

Summary of Remarks by Hurst Hannum
Human Rights Council Forum on Minority Issues
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1) Much of the discussion thus far has referred simply to "minority rights" and has frequently addressed the issue of how "minorities" should be represented in government. We should bear in mind, however, that the relevant protections extend in almost every case to "persons belonging to" minorities, not to the groups themselves. This comment is not intended to detract from the fact that minority rights are most often exercised in community with others, but the concept of "effective participation" can be understood as ensuring that *individual* members of minorities have a full and equal right of participation, as well as, in appropriate cases, suggesting some form of group representation at national or regional levels. Neither the UN Declaration nor other international documents mandate the formal representation of minority groups at either the national or regional level.

2) Insufficient attention also has been paid to the actual language of Article 2.3 of the UN Declaration, which states that "[p]ersons belonging to minorities have the right to participate effectively *in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live*, in a manner not incompatible with national legislation." (emphasis added) It would be useful to identify issues that are of particular concern to minorities and that might be the subject of measures to devolve power to minority communities or territorial entities; education, local economic planning, and environmental issues come to mind, for example. In such cases, "effective participation" might be best guaranteed through "decision-making" powers, as opposed to merely exercising influence within a larger political context.

3) Finally, it is somewhat surprising that the discussions of participation thus far have focused primarily on electoral systems, non-discrimination, and means of ensuring that minorities are represented in national governments. As we know, however, the question of "effective participation" is most acute in situations where mere "participation" is seen as insufficient, where minority demands are for power-sharing or some form of devolved political power. (The latter are addressed briefly in the Independent Expert's Background Document, but not in the draft recommendations.) It would be disappointing if none of the Forum's recommendations had any relevance to situations such as those in Bosnia and Herzegovina, Kosovo, Iraq, Afghanistan, and Sri Lanka, in which determining the appropriate degree of minority participation has led to violent conflicts.

The draft recommendations, as they have been proposed, unfortunately consist of little more than useful platitudes -- useful, to be sure, but platitudes nonetheless. I hope that the Forum will be able to provide thematic guidance to States on this important issue in a somewhat more concrete fashion, as opposed to

merely repeating so-called "best practices" that are by now well known, even if they are infrequently followed.