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**PREVENTION OF DISCRIMINATION**

**PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES**

**Report of the Working Group on Minorities on its ninth session\* \*\***

**(Geneva, 12-16 May 2003)**

**Chairperson-Rapporteur: Mr. Asbjørn Eide**

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\* This document was submitted late to the Documents Management Section.

\*\* The annexes are being circulated in the language of submission only.

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## **Introduction**

1. The Working Group on Minorities held its ninth session at the Palais des Nations in Geneva from 12 to 16 May 2003.
2. The Chairperson-Rapporteur, Mr. Asbjørn Eide, while stressing that the Working Group was neither a monitoring body, in the strictest sense, nor a mechanism for processing complaints, affirmed that it did provide a space for the presentation of grievances and claims by minority participants to which Governments sometimes responded. He recognized that the Working Group had still failed to examine particular minority situations in depth and needed to respond to that criticism. He mentioned the proposals under discussion with respect to the question of the establishment of new mechanisms dealing with minority issues. The Working Group should also consider encouraging a more regional approach to the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities ("Minorities Declaration").
3. The present report reflects the general course of the debate. For further information, including some statements, the web site of the Office of the High Commissioner for Human Rights ([www.unhchr.ch/minorities/statements.htm](http://www.unhchr.ch/minorities/statements.htm)) may be consulted.

### **I. ORGANIZATION OF THE SESSION**

4. The Working Group held nine public meetings and one private meeting during its ninth session. It was attended by members José Bengoa, Asbjørn Eide (Chairperson-Rapporteur), Vladimir Kartashkin, Soli Sorabjee and Leïla Zerrougui; observers for 48 States, representatives of 50 non-governmental organizations (NGOs), 3 United Nations organizations and specialized agencies, 1 regional intergovernmental organization and 10 universities and other institutions. The list of participants is contained in annex I. The documents before the Working Group are listed in annex II. All the working papers submitted are available from the secretariat or are to be found at [www.unhchr.ch/minorities/ninth.htm](http://www.unhchr.ch/minorities/ninth.htm). The agenda is contained in annex III.

### **II. REVIEWING THE PROMOTION AND PRACTICAL REALIZATION OF THE DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES**

5. The Chairperson-Rapporteur introduced item 3 (a) as providing an opportunity to consider specific situations of minorities. Representatives of 33 NGOs presented such information. Observers for seven Governments engaged in a dialogue with these organizations on the basis of statements made, despite not having received this information in advance. The Working Group provided space for additional comments to allow NGOs and government observers to continue their dialogue. In light of their content, information contained in statements made under other agenda items has also been included.

### **Minority situations addressed**

6. Concerns with respect to religious intolerance were raised in relation to, among others, Bangladesh, Pakistan and India, the last particularly with respect to Gujarat. It was reported that in the subregion religious and social minorities were often referred to in the political discourse as a “problem”, thereby promoting polarization and discrimination, and that political parties exploited people under the guise of religion. Particular attention was drawn to the persistent violence targeting religious minorities, the failure to protect minorities during disturbances and the lack of avenues of redress for victims, as well as the continued impunity for instigators and perpetrators of such violence.

7. Several statements concerned the situation of the Roma, including in Spain, The former Yugoslav Republic of Macedonia, and countries of Latin America. It was asserted that the Senate of Spain had hindered the recognition of the “*Gitano*” population as an ethnic minority in that country. In addition to the lack of legal recognition of Roma in different countries of the Americas, apart from Colombia, the problem of social discrimination against the Roma in many places, and specific cases of ill-treatment of Roma by police in the former Yugoslav Republic of Macedonia were reported.

8. Afro-descendant issues were a focus of attention with respect to Brazil and the United States. Racial discrimination against Afro-descendants in Brazil and their lack of participation in various areas of public life were mentioned. The mobilization of Afro-descendants had led to recent policy changes, including those mentioned by the observer for Brazil. African-Americans, as descendants of slaves, spoke about 400 years of slavery having led to the irreparable loss of their original languages, religions and cultural identity. It was stated that historical injustice and structural inequalities were being perpetuated by the denial of adequate reparation.

9. The situation of indigenous minority groups in relation to the dominant group was highlighted: in the Democratic Republic of the Congo with respect to the Batwa, who were not recognized as a minority and faced all forms of discrimination; by the threats to the cultural identity of the Nuba mountain people in the Sudan, especially the “Arabization” of the country; and in Nepal, where indigenous women faced double discrimination and indigenous peoples’ rights to land and intellectual property were not respected.

10. The representative of the Ogoni people spoke about problems of marginalization and environmental degradation. The problems facing the Karimajong in Uganda and the difficulty the majority had in understanding the culture of this community, which had led to their continued stigmatization, abuse and marginalization, were described.

11. Despite President Putin’s commitment to a peaceful solution in Chechnya, concerns over military activities and the stigmatization of the Chechen people by the media were raised, as were the costs of war and militarization in the Philippines as it affected Mindanao, and the problems facing the Arab minority in Israel, particularly those from the Bedouin unrecognized villages who, it was reported, were deprived of municipal representation and services and threatened by new legislation permitting their mass transfer and segregation. Concerning Indonesia, the Working Group heard a submission on West Papua and the problems of implementing autonomy solutions and of military operations in the area.

12. Attention was drawn to the consequences of the conflict in the former Yugoslavia which had led to problems with respect to the displacement, return, citizenship or restitution of property of the Serbian ethnic minority in Croatia and Bosniacs in Montenegro.

13. The unsettled issues of citizenship of Tamil tea plantation workers was raised. Also mentioned were the situation of the Indian minority in Malaysia and the socio-economic difficulties they faced, and the lack of promotion and protection of the rights of the Aramean indigenous minority of Mesopotamia, including recognition of their existence and the right to use their language in Turkey. Another issue raised was the concern of members of the Welsh-speaking minority in the United Kingdom about the effects of an unregulated housing market on their communities.

### **Measures requested by minorities**

14. Among the national measures frequently called for by minority representatives were ratification of the main human rights instruments; a national review of policies and legislation relating to minorities to ensure their conformity with international standards; national implementation of human rights standards, including constitutional changes when required; and the implementation of the recommendations of human rights treaty bodies.

15. Recognition by their Governments was requested by representatives of the Roma people of Spain, the Roma minorities in Latin American countries and the Bedouin villages in Israel. The Aramean representatives requested the Government of Turkey to recognize their existence and the right to use their language. The United Nations was asked to recognize as a minority those Afro-descendants who are the descendants of slaves.

16. The application and implementation of affirmative action programmes was requested for the Karimojong in Uganda and the Indian minority in Malaysia. Representatives of Afro-descendants of Brazil, the Muslim minority in India and the Nuba people of the Sudan also called for targeted and effective affirmative action to address socio-economic disparities.

17. Fair access to public service employment, including within the armed forces, was requested by representatives of the Mohajir and Balochi communities of Pakistan to address the disadvantages faced by non-Punjabis in that country.

18. Retention of mother tongue education at primary school for the Indian minority of Malaysia and the use of local languages in official dealings in Nepal were requested. A Karimojong representative requested the establishment of culturally appropriate education programmes to address illiteracy in the region and to provide for the rehabilitation and reintegration of demobilized *Karachuna* (young men).

19. Afro-descendant representatives called for integration measures to encourage the development of multicultural organizations and raise awareness of minority issues. The Government of Brazil was also requested to empower the reparations movement for Afro-descendants, indigenous peoples and Roma people.

20. A minority representative recommended autonomy for the Ogoni people in a territorially specific area of Nigeria, explaining that this would bring about socio-economic development and full participation in the control of resources. Minority representatives called for an effective devolution of power to the provinces in Pakistan.

21. Recognition of land rights was requested by representatives of the Karimojong and Afro-Brazilians. Additionally, a representative called for assistance to halt the removal of the Nuba people from their land in the name of development.

22. Programmes to reverse displacement, support the return of refugees and ensure the return of property were requested for minorities in the Balkans. A process of achievable voluntary return was suggested, for example in Chechnya, from restoring security and stability through the protection of the human rights of minorities in law and in practice, combined with bringing human rights violators to justice.

23. With respect to the Karamoja region in Uganda, action was requested to support elders' councils; programmes for disarmament, in cooperation with neighbouring countries, should be linked to programmes providing affordable water and economic development, including through donor investment.

24. The international community was requested by representatives of, inter alia, religious minorities in Bangladesh and India, to investigate human rights violations and monitor human rights implementation and assist Governments in implementing their human rights obligations. The representative of the Batwa community in the Democratic Republic of the Congo requested action to prevent massive human rights violations by all parties in the country's conflict and to punish those responsible. The Rroma Humanitarian Association Sun representative called upon the Government of the former Yugoslav Republic of Macedonia to ensure that police and judicial institutions complied with judicial procedure and the law and fully implemented new legislation; that police officers were fully trained in its provisions; and that the police carried out prompt and impartial investigations into allegations of abuse, guaranteeing fair and adequate compensation to the victims, where appropriate.

25. Country visits by the Working Group were called for by non-governmental representatives. For example, the authorities in Montenegro were requested to invite the Working Group to visit Bukovica in order to identify appropriate solutions for the safe return of displaced Bosniacs.

26. A representative of indigenous women in Nepal invited the United Nations Development Programme to create a special unit to provide the Government with assistance on minority and indigenous issues.

27. Several representatives requested the establishment of national institutions or for implementing their recommendations, e.g. with respect to Sri Lanka, the Democratic Republic of the Congo and India. The representative of the Centre for the Study of Society and Secularism in four statements over two years had asked the Working Group to apply pressure on the Government of India to implement all the recommendations of the National Human Rights

Commission concerning Gujarat, as well as the recommendations of the Concerned Citizens Tribunals. The repeal of emergency legislation was called for as was the establishment of a national crimes tribunal to investigate and prosecute those guilty of mass violations.

28. Representatives focused on the need for a peaceful resolution to the serious difficulties facing minority communities in West Papua in Indonesia, the unrecognized Bedouin villages in Israel, Mindanao in the Philippines, in the Democratic Republic of the Congo, the Karamoja region of Uganda, the Sudan and Chechnya. Minority representatives offered detailed suggestions for the peaceful resolution of differences that could be supported by the international community. For example, the representative of the unrecognized Bedouin villages in Israel drew attention to the "14 Settlement Plan", described as aiming at institutionalizing and legalizing the permanent segregation and enclosure of all the Bedouin citizens of Israel, and called for urgent assistance in demanding that the Israeli Government open a dialogue with community representatives and prepare a plan for the development of the Negev that would benefit all residents equally. Similarly, the Working Group was asked to consider the serious effects of the decision to split West Papua into three provinces announced in Presidential Instruction 1/2003, a decision taken without consulting the Papuan people. The international community was asked to support a re-examination of the validity of the "Act of Free Choice" referendum held in 1969. The representative of the Asian Muslim Action Network in the Philippines and the Consortium of Bangsamoro Civil Society in Mindanao and Sulu requested that the Working Group lead a United Nations initiative to encourage the Government of the Philippines to abandon its policy of war and pull out the military from Mindanao and the Bangsamoro homeland. A special mission to investigate the alleged genocidal campaign against the Bangsamoro people and the resumption of abandoned peace talks between the Government and the Moro Islamic Liberation Front (MILF) were also urged.

### **Government responses**

29. The observer for Romania sought greater precision of terminology to distinguish Roma seeking to migrate or seeking asylum in Argentina. The observer for the United Kingdom of Great Britain and Northern Ireland highlighted measures taken by the Welsh Assembly to address housing concerns in Wales, including support to the home buy scheme for local people to purchase affordable housing, and a recent Welsh Assembly Order increasing the number of rural areas with restrictions on the sale and resale of homes. The observer for Brazil explained that the term "citizenship" had a broad meaning in Brazil and acknowledged that there was a problem of violence in large urban areas, but disagreeing that it was an "unacknowledged civil war". She provided information on the situation of the approximately 600,000 Roma in Brazil, the difficulties in collating accurate statistics on different ethnic groups, and the human rights programmes addressing problems faced by the Roma in terms of education, adequate housing and effective birth registration.

30. The observer for Slovakia told the Working Group that her Government had initiated an inquiry into the reported sterilization of Roma women. The final outcome was awaited and the Government was ready to adopt appropriate measures. The observer for Serbia and Montenegro agreed that inter-ethnic intolerance was an unfortunate consequence of the armed conflict in the

former Yugoslavia, but the authorities in Montenegro were now giving attention to the situation of minorities, including the Bosniacs, hoping to end the violations of their rights; shortcomings remained with respect to communication and coordination between the institutions responsible for human and minority rights.

31. The observer for Croatia also agreed that much remained to be done, but there were programmes under way for solving the problems of the remaining internally displaced persons and refugees, accelerating their return and local integration, including through negotiations between neighbouring countries. The representative of the Centre for Peace, Legal Advice and Psycho-social Assistance responded by stating that the return of the Serbian minority to urban areas remained a major problem, as did their loss of employment under the previous Croatian authorities and their rights as tenants. Government efforts were still required to eliminate discrimination and obstacles to the sustainable return of refugees. In reply, the observer for Croatia, referring to problems of tenancy rights, stated that his Government had prepared model housing for former tenants wishing to return to Croatia who had no alternative property in either Croatia or the new States arising from the dissolution of the former Yugoslavia.

32. The observer for Nepal informed the Working Group about the establishment of an Indigenous Group Development Committee and a National Academy for improving the situation of indigenous people. Issues addressed by the Academy related to protection of the mother tongue and culture and the development of indigenous groups. He explained that the Supreme Court had decided that it would be difficult and constraining for all local languages to be used in the conduct of official business. In response, the women's indigenous representative cited the rules of the Academy which permitted the reappointment of male members but not female members.

33. The observer for the Philippines disagreed with the statement by the representative of the Asian Muslim Network that expenditure on the counter-insurgency had been favoured over expenditure on social and basic services; the Philippines did not have a heavy defence burden despite fighting both a communist insurgency and a Muslim rebellion. He stated that the Government could not hold peace talks while the MILF perpetrated senseless violence against civilians.

### **III. EXAMINING POSSIBLE SOLUTIONS TO PROBLEMS INVOLVING MINORITIES, INCLUDING THE PROMOTION OF MUTUAL UNDERSTANDING BETWEEN AND AMONG MINORITIES AND GOVERNMENTS**

34. Three papers before the Working Group determined the structure of the debate under this agenda item, namely, "Towards a set of regional guidelines or codes of conduct" (E/CN.4/Sub.2/AC.5/2003/WP.1) prepared by Tom Hadden; a "Statement of principles on minority and group rights in South Asia" (E/CN.4/Sub.2/AC.5/2003/WP.2) submitted by the International Centre for Ethnic Studies, Colombo; and the reports of the Seminar on Minority Rights: Cultural Diversity and Development, held in Chiang Mai, Thailand (E/CN.4/Sub.2/AC.5/2003/2 and E/CN.4/Sub.2/AC.5/2003/WP.14), presented by Mr. Sorabjee, member of the Working Group.



### **Presentation of the three main papers**

35. Mr. Hadden's paper was concerned with devising longer-term solutions, essentially preventive measures for dealing with minority-majority relations. Recent discussions in the Working Group had focused on two approaches - autonomist (or separatist) and integrative - in implementing minority rights and solving minority problems. Having categorized the choices between these two approaches into seven different types, relating to recognition, governance, equal treatment, participation in employment, education, language and development, it was emphasized that the autonomy and integration options were complementary: elements of both could be drawn upon to address the particular circumstances of each minority situation.

36. The paper provided an overview of the main issues of concern in various regions and subregions. Differences were identified in over 10 subregions, including circumstances in which international standards could be applied. In the Arab region, Mr. Hadden cited the difficulty of promoting minority rights in centralized authoritarian regimes operating in certain countries. He offered options for a regional strategy related to whether democratization should be the primary goal or whether effective representation of minorities within the existing centralized government structures should be pursued. The author favoured the preparation of flexible regional codes or guidelines that were not prescriptive in form, believing there was scope for developing different sets of guidelines for each subregion that took account of their particular features and circumstances. He suggested that the Working Group might find it most useful to develop regional principles similar to those submitted by the International Centre for Ethnic Studies.

37. Introducing the paper submitted by the International Centre for Ethnic Studies, Mr. Samaddar outlined five major concerns with respect to minority issues in South Asia. For example, he argued that the conduct of State affairs was influenced by the "ideology of majoritarianism". Minorities in the subregion perceived themselves as people expecting to share resources and power and having rights of their own, and not as a separate, weak group in need of protection. They were requesting recognition of both their individual and group rights. Also mentioned were the non-recognition of citizenship of Bhutanese living in Nepal and lack in several countries of adequate redress for abuses suffered, particularly by religious minorities. The aim of the "statement of principles" presented by Cecilia Thompson was to enhance regional responses to minority issues cutting across five countries in South Asia by raising the level of the promotion and protection of minority rights in the subregion to that of international human rights standards. She gave an overview of the 11 principles contained in the paper.

38. Mr. Sorabjee presented the report of the first Asian seminar on minority rights, held in Chiang Mai, Thailand, which contained important conclusions and recommendations. On the issue of providing adequate and effective remedies, it was recommended that independent courts or tribunals should be established, comprised of members of minority communities. A culture of impunity must not be fostered. To avoid this, it was recommended that no "blanket amnesties" should be granted and gross violations of minority rights should be prosecuted as crimes against humanity and violations of international law. Other recommendations concerned the need to protect the rights of minorities and indigenous people within the framework of development activities. Their rights to their livelihood and tradition land should not be ignored and a "balance between preserving traditional culture and reducing poverty and improving the livelihood of the local people by education" should be achieved.

## **Responses to the three main papers**

### *Thematic issues*

39. Mr. Bengoa pointed to the need to consider the collective dimension of minority rights. Given the realities of minority issues in Asia and Africa, particular consideration should be given to the relationship of minorities to land and the maintenance of their culture. Several governmental representatives shared the view that a collective dimension to minority rights had yet to be fully considered. It was warned that there were risks to individual human rights when accommodating collective rights, although it was pointed out that this was applicable for both majorities and minorities. Several participants believed there was a need for further discussion and guidance on the potentially controversial issues of self-determination and autonomy and their relationship to minority rights, while others argued that there should be no linkage between the rights of persons belonging to minorities and the rights of peoples to self-determination.

40. The representative of Minority Rights Group International highlighted the needs of development actors in mainstreaming minority rights, including for information on the identification and recognition of minorities within States. She suggested that the Working Group should call for papers to be prepared on good mechanisms for the participation of minorities in development strategies and the link between conflict and economic exclusion.

### *International and regional codes of conduct, guidelines and principles*

41. Codes of conduct should address the situation where a numerical minority was the dominant group. Further study was called for on the rights of minorities and indigenous peoples who have moved from rural to urban areas. Careful attention should also be paid to the consequences of demographic changes and population movements in many newly independent States. It was suggested that the relationship between the rights of minorities and the provision of justice during exceptional periods, such as internal disturbances and emergencies, be further studied.

42. Many participants held that regional or subregional statements of principle could be useful as a reference tool. Others preferred a focus on types of minority situations, rather than on regional specificities, in determining appropriate responses. Various types of minority situations were identified which were reflected in a continuum from “old” minorities, such as indigenous peoples and national minorities, to minorities of recent arrival in countries with significant immigrant populations: “new minorities” were often omitted from the scope of minority protection. New situations have arisen with impacts on minorities, such as the effects on religious minorities of the 11 September tragedy. The use of the term “new” minorities was not universally accepted, requiring further discussion and reflection.

43. In discussing the application of special measures, it was pointed out that measures addressing inequalities and discrimination have to be of a temporary nature, while measures to protect the culture, identity and recognition of minorities would be of more or less permanent duration.

44. Some speakers reviewed the discussion on the relationship between measures promoting integration and autonomy measures. A balance between the two was particularly important in

the field of education and for determining the content of educational curricula. It would be difficult, however, to formulate international standards that would incorporate appropriately the two different sets of measures without imposing “a straight-jacket on countries”. It might be better to develop mechanisms for dialogue between Governments and minorities for implementing minority rights. Cross-border cooperation could be of great help. One example given was the bilateral dialogue between Hungary and Serbia and Montenegro on issues of minority protection in the region of Vojvodina.

45. Ms. Zerrougui argued that the “statement of principles” should take account of the need to provide safeguards for ensuring that freedom of religion was exercised peacefully, especially with regard to the right to receive and use funds, including those sent from abroad, for religious purposes. Those practices had to be addressed given the realities of the present day world, including with respect to the Middle East. More attention should be given to minorities’ access to social services, development and participation in economic life. The representative of the South Asian Human Rights Documentation Centre drew attention to the role of education in empowering individuals to claim their rights and to seek a remedy. This issue was especially important in the context of South Asia, where illiteracy remained a problem for minorities and universal primary education targets elusive.

46. The observer for Pakistan made detailed comments on the contents of the paper on a “statement of principles”. He regretted that the document was not shared with relevant Governments in advance and that various actors and institutions had not been contacted to assist in its preparation. He argued that there were discrepancies and misstatements of fact in the paper. For example, the explanation of principle 9 with respect to Pakistan purported to provide an analysis of the situation prior to October 2002. However, the separate election system had been replaced by a joint electoral system, while maintaining reserved seats for minorities. He expressed concern at assertions made about the Constitution, its provisions and implementation and its conformity with international standards. He explained that the section of the Penal Code addressing blasphemy was applicable to all citizens and was not specific to Muslims, who comprised 97 per cent of the population. In his view, the legislation was not discriminatory as most of the people tried under it had been Muslims. He spoke about the practical difficulties of making provision for the use of all minority languages at the State level and told participants that, in practice, discrimination on the grounds of language did not exist. Additionally, he said that nationals from depressed regions had specific quotas and incentives for joining the national civil service.

47. The observer for Bhutan provided an update on the issue of citizenship as it related to the community of “Lhotsampas” in Bhutan and on the dialogue between Nepal and Bhutan concerning the problem of people in refugee camps in Nepal. She expressed the view that the root cause of that problem was continuous illegal immigration into Bhutan.

#### *Regional and country papers*

48. Mr. Kartashkin expressed regret that the situation of minorities in certain subregions, including the Baltic States, had not been covered in Mr. Hadden’s paper. The observer for Thailand explained that the summary in paragraphs 24 to 26 of that paper referring to Viet Nam, Thailand and the Lao People’s Democratic Republic did not accurately reflect the present situation in Thailand and might mislead readers. The observer for Bhutan provided updated

information on the proposed new constitution. The representative of the Baha'i International Community referred to the important contents of the paper on minorities in the Islamic Republic of Iran, including its account of the situation of Baha'is. The representative of the Ogoni people praised the paper on minorities in Nigeria. Some observers argued that countries or regions that had not yet achieved full democracy or were governed by authoritarian regimes deserved international attention, including with respect to establishing appropriate mechanisms for the implementation of minority rights.

49. The representative of the Asian Muslim Action Network in the Philippines and the Consortium of Bangsamoro Civil Society called attention to the working paper prepared by Dr. Erlinda Burton on "Ancestral domains: the quest of the indigenous communities in Mindanao". Comments were made on its contents in the light of Mr. Hadden's recommendation on the need to develop a shared understanding of history. She called for a history that would permit minority peoples to define themselves and their own realities and to articulate their narratives. She sought a framework for integration into the mainstream that took stock seriously of the historical roots of conflict and involved minority people in defining their own development. The observer for the Philippines provided detailed replies to the statement, which he indicated were not to be considered as comments on Dr. Burton's paper. He agreed that piracy and slave-trading were not a root cause of the Muslim-Christian conflict. However, he did not share the view that historical myopia on the part of Philippine mainstream society was the cause of the failure of peace in Mindanao and Sulu. He suggested that the problems facing Mindanao were the consequence of a lack of good governance and development under the previous governor of the autonomous region.

50. The observer for Latvia, referring to paragraph 15 of Mr. Hadden's paper, stated for the record that Latvia was neither newly independent nor a successor State but widely acknowledged as an example of State continuity. She provided details of the latest developments in the country with respect to the protection of minorities. The observer for the Russian Federation commented on the statements made and expressed serious concern about the human rights of the Russian-speaking population in Latvia. Replying, the observer for Latvia described efforts to dismantle the segregated educational system inherited from the Soviet Union in 1991 and the recent educational reforms, including with a view to improving Latvian language skills. The representative of the International Mercy Corps and of the Chechen Nation expressed his disappointment that the observer for the Russian Federation had not commented on the problems of his people but only highlighted the concerns of the Russian-speaking minority in Latvia.

#### *Regional meetings and cooperation*

51. There was considerable agreement on the importance of regional seminars. Masataka Okamoto, in a joint statement with the International Movement against Discrimination and Racism, supported the purposes of regional seminars and proposed the convening of a subregional seminar for East Asia that could be held in Japan. The representative of the Institute Palmares of Human Rights recommended the convening of an inter-American regional seminar for minorities as well as the organization of an inter-American seminar on reparations for indigenous people, Afro-descendants and the Roma people.

52. It was suggested that the implementation of regional codes of conduct or guidelines also called for greater cooperation with existing regional mechanisms. Such mechanisms should be established where they did not already exist, to encourage dialogue amongst Governments and with minority groups. Mention was made of the important advances achieved in Europe through the work of the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe. The important thematic guidelines or recommendations produced under the auspices of the Office on education, language and participation issues were mentioned in connection with strengthening standards for minorities. Mr. Hadden and the observer for Hungary referred to the useful initiative and work undertaken by the Working Group on Minorities under the Central European Initiative for strengthening intergovernmental cooperation for solving minority issues.

53. Mr. Sorabjee praised regional meetings for broadening and deepening understanding of minority issues, emphasizing, however, that the real test of their success would be in how their recommendations were translated into reality, including ensuring that minorities were provided with remedies. The challenge was to effectively enforce legal and other provisions relating to minorities. In his view, in order to provide speedy and effective relief more approachable institutions for minorities than courts or tribunals should be developed. In that regard, he mentioned the potentially important role of national judicial commissions and national human rights institutions. He noted the critical and essential work undertaken by the Indian National Human Rights Commission with respect to the incidents in Gujarat.

#### **National human rights institutions**

54. A presentation was made by Mr. Orest Nowosad and Ms. Yunseon Heo of the National Human Rights Institution Team of the Office of the High Commissioner for Human Rights, including on the preparation of a pamphlet on national institutions for inclusion in the United Nations Guide for Minorities. Participants were provided with an overview of work by national institutions established under the Paris Principles and ways in which they might be in a position to support the implementation of the Minorities Declaration. Mentioned in particular were the strong protection mandates of the newer generation of institutions, which dealt with remedial measures, handled complaints and had quasi-judicial functions. The developing role of national institutions in conflict prevention activities and post-conflict situations was highlighted. An overview of the work of the Office of the High Commissioner was also provided, including with respect to the strengthening of regional networks of national institutions. The pamphlet on minorities and national institutions would serve a dual purpose: as an easy practical guide to be used by minorities and to create awareness amongst national institutions of their potential for working on the promotion and protection of the rights of minorities. The recent establishment of the web site of the National Human Rights Institutions Forum ([www.nhri.net](http://www.nhri.net)) and the intention to establish a separate section on minority rights were mentioned.

55. Participants welcomed these initiatives and expressed interest in the work of national institutions. Many clarifications were sought and questions raised on the issue of the independence and effectiveness of national institutions. Participants asked for assurance that the proposed pamphlet would provide practical information on how minorities could access national institutions and provide realistic information on what minorities could expect from them. Many participants mentioned that further work was required to strengthen trust in these institutions.

56. The observer for Switzerland encouraged closer cooperation between the Working Group and national institutions. He also suggested that the Commission on Human Rights in future resolutions on minority issues should include a reference to the minority protection and promotion role of national institutions.

57. In reply to comments made, Mr. Nowosad agreed that confidence in national institutions was the key to their effectiveness. He supported Mr. Sorabjee's point that the process of selecting their members was important. In his view, public confidence was to be gained when processes were inclusive and consultative not only when selecting members and ensuring pluralist representation, but also when drawing up the initial legislation to establish a national institution. In order to ensure the independence of national institutions, it was preferable that it be established by legislation passed by Parliament and entrenched in the constitution. Another feature of national institutions called for under the Paris Principles was that the staff should be representative of all sectors of society, in particular minorities.

#### **IV. RECOMMENDING FURTHER MEASURES, AS APPROPRIATE, FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL AND ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES**

58. Statements were made by five NGOs and one governmental observer under this agenda item. The contents of four statements have been reflected in other parts of the report.

59. The representative of the Forum of Bosniacs expressed disappointment at the low level of participation of minority NGOs. She spoke about the importance of building a network and international movement of minorities. With a view to raising awareness of minority issues, she proposed three initiatives: the establishment of a voluntary fund; the provision of training for minorities; and the launching of an International Year for Minorities.

60. The representative of the Centre for Study of Society and Secularism presented a joint statement on behalf of 21 NGOs which observed that only Asia was without a regional human rights mechanism or instrument and that Governments of the Asian region should work to remedy this. The holding of a subregional seminar in South-East Asia was welcomed and the holding of further seminars recommended, particularly in South and East Asia. Governmental representation at such seminars was necessary in order, inter alia, to strengthen cooperation between Governments, as called for in articles 6 and 7 of the Minorities Declaration. There was a firm belief that such action would be beneficial in preventing violations against minorities and avoiding tensions between States.

#### **V. THE FUTURE ROLE OF THE WORKING GROUP**

61. The Working Group discussed various matters under this heading, including: (i) review of the work of the Working Group; (ii) codes of conduct, guidelines or principles; (iii) regional meetings; (iv) country visits; (v) gaps in minority rights protection; (vi) further international standard setting; (vii) a voluntary fund, international year or decade; (viii) strengthening cooperation with human rights mechanisms; and (ix) strengthening cooperation with NGOs and the media.

62. The observers for seven Governments spoke under this agenda item; in addition, elements from government statements under other agenda items have been included in this section. Six NGOs made statements and three academics spoke. Concerning two of the NGO statements, one was a “joint NGO statement” and had the support of 21 organizations. Another, prepared by the so-called “caucus of minorities”, was supported by 18 organizations. Additional points raised under previous agenda items have also been incorporated here.

### **Paper on possible new United Nations mechanisms for the protection and promotion of the rights of minorities**

63. The representative of Minority Rights Group International introduced the paper submitted by his organization on possible new minority mechanisms (E/CN.4/Sub.2/AC.5/2003/WP.3). He highlighted inadequacies within the current United Nations system in fully protecting and promoting the rights of minorities and outlined proposals for strengthening or creating mechanisms. Particular attention was drawn to the failure of communication channels between human rights mechanisms in Geneva and peace and security mechanisms based in New York. Therefore, he proposed the establishment of a new mandate, including a special representative on conflict prevention, to strengthen the organizational links for the purposes of preventing conflict. A bureau dealing with matters relating to the prevention of genocide was an alternative proposal for a new mechanism.

### **Review of the work of the Working Group**

64. The Chairperson-Rapporteur called on participants to comment on those proposals. Many emphasized the need to give further thought to possible ways and means of better protecting the rights of persons belonging to minorities, including by reviewing previous work of the Working Group. The tenth anniversary of the Working Group would possibly provide an appropriate occasion for taking stock of work undertaken and for preparing a compilation of country-specific and regional papers submitted to it (Austria and Baha’i International Community).

65. The uniqueness of the Working Group as the only forum with a mandate to deal exclusively with minority issues was highlighted. Mr. Hadden proposed that one or two regions or subregions could be given attention at each session. Other speakers preferred to keep the global focus of the Working Group (Chile, Mr. Hannum, Minority Rights Group International), though discussions could be constructed around subregions or regions.

66. In previous discussions, Mr. Hadden had expressed the minority representatives’ disappointment at the Working Group’s inability to make conclusions on the merits or otherwise of complaints presented. The international community needed to consider how best to respond urgently to violations of minority rights. The observer for Austria shared this view. In Mr. Hadden’s opinion, a structure that would allow hearings and even adjudication on serious issues should be considered. Mr. Sorabjee expressed the view that the Working Group was not in a position to act as an adjudicator.

67. Participants, including the observer for the Russian Federation, advocated the strengthening of the Working Group in order to make its work more effective. Mr. Kartashkin suggested that it should make concrete recommendations to countries. This suggestion was

supported by the representative of Tupaj Amaru who proposed that the recommendations and solutions proposed drawn up should take account of the impact of economic globalization and poverty on the survival of indigenous peoples and minorities. The Minority Rights Group International representative emphasized that the rights of minorities must be respected in strategies to achieve the millennium development goals, asking that the Working Group elaborate specific recommendations to States to ensure that the millennium development goals were achieved for minorities. Specific country recommendations for Governments had been drawn up under an Open Society Institute programme. The representative of the Institute expressed the hope that these would be taken into account when deciding on specific protection measures in those countries.

68. The importance of encouraging governments' involvement and making the dialogue between Governments and minorities more effective was raised by the majority of speakers (Netherlands, Mr. Hadden, Minority Rights Group International). The observers for the Netherlands and Hungary pointed to the value of sending minority statements to Governments in advance of the Working Group's session. Rianne Letschert emphasized that the Working Group provided the framework within the United Nations for dialogue between Governments and minority representatives and that a successful dialogue was a shared responsibility.

69. Mr. Kartashkin suggested that the Working Group could generate governmental interest by deciding to send specific country-focused papers and statements submitted or presented to the Working Group to the Governments concerned for their comments, and by addressing those issues at the following session (a proposal similar to that of Mr. Hannum). The observer for Switzerland also suggested that the various working papers be sent to Governments in advance (this was supported by Pakistan and China) and that they be presented to the Working Group by their authors. The observer for China indicated that while he was not opposed to the selection of useful working papers, the Working Group and its secretariat should carefully screen the papers in advance. He raised serious concerns about the contents of document E/CN.4/Sub.2/AC.5/2003/WP.16, which could be misinterpreted as supporting expressions of independence of Xinjiang and Eastern Turkestan, which would be contrary to the purposes and principles of the Charter of the United Nations. The Working Group noted those concerns. On the question of discussing country papers already submitted to the Working Group, the Chairperson-Rapporteur said that they could be presented at future subregional meetings. He also responded positively to the suggestion of the representatives of the Arab Association of Human Rights and the Regional Council of Unrecognized Villages in Israel that a paper on the situation of the Arab minority in Israel should be prepared.

70. Participants were in favour of the Working Group's building on its previous work and strengthening its "think-tank" character through the preparation of useful reports and studies, especially of a thematic nature, including on intercultural education, conflict prevention and development. (Hungary, Chile, Mexico, All For Reparations and Emancipation, "joint NGO statement", "caucus of minorities").

### **Codes of conduct**

71. Several observers argued in favour of the elaboration of a code of conduct, guidelines or principles, but of a practical nature. Guidelines could also serve to facilitate discussions and negotiations on the most appropriate integration and/or autonomy measures in dealing with the



particular pressures and issues specific to each region or country. The representative of the European Centre for Minority Issues offered to assist the Working Group in its efforts to elaborate a code of conduct or statement of principles.

### **Subregional meetings**

72. The majority of participants strongly supported strengthening the regional focus of the Working Group and the organization of well-prepared subregional meetings for moving the promotion and protection of minority rights ahead. The representative of the International Centre for Ethnic Studies indicated her organization's willingness to act as a local partner in the organization of a subregional seminar in South Asia, offering suggestions for discussion at that meeting, including the paper on a "statement of principles". The Rroma Humanitarian Association "Sun" and the Asociación Cultural Identidad Romani proposed that the Working Group organize an international conference on the Roma people, establish dialogue with existing Roma networks and leaders and also create a mechanism for protecting Roma refugees and asylum-seekers.

### **Country visits**

73. Mr. Kartashkin spoke in favour of the Working Group's continuing its country visits and expressed appreciation to the Government of Finland for its invitation, extended, *inter alia*, with a view to developing the protection of minority rights and making the rights of minorities more visible. A similar invitation was made by the observer for Switzerland.

### **Protection gaps**

74. It was widely agreed that there was a need for better protection of the rights of persons belonging to minorities. Protection gaps identified included the lack of a focus on conflict prevention and an effective response to urgent situations. The representative of Minority Rights Group International argued that the Working Group was not effective in triggering action to protect the rights of minorities, although it had proved itself to be the best mechanism for drawing attention to minority situations. It was important for real practical action to be taken to protect minority rights and stop the violations of the human rights of minorities, especially when urgent and gross violations of their rights were occurring.

75. Mr. Kartashkin expressed a preference for the Working Group's undertaking the task of considering complaints of violations of minority rights, given the possible difficulties to be encountered in establishing a new special procedure. Others argued that there was a need to introduce an effective minority-oriented conflict-prevention mechanism into the United Nations human rights system and that the establishment of a United Nations special representative would fill this gap, drawing on the experience of the OSCE High Commissioner for National Minorities.

76. In a joint statement by NGOs, strong objections were expressed to suggestions that the Working Group could be abolished in the event of a special mechanism being established, in view of that fact that an estimated 1 billion people or 15-20 per cent of the world's population,

belong to minorities. It was suggested that the Sub-Commission should adopt a resolution reaffirming the importance of the Working Group and its essential role as an open forum for minorities

77. A number of government observers indicated the importance they attached to the High Commissioner's paper on identifying possible gaps in the protection of the rights of minorities to be submitted to the Commission on Human Rights at its next session. Account should be taken of the High Commissioner's mandate in the preparation of this paper, and the Working Group might assist the High Commissioner in its preparation.

#### **Suggestions for an optional protocol**

78. Mr. Kartashkin spoke in favour of the Working Group's taking the initiative to prepare an initial draft of the possible contents of a protocol to the International Covenant on Civil and Political Rights (an initiative also supported by Minority Rights Group International, Switzerland and in the "joint NGO statement").

#### **A voluntary fund, international year or decade**

79. Mr. Kartashkin and other participants suggested that a voluntary fund be established (Hungary, Minority Rights Group, "joint NGO statement", "caucus of minorities"). They also expressed their support for the possible proclamation of an international decade, and not just an international year, on minority rights, focusing on the provisions of article 9 of the Minorities Declaration which called for engaging the support of international organizations in implementing the Declaration ("joint NGO statement").

#### **Strengthening cooperation with human rights mechanisms**

80. Participants emphasized the importance of strengthening the Working Group's cooperation with treaty bodies, special procedures and the technical cooperation programme by sharing with them information submitted to the Working Group, while taking care to avoid duplication. Training for minorities on how to make use of human rights mechanisms and the development agenda should be encouraged. Cooperation with national human rights institutions and with regional organizations as well as specialized agencies should be developed and strengthened.

### **VI. ADOPTION OF RECOMMENDATIONS AND OTHER MATTERS**

81. In a private session held on 16 May 2003 in the morning, the Working Group adopted a set of recommendations which were circulated and discussed in the public meeting during the afternoon session of the last day. Several suggestions were made by observers, some of which are reflected in the list of recommendations below.

82. Requests were made for Brazil to be named as the host for a meeting on Afro-descendant issues; the observer for Brazil promised to transmit the request to her Government for its consideration. Further meetings in Africa were requested aiming at improving participation from the African region on minority issues in general and in the Working Group (Centre internationale de defense des droits des Batwa).

83. With several participants expressing the view that the time was not ripe for drafting further international standards such as an optional protocol to the International Covenant on Civil and Political Rights (South Asian Human Rights Documentation Centre, Egypt, Pakistan), it was explained that the Working Group would merely prepare suggestions for inclusion in a possible new instrument; it was not proposing that higher bodies begin a formal drafting process.

84. The observer for Egypt thought it unusual for the Working Group to request that country and subregional documents be published on the web site without prior approval from Governments. He also asked that all statements and other papers of the next session be sent to the concerned countries well in advance for possible reply and comment.

85. The Chairperson-Rapporteur informed participants that for practical reasons the next session of the Working Group might be held in the first week of March 2004 rather than in May.

## VII. DECISIONS AND RECOMMENDATIONS

86. **On the basis of the discussions held during the ninth session, the Working Group agreed on its decisions and recommendations for future action, which are set out below. Minor changes were made to take account of comments and suggestions raised and agreed to during the discussion, including the insertion of additional paragraphs, inter alia, from the recommendations for action contained in the report on the Chiang Mai Seminar (E/CN.4/Sub.2/AC.5/2003/2).**

### *The Working Group on Minorities,*

#### **A. Working Group on Minorities**

##### **1 Strengthening dialogue between minorities and Governments in order to implement better the mandate of the Working Group**

1. ***Decides* to transmit to the Governments concerned the reports of the regional seminars held in La Ceiba (Honduras), Kidal (Mali), Arusha (United Republic of Tanzania), Gaborone (Botswana) and Chiang Mai (Thailand), drawing to their attention the conclusions and recommendations therein for their observations, if any;**

2. ***Welcomes* the statement of principles prepared by the International Centre for Ethnic Studies and decides that it should be transmitted to the concerned Governments of the South Asian region for their comments;**

3. ***Decides* to prepare and adopt criteria and methods of work for the submission of information to Governments on issues concerning minorities and to request their observations, with a view to advancing the dialogue on minority questions. These criteria and methods of work will be adopted by the Working Group during the forthcoming session of the Sub-Commission to be applied from the tenth session of the Working Group;**

##### **2. Organization of the agenda for the next session**

4. ***Decides* to reorganize the debate under sub-item 3 (a) as follows:**

(a) **First, to have a general debate;**

(b) **Second, to cluster the issues concerning, inter alia, Roma, Afro-descendants, nomads, pastoralists, hunter-gatherers, shifting cultivators, religious and other forms of intolerance, forced displacement of minorities;**

(c) **Third, to consider effective enforcement mechanisms and remedies;**

### **3. Themes for the next session.**

**5. *Decides* to concentrate the discussion under sub-item 3 (b) and (c) on the following themes:**

(a) **The relationship and the differences between self-determination and autonomy. The Working Group requests Mr. Jose Bengoa to prepare a paper on this issue;**

(b) **Minorities and development, including conflicts over development, and an examination of approaches by international development agencies to minority issues in development. The Working Group invites the Minority Rights Group to prepare a paper for the discussion on this issue;**

(c) **Identifying gaps in the international protection of minorities, with a view to recommending possible new mechanisms to supplement and complement the Working Group. The Working Group requests Mr. Eide to prepare a synthesis of the discussion on that issue at its ninth session to be submitted to the High Commissioner for his possible use in drafting the report to be submitted to the Commission on Human Rights at its sixtieth session in accordance with 2003/50;**

(d) **Strengthening the international standards for protection of minority rights. The Working Group requests Mr. Kartashkin, in cooperation with other members of the Working Group, to formulate suggestions on the possible contents of an additional protocol to the International Covenant on Civil and Political Rights containing minority rights and remedies for violations thereof;**

(e) **The role of national institutions in protecting minority rights. The Working Group welcomes the briefing provided by the OHCHR National Institutions Team and in light of that briefing invites the Office to provide information on the relevant guidelines and practices of national institutions in relation to minority issues to the Working Group at its tenth session;**

**6. *Expresses* its gratitude to and accepts the invitation by the Government of Finland to visit that country to explore the situation of minority protection there, and requests the Chairperson-Rapporteur, in cooperation with the secretariat, to determine the timing and modalities of the visit. The Working Group takes note of the standing invitation of Switzerland and will consider finding an appropriate time to accept this offer. The Working Group reiterates its availability for visits to other countries when invited by the Government concerned, provided funding can be found;**

7. *Decides* to encourage the holding of regional or subregional seminars and welcomes the suggestions that such seminars be held in the Central Asian region, the South Asian region and the East Asian region, as well as in the Americas as a follow-up to the La Ceiba seminar, possibly in Brazil, and to consider the possibility of organizing further seminars in (Western and Central) Africa in cooperation with regional mechanisms. It recommends that a topic for discussion at such seminars should be the development of regional codes of conduct or guidelines based on universal norms and international minority rights standards. The “statement of principles” submitted by the International Centre for Ethnic Studies will be a topic of discussion at the South Asian seminar, with government comments on the paper to be circulated;

8. *Recommends* cooperation with the Council of Europe for the organization of a seminar on the Roma to which Roma representatives from non-European countries should also be invited;

#### **B. Sub-Commission on Promotion and Protection of Human Rights**

9. *Recommends* the establishment of a voluntary fund to support the participation of minority representatives and experts on minority rights, especially from developing countries, to participate in meetings of the Working Group and recommends that the Sub-Commission prepare a draft decision in that regard for the consideration of the Commission on Human Rights at its sixtieth session. The selection of participants funded under any such voluntary fund would be made by the secretariat in consultation with members of the Working Group;

10. *Recommends* the proclamation of an International Year for Minorities, with a Decade to follow, and the preparation of a draft decision for the consideration of the Commission on Human Rights at its sixtieth session;

#### **C. Governments**

11. *Invites* Member States of regions where these do not yet exist to consider preparing standards or establishing regional mechanisms for the promotion and protection of the rights of persons belonging to minorities in conformity with international norms and standards;

12. *Recommends* that Governments also consider:

(a) Ratifying, if they have not done so, the main international human rights covenants and other conventions, as well as optional protocols to these treaties, and providing to the public information on any obstacles or difficulties in becoming a party to those treaties;

(b) Ratifying the Rome Statute of the International Criminal Court;

(c) Formulating and adopting legislation under which terms States parties would be required to abide by decisions emanating from international human rights complaints procedures;

**(d) Protecting the rights of all persons residing within their jurisdiction irrespective of whether these persons are recognized as citizens or national minorities;**

**(e) Revising any programme for good governance to make sure that guidelines on civil society participation acknowledge explicitly that minority groups are a vital part of civil society, whose participation should actively be sought; any programme for good governance should address the issues of minority representation in the political, judicial and public institutions of the State;**

**(f) Providing adequate and easily accessible remedies to address violations of the rights of persons belonging to minorities. For that purpose, independent courts or tribunals should be established and due process guarantees be afforded to victims of violations of minority rights. Courts or tribunals should include some members of minority communities;**

**(g) Refraining from granting blanket amnesties to persons who have systematically committed gross violations of minority rights or actively instigated such violations;**

**(h) Prosecuting gross violations of minority rights as crimes against humanity and violations of international law;**

**(i) Establishing national human rights institutions comprising persons of independence and ability and enabling such institutions to investigate and grant appropriate relief for violations of minority rights by all State agencies, including the police, armed forces and paramilitary forces, and also by non-State actors;**

**(j) Addressing the phenomenon of corruption which is a source of violations of minority rights, including socio-economic rights;**

**(k) Enacting appropriate legislation on the subject of citizenship that provides national objective and non-discriminatory criteria and ensuring its implementation in a transparent and non-discriminatory manner. The legislation should provide for periodic review of implementation and remedies for wrongful denial of citizenship;**

**(l) Ensuring freedom of expression for persons belonging to minorities and indigenous peoples, providing training for minority journalists, to permitting and providing support to media in minority languages, including community broadcasting institutions, and ensuring access by minorities to public media;**

**(m) Ensuring that the benefits of affirmative actions, programmes and policies reach the rightful beneficiaries, the poor, deprived and disadvantaged, providing substantial quotas for education, livelihood and other basic services and support to the needy and involving the civil society in implementation and monitoring;**

**(n) Providing access to all levels of education for minority children, ensuring that educational establishments and research institutions respect the cultures and histories of minorities, and reviewing educational curricula so that students learn and respect the values, histories, languages and cultures of minorities;**

#### **D. Regional mechanisms**

**13. Invites the African Commission on Human and Peoples' Rights to provide information to the Working Group on the mandate and activities of the recently established African Commission Working Group on Indigenous Peoples/Communities;**

#### **E. Office of the High Commissioner for Human Rights**

**14. Invites the Office of the High Commissioner for Human Rights to organize training on universal and regional standards and mechanisms in order to strengthen minority representatives' cooperation with human rights procedures;**

**15. Invites the High Commissioner/Office of the High Commissioner for Human Rights to prepare pamphlets for inclusion in the *United Nations Guide for Minorities* on regional conflict-prevention initiatives and development matters;**

**16. Requests the Office of the High Commissioner for Human Rights to make provision for members of the Working Group to participate in regional human rights meetings, with a view to strengthening cooperation with such mechanisms in dealing with minority situations or concerns, and to report back to the Working Group on progress made in furthering cooperation on minority issues;**

**17. Requests the Office of the High Commissioner for Human Rights to look at ways of ensuring that papers submitted to the Working Group are made available, including on the optical disk system of the United Nations and the web site;**

**18. Invites the High Commissioner/Office of the High Commissioner for Human Rights to convene a two-day workshop immediately prior to the tenth session of the Working Group to celebrate the tenth session and to discuss proposals for strengthening the promotion and protection of the rights of minorities, with the participation of members of the Working Group, minority representatives and non-governmental organizations as well as members of the academic community and governmental representatives dealing with minority issues and representatives of national human rights institution;**

#### **F. International, regional and national development agencies**

**19. Recommends that these agencies:**

**(a) Investigate negative social, economic, cultural and environmental impacts of development projects on the lives of minorities; the impact assessment must include minority participation in a manner that is transparent and genuine and which enables minorities to contribute effectively to the assessment process;**

**(b) Strike a balance between preserving the traditional culture, and reducing poverty and improving the livelihood of the local people by education;**

**(c) Consider how they could work together on minority issues that are common between and among the countries, including carrying out/drafting coordinated and mutually supportive parallel or joint investigations/reports, campaigns of awareness-raising and advocacy;**

**G. United Nations, UNDP, UNICEF, ILO, World Bank  
and the regional development banks**

**20. *Recommends* that these development organizations and international financial institutions:**

**(a) Ensure that all social and environmental costs have been fully assessed and incorporated into development plans which affect minorities. This should include the costs of resettlement and full compensation of displaced and affected populations, e.g. by dams or forest concessions. The costing should be done and made public before the decision is made about whether to proceed with the project;**

**(b) Ensure the effective participation of minorities in the formulation, implementation and evaluation of country strategies, development plans and programmes that affect them and build the capacity of minorities and multilateral actors to implement this participation;**

**(c) Initiate a dialogue with the regional development banks and the World Bank on improving the way they encourage Governments to incorporate the rights of minorities into poverty reduction strategies and other development initiatives.**



## **Annex I**

### **LIST OF PARTICIPANTS**

#### **I. MEMBERS**

Mr. Asbjørn Eide, Mr. José Bengoa, Mr. Vladimir Kartashkin, Mr. Soli Sorabjee,  
Ms. Leila Zerrougui.

#### **II. STATES MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS**

Albania, Argentina, Armenia, Austria, Bangladesh, Bosnia and Herzegovina, Bhutan, Brazil, Chile, China, Costa Rica, Croatia, Cyprus, Egypt, Estonia, Finland, Georgia, Greece, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Japan, Latvia, Mexico, Morocco, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Thailand, Turkey, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

#### **III. NON-MEMBER STATE REPRESENTED BY AN OBSERVER**

Holy See.

#### **IV. UNITED NATIONS BODIES AND SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS**

United Nations Research Institute for Social Development, Office of the United Nations High Commissioner for Refugees, United Nations Educational Scientific and Cultural Organization, Organization for Security and Cooperation in Europe/Office of the High Commissioner on National Minorities.

#### **V. NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL**

All for Reparations and Emancipation, Association of World Citizens, Baha'i International Community, International Centre for Ethnic Studies, Indian Movement "Tupaj Amaru", International League for the Rights and Liberation of People, International Movement Against All Forms of Discrimination and Racism, Minority Rights Group International, Open Society Institute, World Muslim Congress.

#### **VI. NON-GOVERNMENTAL ORGANIZATIONS NOT IN CONSULTATIVE STATUS**

Amity for Peace (Bangladesh), Arab Association for Human Rights, Asociación Identidad Cultural Romani (Argentina), Balochistan Rights Movement (Pakistan), Center for Peace, Legal Advice and Psychosocial Assistance (Vukovar, Croatia), Centre internationale de défense des droits des Batwa (Democratic Republic of the Congo), Centre for Study of Society and Secularism (India), Confederación de Pueblos Indígenas del Ecuador, Consejo Gitano (Spain),

Consortium of Bangsamoro Civil Society (Mindanao, Philippines), Culture of Solidarity, Cymuned, Delibaya Nuba Women Development Organisation, Espacio Afroamericano, European Centre for Minority Issues, Federation of Ogoni Women Association (Nigeria), Forum of Bosniacs-Muslims in Montenegro, Group of Concerned Citizens ( Indian Malaysians, Malaysia), Hindu-Buddhist-Christian Communities in Bangladesh, Human Development Organization (Sri Lanka), Human Rights Watch Bangladesh, Institute for Human Rights Study and Advocacy, ELSHAM (West Papua, Indonesia), International Rescue Committee in Nazran, Mercy Corps International (Chechnya, Russian Federation), Movement for the Survival of the Ogoni People, Muttahida Quami Movement, National Commission for Reparations, National Indigenous Women's Federation (Nepal), Nucleo de Estudos Negros (Brazil), Palmares Institute of Human Rights (Brazil), Regional Council for the Unrecognized Villages, Roma Humanitarian Association "Sun" (The former Yugoslav Republic of Macedonia), Shilkup Rekha Granthagar Welfare Society (Bangladesh), Sikh Human Rights Group, South Asia Forum for Human Rights, South Asian Human Rights Documentation Centre, Syriac Universal Alliance, Tamilnadu Muslim Munnetra Kazhagam (India), Ted Wii Women Development Group (Karamoja, Uganda), Union pour l'émancipation de la femme autochtone (Democratic Republic of the Congo).

## **VII. ACADEMICS AND OTHERS**

Marie-Hélène Giroux (University of Montréal), Tom Hadden (Queen's University, Belfast), Hurst Hannum (Fletcher School of Law and Diplomacy), Rianne Letschert (Tilburg University), Maria Lundberg (Norwegian Center for Human Rights), Louise Mallinder (Queen's University), Alanna McGarry (Queen's University), Ibtehal Mohammed (University of London), Masataka Okamoto (Fukuoka Prefectural University), Ingrid Roy (University of Ottawa), Theodorus Sitocdana (Institute for Human Rights Study and Advocacy), Amanda Wetzel (Queen's University), Yong Zhou (Chinese Academy for Social Sciences).

## Annex II

### LIST OF DOCUMENTS BEFORE THE WORKING GROUP ON MINORITIES AT ITS NINTH SESSION

Symbol	Title
E/CN.4/Sub.2/AC.5/2003/1	Provisional agenda
E/CN.4/Sub.2/AC.5/2003/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.5/2003/2	Regional Seminar on Minority Rights: Cultural Diversity and Development in Southeast Asia, Chiang Mai, Thailand (Conclusions and recommendations)
E/CN.4/Sub.2/AC.5/2003/WP.1	Towards a set of Regional guidelines or Codes of Practice on the Implementation of the Declaration, prepared by Tom Hadden, Human Rights Centre, Queen's University Belfast)
E/CN.4/Sub.2/AC.5/2003/WP.2	Statement of Principles on Minority and Group Rights in South Asia, submitted by the International Centre for Ethnic Studies
E/CN.4/Sub.2/AC.5/2003/WP.3	Possible new United Nations mechanisms for the Protection and Promotion of the Rights of Minorities, prepared by Minority Rights Group International
E/CN.4/Sub.2/AC.5/2003/WP.4	Minorities in Ghana, prepared by E. Gyimah-Boadi and Richard Asante
E/CN.4/Sub.2/AC.5/2003/WP.5	Minority Rights in Fiji and the Solomon Islands: Reinforcing Constitutional Protections, Establishing Land Rights and Overcoming Poverty, prepared by Jon Fraenkel University of the South Pacific, Suva, Fiji Islands
E/CN.4/Sub.2/AC.5/2003/WP.6	Kyrgyzstan, prepared by Ainur Elebaeva, Director of Ethnic Studies Institute
E/CN.4/Sub.2/AC.5/2003/WP.7	Minorities in South Caucasus, prepared by Anna Matveeva
E/CN.4/Sub.2/AC.5/2003/WP.8	Ethnic and Religious Groups in the Islamic Republic of Iran: Policy suggestions for the integration of minorities through participation in public life, prepared by Nazila Ghanea-Hercock, University of London, Institute of

<b>Symbol</b>	<b>Title</b>
	Commonwealth Studies
E/CN.4/Sub.2/AC.5/2003/WP.9	Minorities and Participation in Public Life: Kazakhstan, prepared by Bhavna Dave, Department of Politics, School of Oriental and African Studies
E/CN.4/Sub.2/AC.5/2003/WP.10	Ethnic Minority Groups in Nigeria: Current Situation and Major Problems, prepared by Abdul Raufu Mustapha, Queen Elizabeth House, University of Oxford
E/CN.4/Sub.2/AC.5/2003/WP.11	Inclusion of Minorities in Public Life in Laos, Thailand and Vietnam, prepared by Vatthana Pholsena Asia Research Institute, National University of Singapore
E/CN.4/Sub.2/AC.5/2003/WP.12	Minorities and the States in Malaysia and Singapore: Provisions, Predicaments and Prospects, prepared by Lily Zubaidah Rahim School of Economics and Political Science, University of Sydney, Australia
E/CN.4/Sub.2/AC.5/2003/WP.13	Minorities in South Asia, prepared by I. A. Rehman, Director, Human Rights Commission Pakistan
E/CN.4/Sub.2/AC.5/2003/WP.14	Regional Seminar on Minority Rights: Cultural Diversity and Development in Southeast Asia: Narrative Report  Ms. Julia Kam (Institute Dayakologi, Indonesia) Mr. Sem Karoba (Koteka Tribal Assembly for Rights, Peace and Justice in West Papua, Indonesia), Co-Chairpersons
E/CN.4/Sub.2/AC.5/2003/WP.15	Rights to Ancestral Domain: the Quest of the Indigenous Communities in Mindanao, Philippines, prepared by Erlinda M. Burton, Research Institute for Mindanao Culture, Xavier University, Cagayan de Oro City, Philippines
E/CN.4/Sub.2/AC.5/2003/WP.16	China's minorities: the Case of Xinjiang and the Uyghur People, prepared by Dru C. Gladney, Professor, University of Hawaii
E/CN.4/Sub.2/AC.5/2003/WP.17	The Rom in the Americas, prepared by Jorge Bernal, Identidad Cultural "Romani" Argentina

<b>Symbol</b>	<b>Title</b>
E/CN.4/Sub.2/AC.5/2003/WP.18	People of African Descent in South America, prepared by Ana Chalá, Federacion de Comunidades Negras de Imbabura y Carchi and unofficially translated by Fausto Padilla
E/CN.4/Sub.2/AC.5/2003/WP.19	Political Participation in Arab Countries: Background Paper for the Arab Region Development Report prepared by Mustapha Kamel Al-Sayyid, Professor and Director, Centre for Study of Developing Countries, Cairo University

**Annex III**

**AGENDA OF THE WORKING GROUP**

1. Adoption of the agenda.
2. Organization of the work.
3.
  - (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities;
  - (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;
  - (c) Recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.
4. The future role of the Working Group.
5. Other matters.

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