

15th Session of the United Nations Forum on Minority Issues
Item 2 | Review: Normative Frameworks and the Mainstreaming of the
Declaration in the UN

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1. Thank you, Mr Chairperson! Let me also thank Mr. Fernand de Varennes, Special Rapporteur on minority issues for inviting me as a speaker. Thanks also to the Secretariat for all the background work.

2. **In my presentation today**, I would like to focus on an important blind spot of contemporary minority rights discourse: socio-economic rights of minorities in relation to ‘economic progress’ and ‘development’. Civil and political rights predominantly occupy our attention – and, to some extent, rightly so. But it is important to understand the political economy of discrimination and violence.

Minority and majority groups, competing over resources and jobs, are not always inherently racists. We need to consider *material conditions* which encourage hatred and bigotry, and *political conditions* which enable discriminatory policies and practices. International legal mechanisms for minority protection should take seriously the political economy of minority oppression.

In this regard, let me shed light on a particular aspect of the UN Declaration on Minority Rights.

3. **Article 4, Clause 5 of the Declaration** stipulates that ‘States *should consider* appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.’

If we compare the language here with that of other provisions of the Declaration on state responsibilities, it demonstrates a gradual weakening of tone in state obligations when it comes to economic rights. The language moves from ‘shall take’ to ‘should take’ to ‘should consider taking’ appropriate measures.

4. **Article 5, Clause 1 of the Declaration** provides that the planning and implementation of national policies and programmes will consider the ‘legitimate’

interests of persons belonging to minorities. Ironically, 'legitimate' interests of minorities are frequently quashed by 'more legitimate' national interests. Developmental burdens are often imposed on politically marginalised communities and legitimised in the name of national economic growth and prosperity.

5. On the other hand, Article 5(2) calls upon development agencies, financial institutions, and others involved in international cooperation to plan and implement their programmes of cooperation and assistance in a way that pays attention to legitimate minority interests. The neoliberal economic agenda of these development actors generally acts as an important catalyst for land grabbing, forced displacement, and overall economic marginalisation of minorities, especially in postcolonial states.

While **Article 5(2)** of the Declaration makes sense in this context, to what extent the provision is likely to have any deterrence on powerful financial institutions and their neoliberal economic agenda is a different question.

6. Developmentalism: As the horrific experiences of numerous minorities and indigenous peoples tell us, they are routinely the foremost victims of development activities, even as various atrocities against minorities are justified in the name of economic growth. Here we are talking about the political ideology of developmentalism that is put in place to justify gross violations of human rights or even genocide against minorities. The recent persecution of Rohingya minorities in Myanmar would be a pertinent example here.

The formal merger in the 1980s of the development discourse with human rights, in the form of the right to development, put the liberal individual at the centre of the development discourse, while majoritarian elites continued to maintain the centrality of the national state. *In this dichotomy of the state and the individual, minorities and their life, culture, and livelihood are frequently sacrificed at the altar of economic growth.*

7. In the current era of neoliberal economy, the situation of minorities has only worsened. Development-induced persecutions of the minority cannot be fully addressed in isolation from the hegemonic neoliberal economic structure at the global scale. Gross violations of human rights and the destruction of life and nature take place in the name of market liberalisation, privatisation of lands, and the promotion of foreign direct investment.

This is a global phenomenon. Global actions and solidarity are required. It is also essential to problematise and challenge the dominant idea of 'development' as the ultimate end of human progress, to counterbalance its tendency to commodify, and to

expose its capacity to articulate state power in terms of economic growth rather than welfare.

(8) Climate Justice: Minority rights is also closely connected to the issue of climate justice. Minorities and indigenous peoples are the primary victims of damaging impacts of environmental catastrophe, emanating from reckless exploitation of natural resources often in minority areas. Normative frameworks for minority protection should, therefore, engage with and build on the legal architecture for climate justice as part of the UN mechanism.

As we mark the 30th anniversary of the Declaration, perhaps it is important to reflect on this and take concrete actions before it is too late.

Recommendations

(1) More rigorous legal norms must be devised on state responsibility and state accountability in the area of economic development affecting minority interests

(2) Building on Article 2(3) of the Declaration on Minorities dealing with the right to participate in decision-making processes, a more specific provision needs to be devised for meaningful participation in development decision making – both individual and collective capacities

(3) Normative frameworks for minority protection need to engage with and build on the legal architecture for climate justice as part of the UN mechanism.

(4) The minority question in postcolonial states is intrinsically connected to the decolonisation process and the creation of new states. Thus, special status of minorities (compared to other vulnerable social groups, which also experience discrimination on the ground of sex, age, disability, and so on), should be acknowledged in relevant international and national legal norms and their implementation.

(5) Constitutional recognition and protection of the minority identity and culture should be guaranteed to mitigate problems emanating from the hegemonic process of homogeneous nation-building in majoritarian terms.

(6) To ensure minority representation in political decision making, alternative methods of representation, such as consociationalism, should be considered beyond traditional democratic models.

(7) Country-specific legal frameworks should be developed to accommodate regional autonomy and other power-sharing arrangements to the advantage of minority groups.

(8) In devising minority protection norms and the implementation thereof, attention must be paid to intersectional perspectives. The perception of women as the biological carrier of the 'nation' makes them not only the target of majoritarian oppression but also the victims of human rights violations within the minority group. The masculine power structure embedded in social, economic, and political institutions needs to be addressed – at both local and international levels. It is also for this reason that the class character of minority discourse should be addressed. While minorities across the world share some common concerns, experiences of minorities in the Global North and the Global South are quite different.

(9) Minority issues should be given more prominence as part of the Universal Periodic Review process under the Human Rights Council. To that end, UN Declaration on Minorities needs to be mainstreamed within the UN Human Rights jurisprudence.

(10) Despite wide-ranging commonalities in the way violation of minority rights leads to conflicts, each case is also informed by unique political and economic histories of respective states. Thus, in dealing with minority issues, country-specific measures should be developed in collaboration with local stakeholders albeit within the broader international framework.

(11) And finally, it is time for a Minority Rights Treaty. The Treaty on its own will not solve all the problems overnight but it will surely pave new ways for a more robust system of accountability to the advantage of minorities.