38. **The Rapporteur** presented a summary of the discussions that took place on the first day of the workshop. He emphasized the need for everyone involved in the promotion and protection of minority rights to take into account the very real concerns of both minorities and States. Minorities and Governments need to work together to find solutions and these will almost certainly require compromises on both sides. He commented that the Minority Profile needs to include some guidance on the identification of different groups within minorities and the wide range of views held within a minority. He recommended the development of a Matrix of possible solutions that could provide the international community with appropriate tools.

39. **Ms. Elisabeth Nauclér**, from the administration of the government of the Åland Islands, made a presentation to the workshop on the experience of the Åland Islands as a possible solution to a minority situation. The majority population of the Åland Islands, which are an autonomous region of Finland, is Swedish-speaking. She outlined the process through which successful autonomy had been achieved, including the negotiations at the League of Nations and the agreement reached between Finland and Sweden in 1921. She noted that negotiations had been done in a friendly environment but against the will of the people and that the situation was not accepted by the first generation. She commented that Sweden acted as the perfect kin-State, not involving itself in the affairs of the Islands, but being very generous in their linguistic, cultural and educational support.

40. Ms. Nauclér outlined some of the particular measures relating to the Åland Islands autonomy, including the guarantee that the language of instruction in schools would be Swedish, rules concerning the right to buy land, the right to vote, and the process for appointing the representative of the Finnish State in the Islands. She commented that to create a viable solution you needed political will, and this might need to be created. Legal structures and rules were not always helpful in achieving a solution. Effective participation was vital. She suggested that the situation of the Åland Islands was and is unique and should not be seen as a model for others, but as a source of inspiration.

41. **Ms. Farha Ajir**, of the Global Partnership for the Prevention of Armed Conflict, spoke about working with civil society and the GPPAC process in South-East Asia. She noted that there was limited civil society participation in existing mechanisms for conflict prevention in South-East Asia. The aims and objectives of the GPPAC process in the region were for civil society organizations to work more effectively with Governments, the Association of South-East Asian Nations (ASEAN), United Nations agencies and other regional and international bodies in preventing conflicts in South-East Asia, through increased engagement, enhanced networking and increased public awareness of conflict prevention. Discussions in the region focused on the impact of the global “war on terror” on conflicts in the region, interfaith/inter-ethnic relations, gender perspectives (emphasizing the issues of women and children), the rights of peoples to self-determination, cross-border migration, democracy, justice and reconciliation and whether the ASEAN policy of non-intervention and non-interference exacerbated conflicts.

42. Ms. Ajir outlined the guiding principles contained in the South-East Asia regional Action Agenda, which was the outcome of the consultation process in the region. She concluded with some thoughts on partnerships between civil society, the United Nations and Governments in the region, indicating that the former has a set of values which is parallel with civil society, that while it has played an important role in individual countries in the region its presence as a regional entity is not felt, and that a proactive presence of the United Nations in the region would assist civil society organizations to engage with ASEAN.

43. **Ms. Ann-Marie Cluckers**, Bureau for Crisis Prevention and Recovery, UNDP, spoke about mainstreaming human rights and minority issues into the work of the United Nations at the country level. In 2004, UNDP published a *Human Development Report* focusing on cultural diversity. It called for multicultural policies that would recognize differences, champion diversity and promote cultural freedoms. She recognized that more needed to be done to mainstream minority rights and human rights in general into the work of UNDP at the country level. She noted that UNDP was active in 166 countries in the world, working on issues related to crisis prevention and recovery, poverty reduction and good governance. The Bureau for Crisis Prevention and Recovery assisted country offices to mainstream United Nations action on conflict prevention.

44. Ms. Cluckers commented that, in drawing up poverty reduction strategies, only a few countries recognized minorities as a specific vulnerable group and UNDP recognized that minorities did not necessarily benefit from these strategies. She highlighted the need for disaggregated data. She recognized that UNDP could provide greater assistance to civil society organizations to participate in the design of poverty reduction strategies and that this would be an opportunity to mainstream minority rights. She drew attention to UNDP’s work in supporting national human rights institutions.

45. Ms. Cluckers explained that the Bureau for Crisis Prevention and Recovery worked to reinforce the capacity of country offices to understand the situation and problems in that country. She recognized the need to address the root causes of conflict and said that in this respect UNDP was active in supporting dialogue and reconciliation processes and advocates solutions to the problem of reintegration of internally displaced persons (IDPs), refugees and ex-combatants.

46. Finally, she stressed the need to focus on solutions that provide human rights to all, not on different sectors or groups. She commended the development of the Minority Profile and Matrix concepts, saying these could be very useful for United Nations agencies working at the country level.

47. During the discussions that followed these presentations, participants recommended that greater consultation with civil society by United Nations agencies working at the country level would increase the success of its work, particularly in areas such as access to justice. It was also emphasized that development programmes and frameworks should take into account minority rights and not support assimilation policies.

48. It was emphasized that to achieve autonomy solutions without resorting to armed conflict required strong political will to make it work as well as negotiation by both sides and clear parameters. The option of joint citizenship, as another possible solution to meeting demands for recognition of different identities, was discussed, although problems of loyalty and extending benefits and rights to particular sectors of the population were raised in this context. International guidelines on cross-border movement were also mentioned as a possible solution.

49. One participant commented that decisions by the courts did not always resolve conflicts and that negotiation and mediation were also required to achieve effective solutions. The need for social and economic development was also emphasized as crucial to reducing the potential for conflict.

VI. CLOSING STATEMENTS

50. **Mr. Edward Mortimer**, council member, Minority Rights Group, commented that the issue of conflict prevention is a high priority for the Secretary-General and he welcomed the focus of this workshop on the connection between minority rights and conflict resolution. He expressed the hope that the High Commissioner's Plan of Action would increase the capacity of the High Commissioner to act on minority issues and that Member States would provide the resources required to implement the additional responsibilities proposed under the plan. He welcomed the decision of the Commission on Human Rights that the High Commissioner appoint an independent expert on minorities and hoped the independent expert would receive the resources required to carry out his or her work and would be able to conduct country visits and hold dialogues with States and minorities. He thanked the Minority Fellows for their work on the Minority Profile and Matrix and the minority participants for their contributions to the workshop.

51. Mr. Mortimer commented that the appointment of the Special Adviser to the Secretary-General on the Prevention of Genocide would help to focus attention on the rights of minorities and he hoped that the Special Adviser could work with the independent expert on this issue.

52. **Mr. Julian Burger**, Coordinator, Indigenous Peoples and Minorities Unit, OHCHR, commented that existing United Nations bodies and mechanisms that could contribute to conflict prevention were not well used by minorities. He noted the importance of opportunities for minority representatives to come together and discuss these issues. He recommended engaging with other United Nations agencies to prioritize minority rights, particularly at the country level.

He commented that it was important for minority groups to work together and build a platform for communicating their concerns to the international community. He thanked the minority participants for sharing their concerns during the workshop, the representatives of Governments for their participation and the experts and the Rapporteur for their contributions.

53. Concluding comments from participants included a recommendation for people working on minority issues to read the mandate of the proposed independent expert closely so it is not misunderstood, for promotional and cooperative perspectives to be highlighted in the development of the Minority Matrix, and for a recognition that a long-term strategy to promote human rights may be the best guarantee of protection and conflict prevention.

VII. DEVELOPMENT OF CONCLUDING OBSERVATIONS

Chairs: Ms. Reem Mazzawi and Mr. Julian Burger

54. During the afternoon session the minority participants broke into three groups to draw up concluding observations in the following areas: (a) The root causes of conflicts involving or affecting minorities and possible solutions; (b) working with the United Nations; (c) the Minority Profile and Matrix.

55. The following concluding observations were adopted by the minority participants.

The root causes of conflict

1. Competition for limited natural resources, for example:
 - Conflict between two ethnic groups for water, e.g. which the minority group might require for their pastures and the majority group might require for farming;
 - Competition for firewood between a minority group and refugees located in their area.
2. Discriminatory government legislation, that does not recognize the minority groups:
 - Some laws are not rights-friendly, do not recognize the women, children and minorities;
 - Laws that deny the minority groups their lands;
 - Inappropriate government policies that do not govern the special lifestyle of minorities, e.g. pastoralists.
3. Lack of participation in decision-making bodies, and non-consultation of minorities in issues that affect the minority people.

4. Weakening of the traditional forms of settling disputes, such as the council of elders.
5. Religious intolerance:
 - Muslim and Christians;
 - Caste systems;
 - Imposition of State religion.
6. Poverty is affecting many people, but minorities are often poor.
7. Gross violations of human rights by Governments and multinational corporations.
8. Institutionalized racial exclusion causes poverty, which causes conflict.
9. Unfair distribution of resources and infrastructure.
10. Leadership tussle among political leaders in order to serve their own interests.
11. Forced evictions by the Government without compensation or providing alternative land for the minority groups.
12. Government and international bodies failing to act on early-warning signals.
13. Denial of internal self-determination.
14. Not having access to basic social services and lack of social security provision.
15. Unfair justice system.
16. Inferiority of minority language.
17. Fighting for group identity.

Recommendations and solutions to conflict

18. Constitutional recognition of the ethnic, religious, linguistic and national minorities.
19. Legislative reforms in conformity with international human rights standards, in particular with the Declaration on Minorities.
20. Dialogue promotion among the conflicting parties.
21. Strengthening the traditional forms of settling disputes.
22. Complete disarming of illegally owned firearms.

23. Timely action on early-warning signals.
24. Provision of effective protection in minority areas.
25. Fair and equal distribution of natural resources and infrastructure.
26. Impartial promotion and enforcement of human rights legislation.
27. Access to justice.
28. Effective participation in decision-making bodies.
29. The public in general and minorities in particular should be educated on minority rights.
30. The political leaders should have the selfless and patriotic service to the community.

Working with the United Nations

31. The independent expert on minority issues should:
 - Work with local NGO offices;
 - Use the Matrix to facilitate discussion on the status and treatment of minorities;
 - Mediate between minority groups and Governments to resolve issues.
32. All Governments should welcome the good offices of the independent expert.
33. The independent expert should be fully resourced, including necessary support staff and resources to carry out country visits.
34. Encourage close cooperation between special procedures, treaty bodies, the Working Group on Minorities and the independent expert.
35. The United Nations should offer technical assistance on minority issues to Governments and minorities.
36. The United Nations should organize more regional conferences and promote networking with civil society.
37. The meeting of the Working Group on Minorities should be part of the sub-commission agenda, not parallel, to encourage maximum attendance of all concerned parties, and shall maintain open access to all NGOs, not only those with ECOSOC status.

38. The General Assembly should confirm the declaration of the Voluntary Fund and Governments should contribute to it.
39. Better coordination between the different working groups and mandates in relation to conflict prevention.
40. States should cooperate more with the special procedures.
41. Establishing National Human Rights Institutions enabled to investigate and grant appropriate relief for violations of minority rights by all State agencies.
42. Include minority issues in the work of specialized United Nations agencies (e.g. UNDP, WHO, UNICEF, etc.).

Recommendations concerning the Minority Profile and Matrix

43. The Matrix shall be used by the Working Group on Minorities and the independent expert and by other United Nations bodies and mechanisms. It will be used to identify causes of conflicts and assist in early-warning and conflict prevention and resolution.
44. It can assist in cooperation between all United Nations bodies and mechanisms to promote minority rights.
45. The participants recommend that the Matrix should be presented at the 11th session of the Working Group on Minorities and that the members of the Working Group consider adopting it as a tool for assisting in the implementation of their mandate.
46. The Matrix shall also be presented at the international conference on the role of civil society in the prevention of armed conflict which is to take place in New York in July.
47. The participants support the recommendations of the Rapporteur concerning creating a Matrix of potential solutions.
48. Column 2 presents guidelines to completing the Matrix. Other indicators can be added according to the individual situations of minorities.
49. More indicators could be added to the existing ones, such as United Nations Human Development Indicators pertaining to education, health, housing, access to water, etc.
50. It will be helpful if the Matrix is filled in jointly by all the NGOs representing a minority in order to arrive at the common ground reality. There will be cross-cutting issues.
51. It could be disseminated and filled in by different minorities within the country.

52. The Matrix should be reviewed by special statisticians and researchers before it is institutionalized.
53. How could it be updated?
 - Setting up an independent permanent office for minorities that can liaise between the United Nations and concerned minority NGOs. (It will not be a part of the United Nations system.)
54. The Matrix could be updated regularly, preferably once a year.
55. The Matrix could be used to produce disaggregated data.
56. The concluding observations of the Rapporteur, *Promoting Participation on Minority Protection*, were adopted as follows.

The problem of mindsets

1. The differing mindsets of minorities and Governments can develop into a dangerous impasse:

Minority concerns

- Discrimination
- Exclusion
- Expropriation of lands
- Assimilation
- Genocide

State concerns

- Threat to established power elites
- Threat to national unity
- Majority reaction to special measures
- Public disorder and terrorism
- Secession

The temptation to resort to violence

2. For many minorities the only way of raising the profile of their concerns at an international level may seem to be to resort to violence - that has certainly worked for other minorities.
3. For Governments, it is all too easy to resort to repression, especially if any section of the minority resorts to public disorder or terrorism, though it is almost always the members of the minority who suffer most.
4. Even under international law there is the problem that the right to self-determination in the sense of establishing a new State is more or less wholly illusory. Even the most rational changes in boundaries can in practice only be achieved by warfare.

Altering the mindsets towards a more stable compromise settlement

5. The overall objective must be to encourage both minorities and Governments to work together towards a shared understanding. This will almost certainly involve compromises on both sides, because the outcome will usually depend on a reallocation of power and resources. This is not typically the strength of legal decision-making. The best analogy may be industrial relations in which the most effective models usually involve mediation and negotiation rather than legal rulings.
6. This approach will be applicable both to conflict prevention and conflict resolution. In both, the primary objective is to get the two - or more - sides into direct negotiation with whatever international assistance is most appropriate.

A matrix of potential resolutions

7. In each of the areas of potential conflict there will be a range of different solutions which have been tried with differing degrees of success in different circumstances. Minority organizations and the international community could help by drawing up guidelines and examples of good practice to assist those involved in the negotiations.

Some models for participation

8. As an example, here are some of the various methods by which the right of self-determination in the practical sense of the term might be promoted: (a) autonomy: territorial or functional; (b) fair representation in parliaments and in public bodies and security; (c) power sharing in government on a voluntary or formal basis; (d) cross-border structures - joint citizenship, bilateral treaties, etc.

The role of the international community: current procedures

9. The current procedures can give assistance to minorities in pursuing these objectives.
10. Raising issues under article 27 of the International Covenant on Civil and Political Rights - and other international human rights conventions - can help to raise the profile of particular minorities. But the more political the subject matter the more likely it is that the international body will refrain from a direct ruling and encourage the parties to go back to direct participatory negotiation.
11. Raising issues at the Working Group on Minorities has not typically resulted in effective dialogue with governments during the formal sessions of the Working Group. But it has been shown to assist some minority groups in persuading their Governments to treat them more seriously and to address their concerns.

12. Raising issues under the various special procedures can also help to highlight particular complaints or violations. But it is not easy for Special Rapporteurs to engage in wide-ranging discussions on political issues within their mandates.
13. Regional bodies like the Organization for Security and Cooperation in Europe High Commissioner for National Minorities and the Advisory Committee under the European Framework Convention on the Protection of National Minorities have been able to engage in direct discussion with governments and representatives of minorities on a more general basis. But there are no equivalent bodies in other regions.

Future possibilities

14. The appointment of the independent expert on minority issues by the High Commissioner for Human Rights provides an opportunity for this alternative agenda to be developed at an international level. This could be focused on a number of areas:
 - The identification of the different kinds of minorities and the different issues which may need to be addressed;
 - The preparation of guidelines setting out possible models for dealing with specific issues and examples of good practice;
 - The development of flexible procedures to encourage direct discussions and round-table negotiations - this might be termed *human rights diplomacy*;
 - Encouragement for the creation of new regional and subregional bodies to develop these procedures on a more general basis.

Annex

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