

## **Minority policies in the Muslim world**

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**Abstract:** The Muslim world hosts a wide diversity of minority groups in terms of ethnicity, religion, language and culture. The minority diversity in some countries is overwhelming compared to others. Such diversities have put the countries in difficult position for national unification in the nation-building process. This article examines the minority policies of the Muslim countries in the context of majority syndrome. The minority policy is looked at from the perspective of government attitude towards four major international conventions in terms of ratification and accession. It argues that higher the ratification rate, fairer the minority policy of a country. The study found that the Muslim countries have mostly either ratified or accessed to three out of four conventions. In terms of inter-regional trend, the African, South and Southeast Asian and Central Asian countries are mostly comfortable with all the conventions. The Arab countries, however, show most irregular pattern.

**Keywords:** Minority, Minority rights, Minority policy, Muslim world.

### **Introduction**

Minority policies are sensitive issues in contemporary politics of nation-building. It involves not only national political identity building but also affects international relations. Minority policies and politics include sensitivities to sub-national ethnic, linguistic, religious, and cultural and human rights that are universally recognized through various international conventions. Therefore, various connotations about minorities have significance in legal, economic, social, and cultural interpretations. However, minority groups in different states are subject to plethora of societal, political, and economic factors that prevent their inherent rights leading to voicing out their grievances in organised and occasionally in violent manners. The modern concept of nation-state has augmented the issue of minority rights. Therefore, serious intellectual endeavors have been made to theorize minority issues and rights, while in practice states have followed different patterns of political responses to the issue. The political, religious, cultural and economic equalities and freedoms of minorities in the world constitute the core analytical elements in serious scholarship of the day.

The Muslim world is not a monolith, even though it denotes homogenous identification from religious perspective. It includes 48 states (defined as having at least

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51 percent Muslim majority) spread across Asia, Africa and the European continents. As diverse geographically, these states are extremely diverse ethnically, linguistically, and culturally as well as in terms of political system, regime type, and level of economic development. As most of these states are multiethnic in composition, they face myriad of problems in their quest for national identity formation. As such they have different minority policies peculiar to their respective historical and regional characteristics.

This paper looks at the pattern of government attitude towards the minority issue in the Muslim world. It adopts a legalistic approach by focusing on the formal-institutional commitment to international treaties and conventions related to minorities. However, there is no specific international regime governing the status of minorities, therefore, most of the articles and rules that directly address the minorities' status are part of larger political, economic or human rights conventions. To examine national minorities and determine the overall government policies in the Muslim World towards minorities, this study looks at the level of commitments in ratifying the provisions of four conventions, namely: (1) International Covenant on the Civil and Political Rights (ICCPR); (2) International Covenant on the Economic, Social, and Cultural Rights (ICESCR); (3) International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD); and (4) International Covenant on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

Lacking formal instrument to measure the level of political participation in all states in the Muslim World, this study analyses the formal covenants and conventions to find out different approaches used by states towards minorities. Certainly, apart from government attitude towards these conventions, practical policies towards minorities might be different on the ground. So it may not be necessary that ratification of convention automatically translate into fair minority policy in practice. From the aggressive policies of assimilation to flexible policies of accommodation can be a good measurement to assess the reflections of governmental commitments to provisions relevant to minorities. These assimilation and accommodation are parts of a larger minority theory which is called multiculturalism.

### **Conceptualizing minority**

There is no consensus among scholars on the meaning of the concept of minority. Minorities are mostly understood as groups living in a country that have common ethno-linguistic and religio-cultural characteristics, are small in size but maintain high level of solidarity as a distinct community. The often cited Francesco Capotorti definition (Wheatley, 2005: 20) of minority states:

A group numerically smaller to the rest of the population of the State, in a non-dominant position, whose members – being nationals of the States – possess ethnic, religious or linguistic characteristics differing from those

of the rest of the population and show, if only implicitly, a sense of solidarity, directed toward preserving their culture, traditions, religion or language.

Others define minorities primarily as cultural, religious and linguistic groups that are politically and economically disadvantaged in many instances. This paper defines minority by considering two elements: ethnic and religious identities.

### **Minority Rights in International Law**

States accept or reject international conventions based on their national interests and incentives for implementation. Lacking international mechanisms to compel states to abide by the conventions, states infringe the rights of minorities in many ways. In the process of nation building, states have used various methods of redefining and changing the political subunits to prevent minorities from becoming majorities in any of the subunits. This process explains constitutional constraints on the use of minorities' language in formal institutions (Wheatley, 2005).

The Universal Declaration on Human Rights was given legal force in the ICCPR, and ICESCR adopted by the General Assembly in 1966. The ICCPR provides for equality before the law and prohibits discriminations on any ground. More specifically, article 15 recognises the right of everyone "to take part in cultural life" Some experts of international law, such as Roger O'Keefe (2013), argued that under this article State parties are required to take measures to preserve and foster minority and indigenous culture. Article 27 of the ICCPR assures the principle of social, cultural and linguistic freedom for minorities. It states that "persons belong to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Specific mechanism for the protection of minorities is at the levels of UN Declaration. On December 1992, the UN General Assembly, adopted, by consensus, a *Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities*. This Declaration was inspired by the Article 27 of the ICCPR thus specifying the obligation of a state to ensure the right of minorities to exercise their human rights and fundamental freedoms without discrimination and in full equality before the law.

Due to the sensitivities of the ethnic politics in many countries in the Muslim world, the minority issue transforms into the debate of national survival and strategic interest to maintain stability and security of the states. Such patterns are explicit in the cases of Turkey, Iran, Malaysia, Indonesia, and the Gulf States as well. Therefore, a clear policy toward minorities rarely exists in the shadow of nationalistic bargaining and national integration. Similarly, major powers do not express readiness to promote the agenda of the minorities' human rights for economic and political reasons at stake. The US serves as

a good example for inconsistencies, in its commitments to democracy and human rights. Its outright rejection of the democratic election in Gaza in 2006 and the use of torture in interrogation of persons suspected of terrorism plotting set the stage of aggressive diplomacy and unilateralism. The role of the US and the EU is important one to the extent that they shape political events in the Muslim World. A large number of the Muslim-majority countries belong to less developed part of the world. The foreign and economic policies of Europe and the United States have significant influence and impact on the developments in these countries which might propel to adopt repressive minority policies.

### **Mechanisms of multiculturalism**

The need for minority rights is grounded on the danger of extremist policies towards identity construction. These policies include extreme leftist strategies of genocide such as the Nazi German practice during the Second World War and in Rwanda in 1994, and ethnic cleansing that took place in Albania and Bosnia in the early 1990s. The other extreme policy can be the recognition of complete political separation of minority groups such as the separation of the Republic of South Sudan in 2011. However, the danger of such extreme rightist policy risks every state of its territorial integrity and national security constantly.

Multiculturalism theory suggests a middle ground between these two policies outlining four possibilities: *Assimilation*, *integration*, *accommodation* and *ethno-federalism* (Kymlicka, 1995). *Assimilation* refers to the government policy to force the minority groups to merge with the majority's particularistic characteristics by abandoning their own. This policy supports the existence of the minority groups physically but strips them off their particularistic attributes. The Canadian and Australian practices in the past towards the aboriginal children are examples of such policy.

The *integration* mechanism involves mutual compromises on either side of majority and minority groups in a state where both recognise each other's privileges and existence. Under such mechanism, the minority accepts the status quo of structural advantages and disadvantages of both the groups, while the majority recognises and tolerates the minority's right to practice and maintain its cultural rights. This policy is exemplified by Malaysia where the Chinese and Indian minority communities enjoy their cultural-linguistic privileges to the extent of running their own schools in native languages, while the majority Malays enjoys greater political power.

The third mechanism is known as *accommodation* which confers a higher degree of cultural rights on the minority. This mechanism ensures institutionalised rights and privileges reserved for members of minority groups such as special treatment in hiring, quotas for certain government positions and preference to minority members. An example of this mechanism is the affirmative action policies practiced in the United States of America, and a much more "pillared society" approach or consociationalism practiced in

the Netherlands. The fourth mechanism is the *ethno-federalism* policy that offers the highest degree of accommodation. It offers the minority groups under delegative scheme of power sharing territorial autonomy with “self-government rights”. However, such a mechanism requires a sizable number of minority population concentrated in a particular area distinguishable from the rest. The Belgian, Canadian and the autonomous regions of China are examples of ethno-federalism.

### Minority policy in the Muslim world

To avoid legal discussion about universality of certain principles, this analysis adheres to the most basic norms that are internationally viewed as just. These include minimum political representation, equality before the law, and inclusive government policies towards minorities. Further, the geographical area that has been analyzed covers various political systems and different social structures in the Muslim World. Therefore, analysis has to be within basic units of commonly accepted principles of justice and human rights. The Muslim world includes traditional monarchies, young democracies including countries on the path to democratic transition and free market economies thus making it politically heterogeneous and complex. Table 1 gives a general overview of the majority-minority composition in 48 Muslim countries. It shows that nine countries have minority groups ranging between 30-50 per cent of the total population; six countries between 20-29 per cent; and 11 countries between 10-19 per cent. On the other hand, in terms of number of various minorities most of the countries have wide mixture. At least 15 countries have more than ten prominent minority groups each apart from other small minorities, and 14 countries have at least five prominent minority groups each. These facts are indicative of a high and complex mixture of population in the Muslim countries.

**Table 1: Minorities in the Muslim world**

	Countries	Majority Muslim %	Minority Groups %	Number of Prominent Minorities	Main Ethnic/religious divisions of Minorities
1	Afghanistan	99	1	5-10	Shia, Pashtun, Hazara, Uzbek, Aimak, Turkmen, Baloch, Hindu, Sikh, Buddhists, others.
2	Albania	70	30	2	Orthodox, roman catholic, Greek 3%, other 2% (Vlach, Roma (Gypsy), Serb, Macedonian, Bulgarian
3	Algeria	99	1	1	Barbar
4	Azerbaijan	93	7	2	Russian, Armenian
5	Bangladesh	89.5	10.5	10	Hindu, Tribal, Christian,

	Countries	Majority Muslim %	Minority Groups %	Number of Prominent Minorities	Main Ethnic/religious divisions of Minorities
					Buddhists
6	Bahrain	81.2	18.8	4	Iranian, South Asian, African
7	Brunei	67	23	2	Chinese 11.2%, indigenous 3.4%, other 19.1%
8	Burkina Faso	60.5	39.5	10	Mossi over 40%, other approximately 60% (includes Gurunsi, Senufo, Lobi, Bobo, Mande, and Fulani)
9	Chad	53.1	46.9	15	Sara 27.7%, Arab 12.3%, Mayo-Kebbi 11.5%, Kanem-Bornou 9%, Ouaddai 8.7%, Hadjarai 6.7%, Tandjile 6.5%, Gorane 6.3%, Fitri-Batha 4.7%, other 6.4%, unknown 0.3%
10	Comoros	95	5	4	Cafre, Makoa, Oimatsaha, Sakalava
11	Djibouti	94	6	5	Afar, French, Arab, Ethiopian, Italian
12	Egypt	90	10	4	Coptic Orthodox, Catholic, Maronite
13	Eretria	51	49	4	Tigre 30%, Saho 4%, Christian
14	Gambia, The	90	10	4	Fula 18%, Wolof 16%, Jola 10%, Serahuli 9%
15	Guinea	85	15	10	Peuhl 40%, Malinke 30%, Soussou 20%, others 10%
16	Guinea Bissau	50	50	5	Balanta 30%, Fula 20%, Manjaca 14%, Mandinga 13%, Papel 7%
17	Indonesia	86.1	13.9	20	Sundanese 15%, Madurese 3.3%, Minangkabau 2.7%, Betawi 2.4%, Bugis 2.4%, Banten 2%, Banjar 1.7%, other or unspecified 29.9%
18	Iran	98	2	10	Azeri 16%, Kurd 10%, Lur 6%, Baloch 2%, Arab 2%, Turkmen and Turkic tribes 2%, other 1%

	<b>Countries</b>	<b>Majority Muslim %</b>	<b>Minority Groups %</b>	<b>Number of Prominent Minorities</b>	<b>Main Ethnic/religious divisions of Minorities</b>
19	Iraq	97	3	5	Kurdish 15%-20%, Turkoman, Assyrian, or other 5%
20	Jordan	92	8	5	Shia, Circassian 1%, Armenian 1%
21	Kazakhstan	53	47	10	Russian 23.7%, Uzbek 2.8%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.5%
22	Kuwait	85	15	5	South Asian 9%, Iranian 4%, other 7%
23	Kyrgyzstan	75	25	2	Uzbek 13.8%, Russian 12.5%
24	Lebanon	59.7	40.3	5	Christian, Jews, Armenian 4%, other 1%
25	Libya	97	3	10	Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians,
26	Malaysia	60.4	39.6	5	Chinese 23.7%, indigenous 11%, Indian 7.1%, others 7.8%
27	Maldives	100	0	0	0
28	Mali	90	10	10	Peul 17%, Voltaic 12%, Songhai 6%, Tuareg and Moor 10%, other 5%
29	Mauritania	100		4	Moor 30%, black 30%
30	Morocco	99	1	3	Berber
31	Niger	80	20	10	Djerma Sonrai 21%, Tuareg 9.3%, Peuhl 8.5%, Kanouri Manga 4.7%, other 1.2%
32	Nigeria	50	40	10	Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%
33	Oman	75	25	2	South Asian, African
34	Pakistan	95	5	10	Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs 7.57%, Balochi 3.57%, other 6.28%

	<b>Countries</b>	<b>Majority Muslim %</b>	<b>Minority Groups %</b>	<b>Number of Prominent Minorities</b>	<b>Main Ethnic/religious divisions of Minorities</b>
35	Qatar	99	1	3	Indian 18%, Pakistani 18%, Iranian 10%
36	Saudi Arabia	100	0		Afro-Asian
37	Senegal	94	6	10	Pular 23.8%, Serer 14.7%, Jola 3.7%, Mandinka 3%, Soninke 1.1%, European and Lebanese 1%, other 9.4%
38	Sierra Leone	80	20	3	Mende 31%, Limba 8%, Kono 5%
39	Somalia	99	1	2	Bantu, Arab
40	Sudan	99.5	0.5	5	Fur, Beja, Nuba, Fallata
41	Syria	74	26	5	Kurds, Armenians, and other 9.7%
42	Tajikistan	85	15	5	Uzbek 15.3%, Russian 1.1%, Kyrgyz 1.1%, other 2.6%
43	Tunisia	98	2	5	European 1%, Jewish and other 1%
44	Turkey	99.8	0.2	4	Kurdish 18%, other minorities 7-12%
45	Turkmenistan	89	11	5	Uzbek 5%, Russian 4%, other 6%
46	UAE	96	4	5	Iranian 23%, South Asian 50%, other expatriates (includes Westerners and East Asians) 8%
47	Uzbekistan	88	12	10	Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5%
48	Yemen	99	1	3	Afro-Arab, South Asians, Europeans

Source: Most of these data were assembled from country profiles available at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (Accessed May 12, 2014).



For the purpose of analysis, the Muslim world is divided into four geographical regions:

- a. Muslim states of Africa;
- b. Muslim states of the Middle East;
- c. Muslim states of South and Southeast Asia; and
- d. Muslim states of Central Asia.

The geographical categorization is to represent all four geographic regions for the purpose of understanding cross-regional and intra-regional variations. Secondly, in this study instead of analysing all the 48 countries, major countries from each particular geographical region are considered. Thirdly, from each region three representative countries are studied in an attempt to account for the state of minority rights in the Muslim world as a whole. And finally, since minority rights is analysed from the perspective of multiculturalism, a theory which is most compatible with liberal democracy, this analysis assumes that level of democratization is positively related to the protection of the minorities in the Muslim world.

### **Muslim states of Africa**

The Muslim majority states of Africa are spread all over the continent. As any other states in the continent, these Muslim states are also defined in relation to corruption, poor governance and poverty. However, the northern part of the continent consists of Muslim states that are by conventional definition better off than the Sub-Saharan and eastern part of the continent. The political system of these Muslim states varies between non-democratic, semi-democratic and constitutional monarchies. In all the states governments strictly control the process of democratization. Even though Egypt, Libya and Tunisia have recently gone through revolutionary changes, they are still in the process of transformation. For this study, only major selected countries are taken as representative samples presenting aggregate data showing varying levels of commitments concerning protection of minorities and managing ethnic relations (Table 2).

**Table 2:** Selected African Muslim states on minorities policy

<b>Country</b>	<b>ICCPR*</b>	<b>ICESCR**</b>	<b>ICERD***</b>	<b>ICRMW****</b>
Algeria	Ratified and Optional Protocol	Ratification, accession or succession	Ratification and Declaration on Article 14	Ratification, accession or succession
Egypt	Ratification and Signature of Optional Protocol	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession
Libya	Ratification and Signature of Optional Protocol	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession

Mauritania	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	or	Ratification, accession or succession	-----
Morocco	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	or	Ratification, accession or succession	Ratification, accession or succession
Nigeria	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	or	Ratification, accession or succession	-----
Senegal	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	and	Ratification and Declaration on Article 14	Ratification, accession or succession
Sudan	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	or	Ratification, accession or succession	-----
Tunisia	Ratification and Signature of Optional Protocol	and	Ratification, accession or succession	or	Ratification, accession or succession	-----

\* The International Covenant on the Civil and Political Rights

\*\* The International Covenant on the Economic, Social, and Cultural Rights

\*\*\* The International Convention on the Elimination of all Forms of Racial Discrimination

\*\*\*\* The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Source: Adapted from Minority Rights Group International, *State of the Worlds' Minorities* (MRGI: 2008), <http://treaties.un.org> (Accessed May 8, 2014).

Table 2 indicates an obvious pattern common to all states examined in the region. Almost all the Muslim African states have ratified and negotiated accession with regard to conventions about racial discrimination and economic, social and cultural rights since these conventions do not undermine state's monopolies of power and dominance. However, the Convention on the Civil and Political Rights receives reserved support with optional protocol that allows state to withdraw from certain clauses if the regime perceives such steps as necessary for the stability and security of the nation.

This pattern reveals deep mistrust between the governed and the government. Since many of the states such as Nigeria are extremely divided by ethnic fault lines, it is common to see the government resorting to policing, detaining, torturing, and using other methods at its disposal in the name of protecting people's safety. So, even these countries

have mostly ratified or accessioned the treaties on paper, they tend to violate the rights in practice. Such policies more than often go against the minorities- ethnic or religious. Nigeria has more than 250 ethnic groups representing different concerns and interests. Nigeria has witnessed ethnic, religious and post 2007 election violence, which left 300 people dead. The President has devised most recent “master plan” of developing the Niger Delta, a region rich in natural gas and petroleum, in response to increase in violence as various ethnic groups have engaged in protracted fighting over contested claims. Nigerian political parties manipulate electorates by inciting ethnic violence to gain personal and party political gain. Therefore, ethnic relations continue to deteriorate and clashes between Muslim and Christians have become common phenomenon (MGR, 2008). Recently, violence invoked by an Islamic group called Boko Haram has renewed religious tension between Muslim and Christian population in the northern part of the country.

Egypt’s status on minorities has been the subject of contentious religious debate. The Copt Christian make up from 5 to 10 per cent of the whole population. Despite the constitutional provisions, prohibiting discriminations on the religious basis the Copts have been target of more radical groups. The intolerance of the Baha’i is almost common practice. The Baha’i community is very small yet it faces official registration. The Supreme Administrative Court in Egypt has ruled in 2009 that they can only register as Jews, Christians or Muslims to obtain national identity card. The political representation of the minorities is not officially reported.

Algeria is another case in point. Berbers, who make up 25 per cent of the whole population, have continued to voice their grievances about recognition of their distinct language and culture (MRG, 2008). Similarly, religious minorities in Algeria are frequent target of strict laws, which prohibits proselytizing Christianity or other religions. The Ordinance 06-03 was expanded in 2006 prohibiting proselytizing by non-Muslims as well as gathering for worship except in state approved locations (HRW, 2009).

### **Muslim states of the Middle East**

The Middle Eastern countries are divided more by religious than ethnic denominations (Kymlicka & Eva, 2014). All three religions- Islam, Judaism, and Christianity have emerged from the same Abrahamic root in the Middle East. From one point of view, the majority people are Arab in ethnicity except for the Kurds in Iraq who claim to be a non-Arab ethnic group. Yet being Arab, the Muslim and non-Muslim alike claim tribal differences which make political manifestation at the state level. Similarly, Muslim sectarianism such as Sunni, Shii, and Alawi etc has political manifestation in all these states. The groups that control political power keep the minority groups at bay denying their legitimate political rights. It is this form of minority discrimination that has erupted waves of protests and democratic reform movement in Bahrain and Syria in particular in

the wake of the so called Arab Spring (Al-Mesbar, 2012). Table 3 presents the position of the states in the region on international minority rights conventions and commitments.

**Table 3:** Selected Middle East states on minority policy

Country	ICCPR*	ICESCR**	ICERD***	ICRMW****
Bahrain	Ratification, accession or succession	-----	Ratification, accession or succession	-----
Iraq	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Jordan	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Kuwait	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Lebanon	Ratification, accession or succession	-----	Ratification, accession or succession	-----
Oman	-----	-----	Ratification, accession or succession	-----
Saudi Arabia	-----	-----	Ratification and Declaration on Article 14	-----
Syria	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession
UAE	-----	-----	Ratification, accession or succession	-----
Yemen	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----

\* The International Covenant on the Civil and Political Rights

\*\* The International Covenant on the Economic, Social, and Cultural Rights

\*\*\* The International Convention on the Elimination of all Forms of Racial Discrimination

\*\*\*\* The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Source: Adapted from Minority Rights Group International, *State of the Worlds' Minorities* (MRGI: 2008), 171.

Table 3 reveals that the Middle Eastern states give the least political rights to the minority citizens. Out of 10 countries, three did not ratify the ICCPR, five did not ratify the ICESCR and none but one (Syria) has ratified the ICRMW. Interestingly, only Syria has ratified all the four conventions. Iraq, Jordan, Kuwait and Yemen have ratified three out of four conventions; Bahrain and Lebanon have ratified two each. And Oman, Saudi Arabia and UAE have ratified only one, ICERD. These facts illustrate that Oman, KSA and UAE are most restrictive on minority rights, hence most discriminatory and oppressive. The state of denial to minority rights is very clear in these countries. The most pressing reality is that even though almost all these countries host a huge number of migrant workers, none but Syria recognizes migrant workers' right.

Saudi Arabia is most commonly known for its violation of rights and abuses of migrant workers using 'kefala' system, which allows employers to issue residency permits to the employees in Saudi Arabia. The government has very stringent immigration policy of keeping the passport of the migrant and expatriates with the government. Yet the government has attempted to tighten the law further but has failed to implement the new labor law in the face of strong resistance from the employers. In most legal cases, migrant workers encounter difficulties in securing adequate material and assistance during the legal proceeding of criminal cases they are involved. The strict capital punishment is usually irrevocable for the expatriates, which is criticized by the international human rights groups for the alleged injustices.

The next vulnerable group treated as legal minors are women. Under the strict Shari'a law women are prevented from public office, the right to driving, traveling without male guardianships as well as are subjected to plethora of other restrictive laws which aim to prevent them from enjoying political, social, and economic rights. Similarly, religious minorities have suffered continued oppression on the pretext of maintaining law and order and political stability.

Recently, however, some reforms have been introduced with regard to women's rights. In December 2006, the government established a new Human Rights Council (HRC). However, the 24-member body includes one Shi'a and one Ismaili Muslim, and included no woman membership. In 2012, women were given voting rights for the first time, but are not given the right to contest. In the name of public safety, in 2007 the government announced that school teachers who espoused extremist views would lose their jobs (MRG, 2008). The two particular minority groups, Shi'a and Ismaili religious minorities, continue to report widespread discrimination in all sectors.

Lebanon is the most multiethnic and multi-religious country with considerable Christian population. After the war between Hezbollah and Israel in 2006, the relations between the Shi'a and Sunni Muslim deteriorated tremendously. Even though its political power is divided along consociationalism, minority tension is deep under the fault lines. The pro-Syrian and pro-Western orientation created even greater division between the minorities. Christian minorities have been historically advocating better relations with the

West and attempt to act as intermediary between East and West. In a statement of Archbishop Bashir Gemayel (1982), Christian community in Lebanon affirms its Eastern identity but strives to improve and enhance the relations with the West as well (Ye'or, 1985).

Contrary to that, Maronite Christian militia leader and member of the Parliament Michel Aoun is one of the staunch critics of the Western influence on the Lebanon. He viewed recent involvement of the West in the internal political dynamics in Lebanon as an attempt to strain and isolate Lebanon from the Arab world. Current political system of the power sharing arrangement have fostered some cooperation among major ethnic groups on one hand, but neglected the proper representation of smaller minorities on the other. Therefore, despite democratic feature of the current system, the society is organized along ethnic or religious lines, where internal cleavages are deeply entrenched into the system (MRG, 2008).

#### **Muslim states of South and Southeast Asia**

The South and Southeast Asian Muslim countries include Bangladesh, Maldives and Pakistan in South Asia and Brunei, Indonesia and Malaysia in Southeast Asia. Five of the six countries, except Brunei, have democratic political system even though Bangladesh, Indonesia and Pakistan have experienced military rule during most of the post-independence history. All the countries are multiethnic with Indonesia and Pakistan having the most ethnic diversity. Malaysia has three clear ethnic divisions in addition to some other ethnic minorities. Ethnic minorities of these countries are not only religiously different; they differ in other ethnic characteristics as well (Ghosh, 2009; Hofmann & Ugo, 2011). Ethno-diversity in Southeast Asia is more prominent and historically more discriminated systematically (Mallory, 1956; Eldridge, 2002; Inguanzo, 2014). In the case of South Asia, ethnic minorities are less prominent, though state perpetrated discrimination is fairly institutionalized (Khan *et. al.*, 2009). Bangladesh has a number of small ethnic minorities, but its major division is based on religion between majority Muslims and minority Hindus, whereas both Muslims and Hindus are of the same Bengali ethnic group. Likewise, in Pakistan a large number of minority groups belong to the same religion of Islam, even though they differ in other ethnic characteristics. These diversities have affected the nation-building process and policies of these countries keeping the sensitivities of ethnic composition in the perspective. The dominant features of the policies of these countries had remained substantially discriminatory in practice (Khan & Rahman, 2009; Clarke, 2001; Rosales, 2006).

**Table 4: South and Southeast Asian states on minority policy**

<b>Country</b>	<b>ICCPR*</b>	<b>ICESCR**</b>	<b>ICERD***</b>	<b>ICRMW****</b>
Bangladesh	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	Signature not yet followed by ratification

<b>Country</b>	<b>ICCPR*</b>	<b>ICESCR**</b>	<b>ICERD***</b>	<b>ICRMW****</b>
Brunei	-----	-----	-----	-----
Indonesia	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	Signature not yet followed by ratification
Malaysia	-----	-----	-----	-----
Maldives	Ratification, accession or succession	-----	Ratification, accession or succession	-----
Pakistan	-----	Signature not yet followed by ratification	Ratification, accession or succession	-----

\* The International Covenant on the Civil and Political Rights  
\*\* The International Covenant on the Economic, Social, and Cultural Rights  
\*\*\* The International Convention on the Elimination of all Forms of Racial Discrimination  
\*\*\*\* The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Source: Adapted from Minority Rights Group International, *State of the Worlds' Minorities* (MRGI: 2008), 170.

Table 4 shows that only Bangladesh and Indonesia have ratified or signed almost all the conventions, Pakistan and Maldives have ratified or signed two conventions each, whereas Malaysia and Brunei have neither ratified nor signed any of the four conventions.

From the table it is clear that Asian pattern does not confirm the initial hypothesis, which states that levels of democratization are positively related to the protection of the minorities. In fact, semi-democracy such as Malaysia has not signed any conventions related to minorities. A similar pattern can be seen in the case of Pakistan though with some better record. Brunei Darussalam is identical to Malaysia. On the other spectrum are Bangladesh and Indonesia that have far better record in terms of ratification of conventions related to minorities.

Ethnicity in Pakistan is intertwined with nationalism allowing progression from ethnic group to nationhood (Malik, 1997). Pakistan has a turbulent history of ethnic conflict and tension between the state and society. India has been used as an excuse for domestic crackdown on the groups who demand political, cultural and linguistic identity. When Pervez Musharaf resigned from the post of presidency, Baluchistan has been relieved from the enforced disappearance and prosecutions when new government changed polices. Ethnic relations have been deteriorating in the Swat Valley over the use of the Shari'ah Law. Similarly, Waziristan has been the target of the military campaign on the hunt for al-Qaida.

The All Pakistani Minority Alliance, in 2007, organized a historic mass rally to demand more religious freedom in the country. In 30-point Charter of Demands to the government, the APMA called for adequate political representation of minorities in national and provincial legislature, and for the removing the law that discriminate against religious minorities.

Malaysia is at the forefront of social and political change. As multiethnic and multi-religious society, it did not manage to fully address the grievances of the ethnic Chinese and Indians. Ethnic politics is highly institutionalized in the country through maintaining political parties along ethnic lines. The compartmentalization of the economic roles in Malaysia has its roots from the colonial times. The British colonial power designed the plan in the 1930s and 1940s to move the economy from the subsistence agriculture to export oriented of raw materials that Britain and America needed to sustain and expand the levels of their economic growth. For that purpose, the British imported Indian and Chinese labor to work in the industry. As a result, the Malays continued to subsist in villages lacking education and necessary skills to migrate to cities. In the 1970s, the government adopted the New Economic Policy designed to promote business activities and education among ethnic Malays introducing preferential treatment for the “sons of the soil”. Based on these policies, ethnic tension mounted. Political representation of the ethnic Indian and Chinese population is limited by “informal-official” wisdom of Malay domination in military, law and government (Brown, 1994).

Minorities are discriminated especially in government programmes and public procurements of various projects, where preferential treatment is due for ethnic Malays. Ethnic tension led to filing a lawsuit in 2007 against British colonial legacy that left the Indian population without adequate measures of protections. This lawsuit was prepared by the HINDRAF (Hindu Rights Action Force), on behalf of 2 million ethnic Indians in Malaysia. In addition, some aboriginal communities have been stripped of their rights, especially in Sabah and Sarawak. According to a study carried out by the Malaysian National Human Rights Commission, Orang Asli have suffered loss of land, sudden evictions and paltry cash compensation (MRG, 2008).

Indonesia has similarities with Malaysia in terms of patron-clientele structure of the distribution of the resources. Indonesian minority composition is even more diverse and complex. Indonesia however is a democracy that is more dynamic and has more vibrant civil society. The instance of ‘familialism’ is carried out through nepotism and preferential treatment of Javanese population. This has peaked during the reign of Suharto. To this day, members of the Javanese ‘abangan’ and ‘priyayi’ groups dominate government institutions. The greatest target of the religious radicals- Protestants, Hindus, and Ahmediyya groups, are the most vulnerable minority groups (Papagianni, 2012). The Committee on the Elimination of the Racial Discrimination (CERD) has reported in 2007 that under Indonesian law, individuals are obliged to mention their name on the legal documents, and that those who do not do so are discriminated against in institutions.



### Muslim states of Central Asia

For this analysis Central Asian Muslim countries are grouped under greater Turko-Persian cultural heritage. As such the countries are Afghanistan, Azerbaijan, Iran, Kazakhstan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Kyrgyzstan. Other than Afghanistan, Iran and Turkey the rest of the member countries gained independence from Soviet communist rule during the early 1990s. Though historically these countries were parts of Iranian and Turkish influence and political control since eighth century, the seventy years of Soviet communist rule on these countries has reshaped their political culture to a large extent.

First of all, it was during the Soviet rule that these countries received the modern geographical and territorial divisions which later in the 1990s led them to form separate national identities. Secondly, during the Soviet rule new minority groups were created and recreated in these states through mass-migration, especially in Kazakhstan where a large percentage of Russian ethnic and linguistic minorities were added to the Kazakh population (Ferrando, 2007). Thirdly, artificial border creation created artificial minorities along the borderlines of each of these states. These minorities claim contested ethnic and national identities which continue to influence national and regional politics (Peyrouse, 2008). And finally, these countries still bear the shadow of soviet authoritarian style of governance even though governments are often elected. It is due to this inheritance of authoritarian political culture that minority groups come under strict state control (Smith, 1995).

**Table 5:** Selected central Asian states on minority policy

Country	ICCPR*	ICESCR**	ICERD***	ICRMW****
Afghanistan	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Iran	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Kazakhstan	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession	-----
Kyrgyzstan				
Tajikistan	Ratification and Signature of Optional Protocol	Ratification, accession or succession	Ratification, accession or succession	Ratification, accession or succession
Turkey				

Turkmenistan	Ratification, accession or succession	Ratification of ICCPR and Optional Protocol	Ratification, accession or succession	-----
Uzbekistan	Ratification, accession or succession	Ratification of ICCPR and Optional Protocol	Ratification, accession or succession	-----
<p>* The International Covenant on the Civil and Political Rights</p> <p>** The International Covenant on the Economic, Social, and Cultural Rights</p> <p>*** The International Convention on the Elimination of all Forms of Racial Discrimination</p> <p>**** The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</p>				

In terms of ratification or accession, the central Asian countries bear a great similarity. As is evident in Table 5, six out of eight countries have ratified the ICCPR, ICESCR and ICERD but five of them did not ratify the ICRMW. Only Tajikistan has ratified all the four conventions; while two countries- Kyrgyzstan and Turkey ratified none of them.

The Iran's minorities make up almost half the population. According to MRGI report 2008, the government of Mahmoud Ahmedinejad has pursued more aggressively Shia and Persian identity. As a result, minorities became target of police repression, discrimination in education and media campaign (Hassan, 2008). In the Azerbaijan and Kurdistan provinces, government continues to oppress civil societies groups and restrict the functioning of NGOs that focus on social issues. Iran's Baha'i community is not allowed to worship publicly continuing to face persecution and arrest. Minority rights abuses are evident on ethnic and religious ground as most Baluchis, Turkomans, and Arabs practice Sunni Islam disfavored by the regime (Sanasarian, 2006). Even though representation in the parliament is constitutionally guaranteed, which is very novel in the case of Iran, its structural political violation of minority rights is widely recognized (Tohidi, 2009).

Turkmenistan has apparently much ethnic diversity but on the whole majority is of Turkic ethnicity. A sizeable portion of the population is Russian orthodox Christians. Since independence from Russia in the early 1990s, the country has followed a greater Turkmenisation policy through banning Russian language, Russian newspaper and invoking dual citizenship which involved Russia (Akiner, 1997). The government apparently does not allow any organization or civil bodies to promote concerns of the Russian minority- their political rights, rights to use their language, employment opportunities and schooling for their children. In terms of employment especially the Russians appeared to have faced structural discrimination in that their Russian university degrees are not accepted for employment. Furthermore, those who have retained their earlier Russian citizenship are not allowed to own property (Kolstoe, 1995). And in terms

of religious rights, the Russian Orthodox Church has been brought under increasing control of the government. The Russian priests and religious figures are not allowed to enter Turkmenistan, and the Russian language religious literatures are prohibited in the country (ILHR, 2005).

Tajikistan's minority groups are composed of Uzbek, Russian, Kyrgyz, Turkmen, Tartar and others. As table 5 shows Tajikistan's profile of ratifying all the conventions, it is clear that its policies towards national minorities are crafted along the international standard, and the country maintains fair minority policies. Several studies have suggested that the overall performance of the country in maintaining and implementing fair ethnic and minority policies is impressive, if not entirely unquestionable. The constitutional provisions of the country in terms of equal rights and privileges certainly maintain international standards as like many other Muslim countries; however, studies suggest that various limitations and constraints prevent the national minorities to enjoy equal opportunities (Chinn & Kaiser, 1998). Language, tradition and religion have been found to have strong influence in ethno-consolidating and ethno-differentiating factors leading to diverse identifies and divided loyalties (Kolstoe, 1995). Even if the state does not impose any discrimination by laws, various socio-economic factors limit the minorities' access to national resources equally such as the ignorance of the national language prevents minorities from employment, career and promotion (Akiner, 1997; Peyrouse 2008).

However, the apparent profile of the country is contrasted with its major ethnic fault line that caused bloody civil war in the 1990s claiming more than 100,000 lives. The Tajiks clearly use their language to dominate and exclude others, political representation of the largest minority, the Uzbeks (15%), is heavily undermined, and the government plan to transmigrate the Tajik to minority Uzbek areas are clear examples of suppressing minority rights in the country (Peyrouse, 2008).

## **Conclusion**

The national composition of the Muslim countries under study includes minorities in terms of ethnicity, language and religion at the least. The Muslim countries as different nations have been undergoing the process of national identity development on the one hand, and facing the politics of plurality on the other. In their national identity development they have emphasized the 'majority syndromes' in an attempt to assimilate the minorities to the mainstream at large. On the other hand, globalization of human rights regimes has forced the countries to respond to the rights of national minorities following international standards. These two trends contain the conflicting tendencies of ethnic nationalism and civic nationalism traditions in national identity building.

Even though the Muslim world is yet to finish its nation-building process, it has been overwhelmed by the globalization of human rights regimes. As such the countries of the

Muslim world have responded variously to the trend. Taking four international conventions on human rights as measuring units, this paper has presented the status of the Muslim countries that reflects their policies towards national minorities. The paper has found that the Muslim countries have mostly either ratified or accessioned the first three conventions- ICCPR, ICESCR and ICERD. A noticeable pattern is that the last convention- ICRMW, is least addressed by most of the countries. In terms of inter-regional trend, the African, South and Southeast Asian and Central Asian countries are mostly comfortable with all the conventions; while the Arab countries show most irregular pattern. Out of 34 selected countries in the tables, 26 ratified or accessioned ICCPR, 24 ratified or accessioned ICESCR, 30 ratified or accessioned ICERD, and nine ratified or accessioned ICRMW. Brunei, Malaysia, Kyrgyzstan and Turkey are the four countries that neither ratified nor accessioned any of the conventions.

Finally, because the regimes in the Muslim world include monarchy, democracy, semi-democracy and semi-authoritarianism, it is difficult to identify a specific pattern of any group of countries with regard to the conventions. Some monarchies have responded positively while others have rejected completely. A similar result is noticeable with democracies or semi-democracies where some of the countries have accepted or rejected partially. Even surprisingly two recognized democracies have completely rejected all the four conventions, while one authoritarian regime has accepted all of them. Therefore, it is probably safe to say that variation of responses in the Muslim world to the international regimes on human rights is due to peculiarities of their individual national political sensitivities. What remains to find out is whether it is the internal voluntary impetus of the political regimes or external pressure of international bodies and powers that has influenced the ratifying or non-ratifying decisions of the countries concerned.

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