Best interests: Reconciling competing claims in multi-ethnic states

Walter Kemp

People define themselves in different ways and often have multiple identities. Personal interests compete with group interests, group interests can have ethnic overtones, ethnic affiliations can take on a national character and national and state interests may not coincide. How does one reconcile these various identities and interests at the personal, group, national and state level? How are positions articulated and when they are put forward, whose interests do they represent? This article will examine this dilemma from the perspective of theory and practice, drawing on the experiences of the OSCE’s High Commissioner on National Minorities. It will seek to demonstrate that inter-ethnic issues can be tackled in a way that it is mutually beneficial rather than zero-sum. It will look at minority rights, autonomy and, more broadly, the challenge of integrating diversity. It will also examine some of the constraints of reconciling competing positions and provide ideas on how these obstacles can be overcome.

Whose interests?
Politicians claim to speak for the best interests of the people. But in multi-ethnic states, who speaks for the minorities? Why ask this question at all? Why can minorities not be represented by the same officials who represent everybody else? Can only minority representatives speak for minorities? If we are talking about states and citizens, why make a distinction on the basis of ethnicity or nationality?

The problem is that in many multi-ethnic states the paradigm of the colour-blind (or ethnically neutral) civic polity is something that still needs to take root; it is not something that is well established. To an extent this is natural. People associate themselves with self-identifying groups and find psychological security in being in a group with a shared culture. This is no different for members of a majority than for persons belonging to a national minority. Indeed, in many countries in post-Communist transition the majority

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was, until very recently, a minority or was unable to fully express its national identity under Communism. In the past ten years, those titular majorities have had a chance to better protect and promote their collective identities. That is the essence of nation building (or rebuilding as the case may be).

However, nation building and state building are not the same thing, especially in multi-ethnic states. As multi-ethnic federations (like the Soviet Union, Yugoslavia and Czechoslovakia) have fractured, ethnic groups (large and small) have been trying to come to terms with their new status. They are trying to preserve, protect and sometimes assert their national identities within the redrawn boundaries of new states or at least under new forms of government. Accommodating different national identities within the same civil society is therefore one of the major challenges of the modern multi-ethnic state.

Sometimes minorities have a problem integrating into society. In some states, for example Latvia and Estonia, a significant percentage of the population are stateless. In other countries, some minorities are simply not recognized. These are exceptions. But there are also problems of marginalization in multi-ethnic societies where persons belonging to minorities are full, and presumably equal, citizens. This is due in part to the tendency of the so-called state-forming nation to develop legal and institutional frameworks on the model of the nation-state. It is manifest in the preamble of constitutions that emphasize 'We the Slovak nation...', 'We the Croat nation...', etc.

It is also sometimes evident in legislation protecting the majority language as the 'State language' (at the expense of minority languages), or in employment policies in the public sector that diminish opportunities for persons belonging to national minorities, or simply discriminate against them. The result is a sort of Animal Farm hierarchy among ethnic groups wherein, 'of course', all citizens are treated equally, but some (namely the majority) are more equal than others.

The fact that minorities sometimes feel distinct is therefore partly because they are implicitly, or sometimes explicitly, stigmatized for being different. They become minorities by exclusion. They do not see the state as representing their interests because they are not part of the majority 'nation' whose interests the state professes to defend and promote.

A note of caution here. One must be careful when speaking of minorities and majorities as 'discrete, sharply differentiated, internally homogenous and externally bounded groups'. A group is seldom homogeneous. Members of a group may share similar characteristics. That, after all, is what collectively defines them as a group. But such characteristics may overlap with those of

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