



Organization for Security and Co-operation in Europe

Nationhood and Statehood:

Reconciling Ethnicity and Citizenship in an Interdependent World

Address to the Raoul Wallenberg seminar on Human Rights

by

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Ladies and Gentlemen,

I would like to make a brief contribution to this seminar by reflecting on one of the main challenges that I have had to confront in my eight years as OSCE High Commissioner on National Minorities. That challenge is the relationship between nationhood and statehood. It is a dilemma that plagued the twentieth century and it is an issue that we continue to grapple with today.

The nation-state ideal still holds a powerful attraction. The view is that the national group – with its common culture, language, and identity – should decide its own fate. This is only a workable reality if the national community is homogeneous, territorially concentrated, and shares a common sense of destiny. But it is far more difficult to achieve where national and state boundaries do not coincide or where States are multi-ethnic.

In states with sizeable minority communities, attempts to create nation-states are usually divisive and almost always destabilizing. Majorities will not go quietly in the face of separatism. Minorities will not forever tolerate a situation where their national identities are considered second rate. So, as we have witnessed in the past century, we either find ways of facilitating the peaceful break-up of States, or we have to try to keep multi-ethnic States together. Macedonia is only the latest example.

We have seen some examples of the peaceful break-up of States in the recent past. But it is more often the case that such schisms cause violent conflict. This is all the more reason to concentrate on the multi-ethnic vision. Mono-ethnicity breeds mono-ethnicity. What is good for one national group is good for another. If we were to have a Europe where every nation lives in “its own” State, we would have an endless redrawing of boundaries, a steady stream of population transfers, and peoples living in culturally exclusive environments. If this is nationalism’s Utopia, it is not a place where I would want to live.

What, then, is the alternative? In my opinion, we should learn to live with and cherish multi-ethnic societies. That means changing our assumptions about what

states should look like. Of course the majority nation wants to create a State in its own image, but this does not have to be at the exclusion of persons of other ethnicities.

Ensuring that human rights are legally enshrined and protected by the rule of law is a sound basis for stable and prosperous multi-ethnic states. A constitution that reflects the true character of society and includes guarantees for the rights of all citizens, regardless of ethnicity, is a cornerstone. On that point, a preamble may seem a minor detail, but its message speaks volumes, especially if it accentuates the position of the so-called State-forming nation. In such matters, symbolism can be as important as substance. States should therefore be sensitive to having a legal framework that is inclusive.

Sometimes additional legislation is necessary to protect minority concerns. This may include providing education in the mother tongue, guaranteeing minority representation in decision-making bodies, allowing for the use of minority languages, enacting anti-discrimination laws, and devising a public administration system that accommodates the ethnic diversity of the State. This serves to bring all members of society to at least a minimum level of equality in the exercise and enjoyment of human rights and fundamental freedoms. This is not only in keeping with international standards. It is good governance.

I can not stress this point enough. Sometimes I have the impression that minority-related policies are followed grudgingly as if one were going down a checklist of points that have to be ticked off in order for a State to acquire a certain respectability. True, respect for minority rights is an important barometer of a State's compliance with international standards and this can facilitate closer integration, for example EU accession. But it should not be seen as a "one time" initiative to appease the international community. Rather, it should be regarded as a process to foster long-term inter-ethnic stability. This is in the best interest of the State concerned.

Therefore one must go beyond standards and look at politics. Participation of minorities in government is one way of ensuring that minority views are represented. Wherever possible, minorities should be involved in decisions that directly affect

them. It is worth noting that a number of countries in Central and Eastern Europe have government departments for minority issues, minority consultative or advisory councils and have appointed Ombudsmen or Commissioners on Ethnic and Human Rights Issues. Hungary is a leading example.

Political leadership is important for setting the tone and creating an environment that can both stimulate and maintain inter-ethnic understanding. Too often the ethnic card is played to stir up populism or to score political points. Issues that have very little to do with ethnicity suddenly become politicized. This must be avoided for it poisons relations, not only among political elites, but also among the electorate.

In my travels I have often been struck by how people of different cultural and linguistic backgrounds can live peacefully side by side. And yet, when inter-ethnic hatred is whipped up, one so often hears that violent conflict is inevitable. I disagree. There is nothing inevitable about inter-ethnic conflict. It can be avoided. I have already noted that respect for human rights, a democratic and representative political system based on the rule of law, legislation to protect minority rights, and mechanisms to allow for minority participation can increase the chances of multi-cultural coexistence. So too is responsible leadership from members of the majority and minority communities. Bilateral and regional co-operation can build confidence between neighboring States. Concerning minority issues, the international community also has a role to play in norm setting, monitoring and co-operative assistance.

Bearing this in mind, why are there so many conflicts still on our agenda? Here I return to my opening point, namely the problem of accommodating nationhood within statehood.

We have seen too many examples of what happens when nation and State interests can not be reconciled. Sometimes a State looks across its borders to protect the majority's kin abroad. Other times, a majority seeks to cleanse itself of its minorities. And there are times when a minority takes up arms to carve out its own

State or to join up with its kin across the border. These phenomena, which scarred the twentieth century, are still evident today.

Considering these lessons of the past, we should spend less time trying to change territorial boundaries, and more time expanding conceptual ones.

The starting point for this new thinking should be that national self-government does not necessarily require independence, or in other words self-determination does not mean secession. The goal is to satisfy the need for self-government within the bounds of the State.

Two years ago I asked a group of internationally recognized experts to consider ways that this could be achieved. One of those experts, and the chair of the group, was Professor Gudmundur Alfredsson, Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. Some of the meetings of the experts took place at the Raoul Wallenberg Institute in Lund, Sweden. That is why the recommendations are referred to as the Lund Recommendations on the Effective Participation of National Minorities in Public Life. Professor Alfredsson was due to discuss those recommendations this afternoon, but unfortunately can not be with us. I would therefore like to mention some of the points made in the recommendations which relate to self-government.

The Lund Recommendations are based on the general principle that effective participation of national minorities in public life is an essential component of a peaceful and democratic society. I have already explained some ways in which participation can be facilitated, for example by special arrangements for minorities at the regional, local and/or central government level. The electoral system should also facilitate minority representation and influence.

Self-governance can take two forms. The least well-known is non-territorial self-governance or personal-cultural autonomy. This relates to the ability of minorities to use their own names in the minority language, to take decisions concerning the

education of their children, to use minority languages in official communications, and to determine and enjoy their own symbols and other forms of cultural expression.

Territorial self-governance is a second option. It may be appropriate in certain situations to decentralize power to regions or the local level in order to improve the opportunities for territorially concentrated minorities to exercise authority over matters that affect them. Both forms of self-governance can be referred to as “internal” self-determination.

The Lund Recommendations are designed to encourage States to be creative and pragmatic in regard to issues which are sometimes regarded as intractable or not negotiable. Avoiding discussions on decentralization or minority participation will not make the problem go away. Indeed, it may harden minority opposition and re-enforce the view that the status quo is inadequate for accommodating cultural diversity. I am not suggesting that central Governments should have to bow to any demand for autonomy. Rather I believe that there is sufficient evidence to suggest that self-governance can address many of the minority or regional concerns that can precipitate inter-ethnic conflict and the break-up of States.

To conclude, the past decade has seen a remarkable series of events stemming from the collapse of communism. We are still feeling the aftershocks. One conclusion that I believe to be salient is that the nationalist uprisings that accompanied and followed the demise of the Communist Bloc hold lessons for all States of the world. Post-Communist conflicts, particularly in South Eastern Europe, may be bloodier and more protracted than others, but they are not unique. The consequences of failing to accommodate inter-ethnic diversity should sound an alarm to multi-ethnic societies everywhere.

A legal framework that protects human rights, including the rights of persons belonging to national minorities, is crucial in stemming the flow of excessive nationalism. So too is political flexibility and a willingness to look at ways of addressing the root causes of inter-ethnic discontent. Third parties, like my office, can play a role. But ultimately it is up to Governments, together with minority

representatives, to tackle issues together. This is why I stress the need for dialogue, not only as a means of crisis management, but as a part of the normal discourse. It is also why I believe that we should creatively consider types of self-governance that allow minorities a greater say over decisions that affect them.

In an increasingly inter-dependent world, we must find ways to improve relations within States and not only between them. This will enable us to enjoy the individual identities that we cherish without threatening the common structures that guarantee law, order, peace and prosperity.

Thank you for your attention.