The Responsibility to Protect Minorities

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Responsibility to Protect (R2P) is a new international security and human rights norm to address the international community’s failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity.
Recognizing the failure to adequately respond to the most heinous crimes known to humankind, world leaders made a historic commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity at the United Nations (UN) 2005 World Summit.

This commitment, entitled the Responsibility to Protect, stipulates that:

• The State carries the primary responsibility for the protection of populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

• The international community has a responsibility to assist States in fulfilling this responsibility.

• The international community should use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. If a State fails to protect its populations or is in fact the perpetrator of crimes, the international community must be prepared to take stronger measures, including the collective use of force through the UN Security Council.
• States have a responsibility to protect all people at the risk from atrocities living on their territories – be they citizens or non-citizens, indigenous people, majorities or minorities.

• Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means.

• The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
Sometimes states may be too weak to protect all people. Or they may act in a way that endangers part of the population, for example persons belonging to a national minority.

*What happens when states do not fulfill their responsibility to protect their citizens?*
History shows that repeated discrimination against minorities and oppression of cultural, linguistic and other rights can lead to inter-ethnic tensions, violence and atrocities. The worst-case scenario involves genocide, ethnic cleaning, crimes against humanity or war crimes.
If states abrogate their responsibility to protect, others must act to prevent atrocities, either by providing assistance and building capacity or through a timely and decisive response.
Who can intervene, and how?

Surely a state in which a large percentage of the population shares the same ethnicity or culture of the group under threat would have a strong interest in defending “its kin”.

• The terms ‘kin-minority’ and ‘kin-state’ are novel. They were introduced by the Venice Commission in ‘Report on the Preferential Treatment of National Minorities by Their Kin-State’ (October 2001).

• Kin-states claim a duty to protect their co-nationals who are citizens of a third country.

• Some of the beneficiaries of the kin-state politics live in border regions.
National minorities have a right to protect and promote their identity, and it is the obligation of the state in which they live to defend that right.

However, neighbouring or nearby states may have strong ethnic, cultural, religious or linguistic links to the minority population, and a legitimate interest in its protection.

Such “kin-states” may be well placed to offer advice or assistance to improve the protection of related minorities abroad.

Kin-states may also be directly affected if a state is failing to protect minorities, for example through strong public opinion advocating intervention to protect the kin abroad or through an influx of refugees.
History shows that the intervention of a so-called “kin-state” or “motherland” to defend a threatened minority in a neighboring state can increase rather than defuse conflict.

Instead of helping find a solution, the interested party exacerbates the problem.

*But if it does not act, who will?*
For the wider international community, efforts to improve minority protection by building domestic state capacity are the primary means to implement R2P in this context.

International and regional organizations must also strengthen the tools and political will to implement timely and decisive collective responses when states are manifestly failing to protect their citizens.
How can the protection of national minorities be strengthened (internally) to prevent inter-ethnic conflict, and, if that is insufficient, what are the possibilities and limitations of “kin-states” in defending the interests of people sharing cultural, linguistic, ethnic or historic bonds in a way that does not provoke bilateral or regional tensions?
It is vital to protect national minorities. But history shows us that when states take unilateral steps to protect ‘their kin’ outside their borders, there is a risk of tension.
• Hitler invoked the concept of Schutzmacht as an ethnically based “right” of Nazi Germany to protect “its” kin in Poland and Czechoslovakia.
• India and Pakistan have fought wars in Kashmir in defence of their respective kin.
• Wars in the Balkans demonstrated what happens, both when minority protection fails and when kinship ties lead to inter-state conflict.
• Russia’s relations with Russophones in its “near abroad”, particularly the Baltic states and the Caucasus, highlight the potential for tensions.
• Hungary’s attempts to strengthen ties with Hungarians abroad also highlight the potential for tensions.
• Kosovo’s future will hinge on the relationship between Kosovo’s Serbian community and its links with Serbia.
• China’s treatment of national minorities and its policies towards Tibet and Taiwan demonstrate the complexities of internal and external R2P.
• Failure to protect minorities has led to atrocities in Africa, tensions in the Middle East and border conflicts in South America.
There is a clear need to ensure that the interest of the kin-state in protecting minorities abroad is pursued through constructive engagement rather than unilateral interference.

- The kin-state’s interest can be utilized as means to stimulate efforts to improve the general level of minority protection. Kin-state support should be offered only with the full cooperation and consent of the host-state in which the minority resides, to avoid escalating tensions.
Although the world can not stand by when the minority rights are being violated, neither can the protection of national minorities be used by kin-states as an excuse to violate state sovereignty.

Today the responsibility for minority protection lies primary with their state of residence. If state fails to fulfil its responsibility, whether it is unable or unwilling, the subsidiary responsibility shifts to the international community as a whole, not to the kin-state in particular.

International and regional organizations must also strengthen the tools and political will to implement timely and decisive collective responses when states are manifestly failing to protect minorities.
Effectively mobilizing international efforts requires accurate risk assessment and early warning for minority-related conflicts. Both bilateral and multilateral mechanisms for minority protection must focus on specific, practical difficulties and solutions, such as minority languages and representation in public institutions.
Useful links

- http://www.responsibilitytoprotect.org
- http://endgenocide.org/learn/responsibility-to-protect/
- http://www.globalr2p.org/about_r2p
- http://www.yale.edu/polisci/conferences/sovereignty/mserran.pdf