

### Multiculturalism and minority rights: West and East

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## **Multiculturalism and Minority Rights: West and East**

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# **Multiculturalism and Minority Rights: West and East**

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*Are Western models of multiculturalism and minority rights relevant for the post-Communist countries of Central and Eastern Europe? This article describes a range of Western models, and explores the social and political conditions that have led to their adoption in the West. It then considers various factors which might make the adoption of these models difficult in Eastern Europe, and considers the potential role of the international community in overcoming these obstacles.*

## **Introduction**

Countries in post-communist Europe have been pressured to adopt Western standards or models of multiculturalism and minority rights. Indeed, respect for minority rights is one of the accession criteria that candidate countries must meet to enter the European Union (EU) and NATO. Candidate countries are evaluated and ranked in terms of how well they are living up to these standards (see EU Accession Monitoring Program OSI 2001).

There are two interlinked processes at work here. First, we see the 'internationalizing' of minority rights issues. How states treat their minorities is now seen as a matter of legitimate international concern, monitoring and intervention. Second, this international framework is deployed to export Western models to newly-democratizing countries in Eastern Europe.

This trend implicitly rests on four premises: (i) that there are certain common standards or models in the Western democracies; (ii) that they are working well in the West; (iii) that they are applicable to Eastern and Central Europe (hereafter ECE), and would work well there if adopted; (iv) that there is a legitimate role for the international community to play in promoting or imposing these standards.

All four of these assumptions are controversial. Western countries differ amongst themselves in their approach to ethnic relations, and attempts to codify a common set of minimum standards or best practices have proven difficult. Moreover, the success of these approaches is often deeply contested within Western countries. Many citizens of Western democracies view their domestic policies towards ethnic relations as ineffective, if not actually harmful. The wisdom of 'exporting' these policies to ECE countries is even more controversial, both in the

West and the East. Countries in post-Communist Europe differ significantly from Western countries (and from each other) in terms of history, demography, geopolitical stability, economic development and democratic consolidation. Given these differences, Western approaches may simply not be relevant or helpful, and attempts to impose them against the wishes or traditions of the local population can be counter-productive in terms of ethnic relations.

So the decision to make minority rights one of the criteria for 'rejoining Europe' rests on a number of controversial assumptions. This decision was taken by Western leaders in the early 1990s, almost in panic, as a response to fears that ethnic conflict would spiral out of control across the post-Communist world. There was relatively little public debate or scholarly analysis about the wisdom of this decision, and it seems clear in retrospect that it was taken without a full consideration of its implications, or of the difficulties it raised.

In my view, the time has come to have a vigorous and public debate about these four assumptions. Now that the initial panic about ethnic violence has subsided, and with relative peace throughout the region, we can afford to sit back and think more carefully about the potential and pitfalls of 'exporting' and 'internationalizing' minority rights.

In a recent volume (Kymlicka and Opalski 2001), I attempted to explore these four basic assumptions in some depth. In this short article, I can only give a brief sketch of my conclusions.

## **I. Western Trends Regarding Ethnocultural Diversity**

First, then, what do we mean by Western standards or models of multiculturalism and minority rights? Efforts have been made by various international organizations to formally codify a set of minority rights or multicultural practices, including the 1992 Declaration of the United Nations, the 1992 European Charter for Regional or Minority Languages Charter and the 1995 Framework Convention of the Council of Europe, and various Recommendations of the OSCE's High Commissioner on National Minorities (1996, 1998, 1999). In theory, these embody the standards that ECE countries are expected to meet.

These documents are important, but are potentially misleading as a guide to Western understandings of minority rights (and hence to Western expectations about how ECE countries should behave). For one thing, these declarations are often quite vague. They typically assert broad principles of respect and recognition for minority groups, but then hedge them with multiple qualifiers about ‘where appropriate’ and ‘within the framework of national law’. Also, these formal declarations are continually evolving, most recently in efforts to include minority rights in proposals for a new Constitution of the European Union.

In my view, these formal declarations are the surface manifestation of deeper trends that are occurring throughout the Western democracies regarding ethnic relations. In order to fully understand the forces at work in current processes of internationalizing and exporting minority rights, we need to look below these formal documents to the underlying social trends.

There have in fact been dramatic changes in the way Western democracies deal with ethnocultural diversity in the last thirty to forty years. In the volume, I highlight five such trends, but for the purposes of this paper let me focus on two.

The first concerns the treatment of substate/minority nationalisms, such as the Québécois in Canada, the Scots and Welsh in Britain, the Catalans and Basques in Spain, the Flemish in Belgium, the German-speaking minority in South Tyrol in Italy, and Puerto Rico in the United States.<sup>1</sup> In all of these cases, we find a regionally-concentrated group that conceives of itself as a nation within a larger state, and mobilizes behind nationalist political parties to achieve recognition of its nationhood, either in the form of an independent state or through territorial autonomy within the larger state. In the past, all of these countries have attempted to suppress these forms of substate nationalism. To have a regional group with a sense of distinct nationhood was seen as a threat to the state. Various efforts were made to erode this sense of distinct nationhood, including restricting minority language rights, abolishing traditional forms of regional self-government, and encouraging members of the dominant group to settle in the minority group’s traditional territory so that the minority becomes outnumbered even in its traditional territory.

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<sup>1</sup> We could also include the French and Italian minorities in Switzerland, although some people dispute whether they manifest a ‘national’ consciousness.

However, there has been a dramatic reversal in the way Western countries deal with substate nationalisms. Today, all of the countries I have just mentioned have accepted the principle that these substate national identities will endure into the indefinite future, and that their sense of nationhood and nationalist aspirations must be accommodated in some way or other. This accommodation has typically taken the form of what we can call 'multination federalism': that is, creating a federal or quasi-federal subunit in which the minority group forms a local majority, and so can exercise meaningful forms of self-government. Moreover, the group's language is typically recognized as an official state language, at least within their federal subunit, and perhaps throughout the country as a whole.

At the beginning of the twentieth-century, only Switzerland and Canada had adopted this combination of territorial autonomy and official language status for substate national groups. Since then, however, virtually all Western democracies that contain sizeable substate nationalist movements have moved in this direction. The list includes the adoption of autonomy for the Swedish-speaking Åland Islands in Finland after the First World War, autonomy for South Tyrol and Puerto Rico after the Second World War, federal autonomy for Catalonia and the Basque Country in Spain in the 1970s, for Flanders in the 1980s, and most recently for Scotland and Wales in the 1990s.

This, then, is the first major trend: a shift from suppressing substate nationalisms to accommodating them through regional autonomy and official language rights. Amongst the Western democracies with a sizeable national minority, only France is an exception to this trend, in its refusal to grant autonomy to its main substate nationalist group in Corsica. However, legislation was recently adopted to accord autonomy to Corsica, and it was only a ruling of the Constitutional Court that prevented its implementation. So France too, I think, will soon join the bandwagon.

The second trend concerns the treatment of indigenous peoples, such as the Indians and Inuit in Canada, the Aboriginal peoples of Australia, the Maori of New Zealand, the Sami of Scandinavia, the Inuit of Greenland, and Indian tribes in the United States. In the past, all of these countries had the same goal and expectation that indigenous peoples would eventually disappear as distinct communities, as a result of dying out, or intermarriage, or assimilation. Various policies were adopted to speed up this process, such as stripping indigenous peoples of their lands, restricting the practice of their traditional culture, language and religion, and

undermining their institutions of self-government.

However, there has been a dramatic reversal in these policies, starting in the early 1970s. Today, all of the countries I just mentioned accept, at least in principle, the idea that indigenous peoples will exist into the indefinite future as distinct societies within the larger country, and that they must have the land claims, cultural rights (including recognition of customary law) and self-government rights needed to sustain themselves as distinct societies.

We see this pattern in all of the Western democracies. Consider the constitutional affirmation of Aboriginal rights in the 1982 Canadian constitution, along with the land claims commission and the signing of new treaties; the revival of treaty rights through the Treaty of Waitangi in New Zealand; the recognition of land rights for Aboriginal Australians in the Mabo decision; the creation of the Sami Parliament in Scandinavia, the evolution of 'Home Rule' for the Inuit of Greenland; and the laws and court cases upholding self-determination rights for American Indian tribes (not to mention the flood of legal and constitutional changes recognizing indigenous rights in Latin America). In all of these countries there is a gradual but real process of decolonization taking place, as indigenous peoples regain their lands, customary law and self-government. This is the second main shift in ethnocultural relations throughout the Western democracies.

In the volume, I also discuss important shifts regarding other types of groups, including immigrants, guest-workers, refugees and African-Americans. In all of these contexts as well, we see shifts away from historic policies of assimilation or exclusion towards a more 'multicultural' approach that recognizes and accommodates diversity.

However, for the purposes of this paper, the cases of national minorities and indigenous peoples are particularly relevant. They help illustrate the extent to which Western democracies have moved away from older models of unitary, centralized nation-states, and repudiated older ideologies of 'one state, one nation, one language'. Today, virtually all Western states that contain indigenous peoples and substate national groups have become 'multination' states, recognizing the existence of 'peoples' and 'nations' within the boundaries of the state. This recognition is manifested in a range of minority rights that includes regional autonomy and official language status for national minorities, and customary law, land claims, and self-government for indigenous peoples.

These, then, are some of the deep trends that are shaping domestic practices and opinions in the Western democracies. The extent to which these two trends have been ‘internationalized’ differs. In the case of indigenous peoples, serious efforts have been made to codify these emerging practices at the level of international law. Land claims, customary law and self-government for indigenous peoples are all clearly affirmed in recent international documents, such as the draft declarations at the United Nations and the Organization of American States. In this case, emerging international law reflects the most advanced practices of Western countries in terms of accommodating indigenous peoples.

By contrast, only very modest minority rights, such as mother-tongue primary education, have been recognized in the case of substate national groups. No international document has affirmed any principle of territorial autonomy or official language status for substate national groups.<sup>2</sup> In this case, international law lags far behind the emerging practices of Western democracies in terms of the rights accorded to substate national groups. To oversimplify, we might say that while international law is attempting to codify ‘best practices’ in the case of indigenous peoples, it is only codifying the most ‘minimal standards’ or ‘lowest common denominator’ in the case of substate national groups.

These variations in the formal content of international documents are important, but they should not blind us to the underlying trends. An increasing number of citizens in the West have grown accustomed to the idea of living in a ‘multination’ state that accords substate nations and indigenous peoples the rights and powers needed to sustain themselves as distinct and self-governing societies into the indefinite future. Substate national groups do not have a *right* to multination federalism under international law, but many people in the West view this as the ‘best’ response to substate nationalisms. It is in any event viewed as a fully legitimate option. It is seen as natural and acceptable for substate groups to desire this sort of arrangement, and normal and appropriate for a free and democratic state to move in this direction.

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<sup>2</sup> This idea was floated in Recommendation 1201 of the Parliamentary Assembly of the Council of Europe, in 1993, but was quickly dropped in subsequent European declarations, not least due to the vehement opposition of France and Greece.

## II. Explaining and Evaluating the Western Models

So we see emerging trends in the West towards various forms of multiculturalism and minority rights. This raises two important questions. First, why have so many Western countries moved in this direction? And second, how should we evaluate this trend? Should we view these models as a 'success' or a 'best practice' to be celebrated, and perhaps even to be exported to other regions, such as the ECE?

Let me start with the first question. In my view, there are three central factors that have made these trends possible, and perhaps even inevitable in the Western democracies:

(a) *Demographics*: The first factor is simply demographics. In the past, many governments had the hope or expectation that ethnic minorities would simply disappear, through dying out or assimilation or intermarriage. It is now clear that this is not going to happen. Indigenous peoples are the fastest-growing segment of the population in the countries where they are found, with very high birth rates. The percentage of immigrants in the population is growing steadily in most Western countries, and most commentators agree that even more immigrants will be needed in the future to offset declining birth rates and an ageing population. And substate national groups in the West are also growing in absolute numbers, even if they are staying the same or marginally declining as a percentage of the population. No one anymore can have the dream or delusion that minorities will disappear. The numbers count, particularly in a democracy, and the numbers are shifting in the direction of non-dominant groups.

(b) *Rights-Consciousness*: The second factor is the human rights revolution, and the resulting development of a 'rights consciousness'. Since 1948, we have an international order that is premised on the idea of the inherent equality of human beings, both as individuals and as peoples. The international order has decisively repudiated older ideas of a racial or ethnic hierarchy, according to which some peoples were superior to others, and thereby had the right to rule over them.

It is important to remember how radical these ideas of human equality are. Assumptions about a hierarchy of peoples were widely accepted throughout the West up until World War II, when Hitler's fanatical and murderous policies discredited them. Indeed, the whole system of

European colonialism was premised on the assumption of a hierarchy of peoples, and was the explicit basis of both domestic policies and international law throughout the nineteenth century and first half of the twentieth century.

Today, however, we live in a world where the idea of human equality is unquestioned, at least officially. What matters here is not the change in international law *per se*, which has little impact on most people's everyday lives. The real change has been in people's consciousness. Members of historically subordinated groups today demand equality, and demand it as a *right*. They believe they are entitled to equality, and entitled to it *now*, not in some indefinite or millenarian future.

This sort of rights-consciousness has become such a pervasive feature of modernity that we have trouble imagining that it did not always exist. But if we examine the historical records, we find that minorities in the past typically justified their claims, not by appeal to human rights or equality, but by appealing to the generosity of rulers in according 'privileges', often in return for past loyalty and services. Today, by contrast, groups have a powerful sense of entitlement to equality as a basic human right, not as a favour or charity, and are angrily impatient with what they perceive as lingering manifestations of older hierarchies.

Of course, there is no consensus on what 'equality' means (and, conversely, no agreement on what sorts of actions or practices are evidence of 'hierarchy'). People who agree on the general principle of the equality of peoples may disagree about whether or when this requires official bilingualism, for example, or consociational power sharing. But there can be no doubt that Western democracies historically privileged a particular national group over other groups who were subject to assimilation or exclusion. This historic hierarchy was reflected in a wide range of policies and institutions, from the schools and state symbols to policies regarding language, immigration, media, citizenship, the division of powers, and electoral systems. So long as minority nationalist leaders can identify (or conjure up) manifestations of these historic hierarchies, they will be able to draw upon the powerful rights-consciousness of their members.

(c) *Democracy*: The third key factor, I believe, is democracy. Put simply, the consolidation of democracy limits the ability of elites to crush dissenting movements. In many countries around the world, elites ban political movements of minority groups, or pay thugs or paramilitaries to beat up or kill minority leaders, or bribe police and judges to lock them up. The fear of this sort

of repression often keeps minority groups from voicing even the most moderate claims. Keeping quiet is the safest option for minorities in many countries.

In consolidated democracies, however, where democracy is the only game in town, there is no option but to allow minority groups to mobilize politically and advance their claims in public. As a result, members of minority groups are increasingly unafraid to speak out. They may not win the political debate, but they are not afraid of being killed, jailed or fired for trying. It is this loss of fear, combined with rights-consciousness, that explains the remarkably vocal nature of ethnic politics in contemporary Western democracies.

Moreover, democracy involves the availability of multiple access points to decision-making. If a group is blocked at one level by an unsympathetic government, they can pursue their claims at another level. Even if an unsympathetic right-wing political party were to win power at the central level, and attempted to cut back on the rights of minorities, these groups could shift their focus to the regional level, or to the municipal level. And even if all of these levels are blocked, they could pursue their claims through the courts, or even through international pressure. This is what democracy is all about: multiple and shifting points of access to power.

Where these three conditions are in place – increasing numbers, increasing rights-consciousness, and multiple points of access for safe political mobilization – I believe that the trend towards greater accommodation of ethnic diversity is likely to arise. Indeed, I think it is virtually inevitable. This is the lesson I draw from the experience of all the Western democracies. These trends have not depended on the presence or absence of particular personalities, or particular political parties, or particular electoral systems. We see enormous variation across the Western democracies in terms of leadership personalities, party platforms and electoral systems. Yet the basic trends regarding ethnic diversity are the same. And the explanation, I believe, rests in these three deep sociological facts about numbers, rights-consciousness, and opportunity-structures.

There may of course be disruptions in this general trend. Economic crises or considerations of state security can quickly override debates on minority rights. September 11th, for example, has reconfigured debates about the accommodation of Arab and Muslim immigrants in many Western countries. (I will return to the relationship between minority rights and state security later, since it is particularly important in the ECE context.) But in the West, such economic or

geopolitical crises have been relatively rare, and led only to temporary deviations in the underlying trend towards accommodation.

So there are a variety of sociological factors that underlie the trend towards multiculturalism and minority rights in the West. But how should we evaluate this trend? Should it be judged a 'success'? Are the emerging Western models of immigrant multiculturalism, indigenous self government and multination federalism something to celebrate, and perhaps to export?

Let me focus on the evaluation of multination federations, since they are probably the most relevant and also the most controversial for ECE countries. Are multination federations in the West working well? In some cases, it is simply too early to tell to judge their success. For example, the federalization of Spain and Belgium is comparatively recent, and devolution in the United Kingdom is only a few years old.

However, if we look across the broad range of cases, I think we can make some fairly firm judgements about their strengths and weaknesses. Multination federalism in the West has clearly been 'successful' along some dimensions, and equally clearly been a 'failure' along other dimensions.

Let's start with the successes. I would argue that multination federalism has been successful along at least five dimensions:

(i) *peace and individual security* – these multination federations are managing to deal with their competing national identities and nationalist projects with an almost complete absence of violence or terrorism by either the state or the minority.<sup>3</sup>

(ii) *democracy* – ethnic politics is now a matter of 'ballots not bullets', operating under normal democratic procedures, with no threat of military coups or authoritarian regimes which take power in the name of national security.

(iii) *individual rights* – these reforms have been achieved within the framework of liberal constitutions, with firm respect for individual civil and political rights.

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<sup>3</sup> The Basque Country is the main exception, although of course the ETA campaign of violence began in the 1960s and 1970s as a response to the highly-centralized Fascist regime, and is unlikely to have emerged had Spain been a democratic multination federation.

(iv) *economic prosperity* – the move to multination federalism has also been achieved without jeopardizing the economic well-being of citizens. Indeed, the countries that have adopted multination federalism are amongst the wealthiest in the world.

(v) *inter-group equality* – last but not least, multination federalism has promoted equality between majority and minority groups. By equality here I mean non-domination, such that one group is not systematically vulnerable to the domination of another group. Multination federalism has helped create greater economic equality between majority and minority; greater equality of political influence, so that minorities are not continually outvoted on all issues; and greater equality in the social and cultural fields, as reflected for example in reduced levels of prejudice and discrimination between groups.

On all these criteria, multination federalism in the West must surely be judged as a success. These multination federations have not only managed the conflicts arising from their competing national identities in a peaceful and democratic way, but have also secured a high degree of economic prosperity and individual freedom for their citizens. This is truly remarkable when one considers the immense power of nationalism in the past hundred years. Nationalism has torn apart colonial empires and Communist dictatorships, and redefined boundaries all over the world. Yet democratic multination federations have succeeded in taming the force of nationalism. Democratic federalism has domesticated and pacified nationalism, while respecting individual rights and freedoms. It is difficult to imagine any other political system that can make the same claim.

However, there are two important respects in which multination federations have not succeeded. First, the lived experience of inter-group relations is hardly a model of robust or constructive intercultural exchange. At best, most citizens in the dominant group are ignorant of, and indifferent to, the internal life of minority groups, and vice versa. At worst, the relations between different groups are tinged with feelings of resentment and annoyance. Despite the significant reforms of state institutions in the direction of multination federalism, substate national groups still typically feel that the older ideology of the homogenous nation-state has not been fully renounced, and that members of the dominant group have not fully accepted the

principle of a multination state (or have not fully accepted all of its implications). By contrast, the members of the dominant group typically feel that members of minority groups are ungrateful for the changes that have been made, unreasonable in their expectations, and are impossible to satisfy. As a result, inter-group relations are often highly politicized, as members of both sides are (over?)-sensitive to perceived slights, indignities and misunderstandings. As a result, many people avoid inter-group contact, where possible, or at least do not go out of their way to increase their contact with members of the other group. When contact does take place, it tends to reduce quickly to rather crude forms of bargaining and negotiation, rather than any deeper level of cultural sharing or common deliberation.

The result is sometimes described as the phenomenon of ‘parallel societies’, or even of ‘two solitudes’. Consider the Flemish in Belgium or Québécois in Canada. Multination federalism has enabled these national groups to live more completely within their own institutions operating in their own language. In the past, these groups often faced extensive economic, political and social pressure to participate in institutions run in the dominant language. For example, all of the courts, or universities, or legislatures, were only conducted in the majority language. Yet today, as a result of adopting the ideal of a multination federation, these groups have been able to build up an extensive array of public institutions in their own language, so that they can access the full range of educational, economic, legal and political opportunities without having to learn the dominant language, or without having to participate in institutions that are primarily run by members of the dominant group. In effect, these sorts of multination federations allow groups to create ‘parallel societies’, co-existing alongside the dominant society, without necessarily much interaction between them.

The interactions between these parallel societies can be very minimal indeed. The French-speaking and English-speaking societies in Canada have often been described as ‘two solitudes’, which I believe is an accurate description. Francophones and Anglophones in Canada read different newspapers, listen to different radio programs, watch different TV shows, read different literatures. Moreover, they are generally quite uninterested in each other’s culture. Few English-speaking Canadians have any desire to learn about internal cultural developments within French-speaking Canada, and vice versa. Anglophones are not interested in reading francophone authors (even in translation), or in learning about who are the hot new media stars or public intellectuals or entertainers within Quebec (and vice-versa).

This sort of parallel societies/two solitudes also exists in Belgium between the Flemish and French-speaking groups. And also in Switzerland between the German, French and Italian-speaking groups. Switzerland has been described as composed of three groups that “stand with their backs to each other” (Steiner 2001: 145). The French-Swiss stand facing towards France; the Italian-Swiss facing towards Italy; and the German-Swiss facing towards Germany, each focused on their own internal cultural life and the media and culture of the neighbouring country whose language they share. Most members of all three groups accept the principle that Switzerland must be a multilingual state that recognizes and shares power amongst its constituent groups. But few people have much interest in learning about or interacting with the other groups.

In short, increased fairness at the level of state institutions has not been matched by improvements at the level of the lived experience of inter-group relations. The *state* has made itself accessible to all citizens, and affirms the important contribution that each group makes to the larger society. But from the point of view of individuals, the presence of other groups is rarely experienced as enriching. On the contrary, the level of mutual indifference in these countries (and hence the reduction of interethnic relations to mere bargaining) has been described as “nauseous” by one critic of multiculturalism (Barry 2001: 312). The state has become more just, inclusive and accommodating, but inter-group relations remain divided and strained.

Second, and perhaps more importantly, multination federations have not removed secession from the political agenda. On the contrary secessionist ideas and secessionist mobilization is part of everyday life in many Western multination federations. Secessionist parties compete for political office, and electors may even be given the choice of voting for secession in a referendum (as in Puerto Rico and Quebec). To date, no such referendum on secession has succeeded in the West. This suggests that the adoption of federalism has reduced the actual likelihood of secession, since it is almost certain that one or more of these countries would have broken up long ago without federalism. Had Canada, Belgium and Spain not been able to federalize, they might not exist as countries today.

But even if federalism reduces the likelihood of secession, it does not remove secession from the political agenda. Secessionists are on TV, in newspapers, and compete freely for elected office. And secessionist political parties often get substantial support in elections: e.g. 40 per

cent in Quebec; 30 per cent in Scotland; 15 per cent in Belgium or the Basque country; 10 per cent in Catalonia; 5 per cent in Puerto Rico. This means that secessionists are present in parliament and on government commissions, and they use these platforms to articulate their views. So, while multination federalism may have reduced the actual likelihood of secession, it has not removed it from everyday political life, or taken it off the political agenda. It has not ‘solved the problem of secession’.

So we have a mixed balance sheet, with both successes and failures. What then should be our overall judgement? In some eyes, the failures outweigh the successes. For some people – let’s call them ‘statists’ – the key issue is secession. They believe that eliminating any threat of secession is the first and foremost criterion for evaluating state institutions. The first task of any state is to ensure the integrity of its borders, and so states must first remove secession from the political agenda, and only then think about how best to improve individual rights or democracy or equality. Viewed from a statist perspective, multination federalism fails.

For other people – let’s call them ‘communitarians’ – the key issue is interpersonal relations between citizens. They believe that a political community should be precisely a *community*, united by strong feelings of fraternity and common identity. Viewed from this communitarian perspective, multination federalism abandons the goal of a united community. It accepts the existence of more or less permanent divisions within the polity, and indeed institutionalizes these divisions within state structures. Unwilling to accept this sort of division, communitarians reject multination federalism.

Many citizens in the West, however, have concluded that the successes of multination federalism outweigh the failures. From their point of view – let’s call it the ‘liberal-democratic’ perspective – the fundamental criterion is neither the sanctity of state boundaries nor the strength of community feelings. Rather, political institutions should be judged by their impact on the lives of individuals, as measured by the basic liberal criteria of personal freedom and security, democratic rights, and economic security and prosperity. And on these criteria, multination federalism in the West does quite well. It enables citizens in both majority and minority groups to live freely and peacefully, to participate actively in government, and to enjoy comparatively high levels of economic security and prosperity.

From this liberal-democratic point of view, it may be a source of disappointment that the members of different groups stand with their back to each other. But they stand as free and

equal citizens, leading lives of peace and prosperity, under a state that upholds their rights and operates even-handedly between the different groups. And that surely is the main task of a liberal-democratic state. It may also be a source of frustration that state boundaries are contested by secessionists. But so long as the secessionist mobilization occurs in a peaceful and democratic way, with respect for liberal rights and freedoms, then it must be tolerated. The only way to eliminate secessionist mobilization and communal divisions would be to eliminate substate nationalisms, and that in turn could only be achieved by restricting individual rights and democratic freedoms. As I have just noted, there are powerful sociological forces that underlie ethnic mobilization, and wherever the members of substate national groups and indigenous peoples are given the individual freedom and democratic space to mobilize against (what they perceive as) inherited hierarchies, they are likely to do so. And so the choice is between finding liberal-democratic means of institutionalizing that ethnic mobilization, or of adopting illiberal and undemocratic means of suppressing it. For liberal-democrats, the choice is obvious.

In any event, it is far from clear that attempts to suppress minority nationalism would actually work. They are likely to drive nationalist mobilization underground, and perhaps even into violent resistance. While statist and communitarians might be willing in principle to adopt illiberal or undemocratic means to suppress substate nationalism, they increasingly recognize that such efforts are likely to be futile, given the growing numbers and powerful rights-consciousness of the members of minority groups. Statists and communitarians in the West are, slowly and grudgingly, giving up on the dream that they can create political communities unblemished by secessionist sentiments or communal divisions.

In short, we see a growing consensus on the appropriateness of multinational federalism in the West, but this support is hedged with ambivalence and reservations. Members of the majority group are disappointed and resentful that moving to multinational federalism has not succeeded in eliminating secessionist mobilization and communal divisions. Members of the minority group typically feel that aspects of the old hierarchies remain in the habits and practices of the dominant group and in the institutions of the state, and resent the fact that the dominant group has not fully embraced the spirit of partnership. These feelings of resentment and misunderstanding wax and wane, but they are always close enough to the surface to make all sides wonder whether the whole effort was worthwhile, or whether the country will stay together.

Under these circumstances, it is potentially misleading to describe multination federalism as a ‘success’, let alone as something to ‘celebrate’. Celebration is hardly the spirit with which most Western citizens view the institutions of multination federalism. And yet, beneath the reservations and ambivalence, there is also the sense that this is the best, and perhaps the only, way for liberal democracies to deal with substate nationalisms.

### **III. Relevance to Eastern Central Europe**

Much more could be said about the strengths and weaknesses of multination federalism in the West, or about other forms of multiculturalism and minority rights. But let me turn now to ECE countries, and ask whether is feasible or desirable to ‘export’ these models to post-Communist Europe.

Both the practice and the discourse of minority rights in ECE is very different. There is enormous resistance in virtually every ECE country to the idea of federalism or other forms of territorial autonomy for national minorities.

In some cases, pre-existing forms of minority autonomy were scrapped: Serbia revoked the autonomy of Kosovo/Vojvodina; Georgia revoked the autonomy of Abkhazia and Ossetia; Azerbaijan revoked the autonomy of Ngorno-Karabakh. Indeed, the revoking of minority autonomy was often one of the first things that these countries chose to do with their new-found freedom after the collapse of communism. In other cases, requests to restore historic forms of autonomy were rejected (e.g. Romania refused to restore the autonomy to Transylvania which had been revoked in 1968). In yet other cases, requests to create new forms of autonomy were dismissed (e.g. Estonia rejected a referendum supporting autonomy for Russian-dominated Narva; Kazakhstan rejected autonomy for ethnic Russians in the north; Ukraine rejected a referendum supporting autonomy for ethnic Romanian areas; Lithuania rejected requests for autonomy by ethnic Poles; Macedonia rejected a referendum for autonomy for Albanian-dominated Western Macedonia in 1992). And in yet other cases, countries have redrawn boundaries to make it impossible for autonomy to be adopted in the future (e.g. Slovakia redrew its internal boundaries so that ethnic Hungarians would not form a majority within any of the internal administrative districts, and hence would have no platform to claim autonomy; Croatia redrew internal boundaries in Krajina and West Slavonia

to dilute Serbian-populated areas).

The only cases in ECE where territorial autonomy has been accepted are cases where the national minority simply grabbed political power extra-constitutionally, and established *de facto* autonomy without the consent of the central government. In these situations, the only alternative to recognizing *de facto* autonomy was military intervention and potential civil war. This was the situation in TransDneister in Moldova; Abkhazia in Georgia; Krajina in Croatia; Crimea in Ukraine; and Ngorno-Karabakh in Armenia. Even here, most countries preferred civil war to negotiating autonomy, and only accepted autonomy if and when they were not able to win militarily. (Russia and Ukraine are the two exceptions.)

We see a similar trend with respect to official language rights. Despite the striking levels of linguistic diversity in many ECE countries, Belarus is the only one that has adopted a policy of official bilingualism. Taras discusses the ‘paradox’ that formerly monolingual countries in the West are moving towards greater respect for linguistic diversity, whereas formerly multilingual countries of the Soviet Union are “pressing ahead with unilingualism” (Taras 1998: 79).

In short, we see a dramatic difference between East and West in the basic approaches to substate nationalism and multination federalism. What explains this difference? In the volume, I explore a range of possible explanations that I can only briefly touch on here. Two common explanations can be quickly dismissed. Some people argue that whereas ethnonational groups in the West reside in homogenous territories, in the East they are dispersed and inter-mingled, and so territorial solutions that work in the West will not work in the East. I think this is simply incorrect as a generalization. The ethnic Albanians in Macedonia, or ethnic Hungarians in Slovakia, are no more or less territorially concentrated than the French in Canada, Puerto Ricans in the US or Catalans in Spain. In all of these cases, there is a region in which the substate national group is particularly concentrated, but there are both ‘internal minorities’ (i.e. people living in that region who do not belong to the substate national group) and a ‘minority diaspora’ (i.e. members of the substate national group who live outside the region). The size of these internal minorities and minority diasporas in many ECE countries is no more or less than in comparable Western countries.

A second common explanation for opposition to bilingualism and federalism in ECE is that they cost a great deal of money, and while rich Western countries can afford these costs,

poorer countries in ECE cannot. But this too is misleading. Federal countries can be just as efficient as unitary states, and studies suggest that bilingualism has negligible effects on overall state budgets. In fact, forcing public institutions in regions dominated by a linguistic minority to shift to the majority language is often a costly and inefficient process.

So what then is the real explanation for the resistance to multination federalism? Why have people in ECE countries come to such different conclusions about its relative potential and pitfalls than in the West?

One possible explanation is that there are more statist and communitarians in the East than West, and fewer liberals. As a result, ideas about the sanctity of the state and the unity of the nation are more powerful in the region, and are invoked to pre-empt the democratic freedoms and spaces needed for multiculturalism and minority rights to emerge.

But that is at best part of the story. For the fact is that *both* liberals and statist/communitarians in the ECE are more likely to oppose multination federalism than their counterparts in the West. Liberal-democrats in the West assume that substate national groups will exercise their territorial autonomy in accordance with the basic principles of liberal constitutionalism, so that devolving power from the central state to a self-governing region does not threaten the basic respect for individual rights and democratic freedoms. This indeed is what we see throughout the Western multination federations. In the ECE, by contrast, many liberal-democrats worry that such substate autonomies will become petty tyrannies that flout the rule of law, deny human rights, and oppress internal minorities.

Statists and communitarians in the West have grudgingly come to accept that their dreams of constructing a united community within uncontested borders are simply unrealistic. Attempts to preserve the ideology of 'one language, one nation, one state' through the assimilation or exclusion of minority groups have proven futile. Minorities are too numerous, and too politically conscious of their rights, to simply disappear. In the ECE, by contrast, many statists and communitarians cling to the hope that minority nationalism will fade away. They believe that substate nationalism is really a transient by-product of some other problem that will disappear over time through the processes of modernization or democratic transition. Some people assume that minority nationalism will fade as the economy improves, or as democracy is consolidated, or as communications and media become globalized. On this view, if ECE states have the strength to hold out against minority demagogues and ethnic

entrepreneurs, then the problem will gradually solve itself. This, of course, is precisely the expectation that Westerners have gradually relinquished, since minority nationalisms have in fact strengthened rather than weakened as Western states have become more democratic, prosperous and globalized.

In comparing East and West then, we see a curious set of contrasts. In the ECE, many intellectuals and politicians are deeply pessimistic about the prospect that substate national groups can exercise territorial autonomy in accordance with liberal-democratic norms, yet are surprisingly optimistic about the possibility that substate nationalism will simply disappear. By contrast, Western public opinion is optimistic about the capacity of substate national groups to govern within liberal-democratic constraints, but pessimistic about the likelihood that substate nationalism will disappear as a result of processes of modernization, democratization, development or globalization.

These differing forms of optimism and pessimism account for some of the differences between the West and East. But there is one other very important factor. As I mentioned earlier, the trend towards greater accommodation of diversity can be blocked or deflected by considerations of security. Whether in the East or West, states will not accord greater powers or resources to groups that are perceived as disloyal, and therefore a threat to the security of the state. In particular, states will not accommodate groups which are seen as likely to collaborate with foreign enemies. Most Western democracies are fortunate that this is rarely an issue. For example, if Quebec gains increased powers, or even independence, no one in the rest of Canada worries that Quebec will start collaborating with Iraq or the Taliban or China to overthrow the Canadian state. Québécois nationalists may want to secede, but an independent Quebec would be an ally of Canada, not an enemy, and would cooperate together with Canada in NATO and other Western defence and security arrangements. So too with Catalonia: if Catalonia becomes more autonomous, or even independent, it will still be an ally, not an enemy of Spain. So too with Scotland *vis-à-vis* the rest of Britain, Flanders *vis-à-vis* the rest of Belgium, or Puerto Rico *vis-à-vis* the rest of the United States.

In most parts of the world, however, minority groups are often seen as a kind of ‘fifth column’, likely to be working for a neighbouring enemy. This is particularly a concern where the minority is related to a neighbouring state by ethnicity or religion, so that the neighbouring state claims the right to intervene to protect ‘its’ minority.

Under these conditions, we are likely to witness what political scientists call the ‘securitization’ of ethnic relations (Wæver 1995). Relations between states and minorities are seen, not as a matter of normal democratic politics to be negotiated and debated, but as a matter of state security, in which the state has to limit the normal democratic process in order to protect the state. Under conditions of securitization, minority self-organization may be legally limited (e.g. minority political parties banned), minority leaders may be subject to secret police surveillance, the raising of particular sorts of demands may be illegal (e.g. laws against promoting secession), and so on. Even if minority demands can be voiced, they will be flatly rejected by the larger society and the state. After all, how can groups that are disloyal have any legitimate claims against the state? So securitization of ethnic relations erodes both the democratic space to voice minority demands, and the likelihood that those demands will be accepted.

This, I think, is precisely the situation we find throughout most of the ECE. State-minority relations have been ‘securitized’. Dominant groups throughout the region feel they have been victimized by their minorities acting in collaboration with foreign enemies. We see this in the Czech Republic regarding the German minority; in Slovakia *re* the Hungarian minority; in the Baltics *re* the Russian minority; in Croatia *re* the Serbian minority; in Bulgaria *re* the Turkish minority, to name a few.

In all of these cases, minorities are seen (rightly or wrongly) as allies or collaborators with external powers that have historically oppressed the majority group. Hungarians in Romania and Slovakia may be a relatively small minority (10-15 per cent of the population in each country), but Slovaks and Romanians perceive them as the allies of their former Habsburg oppressors, and indeed as the physical residue of that unjust imperialism. The Russians who settled in Estonia and Latvia after World War II are seen by the state, not as a weak and disenfranchised minority group, but as a tool of their former Soviet oppressors. The Muslim Albanians in Serbia and Macedonia, or the Muslim Turks in Bulgaria, are seen as a reminder of, and collaborator with, centuries of oppression under the Ottomans.

This history of imperialism, collaboration and border changes have encouraged three inter-related assumptions which are now widely accepted by ECE countries: (a) that minorities are disloyal, not just in the sense that they lack loyalty to the state (that is equally true of secessionists in Quebec or Scotland), but in the stronger sense that they collaborated with

former oppressors, and continue to collaborate with current enemies or potential enemies; therefore, (b) a strong and stable state requires weak and disempowered minorities. Put another way, ethnic relations are seen as a zero-sum game: anything that benefits the minority is seen as a threat to the majority; and therefore (c) the treatment of minorities is above all a question of national security.

In the West, by contrast, ethnic politics have been almost entirely ‘desecuritized’. The politics of substate nationalism in the West is just that – normal day-to-day politics. Relations between the state and national minorities have been taken out of the ‘security’ box, and put in the ‘democratic politics’ box. Under these circumstances, the three factors I discussed earlier – demographics, rights-consciousness, multiple access points – to operate freely, and the almost inevitable result is the trend towards accommodation of diversity.

It is worth noting that this desecuritization of ethnic politics in the West even applies to the issue of secession. Even though secessionist political parties wish to break up the state, citizens in the West assume that secessionists must be treated under the same democratic rules as everyone else, with the same democratic rights to mobilize, advocate and run for office. The reason for this remarkable tolerance of secessionist mobilization, I believe, is precisely the assumption that even if substate national groups do secede, they will become our allies, not our enemies (and also govern their seceding state in accordance with human rights and liberal-democratic values).

#### **IV. The Role of the International Community**

So far, I have focused on three obstacles to multinational federalism in ECE: (a) scepticism about the likelihood that substate autonomies will be liberal-democratic; (b) the belief that ethnic mobilization, including substate nationalism, will disappear over time as a result of modernization and development; and (c) the fear that minorities will collaborate with enemies of the state. By contrast, in the West most citizens are (a) optimistic about the liberal-democratic credentials of substate autonomies; (b) resigned to the long-term existence of ethnic politics and minority nationalist mobilization; and (c) confident that minorities will be allies not enemies in any larger regional or international security conflicts.

There are of course other obstacles to the exporting of Western models of multinational federalism to the ECE, not least the unhappy experience of the failed Communist federations. But enough has been said, I think, to make clear the major challenges facing the international community in its efforts to promote minority rights in the region.

It is clear that the West has the power to impose any number of conditions on ECE countries, including minority rights conditions. Most ECE countries are sufficiently desperate to get into the EU and NATO that they would accept virtually anything the West demanded in this area. But these legal and political reforms will only be successful and enduring if they are accompanied by changes in people's underlying hopes, fears and expectations about state-minority relations. And the crucial change here, I believe, involves the acceptance that nationalist mobilization by substate national groups is a normal and legitimate part of everyday politics in a free and democratic society. So long as this central idea continues to be resisted, there is little hope for genuine progress in state-minority relations.

To my mind, this really involves two separate changes. First, it requires challenging the naive hope that minority nationalism will fade away with economic development and democratic consolidation. There is not a shred of evidence to support this hope, yet it remains remarkably widespread throughout the ECE, and so discourages people from recognizing the durability of the issue. Second, it requires challenging the 'securitization' of ethnic politics that arises from the fear that minorities will collaborate with neighbouring enemies. This is a more complicated issue, and probably can only be fully resolved by constructing viable regional structures of geo-political security, whether through the inclusion of ECE countries in NATO, or the construction of an alternate regional security body. But the successful negotiation and implementation of minority rights can only take place within democratic spaces that have been 'desecuritized'.

The central question, then, is whether the current activities of the international community are helping to 'normalize' and 'desecuritize' the democratic expression and mobilization of minority nationalism in Eastern Europe. In the volume, I attempt a provisional assessment of the activities of various Western organizations, including the OSCE, in this regard. My tentative answer, perhaps rather unsurprising, is that the record is mixed, and that much more could be done. While supporting the democratic rights of minorities in many respects, Western organizations are also, at times, feeding into myths and misperceptions about the

nature and durability of substate nationalisms. They have had some success at pushing various ECE countries to live up to certain very minimal standards regarding minority rights, but have not effectively challenged dominant ideologies about the illegitimate nature of substate nationalist claims for territorial autonomy and official language status, and have not pushed to create meaningful democratic spaces to deliberate about these claims in a free and informed way.

However, my main aim is not to pass judgement on any particular international organization, but rather to stimulate greater reflection on the goals such organizations should be pursuing. As I said at the beginning of this paper, the original agenda behind the internationalizing of minority rights was driven by short-term concerns about avoiding violence and civil war. Today, we need to think more clearly about long-term goals. We need to think about the enduring conflicts that arise in multinational states, about the institutions that can manage those conflicts in a peaceful manner, and about the underlying assumptions and beliefs that allow citizens to debate them in a free and democratic way.

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## Biographical Note

Will Kymlicka is the author of five books published by Oxford University Press: *Liberalism, Community, and Culture* (1989), *Contemporary Political Philosophy* (1990; second edition 2002), *Multicultural Citizenship* (1995), *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (1998), and *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (2001). He is also the editor of *The Rights of Minority Cultures* (OUP 1995), co-editor with Ian Shapiro of *Ethnicity and Group Rights* (NYU 1997), co-editor with Wayne Norman of *Citizenship in Diverse Societies* (OUP 2000), and co-editor with Magda Opalski of *Can Liberal Pluralism Be Exported?* (OUP, 2001). His most recent work focuses on the process of ‘internationalizing’ minority rights, and the prospects for achieving an international consensus on minority rights norms.



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