

# HUMR5502

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## **Ethnic Challenges to the Nation State**

Political responses I

# Thematic rights involved

- States:
  - Sovereignty
  - Territorial integrity
- Groups:
  - Self-determination
  - Autonomy
  - Collective rights
  - Minority rights
- Individuals:
  - Human rights
- Which instruments are available for the realisation of these rights?
- Our focus: How to build democracy and human rights protection in deeply divided societies

# Two lectures

- Political responses I: Theory. The 'citizenship approach' and international human rights law. Concepts and approaches.
- Political responses II: The Case of Israel/Palestine.

# Lecture 1: Two major questions

- (A) The political system: How does it deal with diversity?
- (B) What are the consequences in terms of the respect for and the protection and fulfillment of human rights?
  - Framework of analysis: A citizenship approach: What does it imply?

# WHY-questions

- Why does diversity appear as a problem in some political systems, but not in other systems? Why do political systems (governments) deal with diversity in different ways? (Ghai, *Ethnicity*; Lijphart).

# HOW-questions

- How can insights into these questions help us understand the nature of ethnic conflicts that we observe; both what they seem to have in common, and what distinguish them as unique historical phenomena. (Eriksen).
- How can we on this basis be helped in suggesting strategies, based on human rights standards, for solving the kinds of problems that are caused by diversity? (Ghai; Lijphart; Butenschøn)

# The historical setting

- The idea of the nation-state. Each 'nation' should have the right to be organised as a sovereign people within its own 'state'
- The European historical context. United Nations
- The nation-state: A universal model for unifying and assimilating ethnically diverse societies? A democratic model? Can you mention other models?

# A process of gradual socio-political integration (T.H. Marshall)

- 1. Civil citizenship: Equality before the law (18th century)
- 2. Political citizenship: Political participation (19th century)
- 3. Social citizenship: Social equality, the welfare state (20th century)
- Modern citizenship is “inclusive and complete”. But what if it doesn’t work?



# Meeting the challenges: Strategies and solutions

- State strategies (top-down)
- The citizenship approach (social contract)
- Principles for distributing rights
- Elements of power-sharing

# State strategies, overview

- States can use its monopoly of coercive power to:
- (a) **Centralise state institutions** in order to protect the hegemony of the ruling elite.
- (b) **Centralise** in order to impose solutions to conflicts between socio-cultural groups in society.
- (c) **Decentralise** in order to allow sub-national autonomy and thereby stabilise the state structure.
- (d) **Decentralise** to prevent unified opposition to the central government ('divide and rule').

# The citizenship approach

- The study of the **contractual relationship** (in the broadest possible meaning of *contractual*) between the state and the inhabitants under its jurisdiction (Butenschøn).
- Under what conditions are such relationships created, how are rights and obligations codified and perceived by the parties, what are the modalities for changing the terms, and what instruments of retribution are available to the parties in case of conflict?

# The significance of citizenship

- The right to citizenship is the right to have rights. The power of citizenship is best known by those who are denied it. To the extent that citizenship rights enable a person to enjoy other rights, the right to a citizenship must be considered a *basic* human right. (See Eide for legal aspects)
- Note: A great empirical variety hidden behind formal state sovereignty. The prerogative of state authorities to issue citizenship laws and regulations – but not without limitations.

# Citizenship and state formation

- These questions direct our attention towards three basic dimensions of state formations:
  - The **normative** foundation (constitution, ideology)
  - The field of **actors** and their strategies
  - **Instruments of power** available to actors (rulers, opposition, individuals)

# The politics of citizenship

- “The politics of citizenship” in a given country is the **dependent variable** and reflect the dynamics created by the **interplay** between the three dimensions; it is an analytical gateway to insight into the dynamics of regime formation.

# The politics of citizenship

- Since citizenship is such an important right – it is the right to have rights in a state – and since there is no legally binding convention on citizenship, many governments seek to limit the access to citizenship through mechanisms of *inclusion* and *exclusion*. (Gulf countries)

# Group rights and individual rights

- On what basis are rights defined, given, and distributed?
  - According to international human rights standards, the basic principle is that human rights should protect equal rights and freedoms of the **individual**. Rights are normally defined on that level.
  - But we know that the rights of many individuals are violated or threatened because they belong to a **group** (minority or otherwise marginalised group).
  - The discrimination/inequality problem here cannot (only) be addressed on the individual level – it is a **structural** problem on the group level.



# Group rights in conflict-ridden political systems

- The question of group rights becomes particularly critical in divided and conflict-ridden societies.
- Qualities of post-conflict political systems:
  - The basic challenge is to design political institutions that at one and the same time provides a **democratic balance** between the groups while **protecting individual human rights**; addresses the most contentious issues so that **stability and lasting peace** has a chance; determines rules for decision-making that allow for **efficiency** in the running of state affairs.

# Constitutional principles for distributing rights

- **Singularism:** The state promotes the identity of one particular group
- **Pluralism:** The state is neutral in relation to the plurality of groups in society
- **Universalism:** Group identities are irrelevant in relation to distribution of rights in society

# Constitutional principles: Singularism

- **Singularism** refers to the idea that the state community is constituted by a single and specific collective identity, and that the state is the **embodiment** of that identity. Other identities may be tolerated, but have a lower status. This principle can be found as the basis of authority and political organization in a number of states. The question is to what extent it leads to **discrimination**. Singularist states tend to be non-democratic. Give examples

# Constitutional principles: Pluralism

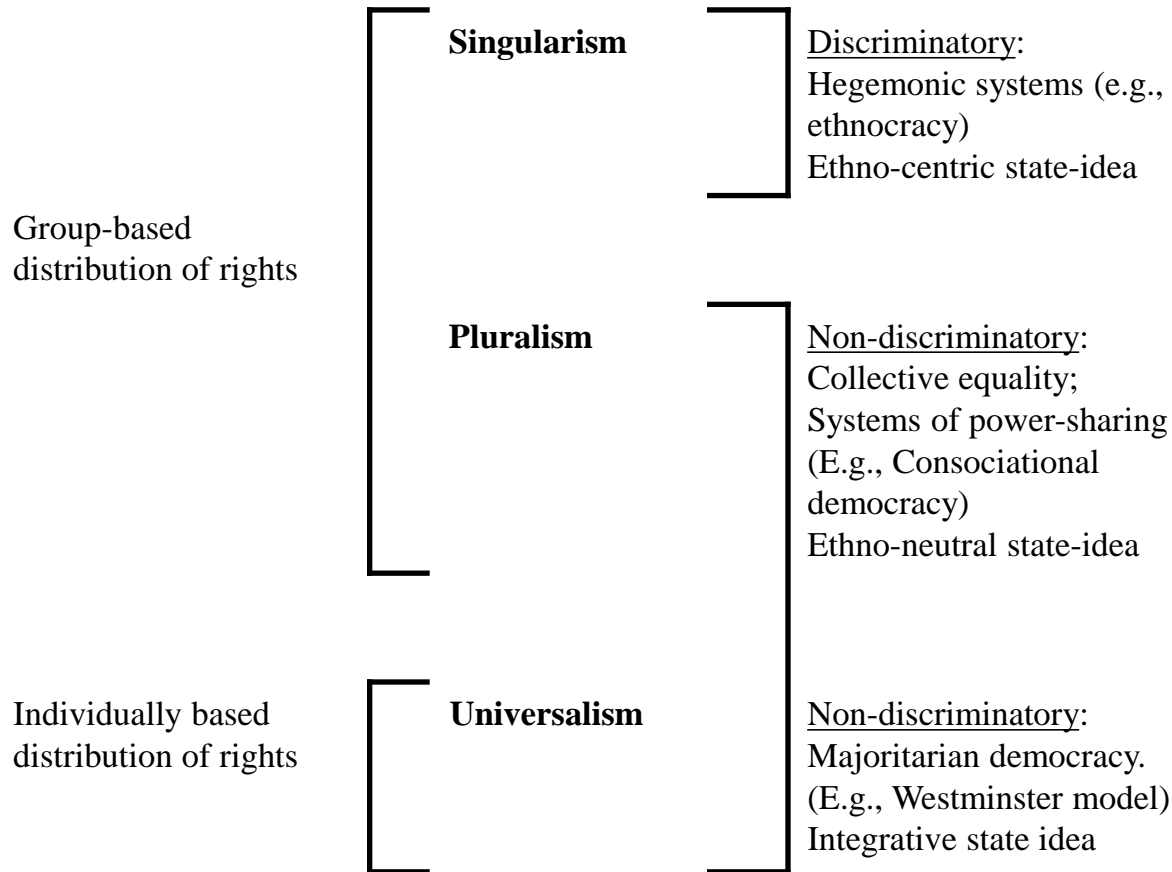
- **Pluralism** refers to a conception of the national community as composed of separate subgroups **without preferences** accorded to any of these groups. This conception forms the normative core of political systems of **power-sharing**. The role of the state in plural systems is not to promote a specific communal identity, but to facilitate politics of compromise that give the different groups a fair say in the political decision-making processes. How to secure equality? (Distribution based on relative numerical strength vs. affirmative action/quotas.)

# Constitutional principles: Universalism

- **Universalism** refers to a normative presumption that group-specific identities within a political community are **irrelevant** when it comes to each individual member's status and rights vis a vis the state. The political community (the *demos*) constitutes the universe within which every adult and sane person is considered equal.

# Principles of distribution of rights

(Butenschøn 2000:17)



# Elements of power-sharing

- **Devolution of powers:** Territorial (federalism) and non-territorial (consociational)
- **Representation:** Qualities of the electoral system
- **Form of government and grand coalitions:** Parliamentary or presidential system; minimal winning (majority) coalition or grand coalition (consensus)
- **Decision making rules:** Absolute or qualified majority-decisions; Minorities should not be outvoted when their vital interests are at stake; Sunset clauses: Should power-sharing arrangement be permanent or temporary?

# Political Organisation of State Territories. A Typology

(Butenschøn 2000:18)

## Territorial Principles

### Constitutional Principles

*The Unitary State*

*The Non-Unitary State*

*Separate Territories*

*Singularism*

Ethnocratic systems

Imposed/dominated self rule

Ethnic "Homelands"

*Pluralism*

Consociational systems

Cantonization, ethnic federation

Partition/separate states along ethnic lines

*Universalism*

Majoritarian systems

Regionalisation, functional federation

Partition/separate states along functional lines



# Summing up and assignment

- The political science approach
  - The nation state as a state formation
  - How does the nation state deal with ethnic diversity?
  - Top-down and contractual perspectives
  - Principles for distributing rights
  - Elements of power-sharing
  - Outcomes and regime formations