



Organization for Security and Co-operation in Europe

High Commissioner on National Minorities

ADDRESS

address by
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to the
**Expert Consultation: Issues related to minorities
and the denial or deprivation of citizenship**

Opening Session

UN Headquarters, Geneva

Check Against Delivery

Geneva, Switzerland – 6 December 2007

Madam Chairperson,
Ladies and Gentlemen,

It is a great pleasure for me to join you today as you address the important topic of deprivation of citizenship and minorities rights. I would like to commend the UN Independent Expert on Minority Issues, Ms. Gay McDougall, for convening this consultation with experts from the world of international organizations, policy-making, civil society and academia to give due consideration to a challenge of this magnitude. Some studies estimate that **nine million people are being denied citizenship** around the world. These people are among the most vulnerable in any society and it is important that we join forces in seeking a solution.

Citizenship binds us together, it unites societies in the common goal of building a prosperous and democratic state and endows us with equal rights and responsibilities. Citizenship is often a gateway to justice, employment, housing, other public goods, and, generally speaking, success in life. It is therefore even more concerning that so many people are denied the key to this gateway on the basis of their race, colour, ethnicity or other personal characteristics beyond their control. Minorities are often the first to fall prey to this malpractice.

As the OSCE High Commissioner on National Minorities, I see the issue of **citizenship** through the lens of my conflict prevention mandate. Citizenship is without a doubt a most delicate question both legally and politically, in general terms and with regard to its denial or deprivation. The refusal to grant citizenship to a large number of titular residents may severely affect the balanced integration of all groups in a society. Thus, it may represent a security threat. Equally threatening is the practice of unilaterally granting citizenship en masse to persons of the same ethnicity living abroad, often in a neighbouring state; representing a ticking bomb undermining good neighbourly relations.

Citizenship has often been used as an **exclusive criterion** in order to deprive persons of their full enjoyment of fundamental human and minority rights. Lately, however, **there has been some reason for optimism**. In the OSCE area, a general improvement has been observed over the last decade as denial and deprivation of citizenship becomes a decreasing phenomenon. Nonetheless, much remains to be done in this respect and the issue continues to be extremely sensitive. My predecessors have worked exhaustively to help participating

States improve their citizenship legislation. The goal being to assist in a more balanced and successful integration of groups into their respective societies. Some remarkable results have been achieved in many countries. Against this background, I am currently preparing a set of thematic recommendations on the role of States in establishing and maintaining links with minorities abroad, including the question of the provision of citizenship and other benefits. I will be discussing these recommendations with a group of experts in the months to come.

This audience does not need to be reminded that international human rights law generally requires the **equal treatment of citizens and non-citizens**. Only a few exceptions to this general non-discriminatory principle are in line with international standards, and any exception must be narrowly constructed. This is the case, for example, with political participatory rights explicitly guaranteed to citizens, such as in the election of national parliaments or access to some political office.

In recent times, the **international community** has acknowledged that citizenship cannot be considered an exclusive criterion to determine the enjoyment of minority rights. Non-citizens cannot be excluded from the definition of minorities. All the most relevant international bodies are therefore encouraging States to consider the inclusion of non-citizens in the enjoyment of minority rights. Even though minority rights are in principle not related to citizenship, this does not mean that citizenship no longer has any relevance. On the contrary, a **differentiation** could and perhaps should be made. It has to be made in terms of enjoyment by non-citizens of the provisions afforded by minority rights, depending on the individual's factual and legal connection with the State and on the various categories of non-citizens: in the case of refugees for instance. Other factors play a role too, including the degree and forms of residency (temporary or permanent), social ties (command of the State language) and contribution to the public good (payment of taxes). Their relevance must therefore be considered separately using different benchmarks.

In other words, the fact that citizenship is no longer the only formal term of reference for the enjoyment of minority rights presents both a challenge and an opportunity for international bodies dealing with minority issues: a challenge, because it forces us to develop a more creative, less formalistic and ultimately more effective approach to the rights of persons belonging to minorities; an opportunity because it may prevent arbitrary policies of exclusion and therefore it can contribute to the improvement of security. The need for differentiation

and creativity means that integration policies can be applied to very different groups, ranging from persons belonging to national minorities to recently arrived immigrants. From my perspective, rather than engaging in controversial discussions on definitions of "who" is to be considered a "national minority", it is important to focus on the "how" of moving integration forward in order to help prevent conflicts within our societies.

Citizenship is no longer "the right to have rights". It does, however, still have an important function in determining the practical living condition and the degree of integration of many people. It still matters when it comes to the enjoyment of many fundamental minority rights. There is, in fact, a clear **gap** between the rights that international human rights law provides and the realities facing non-citizens in practice. This is supported by the experience of the HCNM in a number of OSCE participating States, where problems encountered by non-citizens, including stateless persons, persist. For this reason, there is a need for clear and comprehensive standards governing the rights of non-citizens, their implementation by States and an effective monitoring of compliance.

Madam Chairperson,
Ladies and Gentlemen,

The wind of change that gives 'non-citizens' hope in the OSCE region needs to prevail also in other corners of the world. I therefore particularly welcome your initiative, Ms. McDougall, and look forward to building on the close and co-operative relationship that already exists between the HCNM and the UN Independent Expert on Minority Issues in this and other areas. I am confident that we can and will make a difference – together.

Thank you for your attention.