



## CONCEPT NOTE

“When we act early, and are united, we can successfully prevent crises from escalating, saving lives and reducing suffering – fulfilling the most fundamental mandate of the United Nations, as set out in the Preamble to the Charter,” United Nations Secretary-General António Guterres, UN Security Council, 12 June 2019.

“Upholding [the human rights of minorities] is not only the right thing to do – it is a powerful way to defuse tensions, prevent conflict and facilitate broad-based economic prosperity... No society will ever find sustainable harmony and peace without justice; and development will always be impeded when members of society are held back. Minorities – and minority youth – are not a threat; they are under threat.” Former UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, UN Forum on Minority Issues, 13 December 2017.

“Attention to minority rights at an early stage — before grievances lead to tensions and violence — would make an invaluable contribution to the culture of prevention within the United Nations, save countless lives and promote stability and development.” Former Independent Expert on Minority Issues Gay McDougall, Report to Human Rights Council, 16 December 2010.

There is a broad global consensus that addressing inequalities and making institutions more inclusive are central to addressing the root causes of conflicts.<sup>1</sup> Since most conflicts are characterized by the insufficient inclusion of minorities often coupled with disregard of their identities and grievances as well as denial of human rights, the main challenge now is to better understand what this means in practice.

### Contextualisation

The Preamble of the United Nations Charter establishes a connection between human rights and the prevention of violent conflicts by determining that saving “succeeding generations from the scourge of war” is to be achieved through “faith in fundamental human rights” and for these ends “to practice tolerance and live together in peace...and

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<sup>1</sup> The term ‘conflict’ refers specifically to violent conflict, and may be broadened to include violence targeting minorities and civilians such as genocide, war crimes, ethnic cleansing and crimes against humanity, etc.

to unite our strength to maintain international peace and security”. The Preamble of the Universal Declaration of Human Rights goes further and acknowledges that the inherent dignity and equality of all human beings are fundamental foundations for freedom, justice and peace in the world. It also recognizes that the protection of these universal human rights by the rule of law is one of the main tools to avoid conflicts or situations of “rebellion against tyranny and oppression”.<sup>2</sup> It is one of the essential conditions for peaceful and stable co-existence. There cannot be peace without justice, as Reverend Dr. Martin Luther King Jr. famously stated on 14 December 1967.

The first three paragraphs of the Universal Declaration emerged following, and have roots in the revulsion to, the horrors of the Holocaust. As part of the world’s new regime of universal human rights, the very first treaty of the United Nations reflected this commitment to peace and stability through justice and dignity in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This pioneering human rights instrument prohibits genocide, the most heinous of international crimes. History has also witnessed that the national, ethnic, racial or religious groups targeted are usually minorities: Jews, Roma, Tutsi, etc. To highlight the obvious, the absence of justice as represented by international human rights standards is the greatest threat to peace and stability.

This is borne out by the nature of conflicts in the world today. Most are intrastate rather than interstate conflicts, and involve an ethnic, linguistic or religious minority.<sup>3</sup> The majority of situations in 2018 involving instability, past genocides, potential crimes against humanity and similar threats were against groups which can be described as minorities according to the data on *Peoples under Threat*.<sup>4</sup> This is one of the main conclusions in the first joint study by the United Nations and the World Bank on preventing violent conflict, recognizing that today’s main drivers of instability globally are group-based grievances around exclusion and injustice:

Many of today’s violent conflicts relate to group-based grievances arising from inequality, exclusion, and feelings of injustice. It is when an aggrieved group assigns blame to others or to the state for its perceived economic, political, or social exclusion that its grievances may become politicized and risk tipping into violence.<sup>5</sup>

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<sup>2</sup> “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law...”

<sup>3</sup> See data from Uppsala Conflict Data Program (UCDP, Sundberg, Eck and Krautz 2012; Allansson, Melander and Themnér 2017).

<sup>4</sup> Minority Rights Group International, <http://peoplesunderthreat.org/>.

<sup>5</sup> United Nations; World Bank. 2018. Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict. Washington, DC: World Bank.

Since 2010, the number of major violent conflicts has tripled globally, and much of the increase is in the rise of intrastate conflicts,<sup>6</sup> usually involving minorities. “There are now more violent conflicts globally than at any time in the past 30 years, and the world is also facing the largest forced displacement crisis ever recorded”.<sup>7</sup>

Peace, stability and justice – in other words preventing violent conflicts – require addressing the core grievances of minorities associated with their exclusion, discriminatory practices in matters of participation in public life and other areas, accommodating their cultures, religions or beliefs, and languages, as well as other breaches of their human rights of significance to protect their existence and identities. The exclusion of and discrimination against minorities rather than ensuring their inclusion and protection in society through the implementation of their human rights, are the main root-causes of most contemporary conflicts.

Preventing conflicts requires addressing these failures in implementation. Guaranteeing the protection of the human rights of minorities and ensuring their implementation before grievances have the chance to fester increases the chances that a conflict might not occur. These are the pathways to respect the dignity and equality of all persons to achieve justice, peace and stability as foreseen in the Preamble of the Universal Declaration of Human Rights and emergence of the international human rights system after the Second World War. The pathways for peace and conflict prevention are therefore to be found in the proper understanding and implementation of the human rights of minorities.

Gender, like ethnicity, language, or religion, can also play an important role in creating and perpetuating, or preventing and resolving conflicts. The importance of including gender perspectives in conflict prevention activities has been increasingly recognized in recent years. [United Nations Security Council Resolution 2493 \(2019\)](#) calls for the implementation of “the Women, Peace and Security (WPS) agenda and its priorities by ensuring and promoting the full, equal and meaningful participation of women in all stages of peace processes, including through mainstreaming a gender perspective...” Thus, any consideration of conflict prevention, even through the lens of minority rights, must take into account gender and the role of women in relation to conflict, as well as their specific intersection with minorities. In addition, specific attention should be given to ensure greater inclusion of sexual orientation and gender identity in the WPS agenda.

From the above, it is clear for the UN Special Rapporteur on minority issues, Dr Fernand de Vareennes, that early attention to protect and effectively implement all of the human rights of minorities is the key for stability through justice, and the prevention of most potential conflicts worldwide. Denying the human rights of minorities, and their identities and aspirations does not result in unity or stability: it could instead be

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<sup>6</sup> World Bank Group Strategy for Fragility, Conflict, and Violence 2020 –2025, World Bank Group 2020, <http://documents1.worldbank.org/curated/en/844591582815510521/pdf/World-Bank-Group-Strategy-for-Fragility-Conflict-and-Violence-2020-2025.pdf>.

<sup>7</sup> UNHCR, Global Trends,13.

perceived as a denial of the existence or significance of minorities, or as attempts to assimilate them into the majority national identity. They are more likely to lead to a sense of exclusion, discrimination, disaffection among minorities, increased instability, violence and even demands for secession. Simply put, the result will be a more fragmented society than a more united ‘nation’. Stopping violence once a conflict has erupted is far more difficult and costly than trying to prevent a crisis before it has begun.

## **Rationale of regional fora**

In his first report to the UN Human Rights Council in March 2018, the Special Rapporteur on minority issues (see report A/HRC/37/66), Dr Fernand de Varennes, presented the issue of ethnic conflicts, minority rights and promoting inclusiveness and stability as one of the thematic priorities of his mandate, by building and expanding the work carried out by his predecessors on this particular area, as well as the valuable contributions by other Special Procedures mandate holders, treaty bodies and human rights mechanisms, including relevant recommendations formulated during the sessions of the Forum on Minority Issues.<sup>8</sup>

Inspired by and building upon the report more than 10 years ago by the first UN Independent Expert on minority issues, Gay McDougall, on *Minority Rights and Conflict Prevention* and the UN and World Bank ground-breaking joint study on *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, the Special Rapporteur wishes to bring the discussions on the prevention of conflicts to the regional level and to further highlight the minority and regional perspectives through the organization of four regional fora in Europe, Asia-Pacific, Africa-Middle East and the Americas.

Furthermore, engagement in situations of escalating tensions led by regional, sub-regional and other inter-governmental organizations is under-utilized. It has the potential to be more effective and sustained than the UN on its own. Regional organisations have greater proximity and cultural affinity with conflict parties and greater incentives of ensuring regional stability and economic prosperity. Moreover, the UN Charter requires “parties to any dispute...seek a solution” among other means by “resort to regional agencies or arrangements.” The Secretary-General’s High-level Panel on Threats, Challenges, and Change in its report *A More Secure World: Our Shared Responsibility* recommended “the United Nations should build on the experience of regional organizations in developing frameworks for minority rights”. Therefore, the Special Rapporteur through regional fora will seek to partner and involve relevant regional organisations to benefit from their learned experiences and stimulate their

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<sup>8</sup> Information about the Sessions and the Recommendations of the Forum on Minority Issues can be found at the Forum’s webpage: <https://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/ForumIndex.aspx>.

institutional development to better prevent conflicts through an appreciation of the human rights of minorities amongst their membership.

## **Objectives**

The main purpose of the four regional fora on “Conflict prevention and the protection of the human rights of minorities” is to provide regional insights, which will feed into the thematic work of the Special Rapporteur for his report to the 49<sup>th</sup> session of the UN Human Rights Council in March 2022. Furthermore, discussions at the regional fora will inform the work and recommendations of the 14<sup>th</sup> session of the Forum on Minority Issues, which will take place in Geneva in December 2021.

Specific objectives include:

1. Develop mutual understanding about the role of the protection of the human rights of minorities in preventing conflicts.
2. Discuss legal, institutional and policy challenges to the recognition and implementation of the human rights of minorities to address long-standing grievances that may lead to tensions and possible conflicts.
3. Identify why the root-causes of most conflicts, the denial of the human rights of minorities and their aspirations, are seldom acknowledged or addressed.
4. Strengthen partnerships among various stakeholders and build capacity to address the root-causes of contemporary conflicts and more effectively prevent conflicts.

## **Areas of discussion**

States where promises of equality and universal human rights for minorities appear hollow because of discriminatory or exclusionary practices are fertile grounds for long-standing grievances leading to frustration, resentment, anger and eventual violence. A fresh look at these issues, and the need to better address the grievances of minorities and the protection of their human rights, is necessary to give a new impetus to a human rights system which at times is systematically ignored when it comes to the protection of certain minorities.

In light of the main objectives of the regional fora, the discussions will address the following four overarching themes:

Panel 1: Substantive root causes of contemporary conflicts involving minorities

Genuine lasting conflict prevention cannot occur without identifying and addressing the root causes of tensions involving minorities. These often centre around substantive human rights of minorities related to land, resources, linguistic rights, religious accommodation, effective participation and cultural considerations. An approach that deals with these root causes, rather than just proximate ones, is more likely to lead to governance systems that ensure long-term and sustainable peace. Currently conflict prevention is mostly undertaken in post-conflict scenarios to avert the recurrence of violent conflicts. However early awareness of root causes can also offer the most effective means to prevent the onset of conflicts involving minorities – and therefore of most contemporary conflicts.

Panel 2: Normative framework: the human rights of minorities and conflict prevention.

When minorities are subjected to violence, discrimination or hate speech, such mistreatment can be understood as a failure to protect their human rights and considered a denial of their ethnic, national, religious or linguistic identities. The normative framework, which includes international and regional human rights law, provides a powerful tool to objectively analyze and propose solutions. Moreover, the body of standards and jurisprudence concerning the protection of minorities under international law is highly developed and diverse. Despite this, it is not referred to or utilized enough in situations involving minorities that may eventually escalate into violent conflict. All available and appropriate aspects of the normative framework relating to the human rights protection of minorities and international law should be discerned and how best to leverage these to prevent and resolve conflicts.

Panel 3: Obstacles to implementing the rights of minorities and early effective conflict prevention.

Due to the grim and acute human cost of violent conflicts and atrocity crimes such as genocide and accompanying humanitarian crises, attention and resources are committed only once tensions reach these tipping points. Prevention is mostly discussed in a post-conflict or development context. Hence, much effort is exerted on the cessation of hostilities and mediation between conflict parties. However, early effective conflict prevention should ideally occur prior to onset of violent conflict and sufficiently early to avert its certainty. This means focussing on the exclusion of and discrimination against minorities, linked to human rights breaches, and what are the obstacles to fuller implementation of these human rights obligations which would address the main root-causes of most contemporary conflicts. Dedicated and specialized mechanisms with appropriate mandates are the most viable means to achieve this. Such mechanisms can exist at various levels including the international, regional, sub-regional, national and local. Identifying situations where there is systematic denial of the rights of minorities

provides a practical early warning system for potential conflicts and a proactive approach to ensure the inclusion of minorities and their full and equal participation in society. Likewise, resolving those minority issues and protecting their human rights offers a compelling tool for effectively preventing costly and protracted intrastate conflicts.

Panel 4: Ways forward towards addressing gaps in human rights mechanisms to protect minorities and prevent conflicts.

Alongside the development of dedicated regional, sub-regional and other mechanisms for conflict prevention, the normative framework must be strengthened. Evidence and history shows that protection and promotion of the human rights of minorities and their aspirations results in a greater sense of national unity and identity - ultimately leading to reduced tensions and long-term stability. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is the most elaborated minority-specific legal instrument internationally. Robust discussion with the participation of minorities is needed on the ways forward and means to advance the protection of minorities and prevention of conflicts involving them. Are additional instruments needed on the international or regional levels? Do existing norms need to be strengthened through better implementation, oversight and enforcement? Innovative proposals are invited to progress norms and mechanisms that can significantly improve early and effective prevention of protracted and deadly conflicts.

In addition to these four thematic panels, each regional forum will also include a high-level state panel consisting of several state presentations. These discussions will highlight the positive experiences and lessons learnt by states that have been involved in conflict prevention activities, deepening the understanding about the role of the protection of the human rights of minorities in preventing conflicts.

## **Participation**

The regional fora will be open to the participation of States, UN entities, international and regional organizations, national human rights institutions, civil society organizations, minority representatives, industry, academics and experts on minority issues, and media and technology actors. Efforts will be made to include in the regional fora other special procedures mandate holders and UN treaty body members in the programme.

The format of the regional fora may vary to take into account the ongoing COVID pandemic and will be announced at a later date.

## **Outputs**

Based on the discussions and the contributions of the participants, two main outputs will be produced:

- A document with practical recommendations,
- Guidelines on the issue of conflict prevention and minorities to be prepared under the mandate of the UN Special Rapporteur on Minority Issues.

The four sets of recommendations will be available as reference documents for the 14<sup>th</sup> UN Forum on Minority Issues to be held in Geneva in December 2021.

## **Further information**

A background note entitled *United Nations Mechanisms and Instruments on Conflict Prevention and Minorities* is also available.