

Racial and Ethnic Human Rights Issues

By Megan Niemczyk, UNC-CH

Welcome to this UNA-NC conference panel on Racial and Ethnic Human Rights Issues... This panel includes: David P. Forsythe, Richard Butler and Kay Reibold, moderated by Mickey East. The focus is on the critical role of racial and ethnic issues to the development of global human rights; the difficult issues *after* such abuses have occurred such as in Yugoslavia; and the effects of such situations locally and the Vietnamese Montagnards in North Carolina.

Progress in Human Rights ... and Endangered Today

As Forsythe (2006) has written “During the half-century after the Second World War, truly revolutionary developments occurred in the legal theory and diplomatic practice of internationally recognized human rights.” (p.4)

Yet he continues, despite that these positive things “the 20th century, with its records of mass murder and mass misery, was plainly not a good era for the practice of liberal values....” (p.5)

Differences between race and ethnicity: Race is rooted in biological characteristics. Ethnicity is more rooted in culture. Historically, there has been no hard science to the concept of race. During the era of slavery in the U.S., there was the “one-drop rule” which defined anyone as black regardless of appearance once there was proof of any African ancestry demonstrating that race can be a social construct. Race is often a party of ethnicity. Nevertheless, there is a clear difference between the two. Members of an ethnic group claim their ethnicity based on many factors other than or in addition to race, such as a common sharing of language, history, religion, nationality and family.

MAJOR UN CONVENTIONS AND DECLARATIONS REFERRING TO RACIAL EQUALITY:

1948-1963	1965-1966	1978-1983	1989-Present
<p>1948: The Universal Declaration of Human Rights</p> <p>1951: Convention Relating to the Status of Refugees</p> <p>1960: UNESCO’s Convention against Discrimination in Education</p> <p>1963: United Nations Declaration on the Elimination of All Forms of Racial Discrimination</p>	<p>1965: International Convention on the Elimination of All Forms of Racial Discrimination</p> <p>1966: 21 March designated as International Day for the Elimination of Racial Discrimination</p> <p>1966: International Covenant on Civil and Political Rights</p>	<p>1978: First World Conference to Combat Racism and Racial Discrimination in Geneva, Switzerland</p> <p>UNESCO’s Declaration on Race and Racial Prejudice</p> <p>1983: Second World Conference to Combat Racism and Racial Discrimination, Geneva</p>	<p>1989: Convention on the Rights of the Child</p> <p>2001: World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Durban, S. Africa</p> <p>2001: International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance</p>

CENTRALITY OF RACIAL, ETHNIC ISSUES TO HUMAN RIGHTS

Racial and ethnic rights have been one of the most significant areas in the development of human rights. Historically, the concept of slavery, especially black slavery, has been an issue that people and nations around the globe were able to unify against. The world was horrified by the Holocaust. And in the post World War II era, South African apartheid also was a focal point of human rights.

After the end of the Cold War, racial and ethnic rights abuses have increased around the globe, eg., Bosnia, Chechnya, Darfur, to name a few.

“Racist practices hurt their victims, but they also limit the promise of entire societies where they are tolerated. They prevent individuals from realizing their potential and stop them from contributing fully to national progress.”

– **Ban Ki Moon,**
United Nations Secretary General

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

In 1966, the United Nations General Assembly declared 21 March the International Day for the Elimination of Racial Discrimination. This declaration came as a reaction to 21 March 1960 where sixty-nine people were killed at a demonstration against apartheid in South Africa.

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FOR FURTHER INFORMATION

International Day for the Elimination of Racial Discrimination:
<http://www.un.org/depts/dhl/racial/>

International Center for Transnational Justice:
<http://www.ictj.org/en/index.html>

Minnesota Advocates for Human Rights:
<http://www.mnadvocates.org/>

INCIDENTS OF RACIAL RIGHTS VIOLATIONS

1904: Genocide of Namibia

Germany colonized Namibia for her mining capabilities in the 1880s. Approximately 65,000 Herero died while fighting for freedom.

1915: Genocide of Armenia

The Young Turks are responsible for the attempted eradication of Armenians. It is approximated that around one million died. To this day, Turkey does not acknowledge genocide.

1932: Genocide of Ukraine

While trying to acquire Ukraine, the USSR attempted to lessen her nationalism. In the process, the Soviets enforced a manmade famine through increased grain demand output. Estimates put the death toll around 7 million.

1948: Beginning of Apartheid Law in South Africa

The Apartheid Laws enforced segregation of races through the power of whites. Laws included, but were not limited to, prohibition of interracial marriage, a national registry of the races, and limited the requirements for residency in towns.

1994: Genocide of Rwanda

The Hutus came into power in 1960 following decolonization. After an agreement to share power within the government among the Hutus and Tutsi, Hutu extremists prepared to cleanse Rwanda of Tutsi in 1994. At least 500,000 Tutsi and moderate Hutus were killed in 100 days.

Dealing with Human Rights Abuses

BACKGROUND

Evolving Transitional Justice

What to do *after* human rights abuses? War crimes trials of the vanquished occurred after World War II. But afterwards, there were few other trials. Nations were not willing to cede this authority lightly. It was only in response to the atrocities of the Bosnian War that another major step forward was taken, establishing the ICTY in 1993.

Background of Bosnian War

This was a conflict involving the Serbs, the dominant faction in former Yugoslavia, attempting to retrain control and influence in regions seeking independence, especially in Bosnia. The Serbs undertook “ethnic cleansing,” later considered genocide. French and Dutch forces were sent to protect a UN safe zone in Srebrenica; they were unable to repel a Serb attack led by Ratko Mladic, where some 8,000 men and boys were separated out and massacred. NATO entered Bosnia shortly thereafter.

The ICTY has dealt with the aftermath of this conflict since. Serbian President Slobodan Milosevic was indicted in 2001, but he died before his trial could be completed. Others are indicted, and several are still at large.

INTERNATIONAL COURTS AND TRIBUNALS:

ICTY- International Criminal Tribunal for former Yugoslavia was established 25 May 1993 to deal with the abuses during the Bosnian War

ICTR- International Criminal Tribunal for Rwanda was formed on 8 November 1994 in reaction to the genocide of 1994.

The Truth and Reconciliation Commission- South Africa used T&R Commission to encourage the healing process following the abuses of Apartheid. Victims earned the right to tell their stories and perpetrators were offered amnesty for admission of guilt in human rights violations. Not all perpetrators received amnesty for their crimes. 14 Other nations since have taken up this system to begin a reconciliation process.

ICC- Formed in 2002, the International Criminal Court tries individuals on war crimes, crimes against humanity and genocide with retroactive jurisdiction dating to 2002. The US is not a member of the court due to fears of politically driven cases.

EVENTS LEADING UP TO THE FORMATION OF THE ICTY

- 1992 The Bosnian War began. In June, the UN’s mandate was extended to Bosnia and Herzegovina.
- 1993 On 25 May, UN Security Council Res. 827 established the ICTY. Crimes can be tried dating back to 1991.
- 1995 Bosnian Serbs surrounded Srebrenica. They separated an estimated 8,000 men and boys and killed them.

The Dayton Accords
- 1999 On 24 March, NATO began the bombing campaign on Kosovo under the slogan, “*Serbs out, peacekeepers in, refugees back.*”
- 2009 As a goal, the ICTY will finish up all trials with completion of appeals in 2010.

DEVELOPMENTS WITHIN THE ICTY

- 1995 Radovan Karadzic and Ratko Mladic are indicted on 25 July. Both currently remain at large with a reward of \$5 million for their arrest.
- 1999 On 24 May, Slobodan Milosevic receives his initial indictment regarding Kosovo.
- 2001 Milosevic arrives in The Hague, The Netherlands. His trial was never completed due to his death in 2006.

“In general terms, notions like justice and truth are simply said and understood, but they are not easily achieved in practice and to everyone's satisfaction.”

- ICTY Chief Prosecutor Carla Del Ponte

Richard Butler currently works for Department of Homeland Security. As a former criminal analyst, Mr. Butler worked for the International Criminal Tribunal for Former Yugoslavia.

MONTAGNARD TIMELINE

- 1848:** French missionaries name the highlanders “Montagnard.”
- 1945:** Thousands of Montagnards fought beside the French in the Indochina War.
- 1946:** On 27 May the Montagnards receive autonomy, which proves to be temporary.
- 1950:** France places the Montagnard territory under Emperor Bao Dai to help assist in governance.
- 1954:** The Indochina War ends. The Montagnards suddenly became citizens of South Vietnam.
- 1955:** Ho Chi Minh offered the promise of autonomy with the fall of South Vietnam and recruited Montagnards for exploitation.
- 1958:** President Diem crushed the BAJARAKA, a movement for self governance thru force

Vietnam’s Montagnards in North Carolina

WHO ARE THE MONTAGNARDS?

The Montagnards are an ethnic minority from the highlands of Vietnam. They descended from the Malayo-Polynesian and Mon-Khmer people. Prior to the arrival of the French in 1848, the Montagnards lived autonomously maintaining their culture and traditions. The Indochina and Vietnam Wars have devastated eighty-five percent of their villages and killed nearly one million Montagnards, destroying over a dozen tribes. Oppression of the Montagnards includes, but is not limited to, banning the native language in schools, confiscation of land, and suppression of culture, including religion.

RECENT PROTESTS

On 2 February 2001 over thirty thousand Montagnards held a peaceful protest against the Hanoi regime. The protest was quickly crushed by the military with hundreds killed. They called for the right to life, culture, religion and their land. In April of 2004, an estimated 2,000 died due to stabbings, shootings and beatings at a protest. Targets of arrests typically consisted of religious figures and political leaders. Little is known in the incarceration of those arrested. Some estimated that many were jailed up to 16 years. Currently the population is estimated at 750,000 compared to that in 1975 of 1.6 million Montagnards.

In 1975, the Vietnamese Minister for Ethnic Minority Development met with the assistant to the U.S. Ambassador regarding concern over genocide. A request for the protection of Montagnard leaders was denied.

Ms. Kay Reibold represents the Montagnard Human Rights Organization based in Raleigh, North Carolina.

(Timeline continued)

- 1961:** The US fought alongside the Montagnard troops when supporting South Vietnam in the Vietnam War. The Americans left in 1972.
- 1967:** North Vietnam killed 300 refugees by flame throwers.
- 1968:** Montagnard villages were used as shields for the Viet Cong.
- 1972:** Over 250,000 Montagnards died due to the war.
- 1975:** North Vietnam took over South Vietnam and began persecuting the Montagnards.
- 1986:** The US receives its first refugees. All 212 settled in NC. Another 417 immigrated to NC in 1992.
- 2001-04:** Peaceful protests were held calling for sovereignty. Hanoi crushed the protests with 2,000 now missing, hundreds killed and arrested.