

It matters Who is at the Table: Minority participation as a procedural and substantive right

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From 2005 through most of 2011, it was my privilege and my pleasure to serve as the first United Nations Independent Expert on Minority Issues under the mandate first established by what was then the Commission on Human Rights.

The Mandate proved to be an unparalleled mechanism to extend the reach of the Declaration out of the elite chambers of international norm-setting and into the real world where exclusion and marginalization are daily facts on the ground. The high-level access given to cabinet ministers and even heads of state during my country visits created an opportunity to bring the Declaration to the attention of national governments as never before. Speaking directly to those high-level government officials that actually have responsibility for domestic policies is qualitatively different from the conversations one would have with the officials in diplomatic service.

As I traveled around the world promoting the Declaration, I learned a number of realities. It was only when I talked to minority community groups in those countries that I gained insight into the real problems faced by minorities but importantly, I learned what the solutions to those problems would be if anyone listened.

That's why for the three inaugural years that I guided the Forum on Minorities I made every effort to see that it was a forum OF minorities and not a forum where government delegations gather to put forward their views on minority issues. I tried to amplify and elevate the voices of minorities for the first time in the chambers of the UN and find ways to empower them to put forward their recommendations in their own words.

Today in many situations around the world it is becoming clear that the effective representation of persons belonging to minority identity groups, otherwise marginalized or stigmatized groups makes a positive impact on the broad array of other rights they should enjoy, and it benefits the society as a whole. Representation matters. Yes, it is a right in itself, but it is also a means to the realization of all other rights.

Effective representation means prior, fully informed involvement in every step of policy and decision-making. Effective representation is not achieved when only one or two individuals are allowed to sit at the table of power brokers. Tokenism reveals a lack of commitment to inclusion. Full inclusion is instrumental in breaking the cycle of discrimination and exclusion that likely faced on many levels.

Today many policy makers pay lip-service to the axiom that policies must be informed by "the lived experiences" of the most affected groups. Yet, minority communities are still vastly underrepresented in the political processes and governing institutions of most countries because they are either actively and intentionally restricted from participation, inadvertently

disadvantaged by a variety of laws or policies, or because there is a lack of political will in the larger society to dismantle structural barriers to the full equal participation of every group in society. These barriers are not simple accidents of fate or lack of resources, the vast majority are deliberate acts of exclusion and discrimination.

This is simply no longer acceptable.

In its commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Working Group on Minorities stated that the right to participate in all aspects of the life of the larger national society is essential, both **in order for persons belonging to minorities to promote their interests and values and to create an integrated but pluralist society** based on tolerance and dialogue (E/CN.4/Sub.2/AC.5/2005/2, para. 35). The Working Group also emphasized that effective participation requires representation in legislative, administrative and advisory bodies, and more generally in public life (para. 44).

So focused on the fact that the most prominent groups facing exclusion in the Americas are People of African Descent, Indigenous communities and a smaller group of Roma, I make the following recommendations.

My Recommendations

Countries must acknowledge their histories of grave injustices of colonialism, enslavement, and the genocidal conquest of Indigenous people and a program of reparations must be instituted as agreed to by the most affected populations.

There must be explicit and proportionate inclusion of African descendants and Indigenous communities in the political, judicial, and development decision-making bodies of national and regional bodies.

The Economic Commission on Latin America should be requested to give technical assistance as needed to governments to produce statistical data on their populations disaggregated by ethnicity, race (based on self-identification), gender, territorial, socioeconomic, and other indications of social groups and inequalities.

Based on such data, policy makers must take decisive action to guarantee the equal civil, political, economic, social, environmental, and cultural rights of minorities with the full and informed participation of minority communities in designing and implementing those policies.

All forms of racial discrimination, whether based on personal biases or institutional, must be rooted out and eliminated along with the structural and institutional mechanisms that perpetuate racism.

The educational institutions and popular media must be reconstituted around a central objective to educate the population to understand that the steps outlined above are essential to create societies that will benefit all who live there.

Let marginalized minority communities speak for themselves. Center their voices in all policy decisions in all institutions. Support their strategies for change.