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Minorities, Justice and Security in Post-Communist Europe: Continuing the Debate with Will Kymlicka

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In this article, the author takes issue with a number of points raised by Will Kymlicka in his introductory and concluding sections to Can Liberalism Pluralism be Exported? *These issues include the role of elites in defining and manipulating minority claims, the problem of intolerant minorities, and democratic consolidation in relation to minority rights. The author further discusses Kymlicka's point about territorial autonomy with reference to the work of the OSCE High Commissioner on National Minorities*

I. Introduction

Will Kymlicka's excellent article, reply and conclusion in *Can Liberal Pluralism be Exported?* raise, in his own words, "many profound and complex issues" (Kymlicka: 2001: 347) and I will, in turn, briefly raise questions about the main points made by him. These are about the role of elites in defining and manipulating minority claims, the problem of intolerant minorities, and democratic consolidation in relation to minority rights. I will discuss his point about territorial autonomy in the context of the work of the OSCE High Commissioner on National Minorities.

II. Where Does One Begin?

First, what is the starting point? The easy answer would be that the demands of minorities should be accommodated to provide them justice, but my starting premise would include some thinking about how this can be done. One could go further and say that justice and stability within multiethnic states – or justice and security – are closely linked – in theory and in practice (Kymlicka 2003, disagrees).[1] They are most likely to be achieved through democratic political arrangements and that is probably why international organizations advocated democracy as the method of managing ethnic diversity at the end of the Cold War. Indeed I would say that justice for minorities, democracy and security all go together (Inder Singh: 2001).

[1] Professor Kymlicka has very kindly let me read the typescript of this article.

Some conceptual problems arise, and I make no claim to providing the answers. One can hardly talk about minorities without coming head on against the ambiguous and contested terms ‘nation’ and ‘nationalism’. A multiethnic state can also be a nation. The nationalism of such a country is inclusive of all communities, classes and interests and in many multiethnic countries one or more political parties representing the political and territorial nations wins power. The Indian National Congress is probably the best example of this kind of nationalism in Asia. More recently, in the British elections of 2001 the Labour Party, rather than the Scottish National Party, swept the board in Scotland. In India one can refer to ‘pluralist nationalism’ as all-India nationalism; I am not sure what term would best describe composite, inclusive, pluralistic political nationalisms in individual European countries.

III. Minorities, Justice, Security – and Democracy?

Democracy as a way of managing ethnic diversity assumes significance because most states are multiethnic. The intellectual and political pluralism inherent in democracy goes against the concept of the nation-state in the literal sense of an alignment of territory and ethnicity. It refutes the in-built assumption of the nation-state that there can be no intellectual or political differences within and between communities, and that different communities cannot coexist in one country. The ‘pluralist nation’ is the imagined community of the twenty-first century.

The idea that the individual has a right to choose his identity and political alignment is central to democracy – and to all OSCE recommendations, the 1992 UN Declaration on Minorities and the 1995 Council of Europe Framework Convention for the Protection of National Minorities. The logic is that every individual is unique and democracy proffers the best chances of creating institutions through which this uniqueness may be articulated. Intellectual and political differences may exist within groups; to deny or to iron out such differences in the name of the real or imagined nation reflects the logic of authoritarianism, whether this emanates from a majority or minority community. Security, after all, is about the needs of individuals who make up states, and states can only be secure if the individuals comprising them are secure. That is where the accommodation of ethnic diversity within states becomes important in the interests of enhancing both justice and security.

The terms ‘minority nationalism’ and ‘majority nationalism’ imply the nationalism of particular groups in multiethnic states, and while these nationalisms may be legitimate they are exclusivist at least in theory, but not necessarily a threat to security if interethnic alliances are made by political moderates. In their extreme form they go against the idea of a pluralist nation encompassing diverse identities and interests. The nationalism of Vladimir Zhirinovsky in Russia and Jörg Haider in Austria represent exclusivist nationalism.

Kymlicka is right that democratic accountability should be established to check the claims of elites to represent minorities. I tend to think that democratic institutions would also enhance security, because authoritarian states are a source of instability and conflict. Elections are the first but insufficient step towards democracy, and voting is the only test of legitimacy. By giving minorities the chance to participate in political processes free and fair elections also combine considerations of justice and security.

Democratization has not necessarily resulted in the increase of ethnic mobilization in post-communist or Western Europe. Zhirinovsky claimed to represent Russians in Russia and the near-abroad, but has failed to win electoral support from the Russian majority in Russia itself. In Ukraine, extreme nationalist parties have been marginalized in elections since 1991; in Estonia and Latvia voting has cut across ethnic lines. Further to the West, support for Haider dived from 27 per cent of the vote in 1999 to 10 per cent in the Austrian elections of November 2002.

Democracy enables individuals to change their political alignments in a peaceful way. Since 1991, this has happened in Slovakia, Romania, Serbia and Croatia. Many post-communist states show that as liberal democracy advances minority and majority nationalist parties often fare worse. Countries with a very small percentage of minorities such as Poland and Czechoslovakia are not the only ones to democratize quickly. Estonia and Latvia illustrate that some societies with a legacy of ethnic hatred *can* make rapid progress towards democracy, while democracy seems to remain in a state of permanent gestation in Belarus, which has no significant ethnic tensions.

IV. Justice, Security, Minorities and European Regional Organizations

Kymlicka is critical of the Council of Europe's Framework Convention for the Protection of National Minorities and the OSCE High Commissioner on National Minorities (HCNM) for underlining security (Van der Stoel 1997 and Ekeus 2002). Given that 'nationalism' in some European countries helped to trigger two world wars this is hardly surprising. He takes issue with Max van der Stoel, the first OSCE High Commissioner on National Minorities, for describing himself as High Commissioner 'on' National Minorities rather than 'for' National Minorities. To me, the HCNM's designation implies that he is – rightly – keeping his options open, because every problem may demand a different answer even if precedents are established in the course of, or as a result of, his negotiations with governments and representatives of minorities. Accord cannot be achieved by the HCNM or minorities alone, for *states* implement OSCE recommendations. The HCNM acts as an impartial mediator (Packer 2000) and tries to put out any signs of smoke or, if that fails, to raise the alarm (Van der Stoel 1999). Many states, including Russia and Hungary, which have the largest diasporas of 'kin', have asked him to intervene. In the early 1990s, it is Russia which asked for OSCE mediation in the Baltic countries to defuse the threat of conflict, and OSCE offices in Latvia and Estonia were closed in 2002.

There is also no reason why the High Commissioner should be 'for' National Minorities, unless the assumption is that minorities are always infallible. Illiberal minorities are a part of life just as much as illiberal majorities – or illiberal states. For example, it is hard to believe that an independent Chechen state, run by the extremists who demand it, would enhance either justice or security for Chechens or anyone else. That does not make one a supporter of Russia's heavy–handedness in Chechnya. 'Greater Albania', like Greater Serbia or Croatia could only be carved out through war by extreme nationalists (belonging to a minority community in one country and to a majority group in another) who would hardly be just.

Nor is there any reason why territorial autonomy should be given on demand, although, interestingly, the countries, in Kymlicka's account, in which it has been introduced are democracies. Federalism has meaning in democracies, not in authoritarian states like the former Yugoslavia and USSR. Here again, democracy is linked with the accommodation of minorities' demands (justice) and therefore contributes to security. Whatever their claims to federalism, collapsed states are

authoritarian states, which often disintegrate into war. Calls for secession are disliked by the international community because secession, which has usually (but not always) been demanded from authoritarian states, has frequently been attended by war and ethnic cleansing. The peaceful secession of Quebec would be possible precisely because Canada is a strong democracy: to date Quebecois separatists have not won mass support.

Power sharing may indeed be established if that is the solution most acceptable to all ethnic groups in a country. But power sharing can also institutionalize ethnic rivalries, as in Lebanon, especially if democratic institutions have not been consolidated. In that case, it more or less induced people to think permanently in terms of minorities and majorities and foment quarrels. Again, much depends on the individual circumstances prevailing in each country. The fact is that most people have multiple identities; that is why minority or regional parties do not always win elections even in their chosen constituencies. Individuals belonging to any community have the right to make political choices that do not bind them to voting along ethnic lines. The important thing here is choice.

Justice, security and good politics go together. Even if the Framework Convention for the Protection of National Minorities does not mention official language status for Albanians in Macedonia, they got it – and two private universities in Tetovo. The OSCE's is a political approach, made through diplomacy. And politics and diplomacy are arts of the possible. The crux of the matter is to have the flexibility to respond to rapidly changing situations and the success of van der Stoel and his successor, Rolf Ekeus, in defusing tensions in many multiethnic post-communist states, at the invitation of governments, is evidence of this.

In the long run, justice can only be implemented in the absence of war and in conditions of peace. It is most likely to be carried out through democratic institutions based on the rule of law: in fact, deterioration in the rule of law often precedes ethnic conflict. The concept of 'comprehensive security' is still evolving, and the work of the HCNM has broadened the terms of the debate on minorities and security in a constructive way.

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Biographical Note

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