

## **Opening Speech of the Chairperson of the Forum on Minority Issues**

I have the honour to chair the proceedings of this seventh UN Forum on Minority Issues and extend a warm welcome to participants.

We look forward to the proceedings over the next two days and trust that they will unfold in a respectful, courteous, and constructive atmosphere to enable the Forum to carry out its work. All participants should ensure that a sense of respect and tolerance permeates the discussion. As a poet of Ancient Rome poet said, 'once a word has been allowed to escape, it cannot be recalled'. The proceedings in the Forum should stand as a symbol of how its goals are to be achieved: on the basis of exchange of information, analysis, dialogue, a platform for action, a progressive ethos. Its essence is the opportunity to engage the widest range of participants capable of making constructive contributions to the important issues at hand.

The thematic of this seventh Forum could hardly be more serious or topical: violence and atrocity crimes against minorities. All of us will have particular instances in our minds. We shall be reminded of many harsh cases during our proceedings. We aspire to conclude the Forum better informed and able to understand what must be done within the parameters of possibility.

Minorities have been exposed to many forms of oppression over the centuries, and questions regarding their treatment have been a constant of international law. In the better times, this concern generated specific agreements on the protection of groups in particular situations, producing a patchwork of regulation that left many groups vulnerable and unprotected. The League of Nations attempted to be more systematic, developing a procedural and institutional model that was not as such followed up in the era of the United Nations. The case for specific protection of minorities did not commend itself to the majority of those who drafted the Charter of the United Nations and the Universal Declaration of Human Rights (UDHR).

This did not necessarily mean that minorities were neglected. Their concerns were subsumed under the project of universal, undifferentiated rights that replaced the League's concern with the protection of specific groups. The General Assembly was nonetheless motivated to declare, in a resolution passed on the same day as the UDHR, that 'the United Nations 'cannot remain indifferent to the fate of minorities'.

It did not 'remain indifferent' if indeed it was ever so. The universal human right framework is a defining feature of our age and minority rights continue to function within it. Within the larger human rights framework, the need for a specific focus on minorities was not forgotten. The setting up of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was evidence that the issue remained alive, as did the emergence of the Convention on the Prevention and Punishment of the Crime of Genocide, followed by the inclusion of Article 27 on the rights of persons belonging to

minorities in the International Covenant on Civil and Political Rights. Instruments on discrimination such as ICERD also gradually altered their universalist perspective through increasing concern with minority issues, even if 'minority' is not named in its text. The same is now true of leading human rights conventions in the UN system and in the work of regional bodies. Mechanisms have accompanied or followed the widening of concerns, including the Special Rapporteur on Minority issues and this Forum. The treatment of minorities is a major concern of the United Nations, expressed through dedicated instruments connected to a matrix of human rights standards, instruments and procedures.

The Concept Note recalls the new impetus given to UN efforts to address minority issues after tragic events in Rwanda and the former Yugoslavia. The Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) emerged in 1992 and is the background instrument that animates and informs the proceedings of this Forum. It addresses individual rights with collective dimensions. The existence of minorities is a question of fact to be recognised and acted upon, and we also note in this and related contexts the emergence of the eminently rights-based notion of self-definition. The Forum takes the minorities referred to in the UNDM as the basis of its work, adding to this the spectrum of groups implicated in the 'grounds' of discrimination in the International Convention on the Elimination of All Forms of Discrimination - race, colour, descent, national or ethnic origin - and without distinction as to citizenship.

Although the Concept Note has already made the point, it is worth recalling the key principles of the UNDM of protection of the existence and identity of minorities, equal rights and non-discrimination, and the right of persons belonging to minorities to participate not only in 'cultural, religious, social, economic and public life', but also in decisions affecting them. This is not a narrow range of issues but one that expresses in concise language a wide spectrum of rights that are absolutely basic as well as ongoing. They implicate protection from physical, psychological and cultural destruction as well as underscoring the democratic right of participation and active contribution to the national community. Members of minorities are entitled to enjoy all human rights, as are all human beings; they also have specific claims on our attention.

Perhaps this last point needs explaining as well as emphasising. The reasons for attention on minorities are not simply conceptual or abstract, but are eminently practical. Minorities, in view of their non-dominant situation, are paradigmatic victims of human rights violations, whether suffered in situations of armed conflict or more widely. The forms of minority oppression are legion, from hate speech through subtle and less subtle forms of discrimination up to genocide and 'ethnic cleansing' - the last is an unfortunate term that seems to stick like a limpet to the international lexicon, and suggests that only mono-ethnic regions are 'clean'. We should treat it like 'racial discrimination': to combat the latter, we do not need to believe in separate human races; to combat 'ethnic cleansing' we should strenuously insist, against the totem of mono-ethnicity, on the richness of experience that diversity brings to all of us.

Against the cleansing metaphor, minorities evidence the diversity of the world's cultures and languages. Their cultures evolve and change, but they have a right to face the world on their own terms. Hence the concern of the Declaration and this Forum. Hence the concern with protecting minorities against violence and atrocity crimes, and enhancing and supplementing their mechanisms for survival. Cultural loss may be as irretrievable as the lost life of a human being.

The agenda before you follows a certain logic, moving as it does from the legal framework, root causes of violence and atrocity crimes, to prevention of violence, but also, when violence breaks out, to the resolution of the violent situation and post-conflict protection and security, through to building the peace and managing diversity - bearing in mind that all States exhibit diversity of cultures, languages, and religions. The draft recommendations invite comment in light of this agenda; they are holistic and action-oriented while not neglecting conceptual substance. They invite reflection on the identification and warning of threats and the means to avert them, on necessary data and the role of law, on the role of dialogue that includes reflection on instruments of dialogue, on the role of leadership, on the specific vulnerabilities of women members of minorities, on the concept of responsibility to protect, and on projects of reconciliation. They are open to development and improvement.

We look forward to the comments of participants on the draft recommendations, and welcome their input. The best recommendations will combine analytic rigour with sensitivity for the plight of so many human beings caught up in a spiral of violence.

Minorities have often lacked a voice. Or their voices are drowned out, silenced by the actions or the hate speech of others. The Forum gives them a voice, the opportunity to express their concerns to this audience, and beyond this room to the world at large. It also gives sovereign authorities a platform for dialogue, and for constructive action – the actions that only they have the power to take. We need to hear all the voices, to be informed, so that national and international policies can be sharpened and made more effective. As Nelson Mandela observed, education is the most powerful weapon you can use to change the world.

The first requirement today is to listen ...

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