

**Insiders and Outsiders:
A Review of Policies that Recognize Diversity and
Promote Inclusion and Coexistence**

Coexistence International

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PREAMBLE

In 2006, the populations of more than ninety percent of countries are composed of multiple identity groups. This rich diversity, full of promise and possibilities, is also one of the most common and difficult challenges facing states today. Domestic and international media sources attest to the growing recognition by national governments of the need to more constructively manage increasing diversity within their state borders

The cultural, political and economic rights of national minorities, indigenous and immigrant people form an important part of the policy discourse in many legislative bodies around the world. Governments continue to wrestle with both empirical and normative coexistence issues such as the dimensions of citizenship, constitutional and political designs that reflect the diversity within state borders, language and minority rights, land management, equality and cultural issues, and democratic participation. Over the past decade, approaches to managing diversity such as assimilation, integration and multiculturalism have come under scrutiny by citizens in Scandinavia, Ukraine, Brazil, Burundi, Indonesia and many other locales. The ongoing tensions over the immigration debate in the United States and the calls for national unity by the French government in the wake of last November's Muslim youth riots demonstrate the distinct challenges facing governments around the world.

This report attempts to map a range of normative approaches adopted by thirty-six different governments by highlighting policy issues and practices that are pivotal to the task of managing diversity on the national level. The report reviews the normative shifts in policies that have occurred in many of these countries, and also examines how different states recognize diversity, the institutional means through which diversity is protected and promoted, and the kinds of rights and freedoms that are safeguarded. This review of policies is limited to information gleaned from a range of print and online sources. It addresses only the normative measures these states have adopted, and does not examine the implementation of such policies, or the effectiveness of such implementation. In addition, the initial research was commissioned in 2003 as part of The

Coexistence Initiative's (TCI) Coexistence Across Fields: Mapping Coexistence Work in Post-Conflict Societies program, and readers therefore will need to take into account the evolving nature of policies and the legislative changes that could have taken place since this information was compiled.¹

In 2005, TCI changed its name to Coexistence International (CI) and moved to Brandeis University, where it is now housed within the International Center for Ethics, Justice and Public Life and the Slifka Program in Intercommunal Coexistence. CI's mission is to strengthen the field of policymakers, practitioners, researchers, advocates, organizations and networks promoting coexistence at local, national and international levels. It does so by networking with practitioners, researchers and agencies; conducting research on the state of coexistence policies within governmental, non-governmental and multilateral institutions; facilitating learning between coexistence practitioners and the arts community; reinforcing regional networks and policy work; and strengthening donor engagement on coexistence issues.

CI believes that the development and implementation of coexistence policies within governments and organizations can contribute to sustainable coexistence both within and between communities. Conversely, in the absence of comprehensive, effective and sensitive policies, coexistence issues may be neglected, and efforts to improve inter-group relations can be sporadic and ineffective. CI seeks to contribute to an increased understanding of how different policy areas are addressing the issue of coexistence, and to raise awareness of the current coexistence policies being developed and implemented.

As it moves into new areas of coexistence policy research, CI would like to disseminate this informative report in the hope of contributing to important comparative learning about diversity management and coexistence policies in countries around the world. CI has made no attempt to assess the implementation or success or otherwise of such processes, or to endorse any of the initiatives mentioned in the report. It believes however that the documentation of the existence and scope of such efforts can contribute to a

¹ Angela Khaminwa, Laia Grino and Sabrina Sadeghi of The Coexistence Initiative prepared the original draft of this report.

wider understanding of the repertoire of approaches available to address issues of coexistence. CI also envisages further development of the report, which will include gradually adding an increasing numbers of countries and providing updates on those already listed. Comments on any aspect of the report are always welcome.

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INTRODUCTION

During the 1990s, policies addressing issues of social inclusion became increasingly widespread. For example, in 1991 the International Labor Organization's (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries entered into force, and in 1992, the United Nations (UN) General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In 1995 the Council of Europe adopted the Framework Convention for the Protection of National Minorities. These conventions have prompted many governments around the world to draft policies and legislation addressing the needs of their minority populations, such as freedom from discrimination, the right of groups to maintain their culture, language, religion and traditions, and the promotion of social integration and diversity.

The Coexistence Initiative (TCI) has undertaken a preliminary survey of these government efforts, examining the policies of thirty-six countries throughout the world. This includes thirteen countries in Latin America, twelve in Europe, two in Africa and eight in Asia/Australasia, and one in North America. In addition the paper looks at four in-depth case studies (Australia, Indonesia, Rwanda and Sweden) in order to examine the countries' respective policies, provide the historical background and circumstances that led to their development, and, where possible, assess the public's reaction.

As this paper will show, governments can protect and/or promote diversity in a variety of ways. The policies examined here—which we term coexistence policies—represent a wide spectrum, encompassing everything from the recognition of a group's existence and acknowledgment of their rights to the active promotion of diversity as a country's source of strength. The policies also differ in their intent according to who they target i.e. immigrants, national minorities or indigenous peoples.² Immigrants, for example, are often the target of policies aiming at full integration into society while allowing them to maintain their own culture, religion and language. Policies for national minorities also strive to preserve the culture of these groups, but also attempt to address issues of autonomy and self-determination, which these groups often demand. In the case of indigenous people, government policies often consist of some form of reconciliation for past grievances and marginalization, and protection of rights to land, culture, language and a certain degree of self-rule, as well as a focus on improving indigenous peoples' socio-economic status.

² There is no official definition of a national minority. For our purposes, however, the term national minority refers to those who are citizens of a state and who 'maintain longstanding, firm and lasting ties with that state; display distinctive ethnic, cultural, religious or linguistic characteristics; are sufficiently representative, although smaller in numbers than the rest of the population of that state or of a region of that state; and are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.' Shaw, Malcolm, N. *International Law* (Fourth edition) Cambridge university Press (1997) p.279.

Minorities: This term is often used to denote groups that are economically, socially, and/or politically disenfranchised. The impulse to equate it with groups that are weaker demographically must be avoided, however, as such a definition would exclude groups such as black South Africans and women from this category.

Indigenous Peoples: According to ILO Convention No. 169, indigenous peoples are the descendants of "the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries..."

CI believes that the creation of coexistence policies—which can be considered both reconciliatory in the post-violent conflict context and preventative in the pre-violent conflict context—can serve as a powerful tool in preventing the proliferation and escalation of widespread violent conflict. As the brutal ethnic wars of the 1990s and the secessionist aspirations of groups such as those in Northern Ireland and the Basque country demonstrate, identity is stubbornly persistent, and cannot be replaced by universalistic, cosmopolitan values. It is therefore imperative that governments and civil society learn to manage the world's different identities in a way that will prevent the outbreak of conflict and promote inter-ethnic, religious and cultural respect and understanding.

Target Audience

Much has been said about the need to make tangible connections between research, practice and policy. CI's work has always sought to encourage collaboration in these areas, and this paper is part of a programmatic agenda that follows this tradition. It is targeted at two main groups: policymakers working in government to fashion an environment in which diversity is protected and respected and civil society organizations (CSOs) working alone or with government to articulate, lobby for and/or create policies that promote diversity. The report may be particularly useful in countries where issues related to social inclusion are receiving much attention due to recent conflict, growing immigrant populations, or the presence of vocal/assertive national minorities or indigenous populations.

To date, much has been written on the various facets of social inclusion. Articles on the management of indigenous peoples' rights, debates on the pros and cons of assimilation, integration and multiculturalism, and discourse on the effects of immigration abound. This paper, however, presents these discussions within a unique framework that combines many of these issues. It also shows how coexistence policies vary, providing different points at which countries can realistically move towards full inclusion. As such, it is hoped that the paper will serve as a useful resource for discussions among policymakers and practitioners who seek to create enduring mechanisms that can ensure equality, protect cultural identity, and increase pro-active interdependence measures.

Methodology

The research for this project was drawn primarily from official government web sites and documents, international or regional organization web sites, including the United Nations, European Union and Organization of American States, and newspaper and magazine articles. Two criteria had to be met in order for a country to be represented in the survey i.e. official recognition of the different ethnic, religious, or cultural groups living within a country's borders, and recognition of group rights/promotion of diversity.³ The first condition is necessary because the recognition of difference is vital to coexistence policies, while the second is often considered necessary because individual human rights are not always sufficient in allowing groups to maintain their culture. Time

³ Many Western states, such as the United States and Great Britain, do not recognize group rights, but do protect and promote diversity.

permitted the inclusion of only 35 such countries, but the hope is to gather similar information about other countries as the project progresses.

The following is a summary of the various approaches through which countries have protected and/or promoted diversity:

1) Recognition of Diversity:

- Constitutional amendments recognizing the country's diversity or its ethnic groups.
- Collection of data on ethnicity/religion for national census.
- Official statements promoting diversity.

2) Protection and/or promotion of Diversity.

- Establishment of government agencies (ministries, commissions, departments, offices, etc.) protecting group rights or promoting diversity.
- Establishment of autonomous provinces/regions in which minorities are allowed to rule themselves.
- Establishment of centers to safeguard/study/promote groups' culture to ensure they continue.
- Affirmative action policies.

3) Rights and freedoms protected and/or promoted.

- Official policies or legislation promoting diversity or guaranteeing and protecting group rights, including the right to use their language in education and public services, the right to participate in decision-making affecting them, the right to maintain their culture e.g. recognizing minority holidays and flying their own flag.
- Efforts to increase or institutionalize minority participation in government through quotas or federalization of the country along ethnic lines.
- Recognition of indigenous rights through recognizing their right to their traditional lands, to practice their customary law, to speak their language, and to maintain their culture and institutions.
- Recognition and establishment of minority languages as official languages or through bilingual education policies.
- Education policy that addresses the need to educate students about the country's different cultures.
- Guarantees of freedom of religion.

COUNTRY SURVEYS

1. LATIN AMERICA

Country	Policy	Institutions
<p>Argentina <i>White 97%; mestizo, Amerindian and other non-white groups 3%</i></p> <p><i>16 to 20 indigenous groups 2.1% of population</i></p>	<ul style="list-style-type: none"> • 1983: Indigenous peoples receive legal status⁴ • 1984: <i>Indigenous Policy and Support to the Aboriginal Communities</i> law passed to restore traditional indigenous lands and territories and to provide bilingual education in indigenous communities • Constitution (1994) recognizes the “ethnic and cultural pre-existence of indigenous peoples of Argentina”; guarantees their right to bilingual and intercultural education; recognizes communal ownership of ancestral lands; and allows their participation in the management of their natural resources. Also states plan to enact laws “protecting the cultural identity and plurality”⁵ • Since 1994, the government has transferred roughly 2.5 million acres of land to indigenous communities • National Plan of Indigenous Policy • Party to ILO Convention 169 	<p>National Institute of Indigenous Affairs (INAI), under Ministry of Social Affairs</p> <p>National Institute to Combat Discrimination, Xenophobia and Racism, under Ministry of the Interior: responsible for developing policies to combat discrimination, xenophobia and racism</p>
<p>Bolivia <i>Quechua 30%; Mestizo 30%; Aymara 25%; and white 15%</i></p>	<ul style="list-style-type: none"> • Constitution identifies Bolivia as multiethnic and pluricultural; recognizes, respects and protects the social, economic and cultural rights of indigenous communities, especially those related to their communal lands; recognizes indigenous peoples’ identity, values, languages, customs and institutions and guarantees them the right to use natural resources; recognizes the juridical personality of indigenous communities and their right to use their customs and procedures to resolve disputes⁶ • Law 1565 (1994): cites as the goal of Bolivian education the strengthening of national identity, exalting the historical and cultural 	<p>Vice Ministry of Indigenous Affairs</p> <p>Defensor del Pueblo (1997 - Defender of the Community?): responsible for monitoring respect for the pluricultural and multiethnic character of Bolivia and promoting the human rights of indigenous communities</p> <p>Consejo Consultativo de Pueblos Indigenas y Originarios de Bolivia (1998):</p>

⁴ “Indigenous People in Argentina,” (13 February 2004).

<<http://www.cidcm.umd.edu/inscr/mar/data/indarg.htm>>.

⁵ http://www.oefre.unibe.ch/law/icl/ar00000_.html

⁶ <http://www.summit-americas.org/Indigenas/W-Group-Oct99/Eng-Observaciones%20de%20Bolivia.htm>

Country	Policy	Institutions
	<p>values of the Bolivian nation and its enormous and diverse multicultural and multiregional richness</p> <ul style="list-style-type: none"> • Ownership of communal lands recognized • Bilingual education • Party to ILO Convention 169 	<p>responsible for coordinating policies aimed at developing Bolivia's multiethnic and pluricultural character, especially as they relate to the social, economic and cultural rights of its indigenous communities and natives of Bolivia</p> <p>Servicio de Asistencia Juridica a Pueblos y originarios: promote the multiethnic and pluricultural character of the country; monitor the implementation of legislation establishing the rights and promoting the development of indigenous, peasant and originario communities; support the incorporation of the rights granted to these communities in new laws drafted</p> <p>Indigenous Educational Councils</p>
<p>Brazil <i>White 55%; mixed white and black 38%; black 6%; other 1%</i></p>	<ul style="list-style-type: none"> • Constitution "ensures a person full exercises of their cultural rights and access to sources of national culture and supports the appreciation and diffusion of cultural manifestations." Protects "manifestations of popular, Indian, and Afro-Brazilian cultures and others." Recognizes indigenous peoples "social organization, customs, languages, creeds, and traditions...as well as their native rights to the lands they traditionally occupy." States that the "teaching of Brazilian History shall take into account the contribution of the different cultures and ethnic groups to the formation of the Brazilian people."⁷ • Statue of the Indian (Law 6,001 of 1973): makes it a crime to use an indigenous person or community as an object of tourism advertising 	<p>National Foundation for the Indigenous (FUNAI): has tutelary jurisdiction over indigenous areas, maintains educational and health care facilities in those areas and takes part in any legal proceedings in which an indigenous person or community is involved; also demarcates indigenous lands</p> <p>Agency for Coordination of the Defense of the Rights and Interests of the Indigenous Populations, special unit of the Federal Attorney General's</p>

⁷ http://www.oefre.unibe.ch/law/icl/br00000_.html

Country	Policy	Institutions
	<p>or exhibiting them to make a profit, or ridiculing a ceremony, rite, practice, custom or traditional indigenous culture; states that indigenous peoples should be guaranteed permanent residence in their own habitat, if they desire, and be provided with the resources for their development and progress</p> <ul style="list-style-type: none"> • Law and decree on the demarcation of indigenous lands • Some ministries have introduced racial quotas requiring 20% to 30% of jobs to be filled by blacks; several cities have also introduced racial quotas, as have some public universities • 1996: government launched an educational initiative to dispel racism and to ensure that indigenous peoples' history and culture were correctly represented • Party to ILO Convention 169 	<p>Office</p> <p>Committee on Indigenous Education in Schools</p>
<p>Chile</p> <p><i>White and white-Amerindian 95%; Amerindian 3%; other 2%</i></p>	<ul style="list-style-type: none"> • Constitution bans groups or organizations that spread racially discriminatory ideas • Public policy has been to “promote respect for and recognition of the rights of indigenous peoples.” • Indigenous Act (Law 19253/1993): recognizes for the first time that Chile is a multiethnic and multicultural society; “recognizes that the indigenous peoples of Chile are the descendants of the (communities) who existed on Chilean territory since pre-Colombian times” and recognizes the various indigenous peoples, including the Mapuche, Aimara and Rapa Nui, among others. States that these groups are valued for being an “essential part of the Chilean Nation.” • Land transfers to indigenous communities • Scholarships for primary, secondary, vocational and university education for indigenous students • Bilingual intercultural educational program currently being implemented 	<p>Special Commission on Indigenous Peoples (1990)</p> <p>National Congress of Indigenous Peoples (still exists?)</p> <p>National Indigenous Development Corporation (CONADI, 1993)</p> <p>Commission on the Historical Truth and New Treatment</p>
<p>Colombia</p> <p><i>Mestizo 58%; white 20%; mulatto 14%; black 4%;</i></p>	<ul style="list-style-type: none"> • 1991 Constitution considers indigenous communities “an invaluable national resource and a major cultural and social asset.” Protects ethnic and cultural diversity; provides for bilingual education; grants special status for 	<p>Commission on Human Rights of the Indigenous Peoples (1996)</p>

Country	Policy	Institutions
<p><i>mixed black-Amerindian 3%; Amerindian 1%</i></p>	<p>their community lands; reserves two Senate seats and up to five seats in the lower chamber of National Congress. Also recognizes traditional authorities and customary law.</p> <ul style="list-style-type: none"> • Law 21 (1991): regulates the rights of indigenous peoples and ratifies and incorporates ILO Convention 169 into domestic law • National Development Plan (1994-1998): geared toward consolidating the rights of indigenous peoples • Racism/ethnic discrimination prohibited • Party to ILO Convention 169 	
<p>Ecuador <i>Mestizo 65%; Amerindian 25%; Spanish and others 7%; black 3%</i></p>	<ul style="list-style-type: none"> • Constitution (1995) defines Ecuador as a “sovereign, democratic, unitary, decentralized, pluricultural and multiethnic” state; recognizes indigenous languages in areas where they are used; condemns discrimination and racial segregation • Collective rights recognized • Collective ownership of land recognized • Customary law recognized • Indigenous authorities recognized • Indigenous peoples allowed to play a role in development planning • Indigenous peoples have a right to participate in decisions affecting them • Intercultural bilingual education implemented in some areas since 1988 • Government has granted indigenous peoples some territorial recognition • Indigenous peoples’ sacred sites and religious practices protected • Party to ILO Convention 169 	<p>National Secretariat for Indigenous and Ethnic Minority Affairs (1994)</p> <p>Consejo de Desarrollo de las Nacionalidades y Pueblos del Ecuador (1998): formulates government policies concerning the development of indigenous peoples in a way that respects their culture and coordinates the implementation of these policies with governmental and non-governmental organizations</p>
<p>Guatemala <i>Mestizo approximately 55%; Amerindian or predominantly Amerindian approximately 43%; whites and others 2%</i></p>	<ul style="list-style-type: none"> • Constitution (1985): recognizes the existence of indigenous groups of Maya descent and their right to their values, language and customs; says that the state “recognizes and promotes their ways of life, customs, traditions, forms of social organization, the use of indigenous dress ... languages and dialects”; gives special protection to lands of indigenous communities and other forms of collective land holdings and states that the government will “provide state lands for the indigenous 	<p>Commission for the Officialisation of Indigenous Languages (1997)</p> <p>Commission on Sacred Places (1997)</p> <p>Commission on Reform and Participation</p> <p>Commission on Communal</p>

Country	Policy	Institutions
	<p>communities which may need them for their development”</p> <ul style="list-style-type: none"> • 1995 Accord on Identity and Rights of Indigenous Peoples (Indigenous Accord): signed as part of the peace accords; states that Guatemala is “multi-ethnic, multicultural and multilingual in nature”; declares Mayan culture to be “the original basis of Guatemalan culture”; calls on Congress to make ethnic discrimination a criminal offense and to abolish any law or provision containing discriminatory measures; calls on the government to disseminate information on indigenous peoples rights; commits the state to promoting the development of indigenous culture and states that education and cultural policy must be recognize, respect and encourage indigenous cultural values; states that the government should take steps to “recover and protect indigenous languages and to promote the development and use of those languages,” as well as make these languages official; calls for respect of indigenous peoples’ spirituality and respect for their sacred places; makes the state responsible for institutionalizing the participation of indigenous peoples in all matters concerning them; calls for the protection of indigenous peoples’ land rights • Bilingual education policy • Legislation protects indigenous dress in schools • Party to ILO Convention 169 	<p>Lands (1997): responsible for developing proposals to implement the sections of the Indigenous Accord relating to indigenous land rights</p> <p>Commission on Educational Reform (1997)</p> <p>National Program of Bilingual Education (1984)</p> <p>Directorate General of Bilingual Education (1995)</p> <p>Commission of Indigenous Affairs in the Supreme Court of Justice</p> <p>Office for the Defense of Indigenous Women</p>
<p>Honduras <i>Mestizo 90%;</i> <i>Amerindian 7%;</i> <i>black 2%;</i> <i>white 1%</i></p>	<ul style="list-style-type: none"> • Constitution commits the state to preserving and promoting native cultures, consulting with indigenous groups in matters affecting them and obtaining their consent to any development proposals, and protecting their land interests • 1997: Government reaches an agreement with indigenous and black people promising greater respect for their human rights, an investigation into the murders of indigenous leaders, the transfer of 9,000 hectares to the Chorti, and the establishment of a commission of Guarantors to ensure that the government meets these commitments 	

Country	Policy	Institutions
	<ul style="list-style-type: none"> • Government has transferred land to indigenous peoples • Party to ILO Convention 169 	
<p>Nicaragua <i>Mestizo 69%;</i> <i>white 17%;</i> <i>black 9%;</i> <i>Amerindian 5%</i></p>	<ul style="list-style-type: none"> • Constitution recognizes indigenous communities' ownership of their land (but does not establish boundaries) • 1985: Autonomous model of government established for the Atlantic Coast for indigenous peoples living there; regional university also established to strengthen the identity of the peoples in the coastal area • Nicaraguan Autonomy Law (1987): negotiated between indigenous rebels and the Sandinista government as part of the peace accords; resulted in a "decentralized representational framework that respects local authorities yet guarantees indigenous representation at the national level"⁸ • 2001: Inter-American Court of Human Rights ruled that the government had violated the Awas Tingni's property rights and obliged it to delimit, demarcate and title Awas Tingni territory; also requires government to consult with them regarding the use of their natural resources 	

⁸ Melina Selverston-Scher, "Overview of Self-Determination Issues in Latin America," (8 March 2004), <http://www.selfdetermine.org/regions/latam_body.html>.

Country	Policy	Institutions
<p>Panama <i>Mestizo 70%; Amerindian and mixed (West Indian) 14%; white 10%; Amerindian 6%</i></p>	<ul style="list-style-type: none"> • Constitution recognizes and respects the ethnic identity of the country’s indigenous communities; pledges to create programs aimed at developing the social and spiritual values of each culture; commits the state to establishing an institution for the study, conservation and promulgation of indigenous peoples’ culture and languages; requires the state to provide bilingual literacy programs in indigenous communities; prohibits racial and other discrimination • Law No.4 (1999): Commits the state to incorporating Panama’s pluricultural and pluriethnic character into legislation • Kuna have autonomy and an independent Kuna Congress exercises full control over its area • Creation of comarcas (reserves) for several indigenous groups, including the Kuna Yala, Ngobe-Bugle, Embera Wounaan, Kuna de Madungandi and Kuna de Wargandi, providing them with semi-autonomous status - governed by tribal chiefs • Two seats reserved for Kuna Yala legislators; three to be added for the Ngobe-Bugle reserve in the 2004 elections • Indigenous peoples participate in decisions affecting their lands, culture, traditions and allocation of natural resources • Legislation protects the intellectual property rights of indigenous creations, such as drawings, designs and models 	<p>Office of Indigenous Policy, under the Ministry of Government and Justice: responsible for promoting and maintaining the social and economic development of indigenous people while respecting their values; seeking solutions to the problems affecting indigenous people; improving the relationship between indigenous groups and the government; and increasing indigenous peoples’ participation in the government and non-government sectors</p> <p>Consejo Nacionalde Desarrollo Indigena (CNDI), under the Ministry (2000): deals with matters related to indigenous peoples; charged with ensuring that human rights, indigenous rights and Panama’s pluricultural character are respected</p>
<p>Paraguay <i>Mestizo 95%</i></p>	<ul style="list-style-type: none"> • Constitution provides for the freedom of religion, worship and ideology; recognizes the existence of indigenous peoples as ethnic groups whose culture “existed before the formation and constitution of the State of Paraguay”; identifies Paraguay as a pluricultural and bilingual state and makes guarani an official language; gives indigenous peoples the right to preserve and develop their ethnic identity and habitat and to “apply their systems of political, social, economic, cultural and religious organization”; and to voluntarily observe customary practices in their domestic coexistence as long as they do not violate the 	<p>National Institute of the Indigenous (Instituto Nacional del Indigena – INDI)</p>

Country	Policy	Institutions
	<p>fundamental rights established by this Constitution”; gives indigenous communities the right to own communal lands in a quantity and quality sufficient to conserve and develop their way of life and prohibits the removal or transfer of indigenous groups from their habitat without their express consent; guarantees indigenous peoples’ right to participate in the country’s economic, social, political and cultural life; prohibits discrimination; states that teaching “in the early school career will be in the official language of which the student is a native speaker”; obliges the State to respect the cultural heritage of indigenous communities, especially as it relates to formal education</p> <ul style="list-style-type: none"> • Law 904 – Statute of Indigenous Communities (1981, modified in 1996): among other things, provides for the transfer of government land to indigenous communities; recognizes the legal existence of indigenous communities; requires that judges take into account indigenous peoples’ culture and customs during proceedings; gives individuals the right to have an interpreter in court • Law 68 (1990): requires that schooling be conducted in the two national languages, Spanish and guarani, in all levels of education • Party to ILO Convention 169 	
Peru	<ul style="list-style-type: none"> • Constitution: recognizes and “protects the ethnic and cultural plurality of the Nation”; states that every person “has the right to his or her ethnic and cultural identity”; gives every Peruvian the right to “use his or her own language before any authority through an interpreter”; promotes intercultural and bilingual education; gives indigenous languages official status in the areas in which they predominate; recognizes the property rights of “peasant and ancestral native communities to the lands they possess within 	

⁹ Organization of American States, Inter-American Commission on Human Rights, *Second Report on the Situation of Human Rights in Peru, Chapter X: The Rights of Indigenous Communities*, 2 June 2000, (10 December 2003), <<http://www.cidh.org/countryrep/Peru2000en/chapter10.htm>>.

Country	Policy	Institutions
	<p>naturally protected areas”</p> <ul style="list-style-type: none"> • Law No. 22,175 (1978): “establishe[s] legal recognition and juridical personality for native communities, guaranteeing them the right to property with respect to lands suitable for crops and/or stock-breeding, and set out the regime for the protection of territorial property as inalienable, non-attachable, and imprescribable”⁹ • Legislation prohibits discrimination in the workplace • Indigenous Development Plan • Bilingual education implemented in some areas • Bilingual/Multicultural Literacy Program for the Peruvian Amazon • Party to ILO Convention 169 	

2. Europe

Country	Policy	Institutions
<p>Bulgaria</p> <p><i>Bulgarian 83.6%;</i> <i>Turk 9.5%;</i> <i>Roma 4.6%;</i> <i>other 2.3%</i></p>	<ul style="list-style-type: none"> • Constitution prohibits special privileges or discrimination based on race, ethnicity, nationality, religion and other factors • Framework Program for Equal Integration of Roma in Bulgarian Society (1999 – not yet put into practice)¹⁰ • Implementing a national education strategy for the integration of minority children, including desegregation of schools • Seminars held for journalists to raise public awareness of minority issues • Party to the Framework Convention 	<p>National Council on Ethnic and Demographic Issues (NCEDI)</p> <p>Municipal level Roma experts or councils</p> <p>Consultative Council on Education of Children and Schoolchildren from the Minority Groups, under the Ministry of Education and Science</p>
<p>Czech Republic</p> <p><i>Czech 94.8%;</i> <i>Slovak 3.1%;</i> <i>Polish 0.6%;</i> <i>German 0.5%;</i> <i>Romany 0.3%;</i> <i>Hungarian 0.2%;</i> <i>Ukrainian</i></p>	<ul style="list-style-type: none"> • Law on the Rights of National Minorities: gives national minorities the right to: participate in national associations and political parties; actively participate in cultural, social and economic life and public affairs, especially those affecting them; use their name and surname in their native language; use their language in official documentation and in court; be educated in their native language and establish private schools that teach in their 	<p>Council of the Government for National Minorities: monitors the observance of the Constitution, the Charter of Rights and Freedoms, international conventions on human rights the Czech Republic is party to, and any other acts relating to national minorities; also advises the</p>

¹⁰ Commission of the European Communities, *2002 Regular Report on Bulgaria's Process Towards Accession*. (5 December 2003). <http://europa.eu.int/comm/enlargement/report2002/bu_en.pdf>.

Country	Policy	Institutions
<p><i>0.1%: Russian 0.1%</i></p>	<p>native language; maintain and develop their language, culture and traditions; and spread and receive information in their native language, including radio and television</p> <ul style="list-style-type: none"> • Minorities granted the right to form national associations, political parties and movements; to participate in dealing with matters affecting them; to use their native language in official documentation, in court and during elections; to receive education in their native language and to spread and receive information in their native tongue; and to “maintain and develop their language, culture and traditions” and be respected for them • Concept for Roma Integration • Tolerance Project: aimed at prompting discussion of the violence and discrimination against the Roma • Roma have national minority status, entitling them to an education in their mother tongue; the right to preserve their culture, to distribute and receive information in their mother tongue, to use their mother tongue in official contacts and to have representatives who help resolve matters affecting them 	<p>government and drafts measures on matters relating to the rights of national minorities</p> <p>Council for Roma Affairs</p>
<p>Denmark <i>Scandinavian, Inuit, Faroese, German, Turkish, Iranian, Somali</i></p>	<ul style="list-style-type: none"> • Integration policy: aims to ensure that all citizens have the “same opportunities and [are] actively and equally involved in the political, social, economic and cultural life” of Denmark and that the “economic and human resources represented by the ethnic minorities” are harnessed. Addresses three primary areas – a coherent and open democratic society, education and training, and the labor market – based on the following principles: making room for diversity and learning how to profit from it; abandoning clientification of ethnic minorities and showing respect by imposing demands; abandoning any lack of consistency in the application of the integration policy; and not using culture as an excuse for suppressive family patterns • Act on the Integration of Aliens in Denmark (Integration Act) • Repatriation Act 	<p>Ministry of Refugee, Integration and Immigration Affairs (2001): deals with immigration and integration policy issues, as well as citizenship matters (has administration, immigration and integration departments)</p> <p>Immigration Department: contributes to the formulation of immigration and integration policies</p> <p>Integration Department: handles tasks “concerning the formulation of the general integration policy” and is in charge of “developing integration policies in connection with initiatives</p>

Country	Policy	Institutions
	<ul style="list-style-type: none"> • Act on the Board for Ethnic Equality • Aliens Act • Act on Teaching Danish as a Second Language for Adult Foreigners • Government has an action plan on preventing forced and arranged marriages and contributing to integration and increased gender equality 	<p>concerning social, labour market and urban political affairs”</p> <p>Danish Immigration Service: “administrates legislation on aliens and is in charge of initial consideration of all cases” dealing with the right of foreigners to enter and stay in Denmark, including asylum, family reunification, residence and work permits and visas</p> <p>Think Tank on Integration in Denmark (2001): appointed by the Minister of the Interior to “clarify the integration of foreigners in the Danish society, analyse the future population development [and] address the social consequences of the population development and the integration of foreigners”</p> <p>Council for Ethnic Minorities: advises the Ministry of Refugee, Immigration and Integration Affairs on issues concerning immigrants and refugees</p> <p>Some municipalities have integration councils</p>
Estonia	<ul style="list-style-type: none"> • Integration Policy (state integration program 2001 – 2007) • Estonian Language Law • Russian-speaking minority allowed to use Russian in courts and the administration in areas where they represent a majority of the local population • Legislation allows municipalities to request to use Russian as their administrative language in addition to Estonian if more than 50% of the 	<p>Ministry for Population and Ethnic Affairs</p> <p>Non-Estonian Integration Foundation, under Ministry of Ethnic Affairs: responsible for managing integration program</p> <p>Language Inspectorate: responsible for enforcing</p>

Country	Policy	Institutions
	<p>local population are Russian speakers</p> <ul style="list-style-type: none"> • Estonian Parliamentary and Local Elections Law amended (Nov. 2001) to abolish language requirements for candidates in parliamentary and local elections • Basic School and Gymnasium Act amended (March 2002) to allow full-time Russian-language education after 2007 if the population so wishes • Party to the Framework Convention 	<p>language legislation</p>
<p>Hungary <i>Hungarian 89.9%;</i> <i>Roma 4%;</i> <i>German 2.6%;</i> <i>Serb 2%;</i> <i>Slovak 0.8%;</i> <i>Romanian 0.7%</i></p>	<ul style="list-style-type: none"> • Government has stated that it “values the cultural variety that dates back centuries” and that it considers “minorities’ existence, the conservation of their languages, traditions and cultures ... an important element of social and cultural life.” • Has 12 officially registered ethnic minorities 	<p>Office for National and Ethnic Minorities (1990): responsible for coordinating the implementation of “governmental tasks related to national and ethnic minorities living in Hungary”; preparing government decisions on minority policy; promoting dialogue between the government and minority organizations; analyzing and assessing the enforcement of national and ethnic minority rights and the situation minorities face; maintaining contact with minority self-governments and organizations; working with minority organizations to identify and assess minority needs; and monitoring the trend of public opinion on minorities</p>
<p>Latvia <i>Latvian 57.7%;</i> <i>Russian 29.6%;</i> <i>Belarusian 4.1%;</i> <i>Ukrainian 2.7%;</i> <i>Polish 2.5%;</i> <i>Lithuanian 1.4%;</i> <i>other 2%</i></p>	<ul style="list-style-type: none"> • National Programme for Integration of Society in Latvia • Education Law of 1998: provides for the introduction of bilingual education • Latvian Language Law of 1999 • National Program for Latvian Language Training (1996-2006) • Provisions requiring candidates to be proficient in Latvian abolished by Parliament (May 2002) 	<p>Society Integration Foundation</p> <p>State Language Centre: oversees and manages the implementation of the State Language Law</p>

Country	Policy	Institutions
Lithuania <i>Lithuanian</i> 80.6%; <i>Russian</i> 8.7%; <i>Polish</i> 7%; <i>Belarusian</i> 1.6%; <i>other</i> 2.1%	<ul style="list-style-type: none"> • Program for Social and Cultural Integration of National Minorities: provides funding for the activities, such as cultural and educational projects, of NGOs representing national minorities • Program for the Roma Community's Integration into Lithuanian Society (2002-2004): seeks to address the problems faced by Roma, including poor living conditions, unemployment, and poor access to education, training, social benefits and public health services • Party to the Framework Convention 	Department of National Minorities and Emigration House of Ethnic Minorities (Vilnius) Roma Community House (2001)
Northern Ireland <i>White</i> 99.15%; <i>Chinese</i> 0.25%; <i>Mixed</i> 0.20%; <i>Irish Travellers</i> 0.10%; <i>Indians</i> 0.09%; <i>Pakistani</i> 0.04%; <i>Bangladeshi</i> 0.01%; <i>Other Asian</i> 0.01%; <i>Black African</i> 0.03%; <i>Black Caribbean</i> 0.02%; <i>Other Black</i> 0.02%;	<ul style="list-style-type: none"> • Race Relations (Northern Ireland) Order, 1997 (as amended) • Northern Ireland Act, 1998 	The Equality Commission for Northern Ireland. Independent public body established under the Northern Ireland Act 1998. Its duties are: Working towards the elimination of discrimination; promoting equality of opportunity and encouraging good practice, promoting affirmative/positive action; promoting good relations between people of different racial groups; overseeing implementation and effectiveness of the statutory duty on public authorities; and keeping the relevant legislation under review.
Romania <i>Romanian</i> 89.5%; <i>Hungarian</i> 6.6%; <i>Roma</i> 2.5%; <i>Ukrainian</i> 0.3%; <i>German</i> 0.3%; <i>Russian</i> 0.2%; <i>Turkish</i> 0.2%; <i>other</i> 0.4%	<ul style="list-style-type: none"> • National Strategy for Improving the Condition of Roma: 15 commissions have been established in ministries or national agencies to aid in the implementation of sectoral strategies and special school and health "mediators" hired to improve Roma access to public services (check what this is) • Law on Local Public Administration: allows official use of minority languages in areas where speakers of that language represent more than 20% of the population • National minorities allowed to use their 	Department for Inter-Ethnic Relations Local Roma offices, provided for in the Roma Strategy

Country	Policy	Institutions
(2002)	<p>national flag, anthem and coat of arms at official gatherings</p> <ul style="list-style-type: none"> • Legislation gives minorities the right to study their language if there is sufficient demand • Legislation requires communities with a minority population of over 20% to hire police officers who know the native language of the minority in question • Party to the Framework Convention 	
<p>Slovakia <i>Slovak 85.7%; Hungarian 10.6%; Roma 1.6%; Czech, Moravian, Silesian 1.1%; Ruthenian and Ukrainian 0.6%; German 0.1%; Polish 0.1%; other 0.2%</i> (1996)</p>	<ul style="list-style-type: none"> • More than 10 recognized minorities • Language Act of 1990: allows the use of minority languages in road signs in districts where minority population exceeds 20 percent¹¹ • Law on the Use of Minority Languages • Ministry of the Interior established a commission to cooperate with NGOs in investigating racially-motivated attacks • Party to the Framework Convention 	<p>Government Plenipotentiary for Roma Affairs (regional office opened in 2001 in Eastern Slovakia, where majority of Roma live)</p> <p>Inter-Ministerial Commission for Roma Community Affairs: coordinates the Roma-related activities of the various ministries</p>
<p>Slovenia <i>Slovene 88%; Croat 3%; Serb 2%; Bosniak 1%, Yugoslav 0.6%, Hungarian 0.4%, other 5%</i> (1991)</p>	<ul style="list-style-type: none"> • Constitution (Article 64) recognizes the Hungarian and Italian communities as national minorities, giving them special rights such as the right to: use national symbols; receive education in their native language; have mass media and publishing in their native language; recognition of their native language as official languages in areas where they live; have contacts with their country of origin; a seat in Parliament; and co-decision making. Article 65 gives the Roma community special status. Other minority communities have the right to preserve their identity, maintain their culture and use their native language. • Law on Self-Governing National Communities (1994): a special form of autonomy that allows national minorities to establish self-governing national communities in areas where they autochthonously live; amended to grant Roma the right to be represented in 20 	<p>Government Commission for National Minorities: monitors the implementation of legislation relating to national minorities and drafts initiatives for the government and state bodies</p> <p>Government Office for National Minorities:</p> <p>Government Commission for Protection of the Roma</p> <p>Office for Nationalities: cooperates with self-governing nationalities and other minority organizations, ensures financing for their activities, and provides information</p>

¹¹ <http://www.unesco.org/most/ronen.htm#C>

Country	Policy	Institutions
	<p>municipalities</p> <ul style="list-style-type: none"> • Law on Local Self-Government: in ethnically mixed areas, national communities are organized into municipal self-governing national communities; mandates that the consent of national communities be obtained in matters affecting the protection of their rights • Law on Personal Names: requires that the personal name of a member of the Italian or Hungarian minorities be recorded in their original form, unless the individual desires otherwise • Law on the Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education: guarantees the right of national minorities to receive education in their native language from pre-school education to secondary education in ethnically mixed areas; also requires that the curricula for these communities take into account the special achievements of their country of origin and that educational plans be developed in cooperation with the educational institutions of the communities' country of origin • Law on Mass Media (1994): requires that the state support the development of mass media for the Italian and Hungarian communities • Law on Radio Television Slovenia: provides that the Italian and Hungarian communities each appoint one member to the Council of RTV Slovenia • Programme on Equal Opportunities of Employment for the Roma • New State Administration Act: includes provisions on the right to use the Italian and Hungarian languages • Law on local government amended giving the Roma the right to be directly represented in 20 municipalities • Party to the Framework Convention 	<p>relevant to the needs of minority communities</p> <p>Office for Religious Communities: provides professional aid to religious communities, organizes working sessions and consultations, and cooperates with ministries and other state and local bodies to settle questions regarding religious communities</p>
<p>Sweden <i>Indigenous population: Swedes and</i></p>	<ul style="list-style-type: none"> • Integration policy: aims to stop segregation and combat racism, xenophobia and ethnic discrimination; allow "all members of society, regardless of their ethnic and cultural 	<p>Ministry of Justice: in charge of integration and minority issues</p>

Country	Policy	Institutions
<p><i>Finnish and Sami minorities; foreign-born or first-generation immigrants: Finns, Yugoslavs, Danes, Norwegians, Greeks and Turks</i></p>	<p>background to enjoy equal rights and opportunities”; promote "social fellowship based on the diversity of society"; and promote “social development, characterized by mutual respect and tolerance”</p> <ul style="list-style-type: none"> • Minority policy: intended to strengthen national minorities, expand their participation in decision-making, and support their languages to keep them alive • Indigenous policy: consists primarily of a national information campaign about the Sami and their culture aimed at improving relations between indigenous and non-indigenous peoples and to prevent discrimination • Law on Measures to Counteract Ethnic Discrimination in Working Life Act (1999): purpose is to promote equal rights and opportunities without regard to ethnic background in the workplace • Act on Equal Treatment of Students in Higher Education (2001): seeks to promote equal rights for students and applicants in higher education and combat discrimination related to gender, ethnicity, sexual orientation and disability • Legislation extending protection against discrimination beyond work and education to areas such as social services • Bilingual education for national minorities • School curricula includes instruction on national minorities and minority languages • Languages of national minorities given official status, and can be used with administrative authorities and courts in areas where these languages have traditionally been present • There are broadcasts in minority languages • Certain municipalities offer parents the choice of enrolling their children in schools where some or all instruction is conducted in their native language • Party to the Framework Convention 	<p>Ombudsman Against Ethnic Discrimination (1986): responsible for helping victims of ethnic discrimination realize their rights</p> <p>Swedish Integration Board (1998): responsible for ensuring that “the visions and goals of Sweden’s integration policies have an impact in the various areas of society”</p> <p>Council on Roma Issues (2002): advisory body to the government, responsible for being “proactive in national efforts to promote the situation of Roma in Swedish society”</p>
<p>Ukraine <i>Ukrainian 77.8%; Russian 17.3%;</i></p>		<p>State Committee on Nationalities and Migration of Ukraine (1996): responsible for preparing policy proposals</p>

Country	Policy	Institutions
<p><i>Belarusian</i> 0.6%; <i>Moldovan</i> 0.5%; <i>Crimean Tatar</i> 0.5%; <i>Bulgarian</i> 0.4%; <i>Hungarian</i> 0.3%; <i>Romanian</i> 0.3%; <i>Polish</i> 0.3%; <i>Jewish</i> 0.2%; <i>other</i> 1.8% (2001)</p>		<p>dealing with nationalities' rights, the Ukrainian Diaspora, international relations, and migration and language policy; drafting and submitting legislation to improve minority problems; and coordinating the activities of central government bodies dealing with the ethno-national, linguistic, demographic and ethno-cultural development of Ukraine</p> <p>State Committee on Religions of Ukraine (1996): ensures that state policy on religion and the church is implemented; protects the right to freedom of ideology and religion; forms and regulates relations between the state, church, and religious organizations; and promotes mutual understanding between religious groups of diverse ideologies</p> <p>Council of Representatives of Public Organisations of National Minorities of Ukraine</p>
<p>United Kingdom <i>White</i> 92.1%; <i>Mixed</i> 1.2%; <i>Indian</i> 1.8%; <i>Pakistani</i> 1.3%; <i>Bangladeshi</i> 0.5%; <i>Other Asians</i> 0.4%; <i>Black Caribbean</i> 1.0%; <i>Black African</i> 0.8%; <i>Black other</i></p>	<ul style="list-style-type: none"> • Race Relations Act, 1976 – Amended in 2000. Objective is to eliminate unlawful racial discrimination, promote equal opportunities; and promote good relations between people from different racial groups. Seeks to eliminate the long-standing disadvantage and discrimination experienced by Roma and Travellers in Britain, make sure they receive equal opportunities and fair treatment, and promote good relations between Roma and Travellers and other groups. • The Race Relations Act applies in England, Wales, and Scotland. • Equality Bill, 2006 • The Government's strategy to increase race equality and community cohesion is targeted 	<p>Commission for Racial Equality-- main functions: works towards the elimination of racial discrimination and promote equality of opportunity; encourages good relations between people from different racial and ethnic backgrounds; monitors the way the Race Relations Act is working and recommend ways in which it can be improved.</p> <p>Commission for Equality and Human Rights: The CEHR is a statutory body which helps to</p>

Country	Policy	Institutions
0.2%; <i>Chinese</i> 0.4%; <i>Other</i> 0.4%;	<p>at the education, health, labour, police and housing sectors.</p> <ul style="list-style-type: none"> • Criminal Justice and Public Order Act, 1994. Reduced land sites for Roma and Irish Travellers to settle. 	enforce legislation prohibiting discrimination on the grounds of sexuality, religion or belief and age, in addition to the current coverage of race, gender and disability.

3. ASIA/AUSTRALASIA

Country	Policy	Institutions
Australia <i>Caucasian</i> 92%; <i>Asian</i> 7%; <i>aboriginal and</i> <i>other</i> 1%	<ul style="list-style-type: none"> • Australian multiculturalism: based on the principles of civic duty, cultural respect, social equity and productive diversity; states that cultural diversity should be recognized, accepted, respected and celebrated. • Living in Harmony Initiative: consists of a community grants program, which seeks to develop projects that promote inter-cultural, racial and religious harmony; a partnership program, through which the government works with other organizations to improve social cohesion and fight racism; and a public information strategy, which consists primarily of Harmony Day 	The Council for Multicultural Australia
Fiji	<ul style="list-style-type: none"> • Constitution recognizes Fiji as a multicultural society; grants English, Fijian and Hindustani equal status and states that every person who interacts with a department or local or state government representative has the right to do so in any of these languages; provides for freedom of religion; states that all people have the right to maintain their language, culture and traditions; grants the Fijian and Rotuman people the right to govern themselves through separate administrative systems and requires that Parliament allow the application of their customary laws; requires that Parliament grant an equitable share of royalties or money earned through the extraction of minerals to owners of land or registered customary fishing rights; allows religious and cultural or social communities to provide religious education and establish their own places of education; 	Ministry of National Reconciliation and Multi-Ethnic Affairs: promotes “racial harmony and social cohesion through social, cultural, educational and other activities at all levels within the indigenous Fijian community and between the various racial groups” ¹³

Country	Policy	Institutions
	states that all people are equal before the law and prohibits discrimination based on personal characteristics such as race, ethnicity, gender, place of origin or language; requires that Parliament enact programs to achieve equality of access for all groups in education and training, land and housing, and participation in commerce and government ¹²	
India <i>Indo-Aryan</i> 72%; <i>Dravidian</i> 25%; <i>Mongoloid and other</i> 3% (2000) <i>Hindu</i> 81.3%; <i>Muslim</i> 12%; <i>Christian</i> 2.3%; <i>Sikh</i> 1.9%; <i>other</i> 2.5% (2000)	<ul style="list-style-type: none"> • Constitution lists equality before the law; equality of opportunity in employment; prohibition of discrimination on grounds of religion, race, caste, sex or place of birth; and the right to freely profess, practice and propagate religion as fundamental rights. Grants linguistic and religious minorities the right to establish educational institutions of their choice and conserve their "distinct language, script or culture." Obligates the State to provide "facilities for instruction in the mother tongue at the primary level of education." 	National Commission for Minorities (1993), under the Ministry of Home Affairs: responsible for safeguarding the rights and interests of religious and linguistic minorities Special Officer for Linguistic Minorities (?)
Indonesia <i>Javanese</i> 45%; <i>Sundanese</i> 14%; <i>Madurese</i> 7.5%; <i>Malay</i> 7.5%; <i>other</i> 26% <i>Muslim</i> 88%; <i>Protestant</i> 5%; <i>Roman Catholic</i> 3%; <i>Hindu</i> 2%; <i>Buddhist</i> 1%; <i>other</i> 1%	<ul style="list-style-type: none"> • National motto: Unity in Diversity • Constitution formally embraces Islam, Catholicism, Protestantism, Buddhism and Hinduism • Decentralizing legislation that allows districts to control areas such as public works, health, education and culture • Aceh Special Autonomy Law and Papua Special Autonomy Bill (1999): allow these two provinces greater political, cultural and economic benefits, including the right to keep a larger percentage of their gas and oil revenues • Strengthening of National Unity and Cohesion decree (2000): requires government to facilitate dialogues at the national and regional level to promote tolerance among different groups of people and to address the development problems in several regions in order to strengthen national unity; also suggests that a national truth and reconciliation 	Ministry of Religious Affairs: responsible for encouraging "harmonious life from the religious perspective" Ministry of Home Affairs: promotes national unity Ministry of Social Affairs: has a branch dealing with ethnic groups

¹² "Fiji Constitution," (10 March 2004), <http://www.oefre.unibe.ch/law/icl/fj0000_.html>.

¹³ "Ministry of National Reconciliation and Multi-Ethnic Affairs," (20 February 2004), <http://www.fiji.gov.fj/publish/m_reconciliation.shtml>.

Country	Policy	Institutions
	<p>committee be established to investigate past human rights violations and abuses of power</p> <ul style="list-style-type: none"> • Local dialects, dances and cultural activities folded into regional curricula • Celebration of different religious holidays • Many laws that were discriminatory against ethnic Chinese were repealed • Allowed East Timor’s independence 	
Malaysia	<ul style="list-style-type: none"> • Affirmative action programs favoring Malays 	<p>Ministry of National Unity and Social Development (1990): develops policy on national unity and social development, formulates new legislation, and conducts research relating to national unity and social development; promotes the implementation of social inclusion and social integration programs</p> <p>Department of National Unity: oversees race relations, national solidarity, ethno-social research, Rukun Tetangga and unity kindergarten, and national integration</p>
<p>New Zealand <i>New Zealand European 74.5%; Maori 9.7%; other European 4.6%; Pacific Islander 3.8%; Asian and others 7.4%</i></p>	<ul style="list-style-type: none"> • Ethnic Perspectives in Policy: resource guide from the Office of Ethnic Affairs that is meant to advise policymakers on how to incorporate ethnic perspectives in the development of policy and services • Government agencies expected to take into account ethnic communities affected by their work • Telephone interpreting service to help ethnic communities have access to six government departments 	<p>Office of Ethnic Affairs (2001): responsible for “empowering ethnic people to participate in all aspects of New Zealand life”; improving ethnic people’s access to key services; “developing a better informed and more responsive public service”; and “raising awareness of ethnic diversity”</p> <p>Ministry of Maori Development and Pacific Island Affairs: advises the government on issues related to Maori development</p> <p>Race Relations Office</p>
Philippines	<ul style="list-style-type: none"> • Constitution recognizes, respects and protects 	National Commission for

Country	Policy	Institutions
	<p>indigenous peoples’ rights and ensures the preservation and development of their cultures, traditions and institutions</p> <ul style="list-style-type: none"> • Indigenous Peoples Rights Act of 1997: recognizes indigenous peoples’ rights to ancestral domain and land title to traditional lands, right to self-governance and self-determination, right to cultural integrity, and non-discrimination • Autonomous Region of Muslim Mindanao 	<p>Indigenous Peoples (NCIP), under Office of the President: primary government agency that protects and promotes “the interest and well-being of the ICCs [indigenous cultural communities]/[indigenous peoples] with due regard to their beliefs, customs, traditions and institutions”</p> <p>Office of Muslim Affairs and Cultural Communities (formerly the Commission for National Integration): responsible for developing self-sustaining community-based structures, promoting cultural development, and developing and utilizing indigenous resources and promoting, developing and enhancing Muslim culture and institutions</p> <p>Bureau of Muslim Cultural Affairs</p>
<p>Sri Lanka <i>Sinhalese 74%; Tamil 18%; Moor 7%; Burgher, Malay and Vedda 1%</i></p> <p><i>Buddhist 70%; Hindu 15%; Christian 8%; Muslim 7% (1999)</i></p>	<ul style="list-style-type: none"> • National Integration declared Sri Lanka’s ethnic affairs policy in 1994; envisages two sets of values: group specific core values allowing ethnic groups to maintain and promote their collective identity and shared civic values aimed at promoting interdependence among different ethnic groups • Official Languages Commission Act • Official Languages Policy 	<p>Ministry of Justice, Law Reform and National Integration, National Integration Division: responsible for achieving ethnic harmony “through the integration of the different ethnic communities in the country” (has a National Integration Program Unit, an Official Languages Department and an Official Languages Commission)</p> <p>National Integration Program Unit (NIPU): responsible for implementing the program of activities related to national integration</p>

Country	Policy	Institutions
		<p>Department of Official Languages (1958): vision is “ethnic harmony and peace through language”; responsible for monitoring the implementation of the Official Language Law</p> <p>Official Languages Commission (1991): tasked with “monitoring the implementation of the official languages policy of the government”</p>

4. AFRICA

Country	Policy	Institutions
<p>Lesotho <i>Sotho 99.7%; Europeans, Asians and other 0.3%</i></p>		<p>Ministry of Justice, Human Rights and Rehabilitation: responsible for building a “tolerant society by inculcating a culture of respect for fundamental human rights and the rule of law”</p> <p>Human Rights Unit (1995): responsible for promoting and protecting human rights and ensuring that all human rights covenants and conventions to which Lesotho is a party are implemented</p>
<p>Rwanda <i>Hutu 84%; Tutsi 15%; Twa 1%</i></p>	<ul style="list-style-type: none"> • Constitution declares the “eradication of ethnic, regional and other divisions and promotion of national unity” one of the fundamental principles of the Rwandan state, guarantees freedom of religion and worship, and prohibits ethnic, regional, racial and any other form of discrimination or division 	<p>National Unity and Reconciliation Commission (1999): advises the government and develops programs promoting national unity and reconciliation</p> <p>Offices of Cultural Affairs, Unity and Reconciliation in each of Rwanda’s 96 district governments and 12 municipal</p>

Country	Policy	Institutions
		governments Gacaca courts: a traditional form of Rwandan justice being used to try some of the country's 115,000 jailed genocide suspects; those who plead guilty and show remorse are deemed capable of reintegration into Rwandan society

5. NORTH AMERICA

Country	Policy	Institutions
Canada <i>British Isles origin 28%;</i> <i>French origin 23%;</i> <i>other European 15%;</i> <i>Amerindian 2%;</i> <i>other 6%;</i> <i>mixed background 26%</i>	<ul style="list-style-type: none"> • Canadian Multiculturalism Act (1988): commits the government to recognizing Canada's cultural and racial diversity and allowing all members of Canadian society to preserve, enhance and share their cultural heritage; establishes multiculturalism as a fundamental characteristic of Canadian heritage and identity • Canadian Charter of Rights and Freedoms (1982): guarantees the rights and freedoms of Canadians, including those related to the official languages; makes Parliament and the federal government bilingual and provides for minority-language education • Official Languages Act (1969): established English and French as Canada's official languages • Official Languages Act: meant to ensure the equality of English and French within the government and Canadian society and to preserve and develop Canada's official language communities • 1971: Multiculturalism Policy introduced encouraging linguistic, ethnocultural and ethnoracial diversity • Employment Equity Act (1986): calls on federal institutions to ensure that Aborigines, members of visible minorities and other disadvantaged groups are fairly represented in their work forces 	<p>The Department of Canadian Heritage: strives for a "more cohesive and creative Canada," as well as strengthening connections among Canadians. Programs include an Aboriginal Affairs Branch, anti-racism programs, a human rights program, the Official-Language Monitor Program, and a Multiculturalism program.</p> <p>Office of the Commissioner of Official Languages: responsible for implementing the main objectives of the Official Languages Act</p> <p>Indian and Northern Affairs Canada: has primary responsibility for meeting the federal government's constitutional, treaty, political and legal obligations to First Nations, Inuit and Northerners</p> <p>Indian Claims Commission (1991): advisory body that helps the federal government</p>

Country	Policy	Institutions
	<ul style="list-style-type: none"> • Gathering Strength – Canada’s Aboriginal Action Plan: designed to increase Aborigines’ quality of life and promote self-sufficiency • Multiculturalism Program: aimed at helping all Canadians participate fully in the country’s economic, political, social and cultural life by creating a society that “recognizes, respects and reflects a diversity of cultures so that people of all backgrounds feel a sense of belonging and attachment to Canada”; “building a society that ensures fair and equitable treatment and that respects the dignity of people of all origins”; and developing active citizens who participate in “shaping the future of their communities and their country.” Entails fostering cross-cultural understanding, combating racism and discrimination, promoting shared citizenship, and making Canadian institutions more reflective of Canadian diversity. • Task Force on Aboriginal Languages and Cultures: government committed to preserving, revitalizing and promoting Aboriginal languages and cultures • Aboriginal Languages Initiative: “maintains and revitalizes Aboriginal language for future generations” • Northern Native Broadcast Access Program: provides funding and assistance to Aboriginal radio and television programming that reflect Aboriginal culture, community issues, concerns and current affairs • Exchanges Canada: government initiative aimed at enabling young Canadians to gain “a better understanding of their country, to connect with one another and to experience the diversity of Canada’s communities, languages and cultures.” 	<p>settle land claims</p> <p>Citizenship and Immigration Canada (1994): links immigration services with citizenship registration; manages access to Canada; and supports the settlement, adaptation and integration of newcomers</p> <p>Canadian Race Relations Foundation (1997): focuses on eliminating racism, especially in education and employment</p>
Mexico	<ul style="list-style-type: none"> • Constitution prohibits discrimination based on ethnic or national origin, sex, age, religion and other differences; identifies Mexico as a pluricultural nation originally based on its indigenous peoples; grants indigenous communities self-determination and autonomy in deciding their social, economic, political and cultural organization, applying their customs to 	<p>Office of Indigenous Development: aims to facilitate the direct participation of indigenous communities in national development, ensure that indigenous communities interact with society and all levels of government, and</p>

Country	Policy	Institutions
	<p>resolve internal conflicts, preserving and enriching their language, culture and identity, conserving and improving their lands.</p> <ul style="list-style-type: none"> • Law on Indigenous Rights and Culture (2001): intended as a constitutional amendment; grants indigenous peoples the right to coordinate and associate themselves within municipalities, identifies indigenous peoples as an integral part of the Mexican nation and gives them such rights as self-determination and autonomy and constitutional rank • State recognizes traditional indigenous institutions, customs and practices • In some cases, Mexican law authorizes elections to municipal posts to be based on indigenous peoples' traditional customs • Party to ILO Convention 169 	<p>improve indigenous peoples' quality of life by respecting their cultural traditions and customs</p>
<p>United States</p> <p><i>Largest minority Hispanics.¹⁴ 12.5%; African-American population. 12.3%; Additional 0.6% part African-American descent; Asian population.¹⁵ 3.6%; Native Americans, include natives of Alaska such as Eskimos and Aleuts 0.9%; Hawaiians and other Pacific Islanders 0.1%;</i></p>	<ul style="list-style-type: none"> • The Civil Rights Act of 1964: prohibits discrimination in federal programs based on race, color, or national origin • Voting Rights Act, 1965 and subsequent amendments (1975, 1982) • Indian Civil Rights Act, 1968 (ICRA) Portions of the ICRA that substantially mirror the Bill of Rights are popularly referred to as the "Indian Bill of Rights." The purpose of the ICRA is to extend many of the constitutional protections of the Bill of Rights to individuals under the jurisdiction of Indian tribal governments. • Civil Liberties Act of 1988 • Comprehensive Immigration Reform, 2006: Aimed at preventing illegal immigration and assimilation of immigrants – legal and illegal • Secure Border Initiative, 2006: Comprehensive multi-year plan to secure America's borders and reduce illegal migration 	<p>US Commission on Civil Rights: Established in 1957. Independent bipartisan agency established by Congress in 1957, reconstituted in 1983 and reauthorized in 1994.</p> <ul style="list-style-type: none"> • Investigates complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices. • Studies and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. • Appraises federal laws and policies with respect to discrimination or denial of

¹⁴ Hispanics refers to those of Mexican, Puerto Ricans, Cubans and many other origins.

¹⁵ Comprising Chinese, Filipino, Indian, Vietnamese, Korean or Japanese.

¹⁶ US Bureau of Census, 2000

Country	Policy	Institutions
<p><i>Persons of mixed racial background constituted 2.4%; Whites alone comprised 75.1%¹⁶</i></p>		<p>equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.</p> <ul style="list-style-type: none"> • Serves as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin.

DISCUSSION: SURVEY OF POLICIES

While all these countries had recognized some level of difference, the groups they recognized and the degree to which they valued and promoted respect for the groups' identity often differed. In some countries such as Nicaragua, Colombia, and Ecuador the statements on diversity were statements merely of recognition and of rights rather than any proactive promotion of diversity as a positive value. Argentina's constitutional amendment provides an example of such a minimalist statement, "To recognize the ethnic and cultural pre-existence of indigenous peoples of Argentina. ... To guarantee respect for their identity ... To enact laws protecting their cultural identity and plurality." Other statements moved a step beyond mere recognition and rights based statements to an appreciation of the value of a group for a country. Chile provides an example of this kind of valuing: "The State values [the indigenous peoples'] existence for being an essential part of the roots of the Chilean Nation." Other countries not only made statements about recognition, rights and value, but encouraged proactive approaches to diversity. Australia and Canada (See Case Studies) are two such examples.

While the policies on inclusion by some countries are geared toward indigenous people, immigrants, or national minorities depending on the historical context of the country, the policies of other countries may explicitly recognize only certain groups such as its indigenous population, and may not include immigrants.

In some countries statements of recognition or appreciation statements were made only after either internal or external pressure was put on the government to do so. In a majority of these cases the statements were released to comply with international accords such as those of the European Union, the UN Declaration on Indigenous People, which spawned constitutional amendments throughout Latin American in the 1990s, and the International Labor Organizations (ILO's) Convention 169. In Bolivia, large-scale protests by indigenous organizations in 1991 led to the ratification of Convention No.169, which was then used as the basis for the constitutional reforms of 1994. Honduras' acknowledgement has a similar history. The states current relationship to the indigenous population is due in large part to a movement comprised of indigenous and other marginalized people who pressured the government to ratify the ILO Convention. In Chile, state acknowledgement of indigenous people came only after President Patricio Aylwin signed an agreement with indigenous leaders promising rights in exchange for their political support. This agreement—the Nueva Imperial Agreement—has formed the basis of the indigenous policy since 1990. In Guatemala the acknowledgement was born out of similar negotiations, and the Accord on Identity and Rights of Indigenous Peoples (also known as the Indigenous Accord) eventually became part of a peace accord.

A range of different measures can be used to institutionalize diversity policies. The use of a constitutional amendment, a longer lasting form of institutionalization, was employed in many cases. Other mechanisms included the setting up of commissions, departments, and ministries.

Much, if not all, of the legislation revolves around four factors: (1) access to resources, a legal infrastructure, and political voice; (2) the ability to express cultural identity; (3) the

freedom to use a language; and (4) in some cases, ownership of ancestral land. The land issue is central to countries with indigenous populations, as is language. Indigenous groups have also lobbied for autonomy, which has allowed them the use of land and also the institutionalization of their traditional legal, political, and educational infrastructures.

CASE STUDIES

The following are four in-depth examinations of government policies. The goal in choosing these case studies was to represent the diversity of government efforts, geographic location and political experiences within which coexistence policies evolve.

- Australia has struggled with of the inclusion of both indigenous and immigrant populations and has embraced diversity after over sixty years of overtly racist policies.
- Sweden is an example of a historically homogenous country that is now coping with the effects of a growing immigrant population and addressing the needs of its indigenous people.
- Rwanda and Indonesia have both experienced widespread violent conflict, but are managing the potential pitfalls of diversity in two radically different ways. The former seeks to avoid ethnicity while the latter is explicit in its handling of its diverse population, both ethnically and religiously.

AUSTRALIA

Background

For over six decades, the Australian government limited immigration to those migrating from European countries. This policy was known as the “White Australia” policy. Although British immigrants were preferred, other Europeans were accepted under the premise that they would “shed their cultures and languages and be assimilated into the host population so that they would rapidly become indistinguishable from it.”¹⁷

The sustainability of this policy was called into question in the 1960s. Prompted by the changes following World War II and the “growing acknowledgment of Australia’s responsibilities as a member of the international community,” which included becoming a signatory to the International Convention to Eradicate All Forms of Racial Discrimination, in 1966 the Australian government began to allow the immigration of “distinguished” non-Europeans.¹⁸ The government also moved away from the assimilationist model of immigration it had pursued up to this point, and adopted

Population Statistics

- About 22% of Australia’s population was born overseas
- 71.45% of Australians are Anglo-Celts
- 17.8% of Australians are continental Europeans
- Asian-Australians represent 6.3% of the population
- Aborigines represent 1.1% of the population

¹⁷ “The Evolution of Australia’s Multicultural Policies” (16 January 2004). <<http://www.immi.gov.au/facts/06evolution.htm>>.

¹⁸ Ibid.

integrationist policies that did not demand that immigrants abandon their culture.

By 1973, the term multiculturalism had become part of the government's lexicon, first appearing in a report entitled A Multi-Cultural Society for the Future. Underlying multiculturalism was the belief that "society would work better if people felt their cultural beliefs were respected and that they did not have to abandon their values to be considered good Australians."¹⁹ A Multi-Cultural Society for the Future was the first of a series of reports issuing policy recommendations and suggestions for change, all of which reflected Australia's evolving understanding of what it meant to be a "multicultural nation." In 1999, after a call for recommendations that would ensure that "cultural diversity was a unifying force for Australia," the government published the New Agenda for Multicultural Australia.

The New Agenda committed the government to creating a country that recognized, accepted, respected and celebrated cultural diversity. According to the report, Australian multiculturalism was to be based on four principles: civic duty, cultural respect, social equity and productive diversity, which calls for Australia to use its linguistic and "cultural diversity for the economic and social benefits of all Australians."²⁰ These principles were to be the foundation of all government policies and programs. To ensure the implementation of the recommendations contained in the report, in 2000 the government established the Council for Multicultural Australia (CMA). In addition, the Commonwealth Inter-Departmental Committee on Multicultural Affairs (IDC-MA) was set up to work in collaboration with the CMA and to aid in the implementation on the Charter of Public Service in a Culturally Diverse Society, which deals with access and equity policies.²¹

In 2003, the government updated and reaffirmed its support of the New Agenda in another report, Multicultural Australia: United in Diversity, which promoted diversity as one of Australia's greatest strengths.

Policies

Australia's development and institutionalization of its multicultural policies was forged during the tenures of Prime Ministers Gough Whitlam and Malcolm Fraser; before then the policies were primarily the brainchild of the country's Liberal Party, but by 1989 multiculturalism had won bipartisan support. During the mid-to-late 1990s, however, support for multiculturalism began to erode. This was best exemplified by the rise of Pauline Hanson, who in 1997 founded the anti-immigration One Nation Party.²² Despite her controversial comments on race and immigration, including statements that Australia was "in danger of being swamped by Asians" Hanson's One Nation Party went on to win

¹⁹ Andrew Jakubowicz, "Glossary: Hot Terms Keep Debate on the Boil," *The Australian*, 9 May 2002.

²⁰ "Productive Diversity: Australia's Comparative Advantage," (22 October 2003).
<<http://www.immi.gov.au/facts/07productive.htm>>.

²¹ (Appendix B of Evaluation)

²² "Profile: Pauline Hanson," BBC News (21 November 2003).

<<http://news.bbc.co.uk/go/pr/fr/-/hi/asia-pacific/2010782.stm>>.

23 percent of the vote in Queensland's state elections.²³ The considerable support garnered by this conservative party seemed to be a sign of the latent resentment Australia's multicultural policies were provoking.

In 1996, Prime Minister John Howard was elected. Although he now professes to believe in its merits, Howard initially sought to pull Australia away from multiculturalism, which he perceived as a threat to Australian values.²⁴ In 1999, the Howard government created its own brand of Australian multiculturalism, dropping social justice as one of the principles multicultural policies should adhere to and calling for a lower level of government commitment to the policy. This policy is overseen by the Department of Immigration and Multicultural and Indigenous Affairs. Howard's administration also changed immigration rules by creating a separate class of refugees, granting only temporary protection visas to those who came into the country by boat, and focusing immigration expansion over the following four years on skilled immigrants.²⁵

Multicultural Policy

Australia's multicultural policy is primarily implemented by the *Living in Harmony Initiative*, which challenges all Australians to "take a stand against racism, prejudice and intolerance; help build a peaceful and productive future for our children by setting an example of how to live in harmony, making the most of our racial, cultural, social and religious diversity; and put into practice the best of traditional Australian values – justice, equality, fairness and friendship."²⁶ Primarily a community-based education program, the Initiative is comprised of the following:

1. **Community grants program** that seeks to develop projects that "promote harmony between people and groups from different cultural, racial, religious or social backgrounds in the local community; and build on positive values ... [such as] social harmony, acceptance of others, commitment to Australia ... [and] fairness and equality."²⁷ The 2003 grants targeted projects encouraging inter-faith understanding and promoting harmony among culturally diverse young Australians.
2. **Partnership program** through which the government works with other organizations to "develop demonstration projects towards improving social cohesion, tackling racism and generating better understanding, respect and cooperation among people of different backgrounds."²⁸ Past projects include "I am not a Racist but..." with B'Nai B'rith (Courage to Care) and Towards a Better Understanding of Islam and the Muslim Community in Australia with the Australian Federation of Islamic Councils (AFIC).

²³ Ibid.

²⁴ Andrew Jakubowicz, "Glossary: Hot Terms Keep Debate on the Boil," *The Australian*, 9 May 2002.

²⁵ Mike Steketee, "M-Word is Kosher Again, but Politics Won't Let it Prosper," *The Australian*, 9 May 2002.

²⁶ "Living in Harmony Initiative," (12 November 2003),
<<http://www.immi.gov.au/multicultural/harmony/index.htm>>.

²⁷ "Community Grants for the Living in Harmony Program," (12 November 2003),
<<http://www.immi.gov.au/multicultural/harmony/community.htm>>.

²⁸ "Living in Harmony Program Partnerships," (12 November 2003),
<<http://www.immi.gov.au/multicultural/harmony/partnerships.htm>>.

3. **Public information strategy** primarily consisting of Harmony Day, which takes place on March 21. This initiative is designed to promote thinking about “our community’s success as a multicultural society; re-commit to continuing respect, goodwill and understanding between all Australians of all backgrounds; and say no to racism.”²⁹

Public Reactions

Australians’ reactions to the government’s multicultural policy are mixed: there are those who believe that multiculturalism is good, those who recognize that multiculturalism has brought tangible benefits but are concerned that it places “strains on the fabric of communal life, introducing ... groups with different, even hostile beliefs and values,” and those who reject multiculturalism outright and feel swamped by immigrants and the changes that they have brought.³⁰ Some Australians also feel that Australia “[panders] to sensitivities about race and cultural issues,” and that multiculturalism disallows honest discussions about issues related to race and ethnicity.³¹ This sentiment is echoed by those who feel that Australia has come to a bridging point, at which it “no longer needs to define its identity through the legislation of White Australia, or at the other extreme, a policy of multiculturalism that subsidizes ethnic diversity at the cost of national unity.”³²

Australians’ concerns about immigration and multiculturalism have changed over time. Although initially they worried that immigrants, especially Asians, would steal jobs away from native Australians—a common objection to immigration—today’s concerns deal primarily with issues of security.³³ Another serious concern among the Australian population is the ability of immigrants to integrate socially and economically.

Security concerns surrounding immigration were brought to the forefront by the October 2002 bombing in Bali, an event some have described as Australia’s version of September 11th attack on the United States. On October 12, Muslim terrorists detonated a bomb at a nightclub in Bali—a popular destination for Australians—killing more than 200 people, the majority of whom were Australians. The blast raised and reinforced concerns that Australia might not be able to integrate its Muslim population, which has been perceived by some as a threat.³⁴ Months before the bombing, an opinion poll revealed that almost 53 percent of Australians would be concerned if a close relative married a Muslim.³⁵ This result might have been due to a recent series of high-profile cases involving the

²⁹ “Harmony Day,” (12 November 2003),

<<http://www.immi.gov.au/multicultural/harmonyday/index.htm>>.

³⁰ Nicolas Rothwell, “On Our Way to Greater Harmony,” *The Australian*, 13 May 2002.

³¹ Janet Albrechtsen, “Talking Race not Racism,” *The Australian*, 17 July 2002.

³² “Howard Leads Evolution on Immigration,” editorial, *The Australian*, 13 July 2002.

³³ “Wave Goodbye to the Fear of Immigration,” editorial, *The Australian*, 13 July 2002.

³⁴ A reader responding to Albrechtsen’s story on “Talking Race not Racism” quoted crime statistics in order to show that “clearly...the Muslim countries and the Muslim culture is unsuited to Australia just as it was unsuited to France.”

³⁵ “Wave Goodbye to the Fear of Immigration,” editorial, *The Australian*, 13 July 2002. The same polled also showed that Asians were preferred to Aborigines.

rapes of white women by young Muslim men. A comment by the judge in one of the trials that there was “no racial element” in the crimes infuriated some Australians, leading one journalist to claim that “in Australia racially motivated gang-rape is met by gutless censorship from multicultural man.”³⁶

In assessing these opinions, it is important to keep in mind the rapid pace of demographic change in Australia, which, as has been noted, barred non-European immigration until the 1960s. As a 1999 report by the National Multicultural Advisory Council observed, “the dramatic changes in the ethnic and cultural composition of Australia that have occurred in the most recent generations are equivalent in magnitude to those wrought in Canada over three generations and over more than six generations in the US.”³⁷

It is clear that Australia has a considerable way to go before it can claim its multicultural policies are an unquestionable success. Though the changes it has made over the past decades are significant, it is also telling that an opinion poll found that 1 in 8 Australians consider themselves racist, with those living in the least diverse areas being the most fearful when new waves of immigrants arrive.³⁸ As the following story also makes apparent, Australia must do more to make its immigrants feel that they are viewed as welcome, equal citizens.

In 2002, reporters interviewed a woman of Asian background for a story about the growing number of Asians in selective, traditionally white schools. She told reporters that Asian students stood out because of their looks: “...you can look Chinese, like my daughter, a second-generation Australian and be standing next to someone who has just arrived from England,” the woman said. She went on to ask: “How many generations do you have to be in Australia to be considered Australian?”³⁹ Solving this dilemma will be a prime focus at the heart of Australia’s multiculturalist efforts.

SWEDEN

Background

In the 19th century, Sweden was an emigrant society—that is, people left rather than came to Sweden. During World War II, however, the country began to ease its restrictions on immigration, accepting tens of thousands of Norwegian, Danish Jews and Estonian refugees. After the war, it continued to accept immigrants from the other Nordic countries (Denmark, Finland, Iceland and Norway), with which it had formed a free labor market in 1954. This was the largest source of immigration to Sweden and helped alleviate the country’s labor shortage. The need for labor also prompted Sweden

³⁶ Janet Albrechtsen, “Talking Race not Racism.”

³⁷ 1999 report by the National Multicultural Advisory Council, quoted in Mike Steketee, “M-word is Kosher Again, but Politics Won’t Let it Prosper,” *The Australian*, 9 May 2002.

³⁸ “Wave Goodbye to the Fear of Immigration,” editorial, *The Australian*, 13 July 2002.

³⁹ Ebru Yaman and George Megalogenis, “Selected for their Strengths,” *The Australian*, 13 May 2002.

to adopt what was essentially an open door policy, which attracted workers from Central Europe and countries such as Italy, Greece, Turkey and Yugoslavia.⁴⁰

Until this time, Sweden's immigration policy promoted assimilation, which meant that immigrants were expected to learn the Swedish language and adopt Swedish behavior and customs. By the 1960s, however, the merits of the assimilation model were being questioned, and by the 1970s Sweden had abandoned assimilation in favor of a policy that allowed immigrants "to preserve the culture of their native countries to the extent that they wished." In 1975, the Swedish Parliament adopted a set of guidelines that formed the basis of the country's immigrant and minority policy. These were "equality between immigrants and Swedes, freedom of cultural choice for immigrants, and cooperation and solidarity."

Significantly, the decision to abandon the assimilation model of immigration was made "after a minimum of public debate, and Parliament barely discussed this important 'reform' at all." At the same time, immigration to Sweden was becoming increasingly globalized, with many immigrants and refugees now coming from Asia and other areas. Given Sweden's "relatively long history of pronounced ethnic and linguistic homogeneity, and its limited experience in dealing with minority issues," the lack of public debate on such an important issue virtually guaranteed that there would be difficulties in implementing the government's new vision of a pluralistic Swedish society.

Today, one in five inhabitants have a non-Swedish ethnic background and more than one in 10 were born abroad.⁴¹ An estimated 200 languages are spoken.⁴² In 1995, Sweden joined the European Union (EU), which forced it to open its borders to "almost unlimited exchanges of manpower with other EU member states." In addition to dealing with immigration, Sweden also faces the issue of addressing the land rights needs of its indigenous population, the Sami, who live in the north of the Scandinavian peninsula, in an area generally known as Lapland

Facts

- 800,000 people born in Sweden have one or both parents who were born abroad
- Majority of Sweden's immigrants have lived there for at least 10 years
- More than 60% of those who have migrated to Sweden have Swedish citizenship.

Policies

The problems arising from this increasing diversity and the growing visibility of non-Swedes during the 1980s and 1990s – including discrimination and segregation – led the government to establish several mechanisms and policies designed to address these issues. During the 80s and 90s, Sweden experimented with a number of incentives meant to persuade immigrants and their families to return to their

native countries. In 1986, the government established the Ombudsman against Ethnic Discrimination, which is charged with "helping people who are the victims of ethnic

⁴⁰ Harald Runblom, "Sweden as a Multicultural Society," (21 November 2003), <<http://www.sweden.se/templates/PrinterFriendlyArticle.asp?id=2264>>.

⁴¹ Swedish government, *Swedish Integration Policy for the 21st Century*, June 2002.

⁴² Harald Runblom, "Sweden as a Multicultural Society," (21 November 2003), <<http://www.sweden.se/templates/PrinterFriendlyArticle.asp?id=2264>>.

discrimination realize their rights.”⁴³ In 1997, the Swedish Parliament decided to redefine its immigration policy, announcing that it was moving away from an immigration policy to an integration policy. This integration policy is codified in the Government bill *Sweden, The Future and Diversity – From Immigration Policy To Integration Policy* and is based on the idea that public policy should reflect society’s ethnic and cultural diversity.⁴⁴ Sweden also has a minority policy and an indigenous policy.

Integration Policy

According to the Swedish government’s web site, the country’s integration policy will enable all members of society to enjoy equal rights and opportunities. Overseen by the Ministry of Justice, the aims of this policy are to ensure “equal rights and opportunities for all, regardless of ethnic and cultural background”; to encourage “social fellowship based on the diversity of society”; and to promote “social development, characterized by mutual respect and tolerance, which all members of society, irrespective of background, should take part in and be jointly responsible for.”⁴⁵ The policy is meant to end segregation and combat racism, xenophobia and ethnic discrimination, and includes a proposal to amend Sweden’s citizenship law to facilitate integration. Enforcement of this policy has been delegated to the Swedish Integration Board, established in 1998 to “[develop] introductory procedures for new refugee arrivals, [to promote] integration and [to monitor] the situation and progress of integration policy objectives within various sectors of the Swedish society.”⁴⁶

In July 2003, the Swedish Parliament adopted a new Act that extended “protection against discrimination from working life and higher education to certain other areas of society,” including social services and health care.⁴⁷ The law is to be enforced by the Ombudsman against Ethnic Discrimination. The new Act was passed in response to two directives issued by the EU Council of Ministers, which forced EU member states to 1) “[implement] the principle of equal treatment between persons irrespective of racial or ethnic origin” (Directive 2000/43/EC) and 2) “[establish] a general framework for equal treatment in employment and occupation” (Directive 2000/78/EC).⁴⁸ Due to the high incidence of discrimination against the Roma, the Ombudsman against Ethnic Discrimination has been commissioned by the government to “carry out a special project to prevent and counteract discrimination and other offensive treatment of Roma.”⁴⁹

⁴³ “What is DO doing?” (19 November 2003). <<http://www.do.se/o.o.i.s?id=618>>.

⁴⁴ *Swedish Integration Policy for the 21st Century*.

⁴⁵ “Integration and Minority Issues,” (19 November 2003).

<http://www.justitie.regeringen.se/inenglish/_issues/integration/index.htm>.

⁴⁶ Swedish government. *Swedish Integration Policy for the 21st Century*, June 2002.

⁴⁷ “Fact Sheet: Extended Protection Against Discrimination,” June 2003 (19 November 2003); Discrimination in the work place is prohibited by the *Measures to Counteract Ethnic Discrimination in Working Life Act* (1999), while the *Act on Equal Treatment of Students in Higher Education* (2001) bars discrimination in higher education on the basis of gender, ethnicity, disability or sexual orientation.

⁴⁸ Ibid.

⁴⁹ “Fact Sheet: National Minorities and Minority Languages,” June 2003 (19 November 2003); The Council on Roma Issues, established in 2002 as an advisory body to the government, also addresses issues affecting Roma.

Minority Policy

In 1999, the Swedish parliament adopted a series of measures contained in the government's 1998 bill *National Minorities in Sweden*. The bill sought to create a "new unified policy on minorities," and conferred national minority status on Sweden's Sami, Swedish-born Finns, "Tornedal Finns," Roma and Jews. It also made Sami, Finnish, Meänkieli (Tornedal Finnish), Romany Chib and Yiddish official minority languages. These groups are protected by Sweden's minority policy, which aims to "confer protection on national minorities, enlarge their scope for influence and support the historical minority languages so that they are kept alive."⁵⁰ The rights of these groups are also guaranteed by the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, which Sweden ratified in 2000.⁵¹

Much of Sweden's minority policy deals with the use of minority languages. Special laws at the regional level allow individuals to use Sami, Finnish and Meänkieli with administrative authorities and courts in the geographic areas where these languages "have traditionally flourished."⁵² In some districts, parents also have the option of enrolling their children in pre-schools "where some or all activities are conducted in their respective minority languages" (this also applies to elderly care services).⁵³ School curriculum has also been changed to include instruction on national minorities and minority languages in order to reflect the government's belief that "it is vital that all children in Sweden learn about the history of the country's national minorities, their culture, language and religion."⁵⁴ In addition to this, as of 2002 the National Council for Cultural Affairs had been allocated \$1 million for "new initiatives to promote national minority languages and culture."⁵⁵ Other measures protecting or promoting minority languages include: the development of bilingual and native language instruction for national minorities, monitored by the National Agency for Education; the production of teaching materials in Romany Chib, a need addressed by the Swedish National Agency for School Improvement; and broadcasts in minority languages.

National minorities have also been given greater opportunities to influence decisions affecting them. These include consultative meetings between representatives of the government and minority organizations, as well as funding for organizations that represent a national minority. These measures are designed to give national minorities a "greater say in public decision-making."⁵⁶

⁵⁰ "Integration and Minority Issues."

⁵¹ "Chapter IV: Attitudes to Immigration and European Union Immigration Policy," in *European Citizens and Freedom, Security and Justice: Qualitative Survey of Citizens of the 15 Member States and the 13 Applicant Countries* (19 November 2003).

<http://europa.eu.int/comm/justice_home/doc_centre/intro/docs/eurobaro_qualitatif_en.pdf>.

⁵² "Fact Sheet: National Minorities and Minority Languages," June 2003 (19 November 2003).

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

Indigenous Policy

In addition to their status as a national minority, Sweden's Sami are also an indigenous people. The government has thus created a specific Sami policy, which consists primarily of a national information campaign about the Sami and their culture. This campaign is to last five years, and the goal is to "build up greater and long-term mutual trust between Sami and non-Sami peoples and to prevent and counteract discrimination."⁵⁷

Public Reactions

Reaction to immigration has been largely negative. A survey of attitudes towards immigration in EU member and applicant states found that Swedes have a "deep feeling of being different from today's immigrants whose cultures and behaviour seems to them to be incompatible with the values of Swedish society."⁵⁸ Responses referred to "a lack of punctuality, indifference to rules, 'honour' killings of daughters, [and] prisons '90% full of foreigners'."⁵⁹ Swedes also worry about the "trend toward housing segregation," where "problems have mounted, manifesting themselves daily in the schools and municipal welfare systems."⁶⁰ These problems have prompted calls for "strong measures to ensure assimilation," including forcing immigrants to learn the Swedish language, educating them and preventing the formation of ethnic ghettos.⁶¹ As in so many other countries, some Swedes also feel that there needs to be a limit on immigration.

These complaints reflect the difficulty of integrating immigrants into Swedish society. According to historian Harald Runblom, people have "tended to focus on the immediate negative social and cultural consequences of immigration," which blinds them to the long-term contributions immigrants make to Swedish society.⁶² Among the problems commonly focused on are unemployment, cultural clashes, and the trouble immigrants have adjusting to their new surroundings. Unemployment, for example, affects non-European immigrants the most, which means that many are forced to take advantage of the social benefits Sweden provides as a welfare state. This in turn prompts criticism that immigrants, especially refugees, take up valuable state resources, contributing "mainly to the debit side of central and local government budgets."⁶³ At the same time, existing discrimination in the labor market has made it difficult for some immigrants, particularly those with darker skin color and foreign-sounding names, to find jobs. There have been considerable government efforts to combat this discrimination, but Runblom reports that these "have so far been rather unsuccessful."⁶⁴ The Ombudsman against Ethnic Discrimination also reports that the number of discrimination complaints it receives is "substantial."⁶⁵ In a sad reflection on Swedish diversity, the survey on attitudes toward

⁵⁷ Ibid.

⁵⁸ "Attitudes to Immigration and European Union Immigration Policy."

⁵⁹ Ibid.

⁶⁰ "Sweden as a Multicultural Society."

⁶¹ "Attitudes to Immigration and European Union Immigration Policy."

⁶² "Sweden as a Multicultural Society."

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ "This is how the DO handles a complaint," (19 November 2003). <<http://www.do.se/o.o.i.s?id=626>>.

immigration reports that the "...only positive aspect people [in Sweden] can see in immigration is that there are now lots of exotic foreign restaurants offering people a chance to try new types of food."⁶⁶

RWANDA

Background

*In 1994, an estimated 800,000 to one million people were killed in Rwanda in less than three months. Most of the victims were members of Rwanda's minority ethnic group, the Tutsi, although some members of the majority Hutu group were also persecuted. The genocide prompted roughly three million Rwandans to leave their homes; two million of these became refugees and the other one million were internally displaced. In all, the genocide affected more than half of the Rwandan population, which at the time of these events was estimated to be seven million people.*⁶⁷

*The roots of the genocide extend back to the period of Rwanda's colonial rule by the Germans, and later, the Belgians. Until then, although different ethnic groups existed, ethnicity was not the dominant source of identification among Rwandan, who, some have argued, identified themselves according to clan affiliation instead. As the Rwandan state became more consolidated, the colonialists hardened ethnic distinctions, and facilitated the rise to power of the minority Tutsi at the expense of the Hutu and Twa, who were left participating only in the lower levels of administration.*⁶⁸

*The colonialists considered the Tutsi, who were taller and had finer features, to be half-European, a "superior race" more reliable and intelligent than the Hutu. The Tutsi were thus given "preferential treatment" in the recruitment of "indigenous political authorities," while the Hutu were discriminated against due to their status as an "inferior" race.⁶⁹ This discrimination extended beyond the political realm to include education and employment as well. In 1933, the Belgians also introduced identity cards in which every Rwandan was categorized as either Tutsi, Hutu or Twa, further solidifying the distinction between Rwanda's three ethnic groups.*⁷⁰

Population Statistics*	
Hutu	0.4%
Tutsi	0.2%
Twa	0.4%

*Figures come from the 1991 census

Before long, the oppressiveness of this colonialist-backed minority rule provoked a violent backlash. In 1959, with the support of the Belgians, the Hutu seized power in the so-called "Hutu Revolution" and abolished the monarchy. Three years later, on July 1,

⁶⁶ "Attitudes to Immigration and European Union Immigration Policy."

⁶⁷ United Nations High Commissioner for Refugees, "The Rwandan Genocide and its Aftermath," *The State of the World's Refugees: Fifty Years of Humanitarian Action*, 2000. 246.
<<http://www.unhcr.ch/pubs/sowr2000/sowr2000toc.htm>>.

⁶⁸ Tor Sellstrom and Lennart Wohlgemuth, "Historical Perspective: Some Explanatory Factors," *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (26 January 2004).
<http://www.um.dk/danida/evalueringsrapporter/1997_rwanda/book1asp>.

⁶⁹ Christian P. Scherrer, *Genocide and Crisis in Central Africa: Conflict Roots, Mass Violence, and Regional War*. (London: Praeger, 2002) 21.

⁷⁰ Sellstrom and Wohlgemuth.

1962, Rwanda proclaimed its independence. According to one scholar, the revolution “marked the beginning of a cycle of turbulent clashes for power, where ‘capture of the Rwandan state from political opponents [became] a violent zero-sum game in which the winner takes all’.”⁷¹ Just as the Hutu had been subordinated by the Tutsi when the latter were in power, the Tutsi population was now oppressed, with many Tutsi killed, exiled or expelled. Subsequent crises, especially those of 1963-1964 and 1973, also led to violence against the Tutsi, prompting tens of thousands to flee to neighboring states. By the early 1990s, Tutsi refugees and their descendants numbered roughly 600,000, which amounted to about half of the Tutsi population.⁷²

The presence of such a large number of Tutsi refugees posed significant problems for the Hutu in Rwanda. Refusing to accept their exile, in 1989 Tutsi refugees in Uganda formed the Rwandan Patriotic Front (RPF), a rebel movement whose armed wing, the Rwandese Patriotic Army (RPA) launched an attack on Rwanda a year later. Led by Tanzania, the international community quickly sought to bring an end to the armed conflict between the RPA and Rwandan President Juvenal Habyarimana’s army, the Forces Armees Rwandaises (FAR).

On August 4, 1993 a comprehensive peace plan was signed in Arusha, setting up a power-sharing agreement and providing for the return of the Tutsi refugees.⁷³ The agreement – which also provided for the “setting up of the National Unity and Reconciliation Commission” – was never implemented, however.⁷⁴ On April 6, 1994 Habyarimana and Burundian President Cyprien Ntaryamira were killed when their plane was shot down as it approached Kigali, Rwanda’s capital. The unexplained crash, thought to have been carried out by Hutu extremists unhappy with the Arusha peace agreement, sparked the genocide, which commenced almost immediately.⁷⁵ Within weeks, RPF forces – which launched an attack that they claimed was meant to stop the genocide – had seized control of Rwanda, once again placing the country under Tutsi rule.

Policies

Today, Rwanda’s government is engaged in a campaign of national unity and reconciliation. The genocide, which was the culmination of decades of ethnic manipulation and violence, has left Rwanda with a bitter legacy that will take a significant amount of time to overcome. Although many countries have experienced violent conflict, the Rwandan government’s response to the divisiveness caused by the genocide is unique. Rather than promoting activities designed to breed inter-ethnic understanding, the government has sought to downplay, and, some would say, suppress ethnic identity, emphasizing that Rwandans should simply view themselves as Rwandan instead. As previously mentioned, the ethnic distinctions commonly drawn were partly a

⁷¹ Ibid.

⁷² Ibid.

⁷³ Scherrer 49-51, 80, 98.

⁷⁴ “Latest News from Rwanda,” (16 December 2003).

<http://www.gov.rw/government/summit_rec.html>.

⁷⁵ Scherrer 67.

creation of the country's colonizers. As the ambassador of the Rwandan mission to the United Nations points out, Rwanda is in fact a "mono-cultural, mono-racial and mono-lingual country."⁷⁶ This fact is emphasized in the preamble of the recently adopted Rwandan constitution, which states that Rwandans "enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of our destiny."⁷⁷ Article 9 of the constitution lists the "eradication of ethnic, regional and other divisions and promotion of national unity" as one of the fundamental principles of the Rwandan state.⁷⁸

Despite the downplaying of ethnicity, the Rwandan government claims that it is also encouraging diversity, but in a way that does not create conflict between or within communities: "We encourage diversity, but we feel that diversity...should not be used in any way to undermine national unity, to undermine the reconciliation process, to undermine nationhood and the essence of the Rwandan nation."⁷⁹ The "propagation of ethnic, regional, racial or discrimination of any other form of division" is therefore prohibited by the constitution.⁸⁰ Citing the national identification cards, which were used to identify victims during the genocide, the government has also made a "conscious decision not to make any record of ethnicity on the census."⁸¹ The policy of the post-colonial government of using ethnic quotas to allocate jobs and educational opportunities has also been overturned by the current government, which said the quotas led to "exclusion and segregation."⁸²

These measures are preventative in nature and are meant to avoid the gradual racist indoctrination that led to the genocide:

*The thing about propaganda is that the first time you hear a message that is ethnically charged, it may sound ridiculous. Progressively, it gets more and more intense and the more you hear it, the more you start asking questions, and after some time you may even start believing it People actually started believing that you should kill these people... However subtle or cloaked these messages are, we need to stop them right from the start, so they don't progress.*⁸³

Although some have questioned the government's approach to diversity, saying that ethnicity is important because it played a key role in the genocide and that the "promotion of common national citizenship requires acknowledgment of diversity" the government insists that its position is correct. According to a legal expert from the president's office, labeling oneself Hutu or Tutsi is exclusionary, and while these identities do exist, they should not be used as a "tool of exclusion."⁸⁴

⁷⁶ Email to Sabrina Sadeghi, The Coexistence Initiative, from Nicholas Shalita, First Counsellor, Permanent Mission of the Republic of Rwanda to the United Nations.

⁷⁷ The Constitution of the Republic of Rwanda.

⁷⁸ Article 9 of the Rwandan constitution.

⁷⁹ Interview. Sabrina Sadeghi and Nicholas Shalita, 10 December 2003.

⁸⁰ Article 33 of the Rwandan Constitution.

⁸¹ Interview with Nicholas Shalita.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Proceedings of the Workshop on Rethinking Peace, Coexistence and Human Security in the Great Lakes, 16-19 April 2002, United Nations High Commissioner for Refugees.

Institutions

In March 1999, the government – together with civil society organizations, community leaders and others – designed The National Commission for Unity and Reconciliation (NURC). The NURC is responsible for:

- Advising the government;
- Initiating debate and dialogue;
- Identifying problem areas;
- Preparing and coordinating the national program for the promotion of national unity and reconciliation; and
- Identifying areas in which politicians and others are manipulating diversity to divide rather than unite.⁸⁵

Every year, the NURC holds a National Summit to discuss the progress made on unity and reconciliation during the previous year, and to develop a program for the next year.⁸⁶ Local government and regional administrative bodies are responsible for implementing the policies established by the NURC.

In 2002, the government also began to use gacaca courts – a traditional form of Rwandan justice – to try some of the country’s 115,000 jailed genocide suspects.⁸⁷ Under the gacaca system, the accused are tried publicly in their villages. Victims and witnesses can provide evidence, while a panel of elected local judges hand down the final verdict. Those who confess to their crime and ask for forgiveness are given lower sentences, under the premise that those who show remorse are capable of being rehabilitated and integrated back into society.⁸⁸

In addition to the NURC and Gacaca courts, each of Rwanda’s 96 district governments and 12 municipal governments have Offices of Cultural Affairs, Unity and Reconciliation. Although civil society is involved in the reconciliation process, the government believes the effort needs its backing in order to be successful. It also recognizes that building a “culture of tolerance” will take time.⁸⁹

Public Reactions

The ambassador to the Rwandan Mission at the UN described Rwanda as a “traumatized nation of both victims and killers.”⁹⁰ It is difficult to measure how much progress has been made in the healing and reconciliation process, and in transforming Rwandan society into one not overshadowed by its genocidal past. One positive sign might be the results of the August 2003 presidential election, in which incumbent president Paul

⁸⁵ Interview with Nicholas Shalita, Rwandan constitution; For a comprehensive list of the Commission’s duties, see Article 178 of the Rwandan constitution.

⁸⁶ “Latest News from Rwanda.”

⁸⁷ “Gacaca Courts Begin Operating Nationwide,” *AfricaOnline.com*, 27 November 2002; “Gacaca Court System for Genocide cases,” *AfricaOnline.com*, 19 June 2002.

⁸⁸ Interview with Rwandan Prime Minister Bernard Makuza by Andrew Mwenda, “Prime Minister Talks About Progress Over the Years,” *The Monitor*.

⁸⁹ Interview with Nicholas Shalita.

⁹⁰ *Ibid.*

Kagame, a Tutsi, was re-elected with over 90 percent of the vote. Given that Hutus represent a vast majority of the population, Kagame must have had significant Hutu support to be this successful.⁹¹ On the other hand, ethnicity was not allowed to be a factor in the campaign and anyone hinting at it “was accused by the Kagame government of ‘divisionism’.” Members of the opposition felt this was “political code for saying that Hutus who sought to oppose President Kagame were complicit in the genocide or planning another,” suggesting that Rwanda has a long way to go before its wounds heal.⁹²

INDONESIA⁹³

Background

Indonesia is the world’s fourth most populous nation, with an estimated 210 million people scattered over more than 6,000 islands. It is also one of the most diverse countries in the world, home to 300 different ethnic groups and more than 580 tribal languages and dialects.⁹⁴ Indonesia is also host to five of the world’s major religions – the constitution “embraces” Islam, Catholicism, Protestantism, Hinduism and Buddhism – as well as several others, including Confucianism, Jehova’s Witnesses, Judaism, and Taoism. This diversity has made it necessary for Indonesia to create a culturally neutral public space, an issue that the country has struggled with since it became independent.

Population Statistics	
<i>Ethnicities</i>	
Javanese	45%
Sundanese	14%
Madurese	7.5%
Malay	7.5%
Other	26%
<i>Religions</i>	
Muslim	88%
Protestant	5%
Roman Catholic	3%
Hindu	2%
Buddhist	1%
Other	1%

From the 17th century until it gained independence in 1949, Indonesia was ruled by the Dutch. From the very beginning “most Indonesian nationalists thought of the Indonesian nation as comprising the members of the various indigenous ethnic groups” residing in Indonesia.⁹⁵ The preamble of the 1945 constitution sets forth the idea of Pancasila, which comprised the five “basic principles of an independent Indonesian state.”⁹⁶ These principles are belief in one supreme God, humanitarianism, nationalism expressed in the unity of Indonesia, consultative democracy and social justice. Pancasila was developed to maintain unity between the country’s religious groups by rejecting the dominance of any one in particular, especially Muslims, who had

⁹¹ Andrew Harding, “Rwanda Tries to Heal Its Wounds,” *BBC News*.

⁹² Mark Doyle, “Rwanda’s Lingering Ethnic Tensions,” *BBC News*.

⁹³ Interview. Sabrina Sadeghi, The Coexistence Initiative, and Jonny Sinaga, First Secretary, Nina Djajaprawira, First Secretary, and Mohammad Ichsan, Third Secretary of the Permanent Mission of the Republic of Indonesia, 9 December 2003.

⁹⁴ “Building Human Security in Indonesia,” (17 November 2003).

<http://www.preventconflict.org/portal/main/background_intergroup_relations.php>; Duane Ruth-Heffelbower, “Indonesia: Out of One, Many?” *The Fletcher Forum of World Affairs*, Vol. 26: 2, Summer/Fall 2002, 223.

⁹⁵ Ibid.

⁹⁶ “Pancasila,” (17 November 2003). <<http://countrystudies.us/indonesia/86.htm>>.

wanted Indonesia to become an Islamic state. The framers of the Constitution inculcated its values through a national indoctrination campaign; until a few years ago, Pancasila was taught “as a required subject at all levels of education,” achieving a “significant unifying effect.”⁹⁷ The attempt to avoid alienating any of Indonesia’s various ethnic or religious groups is also reflected by Indonesia’s national motto, *Bhinneka Tunggal Ika*, which means “Unity in Diversity.”

Despite the many things holding Indonesia together, including a “shared history and a shared victory” against the Dutch, a common language, Bahasa Indonesia⁹⁸, and the national philosophy of Pancasila, Indonesia has been plagued by separatist movements and inter-communal conflicts.⁹⁹ In the 1990s, both Aceh and Irian Jaya (which shares an island with New Guinea and is also known as West Papua) began to struggle for greater autonomy. East Timor, which Indonesia had invaded in 1975, gained its independence in 1999, leading to demands for referenda on autonomy/independence in Aceh and Irian Jaya. Ethnic conflict also broke out in Kalimantan and West Papua, largely as a result of the transmigration program the Suharto government instituted to move people from the most densely populated islands to less populated areas. This migration has prompted the resentment of these areas’ indigenous peoples, who often feel that “their land and culture [are] being invaded.”¹⁰⁰ In the Maluku Islands (or the Moluccan islands), conflict between Muslims and Christians has led to the deaths of more than 5,000 people and the displacement of 500,000 others.¹⁰¹ There is also fighting between Muslims, who are divided into traditionalists and modernists, as well.¹⁰² These conflicts have shattered any reputation Indonesia might have had of being “a model for multiculturalism and religious tolerance,”¹⁰³ and indeed, Indonesia’s current president, Megawati Sukarnoputri, has warned that “Indonesia could disintegrate like the former Yugoslavia unless its people put national interests first.”¹⁰⁴

Policies

Many attribute the instability in Indonesia to the country’s shaky transition to democracy. As one scholar has observed, “increased freedom under a democratic government has meant more people speaking out and asserting their ethnic and religious identities.”¹⁰⁵ In 1998, Suharto was forced to resign after the Indonesian economy collapsed as a result of the 1997-98 Asian financial crisis. During Suharto’s authoritarian rule, power was

⁹⁷ Ruth-Heffelbower, 226.

⁹⁸ Bahasa Indonesia was “originally a minority language used by traders around the country.” “Racism, conflict and Discrimination in Indonesia.”

⁹⁹ Kooistra, 9.

¹⁰⁰ “Building Human Security in Indonesia.”

¹⁰¹ Ibid; Maluku tried to separate in the 1950s, and the rising tensions brought about by recent migration trends – which have increased the Muslim population to 55% - have led to the resurgence of separatist sentiment.

¹⁰² Ibid; Despite their name, traditionalists, who primarily live in rural areas, are “considered more open to foreigners and other religious faiths,” while the modernists, “while accepting and incorporating many Western educational and philosophical ideas, are considered more exclusive of other faiths.”

¹⁰³ Ibid.

¹⁰⁴ FIND SOURCE

¹⁰⁵ “Building Human Security in Indonesia.”

concentrated in Jakarta, the Indonesian capital, and “religious and ethnic hostilities were relatively subdued due to rapid economic growth.”¹⁰⁶ The military also enforced stability (and some say, continue to do so) by “suppressing people or groups who [suggested] other possibilities.”¹⁰⁷

Although democracy seems to have opened the door to widespread conflict and expressions of discontent, it has also allowed Indonesia to more openly address the grievances of its ethnic, racial and religious minorities. While the Suharto regime emphasized unity to the exclusion of everything else, Suharto’s successors have acknowledged the need to decentralize power and grant Indonesia’s disgruntled provinces greater autonomy.

Legislation

The move toward democratization and decentralization began during interim President Bacharuddin Jusuf Habibie’s term. Knowing that he had little backing from the military, which had protected Suharto’s regime, and therefore hoping to gain domestic and international support for his government, Habibie introduced several liberalizing reforms, notably the lifting of restrictions on the press.¹⁰⁸ In 1999, the Habibie government also “introduced radical legislation ... providing for wide regional autonomy within the existing unitary constitution.”¹⁰⁹ While keeping the fields of foreign affairs, defense and security, justice, monetary and fiscal policy, religion and a number of other broad economic areas under central control, the law allows districts (rather than the provinces) to manage areas such as public works, health, education, culture and the environment.¹¹⁰ Other significant reforms include a measure providing for the election of regional heads, rather than their effective appointment by the central government, as occurred under Suharto, and another measure allowing regional governments to retain “a substantial share of revenues produced in their regions.”¹¹¹ This last concession is especially important since Jakarta’s historic exploitation of resource-rich provinces has been one of the major factors driving the separatist movements in Aceh and West Papua. Whether these measures will be successful in preventing Indonesia’s disintegration remains to be seen, but they are clearly a move in the right direction.

In October 1999, the MPR elected Abdurrahman Wahid (also known as Gus Dur) to the office of president. In an effort to win the support of other parties, Wahid created a “national unity” cabinet that not only represented the country’s various political parties, but also its ethnic and regional diversity.¹¹² That same year, the MPR passed a resolution calling for legislation granting Aceh and Papua – where “armed separatist movements have been operating for decades” – special autonomy.¹¹³ In July 1999, the Indonesian Parliament thus passed the Aceh Special Autonomy Law and in October the Papua

¹⁰⁶ “Building Human Security in Indonesia.”

¹⁰⁷ Ruth-Heffelbower, 226.

¹⁰⁸ *Indonesia’s Crisis: Chronic but not Acute*, International Crisis Group, 31 May 2000, 9.

¹⁰⁹ *Indonesia’s Crisis*, 13.

¹¹⁰ *Ibid.*

¹¹¹ Harold Crouch, “Why Indonesia Won’t Fall Apart,” *The Age*, 22 July 2000.

¹¹² *Indonesia’s Crisis*, 4.

¹¹³ *Indonesia’s Crisis*, 14.

Special Autonomy Bill. These bills gave the two provinces “greater political, cultural, and economic benefits, including the right to retain a larger percentage of their oil and gas revenues.”¹¹⁴

In 2000, the MPR also passed a decree on the Strengthening of National Unity and Cohesion (Decree No. V/MPR/2000), instructing the government to “facilitate dialogues, both at national and regional levels to promote tolerance among different groups of people, and to seek comprehensive solutions to numerous development problems in a number of regions in order to strengthen national unity.” The decree also recommends the establishment of a national truth and reconciliation committee to investigate past abuses of power and human rights violations.”¹¹⁵

*Ethnic Chinese in Indonesia*¹¹⁶

During the Dutch’s colonial rule, Chinese workers were encouraged to immigrate to Indonesia to serve as merchants, artisans and “intermediaries in the collection of crops and taxes from native populations.” Although they represent only 4 percent of the population, the Chinese came to dominate the country’s economy, accounting for the majority of Indonesia’s private economic wealth and activity. This economic dominance made ethnic Chinese – who had never been fully accepted as citizens – subject to hostilities due to “perceived and real economic disparities.”

Ethnic Chinese were subjected to more than 50 discriminatory laws barring them from participating in politics and joining the military and civil service. Although all Indonesians had to carry identity cards, those of Chinese Indonesians had to have a special code identifying them as ethnic Chinese. They also had to give up their Chinese name and assume an Indonesian one.

During the Asian financial crisis, resentment against the Chinese boiled over. In May 1998, a riot broke out in which roughly 1,200 Chinese were tortured or killed and dozens of Chinese women were raped and killed. Many Chinese businesses were also looted and destroyed, prompting an estimated 150,000 Chinese to flee Indonesia.

“For the first time in nearly 40 years, [the] requirement to declare Chinese language books, magazines and newspapers has been scrapped... Schools are now teaching children how to read and write with Chinese characters, Chinese films screen on television and in cinemas. Any town with a sizeable Chinese population has a Chinese radio station. Everywhere there are public signs that the elaborate system of discrimination against Chinese Indonesians refined over decades by former president Soeharto is being gradually wound back. In the most dramatic gesture of all, President Megawati Soekarnoputri declared this year’s Chinese new year, known as Imluk, would be a national holiday... These new freedoms have helped begin to erase some of the bitterness and fear among the Chinese Indonesian community (in 1998 Chinese women also targeted for rape)... 64 separate but interwoven laws, regulations, presidential decrees and other instruments forbidding or restricting Chinese activities. President Soeharto used them in part to force Chinese assimilation, calling on Chinese to abandon their ‘exclusiveness,’ barring public practice of religion and cultural festivals.”

¹¹⁴ “Excerpt: Indonesia Moves Toward Democracy, Rights Record Remains Poor,” Country Report on Human Rights Practices for the Year 2001 (17 November 2003).

<<http://usinfo.state.gov/regional/ea/timor/indonesiaexc.htm>>.

¹¹⁵ “The Government,” (11 November 2003).

<http://www.indonesiabogota.org.co/ingles/body_organos.html>.

¹¹⁶ “Jakarta Eases the Pressure on Chinese,” *The Age*, 8 February 2003.

Institutions

In addition to these laws, the Indonesian government has institutionalized the protection of minorities and diversity in a number of entities. Although all ministries—as well as all government officials at the national and local levels—are officially responsible for implementing the national motto of “Unity in Diversity,” several ministries manage specific aspects of the country’s diversity. The Ministry of Religious Affairs, for example, is responsible for “[encouraging] harmonious life from the religious perspective.”¹¹⁷ The Ministry of Home Affairs promotes the unity of the nation and relationships between local governments. The Ministry for Social Affairs has a specific branch that deals with Indonesia’s ethnic groups, and develops special programs for reaching ethnic groups—particularly those who are isolated—in order to improve their welfare. The ministry is also currently developing a program to help promote and maintain culture. Finally, the Ministry of Education develops national curriculum to teach students at all levels about the country’s diversity.¹¹⁸

The government also supports programs that actively promote diversity. Examples include a policy in West Sumatra that calls for the preservation of culture through education and other means. In Sulawesi, the focus is on promoting religious harmony. This is achieved through provincial level inter-religious meetings that address tolerance and harmony and are held on a regular basis.

Public Reactions

According to Mr. Johnny Sinaga, First Secretary at Indonesia’s Permanent Mission to the United Nations, there is general support among Indonesians for harmony: “It may appear from the media over the past few years that Indonesia is having a lot of problems, especially from the ethnic point of view, but as a matter of fact, that is not the case.”¹¹⁹ While Mr. Sinaga acknowledges that Indonesia does have problems, he attributes these to Indonesia’s transition to democracy. “Society is more open and people can speak freely,” he says. “This sometimes appears to create problems, but we are on the right track and it will get better in the future.”

The Indonesian public does not appear to share this confidence. A poll conducted in 1998 revealed that over 90 percent of respondents were worried that Indonesia might disintegrate, and over 80 percent felt that the emergence of new political parties based on ethnicity and religion only served to exacerbate the situation.¹²⁰ Given the recent outbreak of conflict in Aceh and Papua, as well as the granting of East Timor’s independence, a more recent poll would likely produce the same, if not higher, result.

¹¹⁷ Interview with UN Mission.

¹¹⁸ Ibid.

¹¹⁹ Ibid

¹²⁰ Anne Booth, “Will Indonesia Break Up?” *Inside Indonesia*, No. 59, July – Sept. 1999 (23 January 2004). <<http://www.insideindonesia.org/edit59/booth.htm>>.

In addition to this, the consequences of the move toward greater autonomy for the regions have not been entirely positive. Indigenous Indonesians who were once the targets of discrimination now appear to be discriminating against others. As one scholar has observed, “as regions achieve greater autonomy they are also free to prefer their own native population to others in employment, in some cases rectifying prior patterns of discrimination. The current movement seems to be one of expelling settlers, even those who have lived in the same location for generations.” Attacks against houses of worship, and the failure of the government to punish perpetrators, which leads to accusations of complicity, have also been a significant cause for concern as has the fact and the fact that social, interethnic and interreligious violence “accounted for the majority of deaths by violence during the year.”¹²¹

However it is important to remember that “a large majority of Indonesians live peacefully in areas that are not being torn asunder by communal conflict.”¹²² There seems to be a strong national ethos in favor of supporting and protecting diversity, and in taking pride in the country’s ability to maintain unity in the face of this diversity. According to Mr. Sinaga, “All regional cultures are seen to be part of national culture. There is recognition and even effort to preserve and maintain the cultures and languages from all ethnic groups.”

Outside scholars have come to similar conclusions: “It does seem to me that, after more than fifty years of independence from Dutch colonialism, most inhabitants of this vast archipelago do wish to be part of some entity called Indonesia.”¹²³

¹²¹ Ruth-Heffelbower, 230.

¹²² Crouch.

¹²³ Ibid.

CONCLUSIONS

The Origins of Coexistence Policies

The development of coexistence policies is highly dependent on a country's historical experiences. "Settler" states such as the United States and Australia have never based their concept of citizenship on ethnicity, which can make it much easier for them to embrace multiculturalism. On the other hand, countries that have historically based their identity on a shared ethnicity and culture may find it more difficult to adapt to the pressures of immigration and be hesitant to enact policies that essentially entail redefining what it means to be a citizen of that country. States that have traditionally ignored the idea of ethnic or racial differences, such as Brazil and France, may encounter similar difficulties in adopting coexistence policies – as may former communist states where ethnicity was suppressed. Finally, former colonies have often inherited countries composed of disparate ethnic, religious or linguistic groups, leaving them with the difficult task of forging a united nation out of diversity. As in Rwanda, they have also frequently had to deal with the history of ethnic tensions, and sometimes violent conflict, that is a legacy of their colonial past.

As the case studies demonstrate, recent events in a country's past also influence the crafting of coexistence policies. Often, as in Rwanda and Indonesia, violent conflict forces states to address the issues of identity and diversity that are at the root of the conflict. Although states should be commended for their efforts in this area, the reality is that institutionalizing these policies after violent conflict has occurred makes it less likely that these policies will be successful, as relationships and cooperation between the communities are usually very negatively affected by the violence. Therefore, the goal should be to implement coexistence policies before the outbreak of conflict. Today, the war on terrorism is having a significant impact on the development and implementation of coexistence policies, with several governments using it to justify repression of certain minority groups. In some cases it has also led to the portrayal of Arabs and Muslims as untrustworthy and dangerous citizens, thus prompting violent attacks against them.

Despite the obstacles posed by these circumstances, some international and regional organizations have been relatively successful in promoting the development, implementation and enforcement of coexistence policies. By making protection of minorities a requirement for accession, for example, the European Union has prompted governments in Eastern Europe to pass legislation granting minority groups greater political, social and cultural rights. Many have also ratified the Council of Europe's Framework Convention for the Protection of National Minorities. The ILO's Convention on Indigenous Peoples is widely credited with stimulating the rash of constitutional amendments acknowledging the presence and rights of indigenous peoples in Latin America, while the Organization of American States has taken it upon itself to monitor governments' commitments to these rights. These organizations and agreements essentially call attention to issues relating to diversity, and can bring international

pressure to bear in instances of discrimination and oppression. They also provide local organizers with an impetus and justification for calling for group rights.

The Role of Civil Society

Just like national, international, regional and intergovernmental organizations, civil society (non-governmental organizations and institutions) has a vital role to play in the development and implementation of coexistence policies. It can lobby for these directly, as it did in Bolivia, where protests by indigenous peoples led the state to adopt ILO Convention 169, or indirectly by lobbying for rights through international and regional organizations. Civil society can also highlight instances of discrimination and exclusion, and organize communities to fight for the rights they deserve. Although governments' role in defining the parameters of inclusions and setting punishments for exclusion and discrimination is not replaceable, civil society still has a key function both in advocating for such policies, and helping to gather public support for them.

Without the public's support, coexistence policies will fail because they are often inextricably linked to the public's acceptance of certain concepts and values. Citizens can vote into power individuals and parties who can later scale back or overturn the coexistence policies enacted by previous administrations. In Central and Eastern Europe, where the improvement of minority rights has been largely driven by the EU's accession requirements, there are concerns that the EU will not have as much leverage to enforce minority rights now that applicant states have become members. If coexistence policies are to succeed in the long-term, then the public must be committed to the goals these policies are trying to achieve i.e. a society where groups are free to pursue their own identity, while recognizing the similar needs of other groups, and their mutual responsibility and loyalty to the state.

Challenges in the Implementation of Coexistence Policies

As difficult as it may be to get governments to acknowledge and accept the need to develop coexistence policies, implementation of these policies is much harder. Among the complex issues governments must sort through are a) deciding whether to grant minorities collective group rights beyond the civil and political rights required by human rights instruments, b) reconciling the need to create an overarching national identity with groups' desire to maintain their own distinctive practices and customs and c) confronting the difficulties posed by group practices that go against the values traditionally held in that state.

While individual human rights are protected by many states and by the Universal Declaration of Human Rights, group rights have not been widely embraced. Minority groups argue that individual human rights do not allow them to maintain their language, traditions and culture. They say the refusal to recognize group rights essentially forces them to adopt a dual identity; one public, where they act according to the dominant

culture of the state, and one private, where they are free to maintain their own culture. Many governments however believe that granting group rights threatens state unity by drawing attention to the differences between citizens rather than the similarities that unite them. They fear the encouragement of separatism, and contend that individual human rights afford these groups sufficient protection. In addition to concerns that group rights could lead to the disintegration of the state, governments also worry that granting groups collective rights could undermine the historical or fundamental identity of the state. This debate is currently taking place in France, where the controversy surrounding the ban of headscarves and other “ostentatious” religious symbols has prompted discussions about whether France should reconsider its tradition of not recognizing ethnic minorities. Many French citizens believe multicultural policies such as those pursued in Great Britain and the United States could lead to “*communitarisme*, a dreaded state of affairs feared by many in France in which ethnic or religious groups could freely segregate themselves and form ‘states within a state’ with their own rules and values.”¹²⁴ This clearly goes against the country’s integrationist tradition, which holds that all citizens – regardless of race or ethnicity – are equal before the law and requires immigrants to adopt France’s republican values.

Questions about national identity have become an increasingly significant issue as immigrants, particularly in Western states, become more and more visible. As the *Economist* has pointed out, immigrants today are “mostly distinct in skin-colour, language and religion from the natives,” and have “come fast, and in far greater numbers.”¹²⁵ Proponents of multiculturalism often point out that previous waves of (largely European) immigrants have successfully been integrated, but this may not be the case for more recent waves of immigrants, many of whom are seen to be significantly different in terms of culture, religion, and color. The natural process of assimilation that occurred with previous immigration does not seem to be working with these immigrants, and such difficulties are forcing states and citizens to redefine what it means to be French or German, etc.

Needless to say, this is an extremely sensitive and difficult process. It is all the harder when groups have practices that are very foreign to the native citizens of a state. Honor killings, female genital mutilation and early/forced marriages are issues that immigrant-receiving states, particularly Western ones, have had to deal with. Although these practices fly in the face of the values and/or laws of these states, groups can claim that these practices are part of their culture and that any attempts to ban them would constitute cultural discrimination. The question thus becomes: Where do states draw the line between protecting groups’ religious/cultural practices and enforcing individual human rights when the two are in opposition? Do states have an obligation to allow cultural practices that violate their laws or go against their values ?

To some extent, one could argue that these problems stem in part from some states’ unwillingness to accept that they will change as a result of immigration. Too often, it appears that states and their citizens want and expect things to remain the same, even as

¹²⁴ “The War of the Headscarves,” *The Economist*, 5 February 2004.

¹²⁵ “Forget Asylum-Seekers: It’s the People Inside Who Count,” *The Economist*, 8 May 2003.

their populations undergo radical changes. In reality, immigration of vastly different cultural groups, or the acknowledgment of the existence of indigenous peoples and national minorities, does change a state's identity. As one local official stated in addressing the issues raised by the large numbers of Muslims in France: "the French must understand that France is changing. Islam has its place here now."¹²⁶ If states expect these groups to be loyal, then they must recognize that they may need to develop a national identity that embraces the diversity within their borders; they must make these groups feel welcome, and make them believe that they truly belong.

At the same time, it is argued that immigrants and other groups cannot expect the state to make all the changes. As the *Economist* put it, "for a society to be truly multicultural, some degree of assimilatory mixing is necessary – otherwise communities end up living not together but separately, divided rather than harmonious."¹²⁷ While the concept of assimilation expected all changes to be made by immigrants, the form of multiculturalism some societies have adopted seem to expect the state and its majority citizens to do all the adapting. This has prompted complaints from disgruntled native populations, reflected by this reaction to Australian multiculturalism:

"While immigrants should preserve their cultural heritage, Australians don't want trouble – they want everyone to blend in. Governments need to help but the focus should be on English lessons, citizenship and civic classes, not funding for cultural centres that exacerbate differences between ethnic groups."¹²⁸

While some might decry such complaints as being overly assimilationist, what they indicate is that policies must lie somewhere at a point at which immigrants, indigenous peoples or national minorities have the right to express their culture but reciprocate by making a commitment to the equal rights of others, and to the institutions and principles that protect all such groups and in addition ensure a state's long-term viability.

Coexistence, in other words, is about both rights and responsibilities and the working out of such within an increasingly diverse and interdependent world.

¹²⁶ "The War of the Headscarves," *The Economist*, 5 February 2004.

¹²⁷ "Alone, Together," *The Economist*, 12 July 2001.

¹²⁸ "Howard Leads Evolution on Immigration," Editorial, *The Australian*, 11 May 2002.

RECOMMENDATIONS TO GOVERNMENTS ON THE RECOGNITION OF DIVERSITY AND THE PROMOTION OF INCLUSION AND COEXISTENCE

1. Recognize and identify community diversity within state borders.
2. Acknowledge diversity as a reality that positively contributes to the social, economic, and moral development of a society.
3. Ratify and implement relevant international declarations and covenants.
4. Work within government, including local government, and with civil society organizations and community leaders to identify key issues of coexistence and develop policies.
5. Create institutions that will implement and monitor the development of these policies, which may need to be implemented in tandem with civil society groups.
6. Codify policies into laws where appropriate.
7. Keep the general public informed of the benefits of these policies, and include them in the process.
8. Engage with all identity communities on a regular basis to ensure that identity groups feel included in the policies and programs of the state.

RELEVANT LITERATURE

Group rights

1. D. Sanders, 'Collective Rights', 13 *Human Rights Quarterly*, 1991, p. 368
2. N. Lerner, *Group Rights and Discrimination*, Dordrecht, 1990
3. A. Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Practices*, New York, 1960

Minority rights

1. *Peoples and Minorities in International Law* (eds. C. Brölmann, R. Lefeber and M. Zieck), Dordrecht, 1993
2. *The Protection of Ethnic and Linguistic Minorities in Europe* (eds. J. Packer and K. Myntti) Turku, 1993.
3. *Documents on Autonomy and Minority Rights* (ed. Hannum), Dordrecht, 1993.

International and Regional Instruments that Promote Coexistence.

1. The Universal Declaration of Human Rights (1948)
2. The International Convention on the Elimination of All Forms of Racial Discrimination (1969) – It defines racial discrimination as "...any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment of exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
3. The International Covenant on Human Rights
4. International Covenant on Civil and Political Rights - Article 2 (1): "all states parties undertake to respect and ensure to all individuals within their territories and within their jurisdictions the rights recognized in the Covenant 'without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'" (Shaw p. 213-4)
5. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981
6. International Labor Organization Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries 1989
7. Draft Declaration on the Rights of Indigenous Peoples (1994) - It notes that indigenous peoples have the right to self determination and the right to maintain and strengthen their distinctive political, economic, social and cultural characteristics, as well as their legal systems, while retaining the right to participate fully in the life of the state. Indigenous peoples are deemed to have the collective right to live in freedom and security as distinct peoples and the collective and individual rights to protection from ethnocide and cultural genocide. Their collective and individual rights to maintain and develop their distinct identities is particularly emphasized, while the Declaration lists their rights to practice their cultural traditions, and to education, access to media, health practices, together with a range of rights concerning their distinctive relationship to the land. (Shaw p. 222 – 223)

For further investigation:

1. International Journal on Group Rights
2. Martinez Cobo Report – a study of discrimination against indigenous people that was completed in 1984.