

**SPEECH BY AMBASSADOR KNUT VOLLEBAEK, ICMP COMMISSIONER**

**CONFERENCE**  
**THE MISSING: AN AGENDA FOR THE FUTURE**

29<sup>th</sup> October – 1<sup>st</sup> November 2013  
The Hague, The Netherlands

Mr. Chairman, Excellencies, Ladies and Gentlemen,

As former OSCE High Commissioner on National Minorities, like my predecessors, I have taken a keen interest in the problem of missing persons for a long time and like them I am also proud to serve as a Commissioner with ICMP. It is, therefore, indeed a great pleasure for me to speak to you today and to deliver my first address in that capacity at such an outstanding occasion and especially on this last and important item on our conference program: the future.

ICMP's raison d'être is to serve as a functional element in state efforts to address missing persons issues where ICMP's support is needed. We are therefore mostly back-stage, so to speak, or a small wheel in larger processes and it is this larger, broader missing persons process that I would like to focus on.

Let me first say that there are great disparities between countries in how they address the issue. Some have recognized missing persons as a universally acknowledged issue that implies certain overarching principles, such as the right to know the truth, the right to justice and the right to an effective investigation. Others, although they recognize the issue, have not acted on it yet, or not sufficiently, and some have not yet adequately recognized this complex problem at all.

We do not propose a “one-size-fits-all” solution. Such an approach would not ensure the necessary political will and as a consequence will rarely bear fruit. On the other hand, we must recall that the issue is not only one of political will, but of rights. Where the lack of political will, or indeed ill will, is said to stifle progress, we need to look in the direction of rights and their realization in a given context. We must, therefore, look in the direction of court systems and democratic and rule-of-law institutions and ascertain their requirements to ensure that rights are realized. This will help us avoid proposing “one-size-fits-all” solutions that do not work.

Our discussion on an agenda for the future should embrace working with national democratic, rule of law institutions. As an international organization we cannot do the work for them, because the realization of citizens’ rights depends on actions by a state. However, we can assist states to take appropriate actions.

Where there is no - or inadequate - recognition of the issue, awareness must be raised often from the bottom up. We must look in the direction of the bearers of rights, first of all the families of the missing. This is not an easy task but it is one in which non-governmental organizations in particular have made great progress and accomplished great things, sometimes at great risk. For example, It often difficult for the families of the missing, who may fear reprisals, to report a missing person or to provide personal information to assist in searching for loved ones. This is particularly the case when there is criminal activity involved in the disappearance of a person—such as enforced disappearance, human trafficking, forced migration and drug related violence.

We may hope that in the future an ever better connected world will facilitate the raising of awareness on the issue. But that is not enough. Helping families to realize their rights is a more complex task. Where the issue is not adequately recognized by States and their institutions, we will

rarely find adequate domestic mechanisms that families can use to realize their rights. In such circumstances, we must turn our attention to international standards and internationally guaranteed rights.

I dare say that, today, the right to know the truth, the right to justice and the right to an effective investigation are guarantees that are expected of States. As part of our future agenda, we must make sure that these guarantees find the broadest possible acceptance. How will we do that? I believe this can be accomplished by listening better to those most affected, to the families of the missing. I shall give you some examples:

- I was surprised to learn, for instance, that when over 1,500 relatives of missing persons were asked whether they would provide personal data including genetic information for criminal prosecutions to the International Criminal Tribunal for the Former Yugoslavia (ICTY), the turn-out was 95% yes. I would conclude that being able to realize the right to justice is clearly expected - and should be respected;
- In a recent survey of a random sample of over 1,000 respondents across Bosnia and Herzegovina, 96% believed that the search for and identification of missing persons should be conducted without any regard to religious and national origin. I would conclude that exercising one's right to know the truth takes precedence over any narrow political agendas that could stand in the way of that right. Our future agenda should include mechanisms to learn at an early stage of the true expectations of how rights are to be realized;
- Also, although it did not surprise me, the same survey revealed that over 80% of respondents in the general population, and 73.5% of families of the missing; believe that "resolving the majority of missing persons' cases from the wars of the 1990s contributes to

the process of reconciliation.” To me this shows that there is a broad expectation that realizing the right to an effective investigation - one that will resolve the majority of missing persons cases - contributes to the larger good. Our future agenda should embrace this, notably through making effective investigations of missing persons cases not only more broadly available, but a more accessible, participatory and transparent resource.

I provide these examples, because they show that we can assess what is expected on the ground in a given scenario in terms of the realization of rights, in particular the rights of the families.

I would like to thank all of you again for a lively and fascinating discussion, which I sincerely hope will ensure that a modern, law –based approach will continue to be pursued in the future.