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TACKLING ONE OF THE WORLD'S MOST PRESSING CHALLENGES

By Knut Vollebæk

In Brussels this week (15 December) the Foreign Ministers of the United Kingdom, the Netherlands, Sweden, Belgium and Luxembourg signed a Framework Agreement that establishes the International Commission on Missing Persons (ICMP) as a treaty-based international organization in its own right with its own structure of governance and international capacities.

This may seem a matter of rather specialized interest but its importance goes well beyond diplomatic protocol, because this treaty reflects a new international consensus on how best to tackle one of the most pressing challenges facing the world today, and that is the epidemic of missing persons cases arising from conflict, crime, political repression, migration and natural disasters.

ICMP was established at the behest of US President Bill Clinton in 1996 to secure the cooperation of governments and other authorities in locating and identifying persons missing as a result of the conflicts in former Yugoslavia. It has been extraordinarily successful, leading an effort that has accounted for more than 27,000 of the 40,000 people who were reported missing at the end of the war.

In light of this success the countries that support ICMP agreed in 2003 to extend its mandate to cover missing persons cases beyond the Western Balkans and to respond to cases resulting from manmade and natural disasters as well as those arising from conflict.

Until now, however, ICMP's legal character has derived principally from the agreements it has negotiated with governments in the Western Balkans and with other organizations such as INTERPOL and the IOM. This week's treaty gives ICMP the necessary diplomatic and administrative tools to operate internationally with greater latitude and effectiveness.

This reflects an emerging international recognition of the scale and seriousness of the missing persons problem – and the urgent need to address this problem in a new way. Till recently there tended to be a view that cases of missing persons are an inevitable byproduct of war and disaster and that as such they can be dealt with through humanitarian and disaster-management strategies. However, this perception has been radically altered in the last two decades, as the missing persons problem – in every part of the world – has come to be viewed as systemic.

There is now widespread recognition that this is not first and foremost a humanitarian issue but a legal and political one. Today, states are expected to guarantee their citizens the right to know the truth, the right to justice and the right to an effective investigation in cases where individuals or large numbers of people go missing.

In Bosnia and Herzegovina this summer the presidents of Croatia, Serbia, Bosnia and Herzegovina and Montenegro signed a **Declaration that defines** the role of States in accounting for the missing from conflict and human rights abuses. This document, which was developed under ICMP auspices, highlights the primary responsibility of State authorities in addressing the issue of the missing, and it

stresses the need to ensure that mechanisms and methods employed conform to human rights standards and the rule of law. It seeks to ensure that the rights of family members of the missing are upheld, and that survivors and civil society alike have access to information and a proper investigation. And it seeks to ensure that past wrongs are addressed through accountable State institutions.

These basic principles are the foundation of ICMP's approach to addressing the global challenge of missing persons, and now that it has acquired a new and more robust international legal character, this organization, I am confident, will be able to bring its unique brand of expertise to bear on one of the 21st century's major global challenges.