Defining "Minority": Debates around Framing Strategies at the UN Forum on Minority Issues

Alexandra Cosima Budabin*

Abstract

Compared to other vulnerable groups engaged in global governance, minority groups who advocate for ethnic, national, and/or linguistic minorities have had only moderate success in securing an international minority rights regime. International protection of minority rights continues to face obstacles in light of uneven recognition at the UN. Therefore, it is important to understand how minority representatives engage with global governance at the UN to claim their rights and promote international cooperation. The UN Forum on Minority Issues offers an important space for minority representatives and advocates to interact with state and international organizations, report violations, and share good practices. The low status of minority rights is often linked to the lack of a working definition of who or what constitutes a minority under international law. I explore the extent to which the Forum has been a space for minority groups to contend with the lack of a working definition for minority and frame the concept of minority in new ways. Using a database from the Tom Lantos Institute, I analyze some of the debates around the concept of minority reflected in the discourses of UN Special Rapporteur statements, forum reports, and organizational statements made at the Forum. In addition to discussions over the scope of the concept of minority, there is contention over the term "minorities" itself, its application, as well as whether the term itself is belittling and prejudiced. I argue that attention to how actors use the Forum to frame and interpret the definition of minority will reveal opportunities and challenges for minority groups in global governance.

Keywords: minority rights, framing, civil society, transnational advocacy, global governance

*   Eurac Research, email: alexandracosima.budabin@eurac.edu

Introduction[1]

Compared to other vulnerable groups that have come to the attention of global governance, minority groups have had only moderate success in securing an (effective) international minority rights regime. Indeed, Tom Hadden describes minority protection as "the poor relation in the human rights family" (2007, 285). Through various declarations and resolutions, minority rights have been universally recognized on behalf of individuals and groups sharing culture, religion or language or some combination thereof. Despite the advancement of minority rights and a few binding provisions, these instruments are criticized by some observers as being vague and without clear implementation mechanisms. International protection of minority rights continues to face obstacles in light of uneven recognition of minority rights at the UN (de Varennes 2023a).[2] According to the NGO Minority Rights Group, individuals belonging to minority groups face human rights violations from hate speech, discrimination, poor living conditions, racism to persecution, exploitation, and invisibility.[3] Particularly from a human security standpoint, the "failure to deal effectively with minority issues is one of the major causes of tensions and conflicts throughout the world" (Hadden 2007, 286; see also Spiliopoulou Åkermark 2012; Abdrakhmanov 2023). Therefore it is important to understand how minority representatives use global governance spaces like the UN to claim their rights and seek international action.

Many of the challenges related to minority rights are connected to the problem of designation as there exists no definition of who or what constitutes a minority under international law. There are a number of definitions of minority that circulate (see Jackson-Preece 2014). In one regularly cited iteration, Francesco Capotorti defines minorities as "a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language."[4] Yet no single working definition exists and there continues to be debate around who counts as a

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[1] The author appreciates the excellent suggestions made by two anonymous reviewers.
[2] See https://www.ohchr.org/en/minorities/about-minorities-and-human-rights
[3] Minority Rights Group, Minority Stories, https://minorityrights.org/voices/?content_type%5B0%5D=minority-stories
[4] Francesco Capotorti , UN Subcommission on Prevention of Discrimination and Protection of Minorities. Special Rapporteur to carry out a Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities, CN.4/Sub.2/384/Rev.1 (1979).

minority. Meanwhile, there is contention over the term "minorities" itself, its application, as well as whether the term itself is belittling and prejudiced. Scrutinizing how minority representatives and minority rights advocates grapple with this framing issue will be critical for understanding how these actors are engaging and making claims as part of global governance.

This article focuses on the UN Forum on Minority Issues, which brings together minority representatives and minority rights advocates in conversation with states and IGOs to discuss progress and gaps in the global governance of minority rights. I focus on how different actors contend with the concept of minority and what framing strategies are being used. I locate these various perspectives in the discourses of UN Special Rapporteur statements, forum reports, and organizational statements that have been made at the annual forum since its founding, a period covering the years 2006-2023. The data for my investigation comes from a publicly accessible database established by the Tom Lantos Institute in cooperation with the Human Rights Consortium of the University of London, which has compiled the main documents related to the work of the Forum.[5] I was also present at the 2023 and 2024 UN Forums on Minority Issues as an observer with a background in human rights advocacy as both a researcher and practitioner.

This research contributes to scholarship on the global governance of minority rights, framing, and contention around the concept of minority. By focusing on the UN Forum on Minority Issues as a space for debate and dialogue on minority rights, I deepen our understanding of the effectiveness of this space for minority groups to make claims. In studying minority rights discourses as they refract the concept of minority, I offer new perspectives on how actors use the Forum (Lennox 2017). Finally, the lack of a working definition remains a key point of inquiry in minority rights studies particularly through legal methods. By focusing on the content of statements made within the UN Forum on Minority Issues, this research surfaces a civil society perspective that broadens our appreciation of the voices that are part of this important discussion.

The article takes the following form. First, I review the salient literature around global governance of minority rights, underscoring the role of framing in transnational advocacy for minority rights. Then I turn to the debate around framing strategies related to the concept of minority and I introduce the UN Forum on Minority Issues as my case study. Using an interpretivist approach to focus on the meaning-making that occurs in the Forum, I expose the various currents of sense-making and contention related to the concept of minority. In statements by minority representatives and

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[5] Minority Forum Info, https://www.minorityforum.info/

advocates, I find that the concept is framed by ambiguity, misrepresentation, and its linkages to colonial or derogatory ideas around disempowerment. Meanwhile, statements by states often reveal a lack of application and refusal to recognize groups based on the concept. I argue that attention to how actors at the Forum on Minority Issues use frames to contend with the minority concept will reveal opportunities and challenges for global governance. At stake is the ability of minority representatives and advocates to use the Forum in order to effectively engage in global governance, frame and reframe their rights in meaningful ways, and assert their claims.

1. Global Governance for Minority Rights Building a Minority Rights Regime

The advent of minority rights reflects a storyline where episodes of visibility and action contrast with neglect. As a single-issue human rights regime, minority rights have been exceptional in having an international character since the mid 17th century when protections for religious minorities were included in the Peace of Westphalia (Donnelly 2013, 180). For many minority groups, ethnic-national differences make them a threat to societal unity and the state's territorial integrity, giving rise to claims about minorities as fifth columns (Raditz and Milonas 2022, 4). During World War I, the dissolution of the Austro-Hungarian and Ottoman Empires led to the persecution of ethnic and religious minorities who were attacked under the cover of international armed conflict or targeted as enemies of the state (Lauren 2013, 92). Following World War I, the rights of minorities, the notion of "collective" and "group" rights, and responsibilities of states were key topics at the Paris Peace Conference. The outbreak of World War II saw the persecution of minorities reach unmatched heights with mass atrocities, displacement, and devastation experienced across the two theaters of war.

During the creation of the UN and the commitment to formulating a set of universal human rights, there was a reluctance to deal with minority issues. Minority rights were excluded from the Universal Declaration of Human Rights; this was justified by the General Assembly on the grounds that "the minority problem was complex and delicate and with particular characteristics in each state", thereby precluding the possibilities for common solutions (Eide and Letschert 2007, 301). The General Assembly declared that nonetheless the United Nations could not "remain indifferent to the fate of minorities" (A/RES/217(III)) and requested a study, in order "to reconcile the human rights agenda with a commitment to protecting minorities" (Bielefeldt and Wiener 2023). Despite this inauspicious beginning for minority rights

in global governance, what followed was a "gradual comeback of minority rights standards" (Korkeakivi 2018, 22). Minority rights were included in Article 27 of the International Covenant on Civil and Political Rights, adopted in 1966. The Article constitutes "the only legally binding text of a universal nature which refers to minorities" but scholars have argued that its scope is limited based on the wording (Pejic 1997, 669). It was in this period that Francesco Capotorti, Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, put forth his definition of minority with both objective and subjective criteria as well as a stress on non-dominance (therefore not applicable to dominant numerical minorities like white South Africans) (Jackson-Preece 1998, 18-19).

While Capotorti's definition would be commonly cited in the future, it's important to note that there had already been a number of international attempts to formulate a definition of minorities, particularly in the development of minority-specific instruments and institutions. In a 1935 case, the Permanent Court of International Justice on *Minority Schools in Albania* ruled that the end sought by the "protection of minorities is to secure for certain elements incorporated in a State, the population of which differs from them in race, language or religion, the possibility of living peaceably alongside that population and cooperating amicably with it."[6] As part of the development of the definitional element of a distinct identity, Henrard observes that the Court recognized the principle of minority protection around 'identity' as the "right to respect for the separate identity" (2022, 86). Following Capotorti's report, Sub-Commission on the Prevention of Discrimination and the Protection of Minorities member Jules Deschenes put forth his own proposal that aimed to grapple with "the great diversity of situations of minorities" (1985, 10);[7] he focused on the desire of a minority group to preserve its distinct identity in putting forth the following definition:

> A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.[8]

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[6] Permanent Court of International Justice Advisory Opinion on *Minority Schools in Albania* (6 April 1935).

[7] Sub-Commission on Prevention of Discrimination and Protection of Minorities, Proposal concerning a definition of the term "minority" submitted by Mr. Jules Deschênes, 1985, E/CN.4/Sub.2/1985/31.

[8] Sub-Commission on Prevention of Discrimination and Protection of Minorities, Proposal concerning a definition of the term "minority" submitted by Mr. Jules Deschênes, 1985, E/CN.4/Sub.2/1985/31.

However, as Bielfeldt and Wiener (2023) point out, this definition failed to gain traction with the Sub-Commission and was not taken up by the Working Group in its work on the draft declaration, which would be adopted a few years later.

With the end of the Cold War and the break-up of the Soviet Union, new opportunities for minority rights protection emerged in Europe and at the international level. These claims were made as minority communities began seeking greater participation in public life in the newly democratizing states of the former Soviet Union. However, as the notion of minorities as potential actors within international relations became a possibility, the more national governments grew suspicious (Biro 2000 paraphrased in Vizi 2015, 112). At the international level, based on various studies by the Sub-Commission of the Commission of Human Rights and renewed attention to the role of minority groups in conflicts in the early 1990s, momentum gathered for the adoption of the 1992 UN Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM).[9] This declaration only has the status of "soft law," but it remains the key instrument at the universal level and has been complemented by regional instruments like the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM).[10] However, it is frequently pointed out in reports that the UNDM failed to provide a working definition of who counts as a minority. Meanwhile, the declaration centers on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities. This means that there are many groups that self-identify as minorities but who are not recognized by the state as such. The exercise and enforcement of minority rights continues to be characterized by a lack of definitional clarity (Jackson-Preece 2014).

Meanwhile, a Working Group on Minorities (WGM) was inaugurated in 1995 to be a formal structure to promote and implement the Declaration but operated with a lack of resources and weak mandate, unable to appeal to any States with any direct specific recommendations nor raise attention to breaches of the Declaration (Hadden 2007, 287). Minority issues benefited from the appointment of an Independent Expert on minority issues, whose mandate was established in 2005. The independent expert was expected to promote the implementation of the UNDM as well as "take into account the views of non-governmental organizations on matters" and to participate

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[9] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic

[10] About the Framework Convention for the Protection of National Minorities, https://www.coe.int/en/web/minorities/at-a-glance

as an observer to the WGM.[11] The position was transformed to that of a Special Rapporteur (SR) in 2014 with the expanded mandate "To examine ways and means of overcoming existing obstacles to the full and effective realization of the rights of persons belonging to minorities" and to "guide the work of the Forum on Minority Issues".[12] As the NGO Minority Rights Group noted, the change of title "amounts to a symbolic upgrade, and affirms the important place given to the rights of persons belonging to minorities in the UN system."[13]

The Independent Expert and SRs are regarded as key mediating figures between minority representatives and advocates, states and the UN able to catalyze action on rights (Becker 2013, Chapter 4). As part of guiding the work of the Forum, the SR is expected to coordinate annual meetings, report on thematic recommendations, and put forth recommendations for future topics (OHCHR).[14] As required by the Human Rights Council, SRs issue annual reports that are organized around specific themes and describe the activities undertaken as part of the mandate. The SR also conducts country visits, produces reports on these visits as well as releases press releases and media advisories on different situations. Following the first Independent Expert, there have been three SRs.

1.1. Minority Rights Advocacy at the UN

Input from minority representatives themselves is seen as a necessary aspect of global governance. The ability to present and promote minority issues at the UN is therefore a crucial step for impelling international pressure to achieve gains in national spheres. Instruments and bodies for minority rights are part of the ecosystem for human rights global governance, which encompasses the Secretariat, Economic and Social Council and General Assemble and is complemented by various commissions, working groups, committees, and special rapporteurs and independent experts (Karns and Mingst 2010, 459). The inclusion of these non-state bodies as part of the

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[11] Office of the High Commissioner for Human Rights, Rights of persons belonging to national or ethnic, religious and linguistic minorities, Human Rights Resolution 2005/79, E-CN.

[12] Human Rights Council, Resolution 25/5 of 28 March 2014.

[13] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic https://minorityrights.org/appointment-of-special-rapporteur-reflects-important-place-of-minority-rights-in-un-system-mrg/

[14] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic

human rights governance is seen to respond to democratic deficit concerns around legitimacy and accountability (Mertus 2014, 470). States may remain the main actors on human rights protection and enforcement but the international human rights movement--made up of a network of NGOs, other civil society actors, foundations, religious organizations, and individuals—is able to play a key role in pressuring states to adopt norms in spite of national interests (Karns and Mingst 2010, 453).

Minority rights are a tricky issue compared to other rights claims, especially those dealing with groups. As Kymlicka argues, states are reluctant to grant rights to minority groups because of the unique challenge they pose to the state stability and security (2011). The efforts of minority representatives to gain access, build organizational platforms, and meaningfully participate are shaped by these political opportunity structures, even if these don't necessarily enhance influence (Dany 2014). The network and boomerang models proposed by Keck and Sikkink (1998) have been especially fruitful for thinking about minority groups and their efforts to build a transnational advocacy network as they are practically defined by their oppression by the state apparatus, thereby compelling local groups to seek alliances to pursue access and representation in international fora. Minority groups are usually characterized by their status as poor, marginalized, and vulnerable, making them unlikely actors for gaining status on the international stage.

A subset of scholarship on transnational advocacy networks has begun to investigate the emergence, success and failure of minority representatives and advocates in building influence in global governance. For the most part, research has shown that minority groups have failed to formulate a robust transnational advocacy network due to challenges connected to the legal regime, wide participation, and the lack of other supporting transnational networks (see Verstichel 2005, Hadden 2007, Eide and Letschert 2007, Chapman and Ramsay 2011, Schweizer 2011). For example, Biro and Lennox (2011) found that most NGOS connected to minorities advocate on behalf of specific groups rather than universal ideas of minority protection. Certain sub-groups--such as the indigenous and Roma—have sought to distinguish themselves through group-specific norms, leading to international recognition and further opportunities as part of separate transnational advocacy networks (Lennox 2020; see also Klímová-Alexander 2005; Arangen 2011; Plaut 2012). Chapman and Ramsey connected the weak representation of minority rights at the UN to the paucity of international NGOs other than the NGO Minority Rights Group and the fact that there were fewer local minority NGOs that have ECOSOC status (2011, 186). Schweizer also suggests that minority representatives were more focused on regional rather than international bodies (2011, 169). Other reasons for lack of participation

included inadequate funding, lack of knowledge about the UN system, and forms of repression by governments (Schweizer 2011, 168). Overall, observers note that the prospects for a stronger transnational advocacy network for minority rights have been curbed. Against this backdrop, the UN Forum on Minority Issues offers a prime space for minority representatives and advocates to participate and build influence, particularly around framing the concept of minority.

1.2. Background on UN Forum on Minority Issues

The UN Forum on Minority Issues came about following renewed attention to minority rights in the 1990s and the passing of the UDNM. A successful campaign to increase opportunities at the UN by creating a new forum on minorities was led by the NGO Minority Rights Group and the International Movement against Discrimination and Racism (IMADR) (Chapman and Ramsay 2011, 194). This campaign included an online initiative "Keep minority voices at the UN" to raise awareness and support as well as take action with individual member states. In 2007, the Human Rights Council adopted the Forum and this body is considered a hard-won victory.

The UN Forum on Minority Issues, which was renewed in 2012, is a multistakeholder actor that loosely links states, IGOs, NGOs, and other UN bodies in an annual meeting that occurs over two working days. Following some presentations by experts and IGOs on selected themes, the floor is open to speakers who are permitted two minutes to deliver their statements. Speakers are encouraged to direct their remarks towards the annual themes. According to Fox, the Forum established "a vital space for minorities" and acts as a "*de facto* 'think tank' on minority issues" (2015, 88).

The past few years have seen regular attendance of 500-600 participants (excepting the Covid period). With its location in Geneva, the Forum has led to more engagement from treaty bodies, UN agencies, and government as well as from minority NGOs (Chapman and Ramsay 2011, 197). The Forum maintains "the principle of open access" and all groups, even those without ECOSOC status, are permitted (Fox 2015, 91). For two days, minority representatives and advocates present their specific situations, cite violations of minority rights laws, share best practices, and discuss networking possibilities; states offer statements related to their own progress on minority rights or by contesting evidence cited against them. Following the Forum, speakers are urged to submit their statements to the UN Forum on Minority Issues database for archiving.

The Forum is studied as the main site for minorities to access and participate in global governance. Recent work has looked at the Forum in terms of its

functions and how it gives agency to minority voices (Lennox 2017), how minority representatives and advocates (categorized as NGOs) deliver the most interventions (Biro and Lennox 2023), the nature of the interactions between speakers (McConnell 2020), and the ways that intersectional frames are used to discuss minority women (Budabin 2025). However, many observers have noted challenges to participation due to the location in Geneva and the lack of a Voluntary Fund; many participating minority groups are based in Europe as diaspora groups and there is less participation from other parts of the world (Biro and Lennox 2023). While seen as a weak body plagued with ongoing obstacles to inclusive participation, the Forum offers an interactive and dynamic space to gain insights into current trends and debates related to minority rights, including around the concept of minority.

1.3. Framing Debates on the Concept of Minority

The critical importance of the concept of minority in global governance results from the need for violations facing certain vulnerable and marginalized groups to be framed in respectful and effective ways.

Advocates for minority rights point out that one of their essential challenges stems with the terminology of "minority." Moreover, in the absence of a definition, leaving it to states to decide the beneficiaries of minority protection "could lead to inconsistent implementation in relation to minority groups" (Medda-Windischer and Crepaz 2022, 65). De Varennes has pointed out that not only states hold inconsistent and contradictory views towards minorities in the absence of a definition but also the different UN agencies may fail to harmonize their views towards minorities and the actions needed (2023b, 47). Nomenclature is essential for recognizing the categories of groups that are able to enjoy the principles of equality and non-discrimination and thereby claim specific rights. Scholarship on framing sits at the intersection of constructivist work in international relations on norms and social movement literature on building and solidifying identities and designing actions. Human rights frames have been especially important for advocacy as a way to tell "a story that characterizes the victims, labels the genre of abuse, locates the perpetrators, and suggest a response" (Brysk 2013, 78). Framing the claims of a particular group in an effective way can lead to political opportunities and organizational resources (Coley 2013).

Driving much of the research is the question of which frames are effective. Attention to frames has occupied minorities trying to gain status on the world stage. As Finnemore and Sikkink argued, frames work best when they "resonate with broader public understandings and are adopted as new ways of talking about and understanding issues" (1998, 897). In their work

on the formation of transnational advocacy networks, Keck and Sikkink described how attributes of issues connected to bodily harm and inequality resonated and fit with earlier normative frameworks that had appeal for various human rights actors (1998). Human rights scholars have observed how organizations and campaigns "often shift or multiply frames over time" (Brysk 2013, 80). Meanwhile, to broaden the scope of their advocacy, groups may seek to adopt new frames in order to resonate with different audiences (Brysk 2013; Hudson and Budabin 2019).

   Previously, caste-based groups had failed to gain recognition from human rights networks (Bob 2005); now, caste-basted groups are counted among the minority groups along with the indigenous, Roma, Afro-descendants, and Dalits that have been successful in adopting and asserting new identity configurations (Lennox 2020). These examples show the possibility to re-frame identities to better fit the needs and character of a group. This adoption reflects a frame transformation, which "refers to changing old understandings and meanings and/or generating new ones" (Benford and Snow 2006, 625); NGOs may choose which issues to elevate over others. Thus, the choice of a particular frame at a particular time for advocates must be understood as "a dynamic process that can be discursive, strategic, and contested" (Barney et al. 2022).

   Debates around frames-- who gets to create the frame and why certain frames prevail over others--are also intimately connected to questions of participation in global governance and transnational advocacy. Scholars agree that framing is carried out by activists, advocates, human rights organizations or social movements (see McEntire et al 2015), or what Finnemore and Sikkink call norm entrepreneurs and organizational platforms (1998). Insights from the field of issue framing have also shown how some NGOs may act "gatekeepers" in human rights advocacy (Bob 2005; Carpenter 2007). This work on the politics of framing needs to be connected to thinking about transnational advocacy spaces like the UN Forum on Minority Issues, which is one of the few places in global governance where minority representatives and advocates can participate with spoken statements (Fox 2005). Thus, it will be important to see the extent to which the UN Forum on Minority Issues offers a meaningful space debate on the on the concept of minority, where minority representatives and advocates are able to frame or even re-frame the concept of minority.

2. Methodology for Studying the Debates around the Working Definition of Minority

This research draws from interpretivist methods that focus on meanings and strategies of meaning-making. Social scientists have considered concepts like minority as instruments of power and approached their study as involving their intent, effects, contexts, as well as their interlocutors. Clarity around concepts is necessary "because much is at stake about what is encompassed by these terms, acts of defining and categorizing carry their own forces and effects" (Schaffer 2015, 78). I focus on the concept of minority to reveal framing strategies by different actors in global governance, "by learning what is does, how particular people use it, in particular contexts" (Schwartz-Shea and Yanow 2012, 23). We can understand debates around a concept through framing; as Schaffer argues, "to frame a concept differently is to posit different roles, relationships, and expectations" (2015, 79). Looking at both elite actors such as states and Special Rapporteurs and grassroots actors such as minority representatives and advocates, this mode of interpretation follows the logic of interpretivist research as being "neither top-down nor bottom-up" (Beach and Gejl Kaas 2020, 10). Here I propose to study the ways in which the concept of minority is framed as point of contention within the specific social context of the UN Forum on Minority Issues. To adumbrate the contours of these debates, I highlight reflect various threads within minority rights scholarship that have discussed key points of contention around the concept of minority.

To begin, the fact that there is no working definition is frequently cited as a key problem; Nagy and Vizi argue that "consequently, conceptual ambiguity and fluidity are present when it comes to both conceptualisation (what is a minority?) and operationalisation (who belongs to a minority?)" (2024, 3). This leads, for example, to the consequence of non-recognition of minorities in various states. Minority rights scholars lament the "problem of a definition" in international law and the resulting situation where minorities "self-identify according to particular characteristics" in the absence of a universal definition (Malloy 2013,15). The term "minority" is critical for determining who counts as minority rights holders that "may assert valid claims for minority rights enforcement" (Jackson-Preece 2014, 4). Berbiers summed up that "Labels matter" not only legally for claims and benefits but also culturally and psychologically for minorities to "develop a sense of pride and self-acceptance" (2004, 38).

Meanwhile, commonly used definitions of minority have been interpreted as combining subjective and objective features in ways that obfuscate intelligibility. In one formulation, Capotorti's definition, cited in the

Introduction, implies "that numerically inferior groups are most vulnerable to the oppressive attitudes of other groups" (Vuciri Ramaga 1992, 104).[15] This frame concerns the scope of the minority status as it is related to dominance and non-dominance, namely whether non-dominance is a pre-condition to being recognized as a minority (see de Gaay Fortman 2011; Agarin 2020). Generally, it is held that a minority must be in a "non-dominant position"; for instance, South African whites under apartheid were excluded (Medda-Windischer 2008, 58-59). In addition, there are cases of *co-dominance* in which, for instance, a protected minority enjoys certain guarantees against the ordinary operation of the majority rule but is not put on an equal footing with the majority as regards the running of the State institutions.[16] Yet, due to its allusion to numerical status, some argue that minority is "misleading or nonsensical" (Berbiers, 2004, 42). Critics have pointed out that "minority status is never about a group's size […] but rather about proportions of power" (Berbiers, 2004, 39).

There is also the matter of categorization; Lennox observes that there is a disempowerment implied when groups name themselves as minorities, "as opposed to, for example, nations or peoples" (2020, 9). Stausberg et al note that definitions with "wording such as 'subjected to […] treatment' makes clear that the agency is perceived as not lying with the minority 'part of the population but with the majority" (2023, 3). From the North American experience, Gleason tracks how elements of victimization and prejudices were often firmly fixed within the concept of minority (1991, 399). Indeed, many reject the label for its implied powerlessness (Berbiers, 2004, 43).

Scholars have noted that the concept of minority has been rejected by groups in favor of other labels that have gained salience in human rights law and discourses. Lennox demonstrates that various groups may prefer to define themselves as 'peoples', thereby attaching themselves "to legally binding rights in international law and to various kinds of institutional gains" (2020, 9). Thus, one strand of the debate concerns the derogatory effects of the concept of minority and its lack of appeal for some groups.

In response, there have been efforts to reframe the minority concept itself. One formulation uses the attribute of *minoritized*, imparting an agentive dimension, as in minoritized peoples. Another proposed term is *minoritization*, which draws attention to the structures and processes that "make some (person, group, concept) a minority" (Stausberg et al, 2023, 3-4).

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[15] Opinion, On possible groups of person to which the Framework Convention for the Protection of National Minorities Could be Applied in Belgium, https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)001-e, paragraphs 6-9

[16] See discussion as it relates to the FCNM: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)001-e (12 March 2002), paragraphs 6-9.

This reframing of a minority as a member of a minoritized group reinforces recent trends around the use of the agentic dimension; examples included the adoption of the terminology of enslaved people instead of slaves or racialized society.

More recent debates reflect contention over how concepts embody uncomfortable legacies of power. Viewing the term historically or genealogically can expose "how concepts whose meanings appear to be given, natural, stable, neutral objective, or commonplace are often in fact the contingent outcomes of earlier contestation" (Schaffer 2015, 81). Within Third World Approaches to International Law, Shahabuddin has advanced an agenda around 'decolonizing minority rights discourse' that elucidates the connections between minority rights and colonialism and decolonialization processes. He confronts the concept of minority as part of this program, citing the tendencies to neglect "the centrality of power-relations, subaltern agency, political economy, hegemonic global governance structures, and masculinity" (2023, 935). In underscoring ideas of subaltern agency, he argues for "moving beyond the normative framework of vulnerability and victimhood" (2023, 950). It is possible to detect this decolonizing frame in the discourses at the UN Forum on Minority Issues.

Using the UN Forum on Minority Issues database, I searched forum statements and SR reports for references to framing discussions around the concept of minorities. The database has collected a total of 2012 forum statements and 34 SR Annual Reports along with other relevant documents. The forum statements studied here were those made in Sessions in the period 2008-2023 and are identified by type of speaker, which can be NGO, State (which also includes National Human Rights Institution or Minority advisory bodies actor), Individual Expert, or Inter-Governmental Organization. While I was able to search all statements, the ones I focus on are in English, which is the language of 1509 of the statements. The database does provide the possibility for a keyword search of relevant issues; I chose to conduct my own coding of the material that was linked the discussion around the concept of minority. I proceeded in three steps: first, I searched the available statements and reports for mentions of the words concept, definition, term, minoritized, or minoritization; secondly, I perused the collected statements and reports and selected those that framed and contended with the concept of minority. Thirdly, I linked these references to the framing strategies and debates related to the concept of minority discussed above. Below I present and interpret some of the exemplary examples from the SR reports and forum statements that illustrate how different speakers engage in discussions around the concept of minority in the UN Forum on Minority Issues.

3. Case Study: Reframing Minority Rights at the UN Forum on Minority Issues

3.1. Framing the Concept of Minority within Annual Reports by the Independent Experts and Special Rapporteurs on Minority Issues

As discussed above, the Independent Expert (IE) and Special Rapporteurs (SR) on Minority Issues are key intermediary figures who guide the work of the Forum and transmit its findings and recommendations to other UN bodies. As independent experts with extensive backgrounds on minority issues, this figure is an elite actor, linking the grassroots input of the Forum to states and IGO representatives. The concept of minority has been a frequent topic for discussion in their Annual Reports published between 2006 and 2023. In these texts, we can see the IEs and SRs track and reflect on recent developments in the debates discussed above.

First, there is the matter of the scope of minorities, who is included, referring to the conceptual ambiguity discussed by Nagy and Vizi (2024, 3). In her report laying out her mandate, Independent Expert Gay McDougall wrote at the outset that she would not rely on state determinations of which groups constituted minorities, but instead would include those "that self-identity as minority communities" (2006, 9). SR Rita Izsak reiterated the fact that the UNDM failed to provide a "comprehensively or legally binding definition of which groups can be considered to constitute minorities or provide detailed criteria for according minority status" (2012, 9). In her report in 2017, SR Rita Izsak observed that minority groups may self-identify even within a State that "refuses to recognize them as such" (2017, 13) echoing problems raised by minority rights scholars due to the lack of a definition in international law (Malloy 2013, 15) .

Secondly, related to these discussions on the scope of the concept of minority, there is continued discussion of the debates around the numerical factors for designating a "minority status" and the persisting challenge of determining the criteria of non-dominance (de Gaay Fortman 2011; Agarin 2020). Independent Expert Gay McDougall acknowledges that distinct groups that are numerically a minority in society may at the same time have dominance over the economy or other sectors. She stressed that she would concentrate her mandate "only on non-dominant minority groups" (2006, 9). In his reports, SR de Varennes continued the thread around numerical realities, connecting this ambiguity in the conception of minority to challenges of recognition, particularly in conflict situations. He referenced

conversations with UN officials who insisted that certain groups such as the minority Houthis in Yemen or Tigrayans in Ethiopia could not be considered as minorities since the Houthis "control part of the country" and the Tigrayans were "dominant in the past." He observes that "These comments reflect a restrictive approach in which certain minorities are considered not 'deserving' of protection and which is based on a variety of views that are, at times, personal and even arbitrary" (2023b, 9).

Thirdly, among the SRs, there is expressed concern that the term "minority" is seen by some groups and individuals as inadequate and even offensive, resonating with notions of victimhood and disempowerment as discussed by Gleason (1991, 399) and Berbiers (2004, 43). In her 2017 report in a section on "Major Barriers to the effective promotion and protection of minority rights", SR Rita Izsak observed that there were "challenges to use of the term 'minority' for certain distinct communities" (2017, 13). She explained how certain communities might "reject being referred to as minorities on the basis of a perceived negative connotation" (2017, 13). Here she cited how in certain regions, there are groups that qualify or would qualify as minorities due to their identity characteristics; yet, some groups find the term to be "derogatory", "discriminatory", or amount to a "second-class" categorization. She cites how groups favor other nomenclature for themselves such as "communities" or "societal components".

Later reports underscore the persisting stereotypes emerging from the concept of minority. SR de Varenne detailed the impact of the lack of consistency around who counts as a minority, describing how "persons are deemed to be 'undeserving' because they are not 'traditional' minorities, not citizens or not sufficiently 'dominated'" (2020, 14). The debates on whom to include, the reluctance of groups to embrace the designation of "minorities" and the confusion sowed by the term are likely to confound efforts to raise the visibility around minority rights in global governance.

Most critically, what emerges from the IE and SR reports are the stakes surrounding the confusion of framing minorities based on the concept. The IE and SRs cite the frequent occurrences that reflect how minority groups are being mis or underrepresented within the UN system. SR de Varennes pointed out the confusion that persisted around the status of certain groups: for example, for the linguistic, ethnic, and religious minority group Rohinyga, UN documents alternately refer to them as a people, group, or community but not as a minority (2019, 3). For this reason, SR de Varennes made it a priority to address the "scope and meaning of the term minority" (2018, 8). He aimed to tackle what he saw as the "uncertainties and ambiguities or arbitrary views" on who constitutes a minority (2023a, 47).

He even presented his own working definition to deal with "the absence of consistency in understanding who is a minority" (2020, 14). He proposed the following:

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status. (2020, 14-15).

His definition clarified that no official state recognition was necessary while also providing details on the numerical criteria.

In his final report, SR de Varennes argues that there has been a regression in terms of recognition of minority rights at the UN due to the expungement of the word "minority" from various UN initiatives. There are references instead to "vulnerable" persons while, on a list of vulnerable groups, there was mention of "new marginalized groups" such as transgender and intersex persons while "minorities are never mentioned" (2023a, 10). In a nod to the challenge of categorization, he also compares transnational advocacy efforts around minority rights to other groups who have received voluntary funds (such as Indigenous Peoples, people of African descent, children, slavery among others) and those who have permanent forums. He intones that "minorities are the last major group at the United Nations with no specific mechanism or initiative to strengthen the discussion and protection of their human rights" (2023, 10). This urgency for better framing reinforces how a clearer concept of minority is a necessary means for accessing and making claims in global governance.

3.2. Framing the Concept of Minority within Forum Statements at the Forum on Minority Issues

On the floor of the Forum, statements reflected the main framing discourses of the Special Rapporteurs but also pushed the conversation further, presenting and engaging with other framings of the concept of minority. Nearly fifty statements were of interest for discussions of the concept of minority with the most exemplary cited here to illustrate the contours of the debate. In thinking about who is involved in these framing debates, it is interesting to note the breakdown of the speakers. Fewer than a quarter of the statements on this topic were made by state actors while the rest were made by NGOs and Individual Expert speakers. As interlocutors within the dialogic space of the Forum, a number of minority representatives, advocates and independent experts are using their precious time to contend

with the framing of minorities. This reflected the greater interest on the part of minority representatives and advocates to engage on this issue and reinforces the importance of the Forum in providing a space for elevating the key issues of importance for minorities.

Firstly, there were assertions around the persisting weakness of the definition of minority due to the ambiguity of the concept as pointed out by Nagy and Vizi (2024, 3). In 2014, a representatives of the Savoy Government observed that "in order to better help the minorities, the UN should define the concept of a people," and further that "there are no small or big peoples, there are just peoples, and the mutual recognition is the only way for them to coexist."[17] States also weighed in to discuss the scope of minority status in terms of dominance and non-dominance, as Gay Fortman (2011) and Agarin (2020) described; for example, Indonesia noted that, for its country, "the concept of minority has its own challenge and problem to be applied in Indonesia since the majority in one place can be minority in other place and vice versa."[18]

While States grappled with how to recognize minority groups, perspectives from minority representatives offered further context. A member of the Amazighi minority from Tunisia explained that the Amazigh language is not recognized "because international law does not have a clear and agreed-upon definition of the term minority"; from this, the speaker concluded that "this does not motivate countries to recognise their minorities."[19] Other statements reported on the ways in which the concept of minority is not applied or even recognized by States, the subsequent challenges of operationalization that Nagy and Vizi discussed (2024, 3). For example, Ms. Yuriko Moto of the International Movement Against All Forms of Discrimination and Racism declared that "the government of Japan still denies the existence of minority groups."[20] Another speaker who discussed the case of the Haratin (slaves and former slaves in Mauritania) called for adopting a broad approach to defining minority groups, saying that "the definition and categorization of the concept of minority remains risky, and thus should still be open, given the different aspects that can take the expression of identity."[21] Here, there is a connection between the lack of clarity in international law and the on-the-ground reality for minority groups.

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[17] Savoy Affairs Department 7_1. Forum Statement Session 7 (2014).
[18] Indonesia [Permanent Mission of Indonesia] 7_1. Forum Statement Session 7 (2014).
[19] Nouha Grine, 16_1. Forum Statement Session 16 (2023).
[20] International Movement Against All Forms of Discrimination And Racism Yurik. Forum Statement Session 4 (2011).
[21] Save Slaves Organisation Biram Dah Abeid 1_2, Forum Statement Session 1 (2008).

There were also reports on how groups themselves do not adhere to minority rights discourses, rejecting the label or not using it, possibly due to lack of awareness. The government of Egypt noted that "Coptic Egyptians themselves have repeatedly and firmly rejected any suggestions to be classified as a minority."[22] A Coptic organization called Al Kalema Center for Human Rights weighed in and noted that "until now there is an absence of awareness among the citizens of these countries [such as Egypt] of the terminology 'minorities', even among those who belong to this minority."[23]

Other speakers also spoke of the need to raise awareness of the concept in ways that would avoid the historically negative associations related to fifth columnism (Radnitz and Mylonas 2022). A representation of a Bulgarian NGO declared that the "concept of minority rights should be promoted widely among all political actors in a given State to assure that minority rights activism and movements are correctly perceived not as secessionism motivated but as based on international recognized human rights standards."[24]

A second set of remarks reflect various rationales for rejecting the concept of minority, including negative connotations of the frame, as discussed by Gleason (1991). A speaker presenting the NGO BlackEconomics.org made the point that, "while the Forum organizers have gone to great pains to address discrimination, they continue to use a term, "Minority," which, in and of itself, carries many discriminatory connotations. Isn't it possible for the Forum to identify another term, other than "Minority," to describe the racial, linguistic, religious, and gender subgroups that are being discussed within the Forum?"[25] In this vein, one NGO representative Diane Ala'i stressed the usefulness of the concept of 'otherness', stating that the term "takes a special dimension when it is actually promoted by a government, when whatever means are available to a particular government are used to ostracize a minority."[26]

In a third set of remarks, we see that not all speakers rejected the implicit notion of disempowerment, as suggested by Lennox (2020) and Berbiers (2004). For one speaker from Bangladesh, this aspect was important. He cited a definition of the term 'minority' as referring "to disadvantaged group of citizens, who are not the privileged ones, at the top, but the under-privileged at the bottom" before he discussed the situation in Bangladesh concerning religious and ethno-religious minorities.[27] The aspect of disempowerment

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[22] Egypt [Permanent Mission of Egypt] 5_1. Forum Statement Session 5 (2012).
[23] Al Kalema Cetner for Human Rights 5_1. Forum Statement Session 5 (2012).
[24] Roma Together Angel Getsov 2_1. Forum Statement Session 2 (2009).
[25] Black Economics Brooks Robinson 1 2. Forum Statement Session 1 (2008).
[26] Baha'i International Community Diane Alal 7_1, Forum Statement Session 7 (2014).
[27] Human Rights Congress for Bangladesh Minorities Roy Amarendra 1 1, Forum Statement

helped frame this minority representative's understanding of the situation. Another presentation by Pastor Esther Ibanga invoked different definitions of the term minority to discuss the power differentials; as she put it, "in short, the haves vs. the have nots" while also noting that as the term is used in the social sciences, "this sub-ordinancy is the chief defining characteristic of a minority group."[28]

Other statements reflected new ways of framing minorities while retaining the concept of minority. The Special Rapporteur on the right to education Mr. Vernor Munoz Villalobos stressed that minorities were sometimes empowered and this reality needed to be made explicit. He observed, "The issue of minorities, well there has been a lot of discussions if the term is correct or not, it is a term that appears in many human rightsinstruments. But it has to have an adjective attached, because belonging to a minority ethnic, cultural or religious does not necessarily mean that this is a group necessarily discriminated against. And there are many minorities who are in fact running the economy and the social life of any country and who would rather remain anonymous to protect themselves from possible attacks against them."[29]

This brings up the matter of security as another motive to avoid the minority label. There were only a handful of framings of the concept of minority in the agentic mode of minoritized as explained by Stausberg (2023) and mainly in reference to language. Many of these statements came from Catalonia: in one example, the Centre Internacional Escarre per a les minorities etniques I les nacions discussed needing "to consider minorities as people, not minorities" and expressing the notion that "Catalan is not a minority language, it is minoritized."[30] One exception was a representative of the Circassian community who discussed how Circassians are "minoritized in their homeland."[31] Another was from the Basque community who described their struggle as a "minoritized linguistic community".[32] During the 2019 session, one of the thematic presentations by Tove Skutnabb-Kangas referred to "minoritized people".[33] A later speaker at the same session referenced Skutnabb-Kangas' speech to discuss the necessity of using the term "minoritized", an example of learning and adoption that happened in the

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Session 1 (2008)

[28] Women without Walls Initiative Pastor Esther Ibanga 7 1. Forum Statement Session 7 (2014).

[29] Vernor MuÃ±oz Villalobos SR Education 1 1. Forum Statement Session 1 (2008).

[30] Centre Internacional Escarre per a les minorities etniques I les nacions. Forum Statement Session 16 (2023).

[31] Kaffed, 16_1, Forum Statement Session 16 (2023).

[32] Observatory of Linguistic Rights 2_1. Forum Statement Session 2 (2009).

[33] Tove Skutnabb-Kangas 12_1. Forum Statement Session 12 (2019).

Forum session itself.[34] The use of the agentic mode in reference to language suggests circulation and uptake of this frame by linguistic minorities that has yet to spill over to national and religious minorities, for example.

Other statements around the concept of minority reflected decolonial debates and racialization with calls to unveil legacies of power in a genealogical fashion, following (Schaffer 2015, 81). One expert John A. Powell shared an article on the term "racialization" to contribute to discussions around the practices, norms, and arrangements that reinforce what he called "racialized outcomes in society".[35] The Chair of the Forum in 2021 remarked that "the term 'minority' is not universal: it is a concept that has a geo-political origin, where some nations defined themselves as the standard and labelled the rest as the Other."[36] These remarks reflect the beginnings of conversations that reflect the agenda of "decolonizing minority discourses" proposed by Shahabuddin (2023).

Conclusions

This research focused on minority discourses related to the concept of minority that are taking place at the UN Forum on Minority Issues. I argue that focusing on how this issue is debated and discussed at the UN advances our understanding of the opportunities and challenges for minority representatives and minority rights advocates in global governance. Firstly, I approached the debates from both top-down and bottom-up perspectives, to offer an inclusive picture of the roles played by minority rights actors and representatives within the UN system. Secondly, a close reading of the reports of the Independent Experts and Special Rapporteurs demonstrates a commitment to asserting the rights of minorities within the UN and addressing the gaps in implementation as they related to ambiguity and confusion over the concept of minority. In particular, SR de Varennes brought to light the consequences of the UN's failure to recognize certain groups as minorities. Thirdly, the perusal of the forum Statements sheds light on how minority representatives and advocates are bringing the lived experience of being a minority in the absence of a clear definition. In addition to the frames discussed by the IE and SRs, minority groups expanded the debates to propose new framings such as minoritized as well as the need to apply de-colonizing frames. States and other actors were also able to weigh in on the challenges of recognition faced by minority groups. These

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[34] Shivni Nag 12_1. Forum Statement Session 12 (2019).
[35] John A. Powell University of Minnesota 3 1. Forum Statement 3 (2010).
[36] Ms. Victoria Donda, Chair of the Forum 14_1, Forum Statement Session 14 (2021).

exchanges reinforce the benefits of the Forum for global governance as a space for meaningful dialogue and deliberation in which minority groups and advocates are able to provide input to Rapporteurs, States and other UN bodies and make claims.

We see how attention the use of frames to construct and deconstruct the minority identity reveals new angles on the discussions on the concept of minority particularly in revealing progress and gaps in the governance of minority rights. Many minority representatives and advocates express disillusionment and frustration over the practicalities ensuing from the lack of working definition and the need to raise awareness of the concept of minority among minority groups themselves and States. These frames reflect how there remain serious risks for mis or underrepresenting certain groups due to confusion and ambiguity around the term. However, there was also a substantial portion of the Forum Statements that conveyed negative impressions of the label of minority that hint at a crisis of faith in the concept. In light of the setting of these discussions—the Forum for Minority Issues—these introduction and circulation of these claims deserve further scrutiny. Future research could look more closely into the contestation discussed here to better understand which minority groups are likely to embrace or reject the label of minority. Attention to the power dynamics among the interlocutors on the concept of minority should also better account for minority groups that abstain from these debates and their rationale for doing so. Finally, the degree of responsiveness of the IE and SR to the specific proposals made during the Forum deserves reflection. Overall, parsing the statements made at the Forum confirms the critical importance of this dialogic space for minority groups, their voices, and claims in global governance.

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