

## **Minorities and Human Rights Problematics\***

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As non-expert on minorities, let me just take an overview by way of making observations and raising some basic issues that may be of relevance to our discussion here. As a concerned citizen deeply affected by everyday infringements on human life and dignity, both within and around one's own homeland, my focus would be oriented somewhat towards what has been going on in mainland Southeast Asia as part and parcel of the world's tropical resource-based regions. Hopefully this very aspect of geo-political reality would be somehow taken into account in any meaningful dialogues and public policy consideration on the rights of minorities. It significantly adds a new dimension to the problems at hand. Not only that we would be better informed, but also of even more importance it should help throw more light on our common task of searching for objective and creative solution. The term "homeland" is deliberately emphasized here just to remind ourselves of one most legitimate human need, both real and imagined, that underlie the minorities' hard and never-ending struggles around the world.

What needs first to be realized is the fact that the current problems of minorities started out along with the modern nation building in the Third World: Thailand, the new Siam, included. As we all know, it is all in the Westphalia-styled arrangement forcefully and arbitrarily imposed by the imperial West. There followed the regime of nation state, sovereignty, and the "mapping" of state boundaries. Historically, all this was instrumental in establishing peace and order in disorderly and anarchical Europe. But also significantly, it comes to serve as the sole criterion lawfully set for membership status in the so-called community of nations. It means that only the voice of entity as nation states could be effectively heard in all international dealings, such as in day-to-day activities under the current United Nations. In actuality, it is the exclusive voice of the powerful, and more often than not anathema to the minorities' rights to exert their self-identity and self-determination. This is indeed the crux of the whole matter, in spite of all the talk about democratic process. Indeed, in spite of all the international Declarations.

As has been observed nowadays, there is a kind of built-in exclusiveness and absolutism in the concept and practice of state sovereignty itself that needs to be looked into. While it has been serving the purpose of state security fairly well, perhaps all too well, it has obviously become one most serious threat to human rights and security. Minorities, among all other under-privileged peoples the world over, become the exclusive victims. In fact, quite a few of them could very well be qualified as nations in terms of size, number, and social and political structure. Of course, all this does not at all mean that the state of human rights fared any better in the pre-modern Third World. In mainland Southeast Asia, as elsewhere, there were plenty of wars of aggression and all kinds of oppression, and even subjugation. But then at the very least,

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the indigenous peoples and communities were allowed to look after themselves and thus enjoy a degree of traditional autonomy. That was how their self-identities and ethnicity were preserved in practically all aspects of life: religions, beliefs, cultures, languages, as well as traditional knowledge and creativity. This last but not least, traditional knowledge and creativity, has particular relevance to mainland Southeast Asia where a great number of natural resource rich communities, large and small, have per force been converted into “minorities”. More of this, to be later touched upon. In short, the principle and practice of exclusive state sovereignty itself turns out to be infringing upon human security and potential creativity.

It is precisely against this background of the current nation state regime that the phenomenon of minorities is being artificially created. It is merely man-made under a specific structure of power relationships that counts only the two levels of authoritative value: nation state and inter-nations community. And all this, with no due regard to the most basic social and political entities at the grassroots. That is why, under such domineering and oppressive structure, the number of minorities keeps on proliferating into quite a variety of forms and predicaments. This is well demonstrated, for example, in the case of those in the frontier areas between “Myanmar” and Thailand. Presumably, it is not much different elsewhere. The areas accommodate a good number of ethnic and tribal groups and communities, large and small, with socio-cultural identities and governing structures of their own independent of the others. A few like Shan, Kachin, and Chin, for instance, do have a high level of culture and governing structure as city state. As a matter of fact, all these “becoming minorities” have been struggling for centuries to preserve their identities and autonomy. And then suddenly under the newly-formed nation statism, there emerge new categories of minorities, lawfully dubbed “refugees” and “internally displaced peoples”, now numbering some 13 millions and 21.8 millions respectively all over the world, according to the U.S. Committee for Refugees’ Report. Of this, about 1 million within the nation state of Myanmar, and of course a good number unavoidably encroaching into the neighbouring Thailand.

All these phenomena have already been well known. It is the moot point as to how to deal with them. Sympathy and humanitarian aid abound and tirelessly keep on going. What is glaringly lacking is a kind of holistic outlook and understanding to get to the root cause of the whole problem: the absolutism to the extent of totalitarianism of the modern nation state. The point is, in terms of human rights and human dignity, the principle and practice of “sovereignty” should not be merely narrowed down within the confine of nation state. It is in a bad need to be liberalized, yielding a rightful space of sovereignty to human and social and cultural identities, be it his or her personhood, belief, religion, language, and community. As one young Thai scholar at Thammasat University, with his thoroughly intensive field research experience behind him, succinctly asserts, it is a matter of those unfortunate’s “sheer fact of living” as being distinct from a “form-of-life” as politically invented and imposed from above, the exclusive sovereign. One does not know if and to what extent, under the current power politics, this vital point of human rights perception and development could be taken up in the auspicious occasion of the UN reform currently going on now.

And finally, for all the variations of minorities’ circumstances and predicaments, practically all have one thing in common. Mention has been made earlier on concerning the tropical resource base of mainland Southeast Asia. And along with that, rich biological diversity

and indigenous knowledge and creativity. It is no secret that all this is the main target of acquisition and to be appropriated, by whatever means, through the process of globalization and free market expansionism. It is getting more and more intensive and extensive. So it is quite understandable as to the motivation and rationale in the hard and life and death struggles on the part of indigenous peoples. It is certainly not just for the sake of holding on to their homelands per se, but also with a view to freedom, quality of life, and sustainable future for themselves and their homeland. In fact, this side of the story has already been recognized and endorsed in a series of international instruments spelling out traditional resource rights of indigenous peoples that also include the clause on protection of minority culture and religious freedom. This again should be on the UN reform agenda in order to put the principle into actual practice. It is obviously one major task that would greatly help rectify the gross imbalances and injustice that have been left untouched for too long, at the expense of real human freedom and progress.

That explains why the civil society movements keep on growing to join in the common task of promoting community rights, a new dimension of rights and liberties peculiar to the tropical part of the world. The key is to facilitate the indigenous peoples' right of access to local resources, a new perspective of decentralization. And that would gradually cut across the conflicting claims on nature and humanity with a view to human freedom and sustainable development. One could even imagine progress towards a kind of re-localization and globalization from bottom-up, a force to be reckoned with. In the process, the nation state regime together with its outdated brand of sovereignty would of necessity be transformed into the one that is to be shared and positively exercised by all parties concerned and at all levels of human society.

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