

Assessing the Framework for Country Strategy Papers: A Minority Rights Perspective

A Minority Rights Group International (MRG) Briefing

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Introduction:

This briefing paper has been prepared to assist staff of the European Commission in drafting and assessing Country Strategy Papers (CSPs). In an effort to improve the content and impact of these CSPs vis-à-vis minority groups, several key points for consideration have been outlined below.

MRG's review of the Framework for Country Strategy Papers document and a selection of existing CSPs has revealed that minorities do not figure adequately into the analysis for preparing CSPs and in the final CSPs produced. This absence is problematic for four key reasons:

1. Ethnic, religious and linguistic minorities are present in every country with which the EU cooperates. Their economic, political and social position should therefore be reflected in some capacity in the CSP.
2. Minorities rights are part of the framework of international human rights and democracy to which the EU has committed strongly. These rights should therefore factor into the CSP's analysis of human rights within the political, economic and social situation in the country.
3. Minorities are often marginalized and lack equal access to political and public participation. They therefore need support from international organisations to encourage their government to pay increased attention to redressing this marginalization and lack of participation.
4. Attention to minorities is crucial for long-term sustainability of peace and development. Where CSPs ignore the situation of minorities they potentially overlook existing tensions in countries that could, if not resolved, lead to conflict. Proposed development strategies within the CSP could unknowingly contribute to these tensions if the impact of strategies on minorities is not considered.

Integrating minorities into CSPs: Key points

The CSP can be a more progressive and effective document through the integration of the following points:

Recognition: CSP should name minority groups that are present in each country. This includes indigenous peoples (who may or may not identify as minorities), migrant populations and other ethnic, religious or linguistic groups. The recognition of the presence of minorities is a necessary precondition for dialogue with governments on minority issues; for participation of minorities in civil society dialogues and programme planning; and for elaborating appropriate responses to their needs.

Participation: The participation of minorities in civil society consultations is often overlooked or not actively sought because of their marginalization, their use of a different language or their remote habitats. Acknowledgement within the CSP that minority participation should be ensured in the political, economic and social spheres can improve the opportunities for minorities to overcome barriers to their participation. Recommendations should be made for minority participation in any consultations relating to the elaboration of the CSP. Minorities should be considered as part of civil society; their representatives should be participants in all civil society dialogue on development.

Discrimination: There already exists a strong push for examination of gender discrimination in the CSP. This should be expanded to include examination of discrimination against minorities. Poverty reduction measures cannot be successful if they do not address the impact of discrimination in minorities' access to health care, education, housing, employment, micro-finance, protection of the law and other social services.

Conflict: The CSP guidelines note that attention should be paid to 'security and stability measures including conflict prevention and management'. This analysis needs to pay special attention to minorities and the respect for their rights. Such an analysis can be indicative of existing and potential tensions that might reduce stability.

Disaggregated Data: Many countries do not routinely collect disaggregated data for minorities. This serves to mask existing inequalities and makes it difficult for governments to target reform measures appropriately. The CSP should include provisions for supporting governments to gather disaggregated data on key indicators. This will be important to ensure that the CSP is contributing to a reduction in inequalities and an improvement in human development for all marginalized groups.

Questions for the CSP¹:

The following sample of questions can assist the Commission in ensuring that new and reviewed CSPs pay sufficient attention to minorities.

- What minorities or indigenous peoples are present in this country?² Are (all or some of) these groups officially recognised by the government, including in the constitution? Does the local EC delegation have contact with or cooperate with any minority or indigenous peoples organisations in-country? If so, what is the nature of this cooperation? If not, why is there no contact or cooperation? Is there any representation of minorities amongst local and/or international staff of the delegation office?
- Is there disaggregated data available on these groups through census taking or other sources? If not, why? If this data is not available, can a geographically-based analysis of regional data be linked directly to minority-inhabited areas?

¹ For further information on guidelines for evaluating development vis-à-vis minorities, see the MRG publication *Development, Minorities and Indigenous Peoples: A Case Study and Evaluation of Good Practice*, by Stephanie Janet London: MRG, 2002. Available at www.minorityrights.org.

² One useful research tool is the MRG publication *World Directory of Minorities*, London: MRG, 1996. This is a comprehensive country-by-country guide to minority and indigenous peoples present in each country, plus brief analysis of their socio-political situation.

- Does the disaggregated or regional data indicate inequalities experienced by minority groups? If so, does the government have an existing strategy to tackle these inequalities? If yes, how can this strategy be complemented by the CSP? If not, how can the CSP be used to support the development and implementation of such a strategy? Are there existing laws on anti-discrimination and corresponding implementation and monitoring programmes?
- Have representatives of minorities or indigenous peoples been consulted at any stage in the process of drafting this CSP or other indicative documents such as the PRSP? Does the government have existing mechanisms at the national, regional or local level for minority/indigenous participation? Are existing mechanisms used effectively by these groups? Are there any minority/indigenous groups that do not participate and if so, why? Are minorities proportionately represented in parliament, local government or the civil services?
- Do the indigenous peoples/minorities feel that they have been sufficiently informed about development projects in their regions or that affect them directly? Do they have any existing concerns regarding development projects or priorities in their region? If so, how can the CSP be planned so as to help address these concerns?
- Will minorities/indigenous peoples have an opportunity to express any concerns regarding the implementation and impact of the CSP? Is the EC delegation equipped to communicate effectively with these groups, e.g. in languages they understand, in reaching remote habitats, in ensuring non-discrimination in access to delegation staff and offices?
- Is there any history of violence or conflict between majority and minority groups, or between minority groups? Have there been severe and/or systematic human rights abuses against minorities? Is there evidence of ethnic hatred? Is there any means of peaceful resolution of disputes, including in relation to disputes over land and resources implicated in development plans?

National Indicative Programmes: Sample points to include

In drafting National Indicative Programmes, minorities must be considered from the outset. The following provides some examples of how this can be achieved in key sectors.

Education: ensuring availability in mother tongue for primary school at a minimum; ensuring curriculum reform to reflect minority cultures and promotion of non-discrimination; providing more training for bilingual and/or minority teachers.

Employment: assessment of underemployment of minorities and positive measures to ensure equal access to employment programmes, including options for specially targeted employment for minorities or minority regions; ensuring equal access to micro credit for minorities' SMEs.

Health care: ensuring non-discrimination in access to services and sufficient services in minority inhabited areas; ensuring respect for traditional medicines and access to natural resources for traditional medicines.

Agriculture: reviewing plans to assess impact on use of minority inhabited lands and territories and any potential impact on traditional livelihoods of minorities.

Governance: reform of any discriminatory laws; review of access to justice for minorities; implementation of effective anti-discrimination laws; capacity building for minority parliamentarians; capacity building for minority NGOs; support to establishing participation mechanisms for minorities

at the national and local levels; support to constitutional reform that is reflective of pluralism and minority rights; technical support to ministries that includes education on minority rights; education and monitoring on non-discrimination in public service; monitoring of decentralisation processes to ensure full participation of minorities.

Rural development: reviewing access to infrastructure for minority-inhabited areas; assessing impact of large-scale infrastructure on livelihoods or habitats of minority groups; ensuring that rural development projects fairly target minority inhabited areas according to need.

Environment: ensuring access to biodiversity for minorities and protection of traditional knowledge; reviewing environmental conditions to ensure minority inhabited areas aren't disproportionately harmed; ensuring environmental damage in minority inhabited areas is promptly and fairly redressed with due measures and compensation; ensuring that conservation measures do not prohibit access and use of minority groups of traditional lands and territories.

A clear remit for the Commission:

The existing guidelines on the CSP prepared by the iQSG have correctly noted that 'cross-cutting topics' such as the promotion of human rights and equality between men and women, and conflict prevention need to be reflected throughout the document. To this should be added attention to discrimination against minorities and their participation in political, social and economic life. The following excerpts from Commission communications and Council documents outline a responsibility to ensure that minorities are integrated into cooperation with third countries.

Council Regulation No 975/1999 (29.04.1999)

[T]he European Community shall provide technical and financial aid for operations aimed at:

2. (d) **support for minorities, ethnic groups and indigenous peoples;**...
3. (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among **different identity groups;**...³

Council Conclusion: Conflict Prevention: The role of development cooperation in strengthening of peace-building, conflict prevention and resolution (30.11.1998)

“Recognising that economic decline and extreme poverty may reinforce tendencies to resort to violent means, the Council emphasises that economic growth alone does not prevent violent conflict. Development assistance, if deployed in disregard of the overall political situation in developing countries, may even have unwanted effects. In order to minimise such negative effects, and to make full use of the potential of development cooperation to contribute to peace, democracy and stability, the Council confirms its view that development assistance should be designed and implemented in a way that it helps to address the root causes in a targeted manner, by support for:

- the balancing of political, social, economic and cultural opportunities among **different identity groups** within developing countries;...”

³ Identical language appears in Council Regulation No. 976/1999 relating to Community cooperation activities outside of those activities with developing countries, as specified in No. 975/1999.

Communication for the Commission on Democratisation, the Rule of Law, Respect for Human Rights and Good Governance: The Challenges of the Partnership between the European Union and the ACP States. (12.3.1998)

“**The rights of ethnic, religious and cultural minorities** have to be taken into account in the interests of a country’s political and social stability.”

“The tasks of government cannot be redefined in the course of democratisation unless civil society is reinforced accordingly. This presupposes institutional changes (a) to allow attitudes and mechanisms for limiting powers to exist and counterbalance – and indeed validate - the working of democracy, and (b) to guarantee the participation and equality of all groups in society: women, **minorities etc.**”

Communication from the Commission: Fighting Rural Poverty (25.7.2002)

“It is also important to take account of differences between socio-economic groups within a given community, and to provide adequate assistance to the most vulnerable groups, which include the landless, pastoralists, **ethnic minorities, indigenous groups**, female-headed and AIDS-affected households, the elderly, refugees and internally displaced people.”

Communication from the Commission: Participation of Non-State Actors in EC Development Policy (07.11.2002)

“Involving local communities and using their knowledge is also particularly relevant in a context of risk reduction and disaster preparedness, or in order to address the needs **of marginalised groups such as indigenous peoples.**”

The EU, preferably in co-operation with the government of the partner country, will provide support to increase the NSAs' capacities to play a constructive role in the policy dialogue.”

It should be noted further that EU member states have demonstrated their strong commitment to minority rights through, *inter alia*, the establishment of the Copenhagen criteria requiring achievement of ‘respect for and protection of minorities’; Article 13 of the Amsterdam Treaty on action to combat discrimination; and Article 21.1 of the Charter of Fundamental Rights of the EU on non-discrimination.

Annex 1: Resources for integrating minorities into the CSP

I. Situation of minorities and indigenous peoples:

UN Treaty Body Reports:

<http://www.unhchr.ch/tbs/doc.nsf>

See ‘concluding observations’ by the Committees, outlining their concerns, including in relation to the situation of minorities. See also ‘list of issues’ requesting information from States regarding specific points of their treaty obligations. The State reports will include detailed information on realisation of the provisions set forth in the treaties, but bear in mind that these reports do not always reflect accurately the situation, including that of minorities. NGOs often produce ‘alternative reports’ to these treaties bodies, which could prove a useful resource for the CSP.

Internet resources: NGOs and International Organisations

Minority Rights:

- UN Minorities website <http://www.unhchr.ch/minorities/>
- Minority Rights Group International www.minorityrights.org
- European Centre for Minority Issues <http://www.ecmi.de>
- European Roma Rights Center (ERRC) <http://errc.org/>
- European Monitoring Centre on Racism and Xenophobia <http://www.eumc.at>
- European Commission Against Racism and Intolerance <http://www.ecri.coe.int/>
- Consortium of Minority Resources COMIR - Database on Minorities:
<http://www.lgi.osi.hu/comir/db/index.htm>
- Council of Europe Minorities Homepage:
<http://www.humanrights.coe.int/Minorities/Eng/SiteMap.htm>
- OSCE High Commissioner on National Minorities <http://www.osce.org/hcnm/>
- International Crisis Group: CrisisWeb <http://www.intl-crisis-group.org>
- Minorities at Risk Project: Database <http://www.cidcm.umd.edu/inscr/mar/margene.htm>

Indigenous Peoples’ Rights:

- UN Permanent Forum on Indigenous Issues <http://www.unhchr.ch/indigenous/forum.htm>
- UN Indigenous Peoples website <http://www.unhchr.ch/indigenous/main.html>
- Rainforest Foundation <http://www.rainforestfoundationuk.org>
- International Work Group for Indigenous Affairs <http://www.iwgia.org>
- Terralingua <http://www.terralingua.org>
- Cultural Survival <http://www.culturalsurvival.org/home/index.cfm>
- Survival International <http://www.survival-international.org/>
- International Commission for the Rights of Aboriginal People
<http://users.skynet.be/icra.belgique/indexen.htm>
- Indigenous and Tribal Peoples Centre <http://www.itpcentre.org/>
- Indian Law Resource Centre www.indianlaw.org
- First Peoples Worldwide www.firstpeoples.org
- Forest Peoples Programme www.gn.apc.org/forestpeoples
- Saami Council www.saamicouncil.org
- Tebtebba www.tebtebba.org
- International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests morbeb@gn.apc.org
- DoCip: Indigenous Peoples' Center for Documentation, Research and Information www.docip.org
- Fern – the EU forest campaign www.fern.org

II. Rights of minorities:

International standards on the rights of minorities: Key Treaties and Declarations

Treaty	Ratification information	Number of States party
International Covenant on Civil and Political Rights (ICCPR), 1966, Art. 26, 27	http://www.unhchr.ch/pdf/report.pdf	149
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.	http://www.unhchr.ch/pdf/report.pdf	146
International Convention on the Elimination of All Forms of Racial Discrimination, (ICERD), 1965	http://www.unhchr.ch/pdf/report.pdf	165
Council of Europe Framework Convention for Protection of National Minorities, 1994	http://conventions.coe.int/Treaty/EN/cadreprincipal.htm	35
ILO Convention No. 169 Concerning Indigenous and Tribal Peoples, 1989	http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN	17
UN Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities, 1992	UN General Assembly Resolution	
Convention on the Rights of the Child, 1989, Art. 29 & 30	http://www.unhchr.ch/pdf/report.pdf	191
Declaration on the Elimination of Religious Intolerance, 1981	UN General Assembly Resolution	
OSCE Copenhagen Document, 1990	OSCE political declaration	

The Organisation for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities (HCNM) has prepared with experts a set of guidelines relating to key aspects of minorities' rights. Country recommendations by the HCNM are also available.

<http://www.osce.org/hcnm/documents/recommendations/>

- Lund Recommendations on public participation of minorities
- Oslo recommendations on linguistic rights of minorities
- Hague recommendations on education rights of minorities