

Research Report

Special Conference on Peace and Justice 2
Peace and Justice towards minorities

Ensuring Equal Treatment of Minority Groups
During and After Civil Conflict



MUNISH



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Forum	Special Conference 2: Peace and Justice For Minorities
Issue:	Ensuring Equal Treatment of Minority Groups During and After Civil Conflict
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Introduction

Minorities are widely considered the most vulnerable people of society; and in today's globalizing world, more and more minority groups can be found in every country. Minority rights, while precarious in most situations, are put under even more strain in the event of civil conflict. In many civil conflicts, minority groups find themselves at odds with other minority or majority groups in society. In other conflicts, minority groups are innocent bystanders that become targets and unfortunate victims.

Over the years, genocides and other mass killings of minority groups have taken place, and the United Nations (UN) and associated bodies have been, generally, ineffective in dealing with such situations. Taking hold of the idea that prevention is the best offense, ensuring equal treatment and equal rights for minorities are the prevention necessary to halt civil conflicts before they start.

The Rwandan genocide, while being perhaps the most shocking example of civil conflict between minorities, is just one of the many conflicts in society. From mass-scale killings in less economically developed countries to the disenfranchisement and isolation in more economically developed countries, minorities find themselves in need of protection from the United Nations.

Definition of Key Terms

Minority

A minority group is a population section with racial, religious, political, cultural or otherwise specialized persons existing as a smaller section within the larger population.



Examples include African Americans in the United States of America (USA), or Non-Han Chinese in the People's Republic of China (PRC)

Genocide

Genocide, according to the UN General Assembly Resolution 260A (III) Article 2: "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group;"

Minority Rights

Minority rights include the normal human rights applied to all individuals including but not limited to rights to life, rights to practice their religion, and the right to security. But it also includes rights for the collective group; such collective rights include the right to political representation.

Human Rights

Human rights are the universal, inalienable rights a person receives simply for the act of being human, as outlined by the UN Declaration of Human Rights.

Civil Conflict

Civil conflict includes tensions, fighting, unrest or violence between two civilian groups/individuals within a population. An example of this is fights that break out between Latina-American and African Americans in the United States, or tension between Moroccan-Dutch and Dutch in The Netherlands. However, most large civil conflicts entail civil war.

Civil War

Civil War occurs when two groups within a single state fight for total control of the country, independence of a region (then it is the region vs. the rest often), greater power, or political change. Civil wars are often waged between minorities versus a majority group.



Examples of Civil wars include the Nigerian-Biafra War (1969-1970), and the Syrian Conflict (2011-present).

Disenfranchisement

Disenfranchisement is when the vote of a people or person is made ineffectual by law or by implicit societal coercion.

Segregation

Segregation is the separation of people based on race, religion, wealth or other dividing social factors. This can be done by Law, for example via the Jim Crow Laws in segregated America in the 1950s, or implicitly such as the ethnically “pure” villages and towns in Kosovo.

Ethnicity

A categorization of a social group based on their common ancestry, homeland and language, with other similarities such as their foods, physical appearance and dress.

Universal Declaration of Human Rights (UNHR)

A document written and signed by the United Nations in 1948, outlining the basic human rights all countries must provide. The document passed with 48 in favor, 0 against and 8 abstentions. There are 30 articles in this document, each pertaining to a right or freedom. Many articles pertain to freedom of religion. In the most general sense, religion like race, and nationality, is not considered something by which a person can be judged (anti-discrimination).

Freedom of religion

According to the UNHR’s Article 18, freedom of religion means: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” This means that people are free to have a religion, practice it, change religion and gather to practice their religion.

Defamation

To defame is to insult, slander or otherwise offend a group/individual, often publically. To defame a religion means, for example, that you make a statement (verbally or otherwise) that gives a religion a bad connotation. A famous example of defamation was the *Jyllands-*

Posten Muhammad cartoons controversy, were a Danish newspaper published images that showed the prophet Mohamed with a bomb in his head.

Persecution

Persecution refers to a state when a person or group is systematically harassed, hunted, killed or otherwise disturbed by a force (e.g. a government, another religious group). Many religious groups often feel persecuted. A novel example of a group that was persecuted would be the Jews in World War II. Persecution due to religion is often used as a valid reason for a person to become an asylum seeker.

Self Determination

Self determination is the idea that any separate group or nation has the right to choose its own government without external pressure. This means that a group has a right to create its own government if so willing. This often implies that the group of people feel separate from the sovereign under which they reside.

September 11 bombings (911)

911 refers to the attempted bombing of the twin towers, the pentagon and the white house on September 11, 2001. The suicide bombings are said to be the work of Al Qaeda, an extremist Muslim group. The bombing were a catalyst for islamophobia in the west.

Protestants

Protestants are a group of Christians that, though in belief are similar to the Catholics, have slightly different fundamentals. The protestant religious groups are historically known to have been wildly persecuted in Western Europe (16th century Calvinists). Christians in general, all over the world have been highly persecuted, most often in Muslim countries where they are not readily accepted. Also in Nigeria there is proof of frequent clashes between the Muslim north and the protestant south; this has led to large amounts of bloodshed and anger. Protestantism is based on the idea of enjoying a fruitful life in which you worship God and honor man before dying and entering everlasting peace in heaven.

Buddhists

Buddhists are persecuted in many areas of the world. The most current examples include: persecution in South Korea by Christians where the Buddhists felt that they were treated less favorably than Christians as the president clearly showed support for Christians and attacks were made on Buddhist statues and temples that went unindicted. The Bamiyan Buddhas were destroyed by the Taliban in 2001; these statues were considered national

heritage sites. In Bangladesh persecution of Buddhist is wide spread as the government encourages “islamification”; Buddhists are often harassed and treated unfairly by the state. In India’s Kargil region, there has been pressure put on Kargil Buddhists to convert into Islam. In South Thailand insurgent groups have attacked the Buddhist population- killing, bombing and beheading locals in the largely Buddhist population. Buddhism is a religion based on coexistence with nature.

Hindus

Hindu’s have in the past been persecuted against by Islamic peoples for example the conflict between Muslims and Hindus in Southern India is a civil conflict, but also by Christians during the period in which they were imperialized. Hinduism is the world’s oldest religion, and the 3rd most predominant in the world. It is based on ideas of correct, conscientious living with nature according to the dictates of the gods.

Islam

Islam is a religion predominant in the Middle East. Muslims have faced heavy persecution in the past from Christians, the most historically notable being The Crusades. Islam is a relatively strict religion based on following certain rules and ideals for good living and reaping the benefits eternally in heaven.

General Overview

Ensuring minority rights is a delicate situation. Currently, there is no internationally accepted definition of “minority”. Minority groups tend to be the poorer, more isolated groups in society, which makes their marginalization easier. Most nations have various minorities, and deciding which minorities deserve specified attention is a delicate balance. For example, in the United States, while the battle rages on over whether the once enslaved black population deserves any kind of reparation, Native Americans have extensive and unique property rights of land and over their offspring. However in general, it is agreed that minorities must be assured five general rights:

- The right to life and security: this entails that minorities should not be killed or otherwise harmed within their state. They should not feel unsafe in their society and should be comfortable with their environment.
- The right to have and enjoy their cultural identity: this means that minorities should feel they are able to behave according to their own customs. This means that they

are able to practice their religion, celebrate their traditional holidays, or dress in their ethnic clothing without insult and harm. This, to some also means their cultural traditions should be exempted from defamation and forced assimilation.

- The right to live without discrimination: this generally means that these minorities should not be, in any way, handicapped by their ethnicity. If they should have equal opportunities in their society to achieve the highest standards that society has to offer. Minorities should be able to interact with the rest of society on an equal footing. Jobs, higher education and the like should be just as accessible to minority groups as to the rest of society.
- The right to political representation: political rights mean that minority citizens should have their citizenship recognized. They should be allowed have passports, vote, run for office, form a party and in other ways have their political voice recognized as a whole. Everything from peaceful protesting to political blogging should be allowed for these minority groups.
- The right to economic participation: this necessitates that the minority group be allowed to have jobs, start businesses and thrive economically. They should not be made dependent on the state or other parties and should be allowed to engage in free-market transaction of buy and selling all goods within the legal framework.

Religious Conflicts

Many conflicts stem from religious divisions. Religious minorities exist in every part of the world and the resulting civil conflicts are often deep rooted in society. These often historic strains make solutions scarce. For example, the succession of Pakistan from India had many religious tensions as a cause; these tensions were in existence for generations, and finding a resolution that didn't involve separation proved to be impossible. Another example is between the Sunni and the Shiite Muslim groups who find themselves at odds about the Islamic faith, tensions between these two groups are causing ongoing problems in various Islamic nations such as Iraq where the two groups are currently periodically attacking each other.

Often, a tradeoff has to be weighed between when freedom of religion clashes with other freedoms. For example, freedom of speech and expression would, in essence, allow for defamation of religion to a certain degree, but on another level, defaming a religion doesn't allow for as much religious freedom. For example the Islamic religion has been



defamed (and as therefore gotten a negative stigma) to such a degree that some practitioners of the religion feel threatened.

Racial conflicts

The other predominant cause of civil conflict has to do with race. The Rwandan genocide of approximately 800,000 Tutsis, the Guatemalan genocide of ethnic Mayans, the Nigerian-Biafra war between the ethnic Biafrans and the Hausa and Yoruba populations of Nigeria, all these are example of civil wars between ethnic groups. Many of these conflicts date back to the colonial days where the colonizers formed territories ignoring the historic cultural divisions between the people that were being put together under unified rule. These territories later became countries after World War II and they were given autonomy from the Colonizers. The Colonizers either put no one in charge, in which case ensuing governments tended to be either unstable because both sides would never agree. This weakness of government gave rise to conflicts to see which group could take power and the ensuing civil war gave rise to many autocratic governments. On the other hand, Colonizers could also give a single group the power, and the military equipment to keep control. This group was often a majority group that then had the power to oppress the minorities they had deep-rooted tensions with. The ensuing dictatorship would lead to civil wars in which the people tried to reclaim control. Either way, when government separate into ethnic factions, civil war often follows.

Ensuring rights of separate racial and cultural groups is often a difficult line to draw. Various problems can be found with any policy aimed at ensuring human rights

Affirmative Action Plans

Affirmative action plans, also known as positive discrimination, are systems in which race, religion, gender etc. are taken into account in education, political and economic situations and more. Examples of this are quotas that require that a percentage of an ethnic/religious group or a gender be in a certain positions. For example, the South African rugby team, in the shadow of Apartheid, must fill a certain quota of black players.

During a Civil Conflict

While a civil conflict, such as Civil War, is raging, ensuring human rights is very difficult. UN bodies can and do play an active role in discouraging, recording and accounting

for violations on human rights, though emphasis on minority rights is not always present. Within the warring state, the struggle is often involving the government, and if the government is violating minorities, it is difficult to force the government to discontinue without invading national sovereignty.

After Civil Conflicts

In the aftermath of civil conflicts, and ideally before they began, it is widely suggested that state have three basic structures

- Justice System to assure fair and just punishment against any and all bodies that violated their rights. This can occur in various ways from Truth and Reconciliation Courts in South Africa to Serbian's war criminals being extradited to the International Criminal Court (ICC).
- Education systems that focus on integration, encourage multiculturalism and give an unbiased teaching of history
- Reintegration programs for refugees and victims and public awareness programs encouraging an optimistic view on the future and remorse over the past.

Major Parties Involved and Their Views

Rwanda

The Rwandan genocide of 1994 is universally known for being one of the UN's greatest failures. 500,000-1 million members of the Tutsi minority group were killed by the Hutu majority after they took power in 1962 after centuries of being under Tutsi leadership. The massacre went unstopped by the UN, and left millions dead. Rwanda is often the prime example of long term, racial tensions brewing to a devastating end. Similar situations have been seen in Kosovo, Bosnia and more.

Sir Lanka

Civil War Fighting (1983-2009) between the Tamil Tigers a separatist movement aiming to split the Tamil people from the dominant Sinhala ended May 2009 with a Sinhala victory after the 25 year war. Unfortunately, in the aftermath life remains extremely difficult for the Tamil population who continue to flee Sir Lanka as they are still subject to militaristic rule,

have little or no right to political and economic participation and still, in many cases, feel persecuted.

Syria

The Syrian government is currently in battle with a rebel paramilitary aiming to overthrow the autocratic government. The Syrian government is currently run by Bashar al-Assad, who is a member of the minority Alawite population of Syria. Since the rule of Bashar al-Assad's father, Hafez al-Assad, Syria has been run by Alawite elite that have greatly benefited under the Syrian leadership. Around 74% of the Syrian population is Sunni.

European Union

The EU has a large population of Gypsy/Roma people who are maltreated in many European states, for example, France has recently been expelling Gypsies while Hungary has a strong anti-Roma front. Roma representation is miniscule in the EU parliament. In many European countries, the Roma people makeup the poorer parts of population that are greatly disenfranchised and ignored. Many have no legitimate citizenship. While the EU has taken some steps to remedy this, many feel it is not enough.

Turkey

Turkey has been at the center of various civil conflicts. The Armenian genocide is to this day, denied by the Turkish government. Also the Kurdish minority of Turkey was largely persecuted, and it remains punishable to speak Kurdish in the parliament. While Turkey largely presents itself as progressive, situations like this are often kept quiet and remain a depressing status quo.

China

The Chinese government has had control of Tibet for many years, since 1951, a question of Tibetan autonomy has led to what the 14th Dalai Lama as termed a "a calculated and systematic strategy aimed at the destruction of their national and cultural identities". The Chinese government has denied any form of brutality against Tibetans and their identity.

Useful United Nations Organizations

Inter-Agency Group on Minority Issues (IAGM)

International Labour Organization (ILO)

National human rights institution (NHRI)



Office for the Coordination of Humanitarian Affairs (OCHA)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

United Nations Conference on Trade and Development (UNCTAD)

United Nations Development Programme (UNDP)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Office of the United Nations High Commissioner for Refugees (UNHCR)

World Health Organization (WHO)

Amnesty International

Timeline of Events

Date	Description of event
1915-1928	Armeian Genocide
1927-1937	Chinese Civil War
1939-1945	Holocaust
1948	Israel becomes a State
1967-1970	Nigerian Civil War
1975-1979	Cambodian Genocide
1978-1986	Guatemalan Genocide against ethnic Mayan population
12/18/1992	Declaration of Rights of Minorities signed
2003-2010	Darfur Conflict
1999-present	Chinese government suppression of those practicing Falun Gong

UN involvement, Relevant Resolutions, Treaties and Events

The UN has a firm stance in being in favor of Minorities having the same rights as any and all citizens, particularly the rights to existence, identity, non-discrimination and economic and political participation. Nonetheless, the UN has great difficulty in effectively dealing with such problem, mainly because it is hard to gather proof of violation and because it is difficult to bring them to court as international law is either vague or absent when concerning this issue. The UN's response to humanitarian dilemmas is often longwinded as it must first pass through the Security Council (UNSC). There are few cases in which the UN can bring justice to minority groups before or during an act that violates their rights. After the fact, many war criminals are brought to the ICC. In milder cases of civil conflict, or in cases

where the proof is inconclusive, the UN is relatively ineffectual. The insurance of National Sovereignty intrinsic to the UN means that it cannot intrude on the actions of a government physically without the UNSC. 1992 the General Assembly adopted the United Nations Minorities Declaration by consensus, outlining its proposed rights.

- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, 18 December 1992 (**A/RES/47/135**)
- International Covenant on Civil and Political Rights, 23 March 1979 (**2200A (XXI) article 27**)
- International Covenant on Economic, Social and Cultural Rights, 3 January 1979, (**2200A (XXI), article 2**)
- SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: The right to the highest attainable standard of health, 11 August 2000 (**E/C.12/2000/4, article no.14**)
- International Convention on the Elimination of All Forms of Racial Discrimination, 4 January 1969, (**2106 (XX), article 1**)
- Convention on the Rights of the Child, 2 September 1990 (**A/RES/44/25, article 30**)
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005 (**A/RES/60/147**)

Evaluation of Previous Attempts to Resolve the Issue

While various declarations have all been made, no solid action as ever been taken on these, most tragedies were heavily condemned, but intervention based on violation of minority rights has yet to occur.



Possible Solutions

There are various situations that must be accounted for. Firstly, there must be a change in the attitude of minorities. Many minorities feel isolated from the societies they reside in; this causes them to willfully not participate in society, causing them to be even more alienated from the larger populous. Also, feeling generally dejected, many minorities do not seek integration in the form of social or economic interactions such as getting a job. This creates a cycle in which they are seen out poor, lazy social outcasts, and therefore they act as such. Secondly, the mindset of the majority must be altered. Minorities must be viewed as accepted parts of the society. In countries with a lot of immigrants, these immigrants must be seen as welcomed addition and a mindset of multiculturalism must be nurtured as it has both social and economic benefits. Thirdly, the law-making of the government must be checked, it must be in absolute accordance with relevant UN resolutions. Governments must be encouraged to make overtures of kindness and acceptance towards minorities, and must at times place their comfort over others due to the fact that being a minority means you have a lesser social voice (particularly in "majority rules" democracies), and this voice must be amplified by the state. Lastly, the United Nations must develop swifter, more effective system of dealing with minority rights violations. The UN must pay closer attention the abuse of minorities, have personal specified to this and design response systems to violations.

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Appendix

- I. http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf

