

David Turton, Julia González

Ethnic Diversity in Europe: Challenges to the Nation State



Humanitarian**Net**

Thematic Network on Humanitarian
Development Studies

Ethnic Diversity in Europe: Challenges to the Nation State

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Edited by

David Turton
University of Oxford

Julia González
University of Deusto

2000
University of Deusto
Bilbao

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Publication printed in ecological paper

Illustration of front page: Xabi Otero

© Universidad de Deusto
Apartado 1 - 48080 Bilbao

I.S.B.N.: 84-7485-712-0

Depósito legal: BI - 2.874-00

Impreso en España/Printed in Spain

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Preface

This book has been published within the framework of “HumanitarianNet”, the Thematic Network on Humanitarian Development Studies, which was established in 1995 with the support of the European Commission. HumanitarianNet is a network of 80 universities, 6 research centres and 9 international organizations. Its purpose is to improve the work of universities in the field of “humanitarian development”, including teaching, research, fieldwork, discussion and dissemination. Humanitarian development is conceptualised as an academic field which brings together a range of interrelated disciplines, within both the sciences and humanities, to analyse the underlying causes of humanitarian crises and formulate strategies for rehabilitation and development.

This is the second in a trilogy of books jointly produced by a subgroup of HumanitarianNet, Migration, Multiculturalism and Ethnic Minorities, and the European Module on Migration, Cultural Identities and Territory in Europe. The first book, *Cultural Identities and Ethnic Minorities in Europe* (ed. D. Turton and J. González) was published in 1999. The third (*Diversity in the City*) will be published at the beginning of next year.

We should like to record our thanks to Mrs. Margaret Okole, of the Refugee Studies Centre, University of Oxford, for her meticulous and skilful copy-editing and to Ms. Almudena Garrido of the University of Deusto, who compiled the papers and coordinated the whole exercise. We are also grateful to Mr. Robert Alcock who translated the articles by Prof. Recalde and Prof. Etxeberria.

Introduction

by

David Turton and Julia González

The contributors to this book discuss two sources of ethnic diversity in modern European states, "immigrant minorities" and "indigenous minorities". Immigrant minorities are "culturally and ethnically distinct communities ...which have resulted from post-World War II movements of economic migrants, refugees and asylum seekers and which represent a challenge to traditional notions of 'nation building' through the increasing homogenisation of a culturally diverse population" (TURTON and GONZÁLEZ, 1999, p. 10). The chapters by Pace, Hoogveld, and Bosswick deal with immigrant minorities in Italy, the Netherlands and Germany respectively. "Indigenous minorities" are "localised and territorialised identities, based on long-standing and/or deliberately constructed ethnic and cultural distinctions, which threaten... the constitutional structure and external boundaries of existing nation-states" (TURTON and GONZÁLEZ, *op. cit.*, p. 11). Examples of indigenous minorities discussed in this book are Kurds (Aral), Basques (Etxeberria and Recalde) and Northern Irish Catholics (Ryan). Two of the chapters deal with more theoretical and conceptual issues: Piquard discusses (with reference to Afghan refugees in Pakistan) the significance of space and "belonging" to the process of "self-identification" and Hakinnen reviews various "models" that have been proposed of plural and multicultural societies, and considers their relevance to immigration policy in Finland. Finally, Hudson discusses the role of a supra-national organisation, the Organisation for Security and Cooperation in Europe (OSCE), in conflict prevention and peace building in the successor states of the Former Yugoslavia. In this introduction we shall concentrate on the sources of ethnic diversity in Europe and on the policy responses of European states, with reference to the particular cases of indigenous and immigrant minorities discussed in the chapters that follow.

The recent history of migration to Western Europe

There is no doubt that ethnic diversity has increased significantly within European countries since the Second World War, nor that the main reason for this has been increased rates of immigration. Between 1945 and the early 1970s this increase was fuelled by the demand for unskilled labour in the rapidly expanding industrialised countries of Western Europe. Simplifying greatly, we can say that labour migration to Western Europe during this period took two main forms: government sponsored "guest-worker" schemes and the spontaneous immigration of "colonial workers" to the former colonial powers. The classic case of an organised "guest-worker" system is, of course, the Federal Republic of Germany, where the number of foreign workers (coming from Italy, Greece, Turkey, Morocco, Portugal, Tunisia and Yugoslavia) rose from 95,000 in 1956 to 2.6 million in 1973 (CASTLES and MILLER, 1998, p. 71). Labour migration from former colonies was particularly significant for Britain and France. In Britain, the population originating from former colonies in the Caribbean, India, Pakistan and Africa increased from less than a quarter of a million in 1951 to one and a half million in 1981. By 1970 France had a population of over 800,000 originating from its former North African colonies alone.

With the recession in the world economy of the early 1970s, labour migration to Western Europe virtually ceased (Germany stopped the recruitment of foreign workers in 1973), but the conditions which were to lead to the creation of permanent "immigrant" minorities in these countries were already in place. These conditions were, first the tendency of labour migrants to establish themselves as long term residents through family reunion; and, second, the policies adopted by receiving countries in response to this (largely unforeseen) phenomenon, which led to the economic, political and/or legal marginalisation of immigrants and people of immigrant origin. Thus in Germany, while the number of foreign men in the population remained roughly constant during the late seventies, the number of foreign women increased by 12 % between 1974 and 1981, and the number of foreign children grew by 52 % (CASTLES, BOOTH and WALLACE, 1984, p. 102). As Bosswick points out in his contribution to this book, because of Germany's restrictive naturalisation law (based on the ideal of an ethnically homogeneous nation), "the number of naturalisations during the first half of the nineties was exceeded by the number of foreign children born in Germany by more than 80 %, thus resulting in a foreign population which would grow even at zero net immigration levels". In the Netherlands, family reunion was the main source of

growth in the Turkish and Moroccan populations during the 1980s. Hoogveld (in this book) tells us that, in 1989, 25 % of Turkish immigrants and 60 % of Moroccans came to the Netherlands to join their families and that a further 40 % of Turkish and 30 % of Moroccans came to join a spouse.

Two other trends in immigration to Western Europe in the 1980s and 1990s should be noted. First, and as mentioned again by Hoogveld for the Netherlands, there has been an increase in those seeking political asylum. This is clearly a reflection of the protracted civil conflicts which erupted in various parts of the world during these years, and particularly following the end of the Cold War. But it is also a reflection of the obstacles which have been placed in the way of legal migration to the countries of the European Union, and which have led those seeking a better life for themselves and their families to make use of the "asylum route" (and of traffickers and smugglers) instead. Second, economic growth and declining fertility in the countries of the southern and western periphery of Europe (which had been the major source of foreign workers for the expanding economies of the north in the 1950s and 1960s) led to these becoming "new countries of immigration". Italy, for example, experienced a threefold increase in its population of legal immigrants between 1980 (300,000) and 1995 (900,000), with perhaps a further 500,000 having entered the country illegally. Pace (in this book) describes the case of the Sicilian fishing port of Mazara del Vallo, where Tunisian immigrants began arriving in the 1970's to work in the fishing industry. They expected to reap quick financial rewards and make an early return to Tunisia, but the familiar pattern of labour migration to northern Europe repeated itself. The migrants stayed on and, their numbers having been swelled by family reunion in the 1980s, they now make up 5 % of the town's population (the official figure for the proportion of immigrants in the population of Italy as a whole is 1.8 %).

A marriage made in heaven?

It is easy to see why ethnic diversity should be seen as a challenge to the nation state at the level of political organisation and bureaucratic control. The idea of the nation implies common values, common sentiments and common attachments. It implies a sense of belonging and membership which is based not just on common interests but on common characteristics and even common origins. The story of nation building over the past 200 years has been the story of

the coming together of the idea of the nation with that of the independent territorial state in what Bauman has described as “a perfect marriage, one made in heaven” (1998, p.4). The nation needed a state because only the state could exercise the monopolistic control—over national education, legal codes and judicial institutions—that was needed to define and promote a single set of values and traditions, at the expense of all others. The state needed a nation “so that it could demand discipline in the name of sentiment, conscience and patriotic duty, prompt its subjects to act in the name of common tradition and blackmail the lukewarm into compliance through invocation of the common fate” (*loc cit.*). Liberal democratic states required this congruence of political and cultural boundaries no less than totalitarian ones, since without it they would have lacked “the united public opinion necessary to the working of representative government” (MILL, 1991, p. 310, quoted by JOPPKE, 1998, p. 31). It follows that states cannot afford to be like buses “always full but always filled by different people” (JOPPKE, *op. cit.*, p. 6): they are built on a principle of sedentariness, according to which everyone belongs within, and should remain within, the boundaries of a specific state.

But ethnic diversity is also a conceptual challenge to the nation-state, because it reveals an inherent contradiction in the very *idea* of the nation-state as a natural, inevitable or necessary form of political organisation. It suggests, in other words, that the marriage may not have been made in heaven after all, but very much on earth. This is because ethnic diversity is a product of the very nation-state model of political organisation which it is perceived to challenge. It is particularly easy to see this in the case of immigrant minorities, since immigration is, at least partly, a product of the exhaustive division of the world into territorially exclusive and legally defined units of population. This division has, paradoxically, encouraged and facilitated the movement of people, as well as capital and goods, across state borders.

...states in the plural, locked into a system of similarly constituted units, have created an encompassing communicative grid and regularised interchange of information, resources, and people... Whereas traditional empires were alone in the world, shielded by border zones beyond which communication was haphazard and erratic, the modern state system has made the world one, and with it immigration as a permanent, structural option” (JOPPKE, 1998, p. 6).

Most of the migratory flows of the modern era, furthermore, appear to have been either intentionally provoked and orchestrated by

the industrialised states of the developed world (as in the “guest-worker” schemes of post Second World War Europe) or to have been the intended or unintended by-product of nation building in the less developed world, including Eastern and Central Europe. Finally, the policies adopted by states in response to what they see as the “problem” of immigration and its resultant ethnic diversity may have the effect of raising the salience of ethnic differences and increasing the visibility of immigrant minorities within their territories.

The same may be said of indigenous minorities, despite their claim to an historically and culturally distinct identity, which pre-dated their incorporation into the nation-state. Such claims should always be treated with caution, on the grounds that the very process of incorporation, and the policies intended by the state to further this process, are bound to have implications for an indigenous minority's view of itself as a distinct “people”. First, this process can encourage people with different local identities to think of themselves as a single “imagined community” straddling arbitrarily imposed state borders and, furthermore, as a community under threat. Second, policies designed by the state to further the process of incorporation - such as imposing restrictions on the use of indigenous languages - may have an exactly opposite effect, by raising levels of ethnic consciousness. These points are well illustrated by the case of the Saami, a population of around 30,000 living in Norway, Finland, Sweden and Russia and described by Ada Engebriksen in our earlier collection of papers on ethnic minorities in Europe. She points out that the Saami “comprise groups that differ according to dialect, culture and traditional occupation”, and that it was the Norwegian government's particularly harsh attempts at “Norwegianisation” that led to the Norwegian Saami's self-identification as a distinct people (1999, p. 43). The same could no doubt be said, to varying degrees, of all three examples of indigenous minorities which are discussed in this book.

Indigenous minorities

The opening chapter, by Berdal Aral, enables us to pick up this last point immediately. He notes that the Turkish government's determination not to grant minority status to its Kurdish population, on the grounds that this would encourage secessionist tendencies, is not based on “existing realities”.

Although it is true that the Kurds have their own language, the differences in dialect make it difficult for them to understand one

another. The Kurdish experience in each country [Turkey, Iraq, Iran and Syria] has varied greatly which implies that the extent and intensity of Kurdish nationalism differs among them....Most of the Turkish Kurds do not harbour any hopes of union with their compatriots across the border.

In Aral's view, the way forward for Turkey's Kurds lies in the protection of their rights as a minority population within the Turkish state. This process is most likely to occur, he believes, through the force of international law and through the closer association of Turkey with the European Union, of which she aspires to become a member. He points out that the Turkish Constitution is at odds with international law in not recognising the Kurds as an ethnic minority and guaranteeing their rights accordingly, and that Turkey has thus far avoided signing any international conventions which would require her to do so. Turkey is not a signatory, for example, of the Convention for the Protection of National Minorities which was adopted by the Council of Europe in 1995. Article 5 of the Convention "recognises the rights of persons belonging to minorities to preserve their distinct identity and culture, while prohibiting the policy of forcible assimilation".

The Basque case, discussed in the next two chapters, by Xabier Etxeberria and José Ramón Recalde respectively, bears some comparison with that of the Kurds: a supposedly single but highly heterogeneous *nation* with a population living in more than one *nation*-state. While he is ready to accept the existence of a Basque nation, and therefore to accord it a "*prima facie*" right to self-determination, Etxeberria recognises that, because of the "strong plurality existing at its heart", translating this right into a political reality will inevitably require compromise. In other words, and as has been noted many times before, "Let the people decide!" is a fine slogan, until one asks who is going to decide who "the people" are. Etxeberria sees the way forward for Basque nationalism as lying not in secession but in greater autonomy for the Basque region within a European framework of regions and states. Recalde, on the other hand, wishes to dispense with the idea of nation altogether, in the interests of putting "realities above ideologies", and writes instead of "communities". This enables him to point out, first, that people who consider themselves to be members of (in the sense of having a sentimental attachment to) the same community, may nevertheless differ in the personal and emotional significance they attach to their membership of it; and, second, that the same person can consider himself or herself to be a member of more than one community at the same time. Thus, for a "non-nationalist" (as Recalde

describes himself), membership of the "Basque community" is not assumed to have the same meaning for all those who call themselves Basques, and nor is it assumed to be incompatible with membership of other, both smaller and larger, communities, including the Spanish one. It therefore becomes problematic, not only to decide who the Basques are, but also to decide what matters lie exclusively within a Basque "scope of decision".¹

As Exteberria notes for Basque nationalism, each case of conflict resulting from the claims of an indigenous minority will have its own distinguishing features and each will therefore require its own particular solution. But it is equally clear, especially when it comes to the consideration of potential solutions within a "European framework", that there are likely to be important lessons to be learned from a comparative perspective. This is where Ryan's chapter on Northern Ireland becomes particularly useful, since here the process of conflict resolution has advanced to a stage where all parties appear to have accepted that they will not achieve their objectives by armed force and where there is an agreement "on the table" (the Belfast Agreement) which has been signed by the main parties to the conflict and to which all agree that there is no realistic alternative. The Agreement rests on the principles of "consociational democracy" (coalition, proportional representation, the veto and decentralisation of power) which is the "only logical solution short of partition" (LJPHART, 1977, p. 141, quoted by Ryan). And yet it is also, as Ryan notes, a political "fudge", enabling both sides (the Unionists and the Republicans) to interpret it in accordance with the contradictory aspirations of their respective constituencies about the future sovereign status of Northern Ireland.

Unionists who support the Agreement have sold it on the basis that it strengthens the union between Northern Ireland and Great Britain. Republicans have been told by their own leaders that this advances the cause of a united Ireland. Both sides cannot be right...

This leads Ryan to conclude that the main problem that now stands in the way of the successful implementation of the Agreement is "how

¹ José Ramón Recalde has himself been the victim of radical violence. On 14 September 2000, near his home in San Sebastián, he was shot in the neck by an unknown assailant. ETA subsequently claimed responsibility for the attack. He was lucky enough to escape with injuries to the jaw. José Ramón has been a symbol of tolerance in Euskadi, standing for the defence of human rights and plurality. He is, without doubt, what is known as a "committed intellectual".

to rethink and reframe the nature of the problem and how to renegotiate identities". This may be the most important lesson that can be learnt from the current stage of the peace process in Northern Ireland. It accords with a point made by Illan Pappé speaking of the Arab-Israeli conflict, namely, that the crucial thing in achieving a peaceful resolution of such conflicts is for the parties to *agree* on the historical facts of the case, rather than to establish what those facts objectively were (Pappé 2000). The reason why such an agreement is particularly difficult (more difficult than the agreement to give up violence, often the result of war weariness, or to adopt a particular constitutional structure) is that it cannot be achieved unless the parties are able fundamentally to re-think their own identities.

Immigrant minorities

One reason for distinguishing between indigenous and immigrant minorities is that they present different political and ideological challenges to the state. Indigenous minorities challenge the state to reform its constitutional structure so as to allow them some degree of autonomy within a defined territorial space. Immigrant minorities do not seek a special legal status on the grounds of an historical claim to territory, but they challenge the state to rethink the basis on which it accords rights and protection to all its citizens. This is, in some ways, the more fundamental challenge, since it cannot be dealt with simply by the re-writing of constitutional arrangements in the interests of decentralisation, devolution or federalism. The way states respond to the ethnic diversity created by immigrant minorities is a product—usually an *ad hoc* and unplanned product—not only of the changing nature of migration flows but also of the individual state's view of itself as a civic and moral community. We can distinguish three different models of "belonging" that have been influential in the history of nation-building in Europe. For the "Ethnic" model, belonging to the nation means sharing common descent, language and culture. For the "Republican" or "Civic" model it means willingness to accept political rules and to adopt the national culture. For the "Multicultural" model it means adherence to political rules, but with the ability to maintain cultural differences and to form ethnic communities and associations.

These models should be regarded as "ideal types" because, in practice, elements of all three may be identified in most states. As both Etzeberria and Recalde point out, "all national identities are to some

extent ethnic identities" (Etxeberria) and "It is clear from the outset that the practical idea of the civic nation has coexisted, in almost all cases, with the romantic ideology of the essential nation" (Recalde). The best example in Europe of the consequences of giving prominence to the "romantic ideology of the essential nation" is Germany, where full integration into the social security system for "guest-workers" was not accompanied by the granting of full citizenship rights (even for the second generation), leading to what are now large minority populations which are politically excluded and socially marginalised. Bosswick, in his chapter on Nürnberg, describes how, despite the continued insistence of some politicians that Germany "is not a country of immigration", there has grown up in recent years a "general public awareness" that steps need to be taken to encourage the integration of "resident foreigners" into the majority population. Around 17.5 % of the population of Nürnberg were "foreign nationals" in 1998, but if one adds the number of foreign born "ethnic Germans" resident in the city in that year, one discovers the astonishing fact that migrants - or people with recent migratory backgrounds - made up almost a third of the city's population. The efforts made in Nürnberg to improve access to housing, employment and education for immigrants and their children, have not been "explicitly directed towards minorities" but it is nonetheless striking that the integration and legal status of immigrants is now a topic of serious and growing debate in Germany, despite the official view that it is not a country of immigration.

In contrast to Germany, government policy in the Netherlands is aimed explicitly at encouraging minorities to express and develop their cultural identities, as a means of overcoming obstacles to their social and economic advancement. Indeed, "The Netherlands is the only West European country apart from Sweden in which central government has attempted to translate an explicit endorsement of multicultural values into a coherent policy framework" (COLLINSON, 1998, p. 163). And yet, despite the country's pluralist tradition, and despite its record of providing refuge for those persecuted by their own governments, it was only in the 1980s that this "minorities policy" was adopted. Until then it was the official view, as in Germany, that the Netherlands "was not and should not be an immigration country" (PENNINX et al., 1993, p. 160, quoted by COLLINSON, *op. cit.* p. 163). From what Hoogveld has to say (in this book) about a recent and growing hardening in public attitudes towards immigrants in the Netherlands, it seems that the policy of giving direct and targeted help to immigrant minorities may be coming in for increasing criticism, both from those who say "These people are getting everything" and those

who fear that too much government intervention on behalf of immigrants may have the unintended consequence of impeding integration. Hoogveld comments that "Countries with a low degree of government interference in society seem to absorb immigrants more easily" and there is certainly some research evidence (comparing, for example the integration of refugees in Denmark and the UK) to support this.

This makes it all the more interesting to consider the case of Italy, one of Europe's "new countries of immigration", in which a comprehensive integration policy for immigrants is very far from realisation and "government interference" in the provision of social services for the population as a whole is far less developed than in the countries of northern Europe. In Italy, church groups and other voluntary organisations have traditionally provided support and assistance for the disadvantaged. According to a report published in 1991, the "variegated world of voluntary associations performs a vital task in helping immigrants with social, bureaucratic and work-related problems", but "analysis of local policies...shows the fragmentary and incoherent nature of most interventions [which] range from a total abandoning of responsibility and buck-passing to (rarely) full integration" (CENSIS, 1991, p. 333, quoted by COLLINSON, 1998, p. 165). Pace, in his chapter on Mazara del Vallo in Sicily describes the relationship between the Tunisian immigrant population and the local population as one of "civic disregard".

... the local population regard the presence of Tunisian workers as indispensable for the local business economy... Thus, they accept their presence and this is seen in the absence of racial conflict or forms of intolerance. The Tunisians have carved out a niche for themselves in the oldest (and most dilapidated) part of the inner city. They have opened up their own bars and restaurants... ...But we should not be misled by all this; it is a form of tolerance based on a calculated expediency, not an attempt at integration.

The city authorities provide no special services for immigrants—there is no reception centre nor even an immigration office in the city hall—despite the fact that immigrants make up 5 % of the city's population. There is, however, a Tunisian school, set up at the request of the Tunisian government on the mistaken assumption that the immigrants would in due course be returning home. This school, the only institution set up specifically to serve the interests of the immigrants (albeit not on the initiative of the city authorities), has become a serious obstacle to their integration and many of them wish to see it closed.

Pace notes that there have been some worthy and encouraging local initiatives over the past two years designed to increase awareness of Tunisian culture and of the Arab cultural heritage of Sicily amongst the majority population. But one is forced to wonder whether the attitude of "civic disregard" and the lack of special services aimed directly at the immigrants (apart from the unfortunate case of the Tunisian school) may not, paradoxically, have aided rather than hindered their successful integration.

A multicultural Europe?

As Castles has pointed out, "Failure to make immigrants into citizens undermines a basic principle of parliamentary democracy - that all members of civil society should have rights of political participation - but making them into citizens questions concepts of the nation based on ethnic belonging or cultural homogeneity" (2000, p. 141). The question becomes, then, how to ensure equal recognition of the individual rights of all citizens within a liberal and democratic nation-state that is manifestly not culturally and ethnically homogeneous. John Rex's model of multiculturalism, discussed in Häkinen's chapter, is an attempt to answer this question by distinguishing between a "public domain" (consisting of the law, the political system and the economy) which is "difference-blind" or "neutral" in the sense that it is based on the principle of individual equality, and a private domain (consisting of moral education and socialisation) in which cultural diversity is allowed, and encouraged, to flourish. There are at least two (and probably many more) ways in which the European states whose policies towards ethnic diversity are discussed in this book fall a long way short of Rex's multicultural model.

First, it is clear that in none of these states has a public domain emerged which is devoid of ethnic content. This is the equivalent of the point made by Etzeberria and Recalde about the intermingling of civic and ethnic nationalism, to which we referred earlier. One is led to wonder whether a genuinely neutral, or entirely civic, public domain is achievable, even in the most liberal and democratic of nation-states. As Charles Taylor has argued, the apparently universalistic doctrine of liberalism cannot provide a neutral space for the co-existence of different cultures, because liberalism is "the political expression of one range of cultures, and quite incompatible with other ranges". It cannot claim cultural neutrality because it is "a fighting creed" (1992, p. 62). One consequence of this may be that we should envisage the need for

states radically to rethink, from time to time, their institutional and constitutional structures (and therefore their image of themselves) as new cultural groups become integrated into the political process. (It was just such a possibility that was mooted recently by a commission of enquiry in the UK, which suggested, to howls of outrage, that the term "British" was becoming increasingly meaningless Parekh, 2000 and should be dropped. A second, and more obvious way in which the states discussed in this book fall short of Rex's model of multiculturalism is that immigrant minorities are, in almost every case, socially, economically and politically disadvantaged and discriminated against. A key characteristic of Rex's multicultural model—that individuals should not enjoy more or less rights, either *de facto* or *de jure*, because of their ethnic or cultural identity—is therefore not fulfilled and, it must be said, is unlikely to be fulfilled in the foreseeable future for any European country.

Nevertheless, one might be tempted to remark, if only to end on a note of optimism, that, although Europe still has a long way to go to reach the promised land of multiculturalism, it has, in its liberal tradition, the philosophical and political resources that will enable it to reach this goal eventually. We prefer, however, to end on a note of warning. We believe that the multicultural "project" in Europe is currently in serious danger and that, as Europe has found to its cost in the past, the most serious danger of all is complacency in the face of a growing public sentiment of fear and antagonism towards the foreigner and the ethnic "other". It seems that democratically elected politicians are, at best, unwilling to take the lead in combatting these sentiments and, at worst, ready to encourage and orchestrate them for their own electoral advantage. The situation is well summed-up by Collinson.

Despite efforts to speed immigrant and ethnic minorities' integration...it is not at all clear that Western European society is reconciled to the cultural and ethnic diversity which the last few decades of immigration have brought about. Indeed, at a time of considerable economic and political uncertainty, and at a time when the traditional frontiers of the state are being eroded by a range of transnational and global economic, political and social forces (including migration), there is a potential for society in Western Europe to turn to negative symbols of identity, i.e., to base their identity on opposition to the identities of others. Nothing demonstrates this more clearly than the upsurge in extreme anti-immigrant opinions in Western Europe and the increase in incidents of racial violence and harassment in recent years.

She goes on to point out that, despite endorsing progressive and positive aspirations for the creation of a multicultural Europe in which "different cultures and ethnic communities can live peacefully in one and the same society" (Council of Europe, 1991, p. 22), Western European political leaders "have shown a tendency to respond more readily to negative than positive public attitudes towards immigrant minorities" (1998, p. 184).

These negative attitudes are often related to economic fears and uncertainties which are expressed in such complaints as "they are taking our jobs", or "they are taking advantage of our welfare system" or "they see us as a soft touch". As Hoogveld suggests for the Netherlands, it is doubtful whether such fears are justified by the facts. The large majority of immigrants are not only law-abiding and productive citizens but they also make a valuable—even vital—contribution to the economy and public services of the host society. But one feels that, however much evidence to this effect is amassed, and however widely it is disseminated, it is unlikely to make a significant impact on negative attitudes towards immigrants. Why not?

To answer this question, we need first to accept that the insecurity being experienced by the host population is real; but, second, to recognise that its true cause lies in the increasingly globalized and de-regulated movement of capital and investment and not in the more visible and tangible movement of immigrants and asylum seekers. Governments, of course, are increasingly powerless to control the international financial markets and multinational corporations that play such an important part in determining the economic wellbeing of their citizens: when BMW decided to close down its Birmingham based UK subsidiary, Rover, with the loss of thousands of jobs, for example, the British Government could do no more than express its impotent anger and frustration. But governments can still claim and exercise the right to control the movement of people: to decide who may be permitted to enter their borders, on what terms and for how long. And although their capacity to exercise this control is being increasingly put to the test by the inventiveness and persistence of migrants and traffickers, they certainly have more effective means of controlling the movement of people than they do the invisible and more or less mysterious movements of the "global financial markets".

So it is, as Zigmunt Bauman has cogently argued in the paper we referred to earlier, that governments have an interest in promoting rather than combatting what may be the inevitable tendency for "mysterious and elusive threats to individual identity... to be placed at the doorsteps of the all-too-tangible enemy: the stranger next door." (1998, p. 8)

The governments cannot honestly promise their citizens secure existence and certain future; but they may for the time being unload at least part of the accumulated anxiety (and even profit from it electorally) by demonstrating their energy and determination in the war against foreign job-seekers and other alien gate-crashers, the intruders into once clean and quiet, orderly and familiar, native backyards. (Bauman, 1998, p.p.10-11)

Europe's backyards were never, of course, clean, quiet and orderly, and they were certainly always inhabited by a mixture of peoples, speaking different languages and holding different cultural traditions. There seems little doubt that this ethnic and cultural diversity has been one of the most important conditions for the amazing achievements of "European civilisation", making it, as Estanislao Arroyabe put it in our earlier collection of essays on this subject "the continent which revolutionised the world" and "created the first universal culture worth the name" (ARROYABE, 1999, p.28). If this is so, and as we wrote in our introduction to that collection,

...the successful accommodation and management of cultural and ethnic diversity within European states is necessary, not just to avoid the destructive consequences of ethnic and racial violence in the short term, but also to hold out some hope that European civilisation will be as creative and "revolutionary" over the next millennium as it has been over the last. The policy of "fortress Europe», in other words, could be the chief obstacle to the future economic, political and cultural strength of a united Europe. (TURTON and GONZÁLEZ, 1999, pp. 15-16)

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Turkey's Kurdish problem from an international legal perspective

Berdal Aral

The emergence of inter-ethnic conflicts all over eastern Europe and the "former" Soviet Union coincided with the Kurdish and Shiite uprisings against the Iraqi government in the wake of the Gulf War. The declaration of a "safe haven" in northern Iraq by the US and other western governments to protect the Kurds from persecution by the Iraqi forces has apparently led to the creation of a quasi-independent Kurdish state in that region. However, this new development has been widely resented by regional states with a substantial Kurdish population —Turkey, Iran and Syria— and has prompted them to enter into closer understanding and co-operation against "western-sponsored projects". Any idea of an independent Kurdish state is an anathema for all, out of a fear that this might encourage similar moves among their brethren in neighbouring countries. Indeed, a tripartite meeting was held in November 1992 between Turkey, Iran and Syria, with the aim of discussing ways to ensure that "solutions to regional issues are confined to the regional states", hinting that they would not welcome an independent Kurdish state (*ECONOMIST*, 7 November 1992, p. 82).

The number of Kurds is estimated at around 20 millions, of whom some 12 millions live in Turkey. Turkey is particularly apprehensive about US backing for Iraqi Kurds, fearing that Kurdish self-determination on the other side of the border might have a catalysing impact on the Kurdish nationalist movement inside Turkey. Granted that the Kurdish community in Turkey is far more numerous than that of Iraq and that it enjoys far less freedom of self-expression, Turkey's ambivalence over a "safe haven" for the Iraqi Kurds is not difficult to understand. Abdullah Ocalan, the leader of the PKK (Kurdistan Workers Party) which is the

political wing of a Kurdish guerilla movement, continues to advocate total secession from the Turkish state, as opposed to the Iraqi Kurdish leadership which seems to be content with regional autonomy under a federal structure.

Indeed the PKK continues with its armed campaign for secession which was first launched in 1984. The scale of fighting has intensified in recent years as the Kurdish provinces are increasingly oppressed and economically isolated. There is a state of emergency in many provinces of south-eastern Turkey. According to official figures from 1995, the years of insurgency have produced over 15,000 fatalities; most of them in the last few years.

In January 1991, at the expense of antagonising the conservative factions within his party and the army, the late President Ozal paved the way for the easing of restrictions on the use of the Kurdish language, in a gesture to undercut popular support for the PKK and to improve Turkey's minority rights record. The head of the new government which came to power in October 1991 announced his government's intention to continue with Ozal's policy of greater cultural rights for the Kurdish minority. However, he could not afford to ease off the campaign against the PKK guerrillas for fear of antagonising the army and the nationalist factions of the state (KEESING, 1992, p. R.127). On 16 October 1992, Turkish armed forces entered Iraq in a large-scale air and ground operation, in order to force the PKK out of Iraq. As a result of this operation, around 1,000 members of the PKK were killed over a period of two weeks (*TIMES*, 2 November 1992). Once again, the Turkish army entered northern Iraq in March 1995 with nearly 35,000 troops to pre-empt an anticipated PKK campaign of Spring offensives from their bases in northern Iraq. The ultimate objective of this military operation was declared to be the crushing of the PKK once and for all (*NEWSWEEK*, 3 April 1995, p. 20-21). The Turkish troops, in search of guerrillas, their hideouts and bases, penetrated 40 kilometres into Iraq and remained there for nearly six weeks. Government sources claimed that over 500 guerrillas and nearly 70 soldiers died during the military campaign.

The Kurdish question continues to constitute the main political problem facing the Turkish government. Liberal observers have generally agreed that the former Prime Minister Suleyman Demirel (currently President) and his successor from the same party, Tansu Ciller, have, contrary to Demirel's pledges, failed to humanise the government approach towards the Kurdish problem.

In 1994, Kurdish members of the Turkish National Assembly, suspected of having links with the PKK, were stripped of their

immunity from prosecution by members of the Assembly. Six of them are currently in prison. Meanwhile, the present government has failed to pass legislation to rescind Article 8 of the Prevention of Terrorism Act. The said article criminalises any views which allegedly "undermine the integrity of the state", such as advocating regional autonomy for the Kurdish-populated areas. The situation is going from bad to worse with the apparent inability or unwillingness of the government to formulate a well-defined and sound "Kurdish Policy". The areas which are mostly inhabited by Kurds are still under the pressure of the army and the police. Not surprisingly, the European Parliament has been continuously condemning the "scale and excessive severity" of Turkish government actions in the south-east (*ibid.*).

While innumerable scholarly articles have been written by Turkish academics about the plight of Turkish minorities in Bulgaria and Greece, to my knowledge, only one article has so far been written about the Kurdish problem in Turkey (KAPANI, 1991, p. 20-21). For mainstream scholarship, the Kurdish problem exists only as a matter of human rights in the context of a unitary and uncultural state and/or as a problem of economic deprivation. These views suggest that the Kurdish problem is not necessarily qualitatively different from other human rights problems in Turkey. Therefore the problem can be resolved by the proper implementation of Turkish domestic laws and/or by creating economic wealth in Kurdish-populated areas. Hence, as far as the Turkish academic establishment is concerned, the Kurdish question does not necessarily fall into the ambit of international law.

However, in the analysis that follows, I shall argue against this view. First, the Kurds are not simply a subsection of Turkish society, since they have certain ethnic, cultural and linguistic traits, which differentiate them from the majority population. Secondly, I will argue that the question of minorities is not only a matter for states themselves. It is, under certain conditions, also a matter for international law.

In recent years various studies have been published in the English language that sought to understand different aspects of the Kurdish problem: its historical origins, as well as its political, economic and cultural dimensions. However, as far as I am aware, its international legal dimensions have not as yet been adequately explored. For instance, are the Kurds a "people" or a "minority", in the sense of entitlements to self-determination? And if so, what is to be "determined"? And finally, what obligations does the Turkish government have towards its Kurdish citizens under international law?

Minorities and self-determination

It is a rather difficult task to formulate the principle of self-determination in appropriate legal terms (see CRAWFORD, 1992; JOHNSTON/KNIGHT/KOFMAN, 1988; KOSKINNIEMI, 1994; LENG, 1993; OETER, 1994). There is neither an international consensus regarding the status of secession in the context of self-determination, nor a universal criterion for a legitimate secessionist movement. Under international law, all peoples are entitled to self-determination. However, it is not clear what is meant by "peoples", or the way in which this right is to be exercised. This right has so far been invoked successfully by colonial peoples only. Moreover, it is not easy to enforce the principle of self-determination in concrete cases. For instance, the existence of the UN Resolution has not done much to establish the sovereignty of the indigenous people in East Timor (HILL, 1989, p. 14).¹

Another difficulty with regard to the principle of self-determination is that it is generally a part of the vocabulary employed by minorities whose demands do not necessarily coincide with secession (THORNBERRY, 1989, p. 868). Self-determination can be identified as the right of a "people" freely to determine their own political organisation and the form of their relations to other social groups. The end result of this right is not limited to independent statehood. It may take the form of association with other social groups under a federal framework, or autonomy, or assimilation in a unitary state (BROWNLIE, 1990, p. 595). For instance, Puerto Ricans have, time and again, declined independence, and instead have opted for a special legal status under the protection of the United States - particularly for economic reasons (POMERANCE, 1982, p. 93). Nonetheless the explosive potential of the principle of self-determination has often prompted governments to deny its relevance to certain well-established social groups in their territory. At this point, two questions can be raised: how can we differentiate between "peoples" and "minorities"? And can minorities qualify as "peoples" under these conditions?

A former member of the UN Commission on Human Rights, Felix Ermacora, argues that the notions of "minority" and of "people" are neither exclusive of one another, nor are they identical. He points out that "the term minority is a man-made notion comprising man-made situations", while "the term peoples is of an archetypical nature" (ERMACORA, 1983, p. 328). Therefore a group of people may simultaneously

¹ It should be noted that this paper was written in 1996 (Ed.).

be a "people" and a "minority". Those who categorically deny minorities any right to self-determination do not consider the meaning of the term "people".

Before elaborating on the notion of "people", we may start off with a generally accepted definition of the term "minority". A report prepared for the UN by Capotorti appears useful for this purpose:

Minority means a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (ERMACORA, 1983, p. 292).

It is clear from this definition that not all human categories which may qualify sociologically as minorities should be regarded as such by law. As Ermacora puts it, a social group which can be distinguished from the rest of society by ethnicity, religion or language, must have a group consciousness and some form of organisational structure in order to claim minority status. If the group is content to assimilate into the mainstream society, then it does not qualify for specific measures that go beyond the general system of human rights (p. 300). This definition is clear enough for minorities which accept the territorial status quo of states in whose domain they live. Once a given minority claims a right to self-determination, however, any attempt to distinguish between the notions of "minority" and "people" is blurred. The logic follows that the notion of "people" itself is inevitably controversial. Cristescu, in his report to the UN, compiles varying views on "peoplehood" in the following definition:

The word "peoples" should be understood to mean all those that are able to exercise their right of self-determination; occupies a homogenous territory and whose members are related ethnically or in other ways (CRISTESCU, 1981, § 271; also in ERMACORA, 1983, p. 326).

Here there is an added dimension of territory and capacity for self-determination. It is thus clear that any minority group with a distinct ethnic or religious identity and a separate geographical location—in the sense of constituting the majority over the territories to which they lay claim—can claim to be a people. However, its *effective* transformation into reality depends on the claimants' *capacity* to exercise their right of self-determination. One of the implications of this definition is that if force is used to seize a territory on the basis of a claim to self-determination, the new state may more readily be recognised by the international community than in cases of the

unlawful capture of territory (BROWNLIE, 1990, p. 597-598). The case of Bangladesh is relevant here. The Bengalis of East Pakistan are separated both ethnically and geographically from West Pakistan, and thus, in qualifying for self-determination, succeeded in gaining independence after waging war against the latter - though with substantial assistance from India. The new state was rapidly and widely recognised by other states (CRAWFORD, 1976-77, p. 171-172).

It is therefore clear that international law does not explicitly prohibit the use of the language of self-determination by minorities in so far as they qualify as "people". This implies that minorities cannot legitimately be excluded from the right to self-determination *a priori*. However, if self-determination is to be understood as the right to secede from an existing state, then it is arguable whether it is a universally accepted "right", and whether it is legally effective. Pomerance claims that while *full* "external" self-determination was accorded to peoples living under "colonial", "racist" or "alien" regimes, such arrangements were denied for peoples living under similarly oppressive regimes in "non-colonial" situations (POMERANCE, 1982, p. 40-42). Since "colonial" regimes have been reduced to a handful of cases, the principle of self-determination has gradually been transformed from "state creation" to "human rights enforcement" in the form of "internal" self-determination (CRAWFORD, 1992a, p. 162; MORPHET, 1989, p. 85). Today most international lawyers agree that minority groups which qualify as a "people" should be accorded a limited degree of cultural and political autonomy. However, such arrangements would have to preclude secession (POMERANCE, 1982, p. 104; NETTHEIM, 1992, p. 119-120; BROWNLIE, 1992, p. 16).

It is indeed difficult to ignore the existing reality of the international system and its legal framework which is premised upon the immutability of state boundaries. However arbitrary, they remain the dominant reality. The debate on self-determination has shown that states are unwilling to accept it as a prerequisite for the enjoyment of all other human rights. Instead they insist that it should be subordinate to other principles of international law, such as the inviolability of existing borders and the maintenance of international peace. Therefore we can conclude that the general trend in international law is that the right to self-determination *must not* lead to changes in existing frontiers.

The Kurds of Turkey and the principle of self-determination

It is generally accepted that the Kurds can be distinguished from the Turks, both ethnically and culturally. It is noted that their ethnic and

cultural progenitors were the tribes of the Medes who were settled in the mountains of western Iran by the seventh century BC. The Kurdish language is deemed to be a "distinct and separate language belonging to the Aryan branch of the Indo-European family" (CRUIKSHANK, 1970-71, p. 411-412). Ismail Besikci, a Turkish sociologist, has documented the distinctive nature of the Cartouche language, culture and historical heritage, as well as the injustices committed against them.

Indeed the Kurds had already developed a distinct identity of their own during the nineteenth century when the survival of the Ottoman Empire seemed tenuous. For centuries, due to the remoteness and mountainous nature of their locations—eastern Anatolia and upper Mesopotamia—the Kurdish tribes had largely remained beyond the direct authority of the central government. The central authorities often chose not to interfere in the "internal affairs" of Kurdish communities for fear that this might provoke a rebellion, which was not infrequent. The area was in effect controlled by feudal landlords and religious sheiks. Moreover, the Kurds did not mix with the rest of the population, and only spoke Kurdish. This peculiarity of the Kurdish case leads a Turkish scholar to conclude that "the Ottoman sovereignty in Kurdish areas was only on paper" (ORAN, 1990, p. 192-193).

Britain and other members of the Allied coalition were quick to spot secessionary tendencies among the Kurds of Anatolia and northern Iraq in the aftermath of the First World War. Immediately after the occupation of Turkey, the Kurds were promised independence by the victorious European powers which were keen to win their support against the Turkish nationalists (CRUIKSHANK, 1970-71, p. 416). The promise was soon fulfilled with the signing of the Treaty of Sèvres on 20 August 1920. Under article 62, the Kurds of Turkey were promised local autonomy in predominantly Kurdish areas of eastern and south-eastern Turkey. For its part, the Turkish government agreed to accept the terms of the provision (Article 63). Article 64 made a further promise to the effect that should the majority of the Kurdish people in the area decide to become independent within one year, and subject to this being approved by the Council of the League of Nations, Turkey was under an obligation to renounce her claims over these areas. The Allied powers finally committed themselves not to raise any objection should an independent Kurdistan choose to unite with the Kurds of the Mosul province of northern Iraq, which was then under British occupation (cf. *AJIL*, 1921, p. 179-295).

However, the Kemalist leadership managed to win the support of the Kurds for the Turkish nationalist struggle by playing on two themes:

a holy *jihad* against the "Christian invaders" and a possible Armenian "threat" to the survival of the Kurds, should the Armenians succeed in establishing an independent Armenian state in eastern Anatolia. An overwhelming majority of the Kurds responded to the call by joining the Kemalist resistance movement, believing, furthermore, that their "national aspirations" would be fulfilled after victory. There were indeed some indications that this might be realised after the ejection of the "infidel" enemy. For instance throughout the National War of Independence, Atatürk spoke of the "people of Turkey" rather than "Turkish people". Furthermore, in a press conference in 1923, Atatürk promised autonomy for Kurds (ORAN, 1990, p. 193-194).

Nevertheless the whole promise was shelved after the Turkish victory was complete. Turkey's territorial borders and other outstanding issues were finally settled by the Treaty of Lausanne of 24 July 1923. Henceforward, in official parlance, the term "people of Turkey" was replaced by "Turkish people" (ORAN, 1990, p. 193), while the public use of the Kurdish language and any other manifestations of Kurdish identity were banned. The forcible imposition of the Turkish language was a clear violation of Article 39 of the Treaty of Lausanne, which stated:

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind or at public meetings.

However, the signatories of the Treaty of Lausanne clearly preferred to ignore this Turkish commitment in order to establish "friendly" relations with the new Republic.

Feeling betrayed, the Kurds frequently took up arms against the Turkish government in the 1920s and 30s (ORAN, 1990, p. 195-206), resulting in many forced internal deportations (GHASSEMLOU, 1965, p. 157-158). The Kurds of Turkey were further harassed by the chauvinistic extremists of the 1930s. The "Turkish language and history thesis" glorified Turkish "civilisation", while the Kurds were branded as "mountain Turks". The schools of Republican Turkey propagated the "superior" qualities of the Turkish race, its culture and history (ORAN, 1990, p. 204-205). It is indeed striking to note that, once at the peak of the state apparatus, Kurdish statesmen have tended to deny the existence of the Kurdish community in Turkey. Prominent among them was İsmet İnönü, Atatürk's long time ally and his successor to the presidency, who was discouraged from revealing his Kurdish identity. He took a strong Turkish nationalist stance against Kurdish demands

for autonomy. When referring to the Kurdish uprisings in eastern Turkey during the 1920s, he declared that "Only the Turkish nation is entitled to claim ethnic and national rights in this country" (KENDAL, 1980, p. 65). These apparently racist policies increased the sense of isolation felt by Kurds, particularly among Kurdish intellectuals. The avowed motto of the new Turkish Republic, "national unity and solidarity", could only be maintained through military means (ORAN, 1990, p. 204-205). To be sure, at the time, Turkey was inhabited not only by Turks and Kurds, but also by Circassians, Lazes, Bosnians, Albanians, Arabs, Greeks, Armenians, Jews and others. The experience over the years has shown that the non-Turkish Muslim minorities have largely been assimilated and enjoyed equal participation in the political life of the country. The non-Muslim communities in Turkey, for their part, freely enjoy their specific rights as minorities which are guaranteed under the Treaty of Lausanne.

It is clear, therefore, that among the non-Turkish Muslim communities in Turkey, the Kurdish community alone resisted the temptations of assimilation by maintaining its distinctive cultural traits and language. The reasons probably lie in a combination of cultural, historical, geographical and economic factors. We have seen that the Kurds have an identity which can partially be distinguished from the rest of the population in Turkey. Besides, their collective suffering at the hands of the Jacobinist state has enhanced their group cohesion. Third, the fact that the Kurds have lived in a more or less separated geographical location—south-eastern Anatolia—for hundreds of years has reinforced their claim to a separate nationhood. Finally one must also mention the relative economic deprivation of eastern Anatolia in comparison to other regions in Turkey. All these factors have combined to convince the Kurds that they are a "deprived and neglected community", thus reinforcing their separate identity (ORAN, 1990, p. 201-203).

In the light of the preceding analysis, we can confidently assert that the Kurds of Turkey constitute a "minority" as defined under international law. They are ethnically, linguistically and culturally discernible from the rest of the population. They have sufficient numbers to claim such a status - around 12 millions. Besides, as we have seen, there is every indication to suggest that the Kurds of Turkey are willing to maintain their distinctive identity.

They may also be regarded as a "people", given that they make up the majority in the territories claimed by Kurdish separatists. Moreover, they are concentrated in a territory in which they have lived for about three thousand years. However, it is difficult to ascertain whether the

majority of the Kurdish population seek independence, since they were never allowed to manifest or exercise their right to self-determination. Therefore, the periodic resurgence of Kurdish nationalist activities has generally been expressed through violent means. However, in fairness, it should be noted that the system does not totally block the political channels for Kurdish self-expression, through the Kurdish-based political party (HEP), later renamed the Democracy Party, when the HEP was banned. Also the Democracy Party sought to secure the demands of the Kurdish minority within the existing political system, ruling out the possibility of secession, before it was, in turn, banned in 1994. Given that the Kurdish electorate in eastern Turkey overwhelmingly voted for this party in the 1991 elections, it may be assumed that a majority of Turkey's Kurds would prefer to remain within Turkey's existing frontiers.

If, however, the majority of the Kurdish people decided to exercise their right to self-determination with independence as the final goal, they would hardly find support from international law for reasons discussed above. Besides, international law does not draw a clear distinction between those who qualify as minorities and those who are entitled to self-determination. Neither does it prescribe the methods by which new states are to be established. Moreover, most states have a stake in supporting Turkey's existing territorial status quo, given that an overwhelming majority of them contain minority populations, and, therefore, are fearful of the repercussions of self-determination for their own country. Consequently it can be predicted that, in the final analysis, the eventual outcome of the Kurdish claim to self-determination would be decided in the realm of power politics rather than law. The international recognition of an independent Kurdish state would then largely be a matter of political expediency on the part of the states supporting this claim.

Minority protection under international law

On the protection of minority rights, international legal standards appear to be less ambiguous. It is generally agreed that the recognition of minority rights strikes an adequate balance between the interests of states and the needs of minorities. As was mentioned earlier, under the United Nations system, "minority rights", as a distinct human rights category, was first mentioned in Article 27 of the 1966 Covenant on Civil and Political Rights. This article enunciates the following principle:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the

right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

This article is clearly designed to ensure that the non-dominant groups, vulnerable to assimilationist pressures, may maintain their distinct identity. However the focus is on "persons belonging to minorities" at the expense of the minority group as a whole. Besides, this article gives too much discretion to the signatory states. For instance, the phrase, "in those states in which...minorities exist", almost invites states to deny the very existence of minorities. It is the state rather than the minority group itself which defines those who qualify as a "minority". Furthermore, the rights contained in this provision do not in any way imply political or economic self-management, while the article itself is declaratory in nature (DINSTEIN, 1976, p. 118).

The fear of states, particularly those in Asia and Africa which have recently gained independence, that a "full" recognition of minority rights might eventually lead to claims for self-determination, has been a main obstacle on the way to providing minority groups with precise and effective protection. For instance, the United Nations has so far failed to adopt a binding convention specifically designed to protect minority rights. On the other hand, international human rights documents which touch upon the ethnic, religious and linguistic minorities, tend to emphasise the "principle of non-discrimination".

The Convention against Genocide, adopted in 1948, seeks, *inter alia*, to protect ethnic and racial groups from the threat of annihilation (UNGA Res. 250A(III), 1948). The ILO Convention No.111 of 1958 prohibits discrimination in employment on the basis, *inter alia*, of "race" and "national extraction" (ILO 1958). The Convention against Discrimination in Education of 1960 seeks "to promote equality of opportunity and treatment for all in education." Accordingly, no distinction among citizens is allowed on grounds, *inter alia*, of "race", "language" or "national origin". Furthermore, Article 5(c) speaks of the cultural autonomy of "members of a national minority", by holding that it is essential for them "to carry on their own educational activities, including... the use or the teaching of their own language", on condition that this would not prejudice the integration process of minorities and the national sovereignty of states (UNGA, 1960). The United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 aims at eliminating all practices of segregation and discrimination against individuals (UNGA Res. 1904 (XVIII), 1963). The International Convention on the Elimination of All

Forms of Racial Discrimination, adopted in 1965, seeks to guarantee equal rights for all citizens and states. The Convention, without mentioning "minorities" as such, also stipulates that the states take necessary social, economic and cultural measures to "ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms" (UNGA Res. 2106 A(XXI), 1965). The International Covenant on Economic, Social and Cultural Rights of 1966 enunciates, *inter alia*, that the educational system in the member states "shall... promote understanding, tolerance and friendship among...all racial, ethnic or religious groups" (UNGA Res. 2200 A(XXI), 1966).

Excepting the UN Declaration of 1963 which is only recommendatory, these conventions and covenants are binding on the states party to them and, accordingly, the signatories must comply with the obligations enunciated under these international instruments. Obviously these international documents represent a piecemeal approach to the question which requires an unequivocal commitment against pressures faced by the minorities, both *individually* and *collectively*. The legal instruments mentioned above try to secure legal equality for minorities before the law while ignoring, or else vaguely referring to, the educational, linguistic and cultural rights of minorities. Furthermore, they refrain from an explicit reference to "minorities" as such, in order to avoid treating minorities as a separate collective entity.

On the other hand, the texts which specifically include minority rights often fail to provide adequate legal guarantees. The Helsinki Final Act of 1975 is a case in point. Given that Turkey is part of the Helsinki process, the following discussions on various documents emanating from the Conference on Security and Cooperation in Europe (CSCE) became relevant not only as part of general human rights law, but more importantly, as part of a specific legal process which has a direct bearing on Turkey. Principle VII of the "Declaration of Principles" deals with human rights and contains the following stipulation:

The participating states on whose territories national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them full opportunity for the actual enjoyment of Human Rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere (MARESCA, 1985, p. 231).

This provision is apparently a weak one as far as collective minority rights are concerned. First, there is still the problem of the "existence"

of minorities, which moreover is reduced to those "national minorities" (THORNBERRY, 1989, p. 886). Ermacora informs us that a "national minority", as a sociological category, comes closer to "nationhood" than racial, linguistic or ethnic minorities, in that it "is a group of persons who besides the characteristics of an ethnic minority, have the will to exercise as a group those rights which give minorities the possibility to take part in the policy-decisions process within a given territory" (ERMACORA, 1983, p. 295). However, the distinction between a "minority" and a "national minority" is bound to be arbitrary, since it is difficult to ascertain whether a minority group wants to take part in the "policy-decisions process". Another problem with this provision is that it fails to dispense with "exclusive jurisdiction", by placing the recognition of "national minorities" under the discretion of the member states. The same document also ignores any "right to identity", and merely speaks of "interests", which represents a lower category than "rights" (*ibid.*, note 48).

At long last, the protection of minority rights appears to have taken a key place in international relations in the post-Cold War era. Indeed various steps, taken in recent years, have transformed minority rights beyond non-discrimination and equal protection to include some distinct rights for minorities alone. As is well known, the Paris summit formally ended the Cold War, which had been the major cause of confrontation and division in Europe for four decades. Indeed, the Charter of Paris for a New Europe, adopted on 21 November 1990, reaffirmed that the protection of "the ethnic, cultural, linguistic and religious identity of national minorities" was among the cardinal principles upon which the new Europe was to be based. Under the section entitled "Guidelines for the Future", the signatory states undertook to create the conditions for the promotion of the distinct identity of minorities (*HRLJ*, 1990, p. 379-389).

The end of the Cold War has accordingly led to a marked shift in the purpose and structure of the CSCE, which has rapidly been transformed from being a predominantly inter-state security conference to a forum for international co-operation. Under the CSCE system, new institutions with law-making functions are being established. The changing face of Europe brought to the fore hitherto unexplored issues for discussion, among which human rights are of cardinal importance. The Copenhagen summit, held between 5-29 June 1990, was the second of the Conferences on the Human Dimension which was sponsored by the CSCE. The summit confirmed the right of national minorities to use their own language, both in private and in public, and set up educational and religious institutions. A major significance of the

document is that it mentioned "local or autonomous administrations" among the possible means to protect and promote the distinctive identity of national minorities (*HRLJ*, 1990, p. 232-246). However, proposals for strengthening mechanisms to monitor human rights in signatory countries were rejected (KEESING, 1990, p.37550-51).

One year later, the Report of the CSCE Meeting of Experts on National Minorities, adopted on 19 July 1991, generally reaffirmed the principles contained in the Copenhagen Document (*HRLJ*, 1991, p. 232-334). It promised that, in future, the discussions on minorities would also involve the minorities themselves (III, para. 1). In addition, recognising the inadequacy of enforcement mechanisms, the Document called for "a thorough review of implementation" procedures (II, para. 1). One of the most controversial aspects of the Document is that it leaves wide open the question of who constitutes a minority. Indeed, in the fourth paragraph of section two, it is stated that "not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities". This creates a dangerous loophole since states might use it as a pretext to deny minority status to those who feel that they share a common identity by virtue of ethnicity, culture, language or religion.

It is clear that present international law plays down the *collective* aspects of minority protection in favour of *individual* rights. This derives from the fact that states are reluctant to recognise minorities as autonomous subjects of international law. Technically speaking, the CSCE documents dealing with minority rights do not have any binding effect. As distinct from conventions and treaties, the Charters and Reports adopted in the CSCE meetings provide general principles and guidelines rather than enforceable concrete rules. In this sense, they have *political* rather than *legal* force. If however some of their provisions codify existing customary rules, they may be taken as part of positive international law. But in all probability, the category of minority rights does not qualify for such a status due to the absence of well-established and universally-agreed standards in this area. Excepting regional or partial perspectives which have regulated the question of minority rights at different times in this century, there is hardly any universal consent about the necessity of *specific* minority protection or its content.

The recently adopted UN declaration on minority rights has not done much to dispel this fragile image either. Being aware that the protection of individual human rights is not adequate as far as minorities are concerned, the UN General Assembly adopted "The Declaration on the Rights of Persons Belonging to National, Ethnic,

Religious and Linguistic Minorities" on 18 December 1992 (UNGA Res. 47/135; see *HRLJ*, 1993, 54-56). The declaration is intended to set up certain legal standards that could provide a basis for the protection of minorities around the world. Article 1 of the Declaration demands that the existence of minorities, as a collective category, be guaranteed. Besides, states are requested to "encourage conditions for the promotion of their identity". To that end, they are under an obligation to "adopt appropriate legislative and other measures". Article 2 speaks of the cultural, religious and linguistic rights of individuals belonging to minorities, as well as of their rights of association, and of their right to participate in the decision-making process on matters which relate to the minority to which they belong. Article 4 deals with special measures to ensure that minorities effectively enjoy the rights contained in the previous Articles. Article 5 imposes a novel obligation upon states. It declares that "National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities".

The Declaration is, by definition, not binding on states. Therefore this text will almost certainly have only a limited influence over the protection of minorities. Furthermore, the language of this declaration is full of vaguely formulated phrases and references to national laws which give states too much discretion when it comes to implementation: "wherever possible", "encourage conditions", "appropriate measures", and so forth. It is one thing to articulate the question of minority rights in a single document, and another to set up unambiguous standards which impose concrete and clear obligations. Furthermore, the proposal fails to address the fundamental obstacle posed by "exclusive jurisdiction", by reaffirming the absolute sovereignty of states over their territories. As a result, the application of the rights protected under the draft Declaration is severely prejudiced. The declaration is also beset by the absence of a monitoring mechanism to supervise its implementation.

Does this mean that minorities cannot rely on international legal instruments unless the states under whose jurisdiction they live consent to binding treaties? This is not necessarily so. First, human rights are an exceptional aspect of international law. They are accorded to individuals directly, i.e. without the interposition of the state (DINSTEIN, 1976, p. 102). Furthermore, international law seeks to protect the individual against the state, which is clearly a limitation of state sovereignty. The individual in this sense is "excluded from the domain reserved for the domestic jurisdiction of states" (*Ibid.*). Furthermore, the international protection of human rights has become "universal and general" (ERMACORA, 1983, p. 307). Secondly, when regard is

had to the specific case of minority rights, we observe that the rules on the prevention of discrimination which have been recognised in various instruments of a universal or quasi-universal character, have become *jus cogens* (having the status of peremptory norms from which no derogation is permitted) in international law (Ibid.). As international human rights instruments are gradually adopted by a growing number of states, the obligations concerned can become binding on all states by virtue of customary international law. However it is also clear that states are more likely to respect a commitment to which they have consented specifically rather than one which arises through customary law (ROBERTSON/MERRILLS, 1989, p. 288).

As to whether minorities can rely on international law for the enjoyment of *specific* minority rights, the emerging tendency is towards responding in the affirmative. The essential question here is whether minority protection measures are an integral part of human rights standards, and whether they can be resorted to by minorities even if they are not recognised as such by the state. Some authors, like Ermacora, argue that minority protection is an autonomous notion of international law, in that it binds states regardless of whether they legally recognise minorities or not (ERMACORA, 1983, p. 296). Therefore individual states have an obligation towards the international community to guarantee minority rights in their territory. However, this view is not always shared by states, as is evidenced by the absence of a binding convention of a universal nature on minority rights.

The reluctance of states to delegate a part of their sovereignty in relation to a section of their population to an international organ is a major obstacle in the way of ensuring the proper observation of treaty commitments in the field of minority protection. This explains why the enforcement of mechanisms for the effective implementation of minority rights is less than adequate. International bodies dealing with the situation of minorities may publish periodic reports or publicly "condemn" human rights violations, but they have no authority to coerce states to secure the rights of minorities. Furthermore, the implementation of minority protection measures still remains in the legal domain of individual states. Indeed, the studies carried out for the United Nations have shown that "it is up to the states to bring about their minority protective measures bilaterally, regionally and by national law" (ERMACORA, 1983, p. 337).

To make an overview of the discussions pursued so far in this section, one should first note that the policy of forcible assimilation is against the principles of international law. Assimilation of minorities has to be a matter of sociological process, an autonomous desire of

minority groups "to renounce their will to preserve their characteristics, and so become equal to the rest of the population of a state" (ERMACORA, 1983, p. 298). In this sense only international law is not against the assimilation of minorities. Secondly, it is generally accepted that no discrimination should be practised against persons belonging to a minority group, and against the group as a whole. The principle of non-discrimination against, *inter alia*, minorities has become *jus cogens* in international law. States are bound by this principle. Thirdly, the protection of minorities requires that special economic, social and cultural measures are taken to ensure the equality of minorities with the rest of the population *in fact*. Fourthly, equality of treatment towards minorities must encourage legal integration, not assimilation. However, there *may*, not *must*, be a sociological consequence of this integration (ERMACORA, 1983, p. 309-310). At this point, a distinction must be drawn between "nationality" and "citizenship". Every citizen of a state should have the right to choose his/her national identity. This does not, however, in any way imply the questioning of the sovereignty of the state. Finally, the emerging trend in international law is that it is *not* up to states to decide whether there exist minorities in their territory or not. Instead this is a factual matter which can be ascertained through the criteria set by international law.

It is within the framework of the above-mentioned discussion on the position of minorities under international law, that we can properly address the "Kurdish problem" in Turkey. Two questions are central here: first, is the Turkish government under any international obligation to recognise the Kurds as a "minority"? Second, assuming that it is, what measures should be taken to guarantee their rights?

Turkey's obligations towards the Kurdish minority under international law

First of all, it must be admitted that, over the years, Turkey has acted consistently in avoiding any international obligations which might oblige her to guarantee the rights of Kurds as a *minority*. Turkey is not a party to the Convention against Discrimination in Education (1960), the International Covenant on Civil and Political Rights (1966), nor the International Covenant on Economic, Social and Cultural Rights (1966) which are binding on the states adopting them (SOYSAL, 1991, p. 181-183). It is generally agreed that under international law, states are not bound by international obligations unless they have consented to them —with the exception of peremptory international norms.

Turkey is not a party to the Covenant on Civil and Political Rights, which explicitly refers to "minorities", on grounds that this provision contradicts Article 3 of the Constitution which holds that: "The Turkish State is an indivisible whole with its territory and nation. Its language is Turkish" (OZBUDUN, 1987, p. 34). The Turkish Constitution is still based on a homogenous notion of the territorial nation.

Instead, Turkey has preferred to sign only those international documents which merely reaffirm the principle of non-discrimination. Turkey signed the Helsinki Final Act without expressing any reservations about minority rights, given that its provision relating to minorities solely speaks of non-discrimination, which is also guaranteed by the Turkish Constitution. Article 6 of the 1982 Constitution declares that all individuals are equal before the law regardless of language, race, colour or religion. Article 11 guarantees the right of the individual to fundamental rights and freedoms. The Constitution also includes other basic human rights commonly found in liberal democratic constitutions, such as freedom of speech, press, association, assembly, travel, communications, sanctity of law, right to privacy, freedom from arbitrary arrest and so forth (*ibid.*).

These civil and political rights are also guaranteed under the system established by the Council of Europe of which Turkey has been a member since 1950. The Commission of the Council of Europe is authorised to examine cases brought by one state against another, whereby the Commission undertakes an investigation concerning an alleged violation of human rights, and then tries to secure a friendly settlement between the related state parties. This procedure was used when Denmark, France, the Netherlands, Norway and Sweden collectively launched a complaint against Turkey in 1982 concerning the alleged human rights violations in the country under the military regime. A friendly settlement was finally agreed in 1985 (COMMISSION, 1985, p. 150-159). If a friendly settlement is not achieved, the Commission prepares a report, and submits this to the Committee of Ministers of the Council of Europe. The Committee then prescribes a period within which the government concerned is expected to take satisfactory measures to remedy the situation. In case the remedy is not forthcoming, the Committee is entitled to take further action, including the suspension of the defendant government's membership. Any state which claims to be democratic, cannot afford to be unconcerned about the publication of a report by a competent and impartial international organ. Although this procedure exerts considerable international control, it does not allow individuals to seek an international remedy against their own governments.

An individual right to petition is provided under Article 25 of the European Convention on Human Rights, under the terms of which only those states which have expressly declared that they accept it are bound by it. In January 1987, Turkey submitted a declaration which recognised the competence of the European Commission of Human Rights to receive applications from individuals or non-governmental organisations claiming to be victims of a violation by the Turkish state (*HRLJ*, 1990, p. 456-458). The Commission is not entitled to take a binding decision regarding individual applications. Instead it submits its report concerning the alleged violation of human rights to the Committee of Ministers. The Member States are bound by the decision of the Committee concerning the individual complaint.

The recognition, initially made for a three-year period, was extended in 1990 - for another three years - during which time Turkey also recognised the compulsory jurisdiction of the European Court of Human Rights (p. 458-459). Under Article 47 of this convention, the Court may only deal with a case when the Commission fails to reach a friendly settlement with a defendant state. The initial Turkish declaration with regard to the individual right to petition had been accompanied by a number of provisos. First, Turkey sought to limit the territories in which the right could be invoked to that of Turkey proper. This was designed to exclude the possibility that this complaints procedure might be used by Greek Cypriots in relation to the acts committed by Turkish troops in Cyprus. Second, Turkey declared that she could derogate from her obligation under special circumstances by virtue of Article 15 of the Convention. This Article allows Member States to derogate from their obligations in exceptional circumstances, such as "war" and "public emergency". In Turkey's view, however, "the special circumstances" had to be interpreted in the light of Articles 119 to 122 of the Turkish Constitution. These Articles state that the exercise of human rights and liberties can be restricted in times of "martial law" and "state of emergency", in addition to "war" and "public emergency" (GOZUBUYUK, 1994). Because of these "conditions", Turkey's declaration was perceived by the depository, Greece and some other Member States as a "reservation" which was inadmissible under Article 25 of the Convention. Today, Turkey's Kurdish citizens are able to challenge domestic court rulings by launching complaints to the Commission with regard to human rights violations committed in south-eastern Turkey.

Aware of its relative indifference to the question of the protection of minority rights over the years, the Council of Europe has recently adopted two legal documents in this sphere. The first is the European

Charter for Regional or Minority Languages (opened for signature on 5 November 1992) (*HRLJ*, 1993, p. 148-152). This Charter was specifically designed to protect and promote regional or minority languages in the Member States of the Council of Europe. The preamble celebrates interculturalism and multilingualism as representing "an important contribution to the building of a Europe based on the principles of democracy and cultural diversity." Under the charter, states undertake to create an atmosphere of tolerance towards minority languages in education and encourage the mass media to pursue the same objective (Article 7). They are also under an obligation to allow the use of regional or minority languages during judicial and administrative proceedings in areas where "the number of residents justifies" these measures (Articles 9 and 10). Most member states of the Council of Europe have adopted the Charter. Turkey is not, however, among the signatories.

Soon after the adoption of the European Charter for Regional and Minority Languages, the Committee of Ministers of the Council of Europe adopted a convention on minority rights. The "Framework Convention for the Protection of National Minorities" was opened for signature on 1 February 1995 (*ILM*, 1995, p. 351-359). By 31 March 1995, 22 countries had signed the convention. This convention, not unlike other international instruments dealing with minority rights, addresses itself to the "persons belonging to minorities". This is presumably designed to avoid treating minorities as a collective category, which would elevate them to the remit of international law. This convention concerns itself with the rights of "national minorities" rather than "minorities" as such. This is presumably intended to limit the scope of potential claimers, in particular some small minority groups and migrant workers.

The convention recognises the right of persons belonging to minorities to preserve their distinct identity and culture, while prohibiting the policy of forcible assimilation (Article 5). The convention also guarantees their right to create their own media, and to gain access to media in the minority language (Article 9). The members of minority groups are also accorded the right to use their language in private and in public (Article 10). The signatory states are also under an obligation to pay due attention to the history and culture of the national minority in education (Article 12). Members of a minority group are also entitled to set up their own educational institutions (Article 13). Signatory states are prohibited from taking measures intended to alter the demographic balance in areas largely populated by a national minority (Article 16). Members of a national minority are

given the right to establish trans-frontier contacts with ethnic and/or cultural groups sharing similar characteristics (Article 17). The convention establishes a monitoring mechanism, undertaken by the Committee of Ministers, to ensure that necessary legislative measures are taken by signatory states to implement this framework Convention (Articles 24-25).

Surely the convention is binding on the signatory states. However, Turkey is not among the signatories, which means that this convention does not produce any legal effect for her. But when one recalls that the Council of Europe is notoriously minimalist in its selection of the kind of rights and freedoms which are incorporated in its conventions and protocols, this convention should be seen primarily as a codification of existing minority rights which already exist in most member states of the Council of Europe. This surely enhances its legal quality and force for a non-signatory state like Turkey. Besides, this convention has a political and a psychological weight which Turkey cannot afford to ignore. As Turkey has chosen to become a part of western civilisation with its standards of political legitimacy, she is bound to accept the human rights standards developed in the West. That is why Turkey's membership of the Council of Europe, her association with the European Union and her participation in the CSCE/OSCE process are likely to have considerable effect on her handling of the Kurdish problem.

Indeed the Parliamentary Assembly of the Council of Europe has been repeatedly calling on Turkey to recognise the Kurds as a minority and guarantee their rights accordingly (see for example Resolution 985 (1992) in *HRLJ*, 1992, p. 464-465). Although Turkey has taken some steps towards recognising "the Kurdish reality", the situation in south-eastern Turkey still remains precarious, if not worse. Repeated claims have been made, both by Turkish human rights activists and international observers, of large-scale human rights violations, such as torture, extra-judicial killings and unlawful detentions in that region. Turkey has persistently ignored several reports by international organisations, some of which are established in accordance with international conventions of which she is also a part, which document human rights violations in Turkey (see for example HELSINKI COMMISSION, 1994; AMNESTY INTERNATIONAL, 1995; OSCE, 1995). Meanwhile, the Council of Europe has been urging Turkey to respond to Kurdish terrorism within the rule of law. A major step in this directions, it is argued, could be the lifting of the state of emergency which has been in force in the south-eastern regions since 1987 (Resolution 985 (1992), in *HRLJ*, 1992, p. 465). However no such

action by the Turkish government is likely to be undertaken at the time of writing (February 1996).

Under Article 90 of the Turkish constitution, international treaties to which Turkey is a party are approved by the Turkish parliament by enactment of a law. Therefore international treaties rank equal to statutes and accordingly become enforceable after having been published in the *Official Gazette*. However, unlike other statutes, their constitutionality may not be challenged. This means that other parties to these treaties may rely on their validity once they become law (GURIZ, 1987, p. 7-8). One implication of this procedure is that the European Convention of Human Rights can legitimately be resorted to by national courts. One Turkish scholar suggests that its provisions may also be invoked by national courts to give a broad interpretation to the fundamental rights and freedoms guaranteed under the Turkish Constitution (KARANI, 1987, p. 53). This also holds true for the international human rights instruments adopted by the CSCE. It is interesting to note that when reviewing an expulsion order by the Ministry of Domestic Affairs against a group of foreign journalists and camera crew, the Council of State considered, *inter alia*, the Helsinki Final Act of 1975, with regard to its provisions relating to greater freedom of information and improved conditions for journalists from participating states, when accounting for the illegality of the expulsion order (Ibid. p. 62-63). Although, technically speaking, the Helsinki Final Act is not binding, since it is not a treaty but a declaration of intent, a political programme to guide foreign policies of participant states, it can nonetheless be regarded as constituting part of customary international law, since it reaffirms some of the established principles of human rights (BROWNLIE, 1990, p. 578). It may therefore be relied upon by Turkish courts when reviewing cases of human rights violations against the Kurdish minority in Turkey. The same also holds for the recently adopted CSCE documents on the specific protection of minorities. Turkey recognises the relevance of the CSCE process, not only in matters of security, but also in relation to human rights and minority protection. Therefore, one is tempted to hope that the high courts in Turkey will rely on the CSCE documents to enforce the specific rights and freedoms of the Kurdish minority; that is linguistic, educational and other cultural rights. Nonetheless, given that the language of the Charters and Reports adopted under the auspices of the CSCE is not forceful enough, this may well prove illusory.

There is a fundamental contradiction in the Turkish attitude towards the question of minorities when one recalls her active posture over the fate of the Turkish minorities in Bulgaria and Greece. Indeed,

she has rightly protested at the assimilationist pressures imposed on them by the Greek and Bulgarian governments. However, one could not help but draw on the similarity between the plight of the Turkish minority in Bulgaria and that of the Kurdish minority in Turkey. We have seen that under international law, ethnic or linguistic groups, as distinct from the rest of the population, are entitled to minority protection too. The fact that the Turkish Constitution and legal codes regard this otherwise, cannot be justified under international law. There exists a set of rules and principles which seek to place both the *individual* and *collective* protection of minorities in the domain of international law.

Strictly speaking, however, Turkey is not under any international duty to recognise Kurds as a minority and guarantee their rights accordingly, since she is not party to any of the internationally binding instruments dealing with this question. Nonetheless Turkey has a moral and political responsibility towards the international community. The method of its implementation, however, remains a matter for Turkey. Thus far Turkey has sought to satisfy Kurdish demands by giving a broader interpretation to the principle of non-discrimination, and by lifting restrictions on the Kurdish language. However, even these limited measures are not always transformed into reality. Kurds in eastern Turkey still suffer human rights violations and poverty, which puts a further strain on the already tense confrontation between Kurdish activists and the government. Furthermore, even if we assume that the Kurds in Turkey were in effect treated equally with the rest of the population, this would still fall short of guaranteeing their rights as a distinct minority group.

It is presumably through international pressures that Turkey will succumb to these demands. Already the European Union has made it clear that Turkey's oppressive policy towards her Kurdish citizens is a stumbling block in her attempts to gain membership of the EU. Indeed the European Commission's report of December 1989 which considered the viability of Turkish application for membership (April 1987) noted that "within Turkey...minority rights still fell short of EC norms despite improvements" (COMMISSION, 1989). This was probably one of the motives behind the lifting of the ban on the Kurdish language.

Through recognising them as a "minority", Turkey is expected to grant the Kurds a number of cultural, educational and linguistic rights, while enforcing existing laws in a non-discriminatory manner. This could possibly marginalise the secessionist factions within the Kurdish movement, thus allowing the government to "contain" the Kurdish problem.

Turkish fears that this may lead to Kurdish irredentism are not easily reconciled with existing realities. It is not certain whether all Kurds

share a sense of nationhood irrespective of the countries they live in. Although it is true that the Kurds have their own language, the differences in dialect make it difficult for them to understand one another. The Kurdish experience in each host country has varied greatly, which implies that the extent and intensity of Kurdish nationalism differs among them. The feeling of separate nationhood is also unevenly distributed among the members of the Kurdish community within the same states. For instance, although the PKK advocates outright independence from Turkey, not many Kurds in Turkey share this vision. A majority of Turkey's Kurds live outside the predominantly Kurdish provinces of the south-eastern region. Istanbul has become the city with the largest Kurdish population in the world. Most of the Turkish Kurds do not harbour any hopes of union with their compatriots across the border. Moreover, they are well aware that an independent Kurdistan is unlikely to present sufficient economic rewards in the short or medium term. What the Kurds of Turkey *really* aspire to is well put by *The Economist*: "Freedom from repression, a degree of devolution, the right to learn and read in Kurdish and to hear Kurdish on radio and television" (*ECONOMIST*, 31 October 1992, p. 18).

To be sure, these are minimal prerequisites for a democratic solution to the Kurdish problem which nonetheless satisfies international law and moral standards. Of course, one might also suggest the granting of autonomy for the predominantly Kurdish areas. This might bring about self-government for the Kurds in various areas of public life: cultural and religious autonomy; executive, legislative and judicial authority in internal matters; police powers; control over public finances and so forth. While the delegation of limited powers to Kurds would not in any way infringe upon Turkey's territorial integrity, autonomy would presumably impose some limitation on Turkish sovereignty (NANNUM/LILLICH, 1980, p. 858-889). Turkey is unlikely to accept Kurdish autonomy as a viable option, for this would cause a fundamental structural change in the unitary nature of the Turkish State. Neither is she legally bound to do so, for "autonomy is not widely perceived as an obligation in general international law" (THORNBERRY, 1989, p. 888).

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Plurality, conflict and the search for solutions: the Basque case¹

Xabier Etxeberria Mauleon

The Basque Country is plural from many points of view, but I will here consider two specific differences, namely those which are expressed as conflict. The first difference divides the population into those who claim the Basque national identity as one which demands the right to self-determination, and those who do not accept this form of identity. Politically, this division takes shape around the defence of the "Basque scope of decision"² or the "Spanish scope of decision" with respect to the shaping of statehood and final autonomy in political measures. This suggests two considerations. First, it must not be forgotten that while citizenship is lived and exercised within the framework of States, the form of States is the result of historical transformations, not of democratic decisions; that is to say, their present limits may be questioned, although it remains to be seen for what purpose and by what criteria. Second, the demand for the Basque scope of decision as a forum for the resolution of differences can be interpreted as "more or less nationalism": more nationalism, because it requires all political organisations to accept the Basque framework as the final setting for democratic decisions; less nationalism, because it presupposes the renunciation of the essentialist view of nationalism, and the acceptance of the possibility of a democratic outcome that would preclude the formation of Basque statehood. In any case, we must start by putting on record a difference that is developing into a political conflict: the conflict of national identities.

¹ This paper was written in March 1999.

² "Scope of decision" is used here to mean the constituency (group of citizens) by whom a political decision is made.

Related to this first difference is a second. There are those who, in common with the leadership of ETA, perceiving that they are being denied a fundamental right—the right of self-determination, or the right to the completeness of the Basque cultural identity—have considered it legitimate to exercise terrorist violence as a means of securing the denied right. Opposed to them are ranged all those who consider the use of violent means illegitimate in our democratic situation. With respect to this second fracture in Basque society, four observations are appropriate.

First, the recourse to violence in the Basque case must be denounced as absolutely unjustified from the perspective of political ethics and human rights: not only because it has most gravely violated basic and undisputed rights—to life and liberty—in the name of a controversial right—the right to collective identity and Basque self-determination—but also because, even if this is accepted as a right, human rights are indivisible: that is to say, we cannot choose one over another, but must take them all together, and in the case of conflict, take whatever action best secures them for everyone. In our situation, this means respecting life and liberty and turning to other democratic means of political pressure, among which can be included, with certain conditions, civil disobedience.

Second, we must ensure that this second division is not superimposed on the first. It divides the population in a different way (between those who accept democratic laws and those who do not). But, on the other hand, it is implicated in the former, insofar as the violence refers to the affirmation of a Basque identity. That is to say, the violent conflict intersects with the conflict of identity. This gives a special complexity to the Basque conflict, but, in any case, it makes unfounded and politically deceptive, the idea that in the end, the nationalist cause is the origin of violence: there can be, and is in the Basque case, a firm democratic version of nationalism.

Third, when consciousness of the illegitimacy of violence becomes more marked in the sectors which are opposed to it, it is normal that the dominant social conflict should be between violence and non-violence, making the conflict of identity more low-key. Conversely, a truce by ETA tends to tip the balance towards the conflict of identity. It is predictable that if the truce leads to a definitive cessation of violence, the conflict of identity will attain its true relevance, since it will no longer intersect controversially—from the ethical and political point of view—with violent conflict (although there are others who think that violent conflict will disappear without its context of violence).

Fourth, it is usually affirmed that this violent intersection has given Basque nationalism a high public profile, and thus power, which I consider to be true in part; but it is no less certain that it has burdened it with serious flaws which will be costly to repair and which seriously compromise its own cause.

We see, then, that in the Basque case two conflicts have arisen which, from an ethical point of view, need to be resolved in different ways: first, conflict about the legitimacy of violence and, second, conflict about national identities. But in fact, since they are mixed up, a separate resolution seems hard to find, although we must try to make it possible. Common ground appears when violent nationalism makes certain conditions for renouncing violence: on both moral and political grounds, violence must be denied political gain, because this serves to reward and stimulate it. Logically, therefore, the renunciation of violence without conditions must be required. But, on the other hand, if the conditions which are required can be legitimately defended from the point of view of human rights and its relationship with collective identities, they must not be denied simply because they are being demanded by the violent nationalists. This conclusion is controversial because, from another point of view, it can appear as a certain submission to violence. I believe, however, that with clarification, it can be sustained. What also comes into play is prudent political reason, which, looking at the consequences, can counsel certain concessions for the sake of peace. But where does this leave those who do not wish to reduce politics to a mere calculus of power-relationships, but who wish to remain within the field of ethics?

The indefinite truce by ETA, although seriously and lamentably compromised by the persistence of various forms of violence which must be unequivocally denounced, puts us in a good position to end violent conflict. We must be conscious, however, that ETA has been pushed into the truce by various factors which I will not describe here. To ignore this may lead to the false and damaging impression that the agents of peace are ETA and its supporters, when all they have done is end the violence they themselves had created. Also, the renunciation of violence is definitely motivated by strategic reasons, which, on the one hand, makes ETA's introduction into the democratic process problematic, and on the other, makes it difficult to give due recognition to the victims this violence has produced. Only by accepting that their violent approach has involved an unjust denial of human rights will they be in a position to accept these two challenges.

Nonetheless, the existence of the truce is still a great opportunity to end the violent conflict. We must therefore demand, first, that the

truce is converted into a definitive end to violence. Second, the negotiations with ETA in which this demand is made can only deal with questions directly related to the ceasefire. The conflict of identities must be resolved between democratic representatives.

The difficult issue here is that of ETA prisoners, specifically, the policy of dispersing them to jails all over Spain, causing hardship to their families, and depriving them of rights accorded to other prisoners. Here we must distinguish between changes in current penal policy, which would not presuppose the modification of existing judicial sentences, and the possible modification of these sentences ("measures of grace"). With respect to the first, which is demanded in the petition for the return of the prisoners to their local area and the concession of normal privileges, I believe that the concept of non-retributive justice, human sentiment, and what are commonly known as political reasons, all argue in favour of granting it. The fact that this is demanded by the violent factions (and not only by them, but also by the majority of the Basque population and their representatives) cannot be a reason to refuse it. Nor can keeping the prisoners as a political card be a reason; this is the same pure instrumentalism that is denounced in others. That is to say, given that these changes in penal policy are supported by considerations of justice, humanity and a strategic opportunity for peace, they must be adopted by the powers that be.

To consider the second type of measure*i.e.* the reduction of sentences*æ* for prisoners convicted of terrorist violence brings us to the heart of the resolution of violent conflict. That is, what treatment should be given to the perpetrators of violence? and what do its victims deserve?

This is a classic theme which has arisen during the transition from totalitarian to democratic states and which, as political analyses have demonstrated, has tended to be resolved as a function of the power relationships existing between the supporters of the old and new regimes. So, although there are exceptions, the new regime has tended to exact justice with firm penal sentences when it has imposed a military victory (by revolution or invasion, as, for example, in the French revolution or the Second World War) or, to a lesser extent, when change has happened as the result of a collapse (e.g. Greece in 1974 and, in a certain sense, East Germany). There has been a tendency to lesser penalties when the transition has been negotiated between already weak governments and the opposition (e.g. Poland, Hungary). Crimes have tended to be ignored when the transition has been led by a faction of the former government (e.g. the first phase of the Spanish

model, and present-day Russia). With respect to the much-praised Spanish transition, it must be recognised that it assured forgetfulness and fundamentally failed to find the truth about the violence and the victims of the Franco machine. Of course, ethical justifications of this position have been given, but again generalising excessively they tend to appear as justifications *a posteriori* of a strategic decision.

None of these models is directly applicable to the Basque case, since here terrorist violence (precisely since the amnesty) is a phenomenon that has occurred within democracy. Other cases similar in this sense, such as the Italian Red Brigades, differ again from the Basque case, especially because of the different support of the population. The Northern Irish case is closer in this aspect, but quite different in others. While we may draw inspiration from all these experiences, we must definitely seek our own solutions. However we may be inspired by others, I believe we must be able to balance three requirements, truth, justice and forgiveness, if we do not wish to fall into pure strategic reasoning but to articulate our case with moral reasoning, so that the peace will be not only stable but just.

To uncover the truth about the violence, in the face of the temptation, not so much to deny it as to forget it, is fundamental if the future is not to be rooted in a vacuum. Ignoring the truth about the violent past will not only produce resentment, but will also deny adequate social recognition to the victims. Concretely, this presupposes denying moral legitimacy to the amnesty.

To be just, in this case, is to mete out retributive justice. For the victims, this assumes guaranteeing them the reparations which they are owed on various levels. For the terrorists, the best expression of this corrective justice are penal sentences. It is precisely here that total or partial indulgence, or various measures to attenuate punishment, can be introduced. Should we be open to these measures? First, we must not confuse them with forgiveness, which is only in the hands of the victims, who have the right to offer it or not, with or without conditions. Second, these measures would be more well-founded if they were a response to the repentance of the offenders and the forgiveness of the victims. Neither one nor the other can be imposed, although repentance and forgiveness is a moral duty of the guilty. Third, although the second may not happen and in the Basque case there are no signs that it will happen in general the powers-that-be have the right and the duty to manage this issue with "practical wisdom," which is not the same as mere strategic calculation. Given, as a minimum, a firm guarantee to abandon violence, they can and, I believe, must put in place various measures attenuating punishment,

with adequate discernment and within the possibilities which the legal system offers. Evidently, it is appropriate in this case to aspire to democratic consensus.

I now turn from the conflict over the use of violence, to the conflict over national identity. Here, one group, the Basque nationalists, question the political status quo, claiming that Euskal Herria is a nation, that is, a territorial entity with a culture, a history and a self-definition shared by a majority of its inhabitants. Nationhood, they continue, implies political sovereignty and thus it has the right to self-determination and to make free decisions about its statehood. The conflict arises, evidently, because the Spanish state, and also a significant part of the Basque population, do not recognise this claim. The objections to the nationalist claim are based on two points. First, the claim is a product of ethnic nationalism which contradicts the idea of the civic nation, defined by its strict identification with democratic proceduralism, and not by an ethnic culture. Second, the Basque Country is not a nation, since it is part of the Spanish nation.

I believe that, under certain conditions, Basque nationalism can defend itself against these two objections. Starting with the first, I believe that it is possible to maintain that, in the modern civic nation, a symbiosis between contract and culture is produced, since political participation is marked by being part of a shared culture. To put it more bluntly, modern nation-states (think of the French example) have linked the principle of democracy with the principle of cultural homogenisation, based on a common language and a wide range of social institutions. Thus, we may conclude with Kymlicka that "the idea that liberal states or 'civic nations' are neutral with respect to ethnocultural identities is a myth" (KYMICKA, 1993, p. 10).

From this it can be concluded that all national identities are, to some extent, ethnic identities. The choice is not, therefore, between civic (non-ethnic) national identity and ethnic (non-civic) national identity, but between civic or non-civic national/ethnic identity. Applied to the Basque case: nationalism cannot be accused of claiming to be an ethnic identity, but, if it does, it is a non-civic ethnic identity. This is what it was in its late nineteenth-century origins, defending racial purity, fundamentalism and an essentialist conception of culture and nation. Inasmuch as it has officially rid itself of these characteristics, so as to centre itself in the cultural frame of reference—although in fact traces remain which must still be fought against—and has integrated democratic principles (something which, evidently, it does not do when it expresses itself violently), it has come to partake of legitimacy.

The second objection to the nationalist claim —that the nation of reference is the Spanish one— can present itself in several stages. In the face of the cosmopolitan universalism which politically dilutes all group identities and which would lead to a single global civic state, it seems inevitable to recognise our human condition as one of plurality. Certain of these expressions of pluralityæthose which are national in characteræmust have some kind of self-government as a condition of permanence. Their right to permanence comes from the fact that they are necessary for personal self-realisation, because they provide significant options for the identity of persons and their life plans. Thus it may be concluded that, given that for the majority of persons the relevant society is their nation, the nationalist groups have a *prima facie* right to self-determination, as a guarantee of the self-governance that they need. That is, they have the right to decide the political status of the territory in which they live, in order to protect its culture (a status which does not necessarily have to be independence.) This right does not apply only to situations of colonial domination or tyranny, but to cultural communities in whatever circumstances.

Now this theoretical argument is faced, when it comes to be put into practice, with two obstacles: the difficulty of delimiting peoples with respect to cultural-national identity, and existing national borders. International law tends to respect existing borders, especially if they are those of democratic states (although it accepts internal accords of secession, as in Czechoslovakia). According to this convention, the entities which are self-determining are existing states. Now those who claim a nation without a state, as in the Basque case, question this, pointing to the historical arbitrariness of borders (which in the Basque case divide the supposed nation into a French and Spanish portion). It is appropriate to clarify that this does not mean questioning democratic rules, but rather the territorial framework in which majority rule functions. For the Basque case, if this framework is the Spanish (or the French) one, it is said, we are condemned to be a cultural minority which at most can aspire to a degree of protection. Only the Basque frameworkæthe Basque "scope of decision"æcan allow us to escape from cultural domination. (Although, clearly, this would mean that those for whom the Basque scope of decision is not a priority would themselves suffer domination.)

Those who defend the Spanish nation do not accept this conclusion, because they believe that the relevant political ethno-identity is the Spanish one. Faced with this, those who defend the relevance of the Basque ethno-identity have important assets in their favour: territoriality, culture and self-awareness. But, given the

completeness of Basque society in these three decisive respects, it also has serious problems. This is precisely where the difficulty arises in finding solutions to this conflict of identity. On the one hand, the normative theory of democracy scarcely provides instruments for designing the legitimate frontiers of political communities; on the other hand, the possible "Basque subject people" has a notorious complexity and plurality. Personally, I believe that there are sufficient reasons to affirm from the outset the fact of a Basque nation, but it must be said immediately that it has a confused structure because of the strong plurality existing at its heart. That is to say, we must recognise *prima facie* its right to self-determination, but we must then study with care how this right can be translated into fact, so as to frame these principles in reality.

What initiatives are needed to resolve the conflict of identity? I have no recipes, of course, but I think that the solution is to be found by articulating and debating three areas of politics: the politics of law, of prudence and of sentiment. In the first place, efforts must be made to clarify the question of the right of the subject to self-determination. Given that there are important reasons to defend the two opposing positions, the question must be approached first with a serious democratic debate and second with a decision in accordance with democratic models. This decision could be made with the consent of the political parties and through constitutional reform if necessary, but the increasing polarisation of the parties around this question does not allow us to foresee a solution by this means. The means of a referendum then arises, but here we encounter another difficulty: depending on whether it is held within the Basque or the Spanish area, it will have a built in bias. There is also the question of whether the Basque territory is taken as a whole (with the complication of being interstatal) or divided in three in accordance with the current political situation (the Basque Autonomous Community, Navarra, and Iparralde [the French Basque Country]). I believe that, in principle, it is possible to escape from this impasse without recognising *a priori* the Basque right to self-determination. Rather, by voting in a referendum in each of the three territories in which the political majority of each is polled, it would be possible to decide whether we consider ourselves subject to the right to self-determination, accepting, of course, the result until revoked by another equally democratic decision, whose timing and means should be agreed beforehand.

Politics is not, after all, only a question of principles. It is also a question of prudence: of setting principles in concrete circumstances. Solutions should be sought which do not promote polarisation, but

which lead to zones of majority accord, in which all views are recognised, although everyone must give ground. For example: recognition by all of the right to self-determination but equal recognition that given the reality of the Basque, Spanish and European situations, this right requires a non-secessionist expression. Or else, passing from the existing situation of autonomous territories, to one in which these coexist with other, national units, such as the Basque one, without this being perceived as inequality. This would be the solution of asymmetric federalism, which would be accompanied by regulating the relations between the Basque Autonomous Community and Navarra, and by a federal European construction on two levels, States and Regions, which would permit these among them the Basque region significant margins of autonomy in the European framework. The motive force behind proposals like these would be the acceptance as genuine, by all, of the Basque culture in all its complexity and plurality, and the richness which a multinational state can contain on all levels.

Why, in every case, do solutions like these tend to strike us as illusory? Not so much because of the difficulties of incorporating them into the European framework, which are of course great, but because of what I described earlier as the "politics of sentiment". On the nationalist side, there exists the sense that the nationalist option is not accepted as a real option, feasible in the democratic arena; that it is only accepted as long as it is merely symbolic and simply entails autonomy within the existing state. Not having satisfactory political recognition, the nationalist side concentrates on seizing this recognition. The non-Basque-nationalists, on the other hand, see the mere possibility of secession as traumatic, as the rupture of a unit and not as the restructuring of an association; and equally, every proposal of Basque difference is seen as an inequality which unjustly benefits nationalism. That is to say, the contrasting feelings of membership, confronting each other, are profoundly affected. And the dominant political, intellectual and media debate tends to exacerbate them.

Perhaps it is here, in sentiment, where we have the most complicated situation. Because in the end the conflict is between emotions. Bearing in mind that the two conflicts—the one about violence and the one about identity—each have their own impact on the world of emotions and of relationships, I think it is appropriate to recall what Lederach wrote about the resolution of violent conflicts.

There is a way of working for peace appropriate for those in exalted positions and for the greatest political leaders, which consists fundamentally of the search for accord in disputed areas (LEDERACH, 1998).

But it is an error to think that these accords resolve the conflict, because the latter does not involve only the disputed areas; it also involves questions connected with psychological and cultural factors which entail the rupturing of relationships in the population. To resolve the conflict is also, above all, to resolve this rupture, for which the involvement of those whom Lederach calls medium-level actors (intellectuals, important journalists, leaders of civic organisations, clerics) and low-level actors (leaders of all sorts of grass-roots groups) is decisive. Because it is they and the institutions to which they belong who live the conflict of relationships and who can generate initiatives to confront it, and to permit encounters which will reduce tension and denial, despite the presence of conflicting positions. In other words, the politics of sentiment, fundamental for the debate and the taking of adequate decisions, affects politicians, of course, but also, decisively, affects the rest of us.

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Plurality and nationalist conflict in the Basque country

José Ramón Recalde

The end of political violence in the Basque country, still not announced but anticipated and, of course, desired throughout Spain, will improve coexistence among citizens, but it will not solve the underlying problems.¹ Moreover, some problems appear today more complicated than before. Although the political situation in the Basque Country (Euskadi) and throughout Spain has improved substantially—the politics of the confrontation of ideas is an advance on the politics of crime—it does not follow that the confrontation of ideas will diminish—on the contrary, it may become still harsher. We have to understand the practice of politics as a complex reality which opens up uncertain and confused futures. Right from the start, the quest for peace is accompanied by a political objective proclaimed by a nationalistic front: a change in the “scope of decision”.²

Nationalism

Nationalisms differ depending on whether they appeal to legal citizenship or to sentimental attachment to a national identity. What at first appears to be a civic nation comes up against the romantic identity of the popular spirit. This bipolarity has existed from the first and continues today. It manifests itself as the contrast between those who seize control of the State by revolution and who, when they exclaim

¹ Paper written in March 1999.

² “Scope of decision” is used here to mean the constituency (group of citizens) by whom a political decision is made.

Vive la nation!, mean simply *Long live the people!*; and on the other hand, those who proclaim an essential nation, an organic body, in which the romantic Germans look for the national soul, the *Volksgeist*.

It is clear from the outset that the practical idea of the civic nation has coexisted, in almost all cases, with the romantic ideology of the essential nation. In the case of Spain, Spanish nationalism has limited benefits; first because of its scant modernising power and, consequently, its failure to build a civic society; and second because of the relative weakness of any compensatory appeal to mythic elements of nationality. As opposed to this nationalising weakness in the Spanish State, Basque nationalism considers modernisation, not as a project that defines it, but as an aggression against which it is to defend itself. Neither does it have an idea of the State —Spanish or Basque— as an area of citizenship, but rather as an enemy to fight on the one hand, or a project to create from its own national mythology on the other.

The idea of a nation appears coloured with great ambiguity, partly because, as we have said, the civic nation and the essential nation have intermingled in such a way as to influence different parts of the population and, even, different parts of the ideology of a given individual. But in addition, if nationalism tries to define itself today as a civic nation, by identifying itself with the democratic State through a political constitution, it practically becomes synonymous with the State; and then it must face new phenomena, such as the incompatibility of an independent Basque country with the Spanish constitution. On the other hand, if nationalism speaks of the essential nation, then, since the distinctive elements of a nation are so diverse, so variable and so subjective, there are no criteria by which to define in each case what a nation is, other than what the nationalists proclaim it to be.

Citizenship and identities

The inadequacies of national projects, and even of their ideological definitions, endanger concepts like those of nation and nationalism, but they cannot hide from us a very conflicting reality, whether it is correctly or incorrectly identified. This conflicting reality manifests itself as problems of co-existence between people with different feelings of identity. For that reason surely it is more useful today to do without the appeal to nationalism and ideas of nation, and to face up to the task of organising a social and political coexistence between citizens who, at the same time, feel themselves to be part of different collective

organisations. Hence the necessity to reconsider problems like that of the Basque conflict from this new perspective.

Let us try, then, to put realities above ideologies. It is certain that, for some, coexistence must be maintained through the affirmation of the democratic State and in the recognition, within it, of the individual rights of citizens. This is a starting point for any modification of limits and scopes within the same State. In synthesis, for two reasons: because the State is the "given" that historical reality has provided us with; but also because the constitutional State is the field of democratic legitimacy which we reached at the moment when, leaving the dictatorship, we laid the foundations of our coexistence, renewing the democratic pact between Spanish citizens, and solving, by means of a federation, the conflict of coexistence between the peoples of Spain.³

As opposed to this position, it is also certain that citizens do not limit themselves to being members of the political body of the State. They are also aware of belonging to different historical and cultural identities. And perhaps, at the present moment, the perception and the feeling of such ties is being strengthened. The problem with respect to feelings of identity is, nevertheless, that we are entering a very vague zone, and this for three reasons.

In the first place, we can define the Basque community, albeit imprecisely, from objective criteria. The topic will be debatable because some will try to define it from tradition or from symbols, and others from the starting point of modernity; but, in any case, the objective fact can be determined by a social observer: a Basque community exists. Nevertheless, the fact of belonging to it, however objective that community may be, is not perceived equally by all its members, because feelings of belonging and the desire to belong vary. We need only look at the other side of the problem to illustrate the difference between the objective element and the subjective one. The other side of the problem is that of the Spanish community. Its objective existence can also be determined by a social observer: a Spanish community exists. And, nevertheless, in its subjective perception there is frequently manifested a strong antagonism between feelings of Basqueness and Spanishness, within the same inhabitant of the Basque Country.

³ After Franco's death and as part of the transition to democracy, the centralised government was replaced by an unevenly decentralised structure of government called the 'state of the autonomies', within which 17 autonomous communities formed regional governments. Created through bilateral negotiations between the state and each individual region, this gave differing levels of autonomy to different regions.

And yet—and this is the second reason for vagueness—belonging to one community is compatible with belonging to another or others. Only from a nationalist point of view—a point of view which I have abandoned in my analysis—can this compatibility be rejected. Are feelings of belonging to the Basque community and the Spanish one compatible? Are feelings of belonging to the Basque community and to a subsection of it, such as the Guipuzcoan one, compatible? It is clear that what is now formulated as membership of concentric communities, one inside the other, can extend, not only to other territorial areas, but to areas of another type, like nonterritorial political or cultural loyalties/identities, an example of which could be the Jewish identity.

Thirdly, the affirmation of a cultural, territorial identity is not the same as the political claim that is derived from it. In the construction of the present Spanish state from the autonomous communities, the fact has been accepted that membership of certain communities corresponded with the attribution of autonomy to them. In fact, at the same time that the autonomous federation was established, this was considered as the manifestation of a clear correspondence between feelings of identity and political aspiration to autonomy. But we are dealing not only with a fact, but with a judgment of political value: the development, or the simple maintenance of a communitarian identity, are not considered guaranteed without ample political autonomy.

The point is not so obvious, because there are strong feelings of identity to which the same autonomy has not been attributed as it has to the independent communities. Let us think, in the Basque case, of independent membership of the provinces or territories into which the country is divided. Let us think, also, of the feelings of municipal identity. But the point is not obvious, even though it makes reference to the construction of the State from the autonomous communities. In effect, political conflict is born from the dispute that arises, once the State of the autonomous communities is constituted, in relation to its maintenance or modification and, in the case of modification, to what we could call a modification that does not alter the constitutional structure or one which threatens its rupture. On the part of those who maintain the nationalistic claim, there is a political motive for this rupture, behind the reproduction of the principle “one nation - one State”. (There are other nationalists who do not participate in this thesis, since the rupture of State sovereignty implies a duplication of the State, and because they consider that the priority is to secure what they call the construction of the nation, in a society like the Basque one with defects of internal structure.) But in any case, the heart of the conflict lies in the relation between identity and self-governance.

The conflict

Today's situation of conflict is born of the dispute about the correspondence between affirmation of identity and self-government. This is the case because in the nationalist field, the constitutional accord has been put at stake.

The nationalist movement supposes, for the time being, a denunciation of the constitutionalist-statutory framework and a claim to sovereignty. It maintains internally a new debate on self-determination, added to the fact that the claim of self-determination cannot solve definitively the question who is entitled to this right. The new debate considers the topic of sovereignty from two perspectives, difficult to reconcile: on the one hand, sovereignty attributes to the Basque people of the Autonomous Community the control of a Basque nation to which, however, other Basques outside the Community also belong, such as the Navarrese and the French Basques. On the other hand, while these latter Basques are excluded from the sovereignty decision, they are nevertheless the hapless objects of a territorial claim.

The "scope of decision" ("Basque scope" is the nationalistic slogan) suggests, on the one hand, something variable and mobile: we decide at each moment what we want; on the other hand it suggests something stable: we have already decided a field of coexistence that we must respect.

A variable and movable field on which we decide at each moment: but who decides? For there is no single scope of variable and mobile decision. The citizens - the Basque citizens, in the present case - have many scopes, not only one, for decision. Thus, a scope of municipal decision exists; similarly a provincial scope or one of historical territory exists; but also, with the same logic, it would be necessary to distinguish the problems which the Basque citizens must decide among themselves, and those others which the Basque citizens must decide, along with, as it seems appropriate, other Spanish citizens; and also those in which the Basque citizens decide, together with other Spaniards and other European citizens. This demonstration is deliberately simplified, because no-one can decide, even within their specific scope, without taking others into account: through solidarity, cooperation and sense of belonging to an international community. But the simplification serves to illustrate the incorrectness of the nationalist conclusion which, when emphasising the Basque scope of decision, denies the legitimacy of wider scopes, at the same time as it tries to include the narrower. In sum: the only sense that the scope of decision can have for a *non*-nationalist is that in which a Basque citizen accepts

that it is not valid that certain problems —Spanish or European problems— are solved only by the will of the Basque citizens, without considering that their decision must be integrated with those of other citizens whom it affects. And, when majorities and minorities are considered, the Basques do not always constitute a bloc.

But it is not reasonable to interpret the scope of decision as something fickle and inconstant —not only variable and movable; because politics is also a commitment to maintain a coexistence which is in jeopardy. For the *non*-nationalists, politics must be constructed while accepting a frame of legitimacy, that is, the Constitution. Today constitutions are more and more legal and less and less programmatic texts, but this is compatible with open interpretations. In this way, the Spanish Constitution cannot be understood without the assembly of constitutional texts of the European Union and without the statutes of autonomy, with which it forms the bloc of constitutionality. And this assembly designs the scope of coexistence, which serves to make specific the different scopes of decision.

Freedom of decision, and field of coexistence in jeopardy, are the two poles which must guide political action, with a criterion that balances these two poles: that of responsibility. One can set out to define, from one's own beliefs or passions, the Basques' ability to decide, independently of what others say; for this, one can put at stake what has with difficulty been obtained through a constitutional process. But is it right to do so without considering the consequences of one's acts? In politics it is fundamental to consider consequentialist ethics: which means that, whoever sets out on an adventure of modification of the situation must know what he is creating. Thus, nationalism, when it forms an anti-constitutional front, is provoking the ultimate consequence of a breach of coexistence among the Basques.

Realistic bases for political accord between nationalists and non-nationalists are, today, difficult, but possible. For the non-nationalists two theses are very difficult to accept: that the field of sovereignty is in the Basque scope of decision, because the position that they take is that this scope is compatible with others, mainly the constitutionalist-statutory scope; that, in addition, the Basque field of sovereignty is so vague, that on the one hand it equals the scope of the independent Community (in which the nationalistic proportion is greater) to make decisions, and on the other hand that it is compatible with the aspiration towards unredeemed territories (in Navarra, in France), whose citizens are excluded from the decision. If we want to advance in the dialogue, it will be necessary, then, for nationalists and non-nationalists to know that they must engage in a dialogue from different ideological positions.

We non-nationalists say, first, that any rupture in the constitutionalist-autonomous system must be the object of a clear proposal and that, once the agreement that will lead us to that system is reached, a narrow majority cannot cause such a breach, especially if a part of the Basque identity, the Navarrese, does not participate. But also we have to recognise that even a slim majority of the non-nationalists (including Navarra) does not authorise us to deny a political debate on the modification of the conditions of our autonomy, its internal articulation and its disordering of the constitutional system. It is necessary to engage in a dialogue, therefore, but without accepting the limits that one sector imposes on the other.

The first subject to debate is to what extent an asymmetric constitutional relation of Basque autonomy with respect to other autonomous communities can be proposed. In some aspects this is evident, such as with reference to the language or to the Economic Concord or the fiscal regime. But we, the non-nationalists, do not impose asymmetry. How we can prevent other communities with increasing feelings of identity—for example, Valencia, Andalusia, the Canary Islands—from attempting a symmetrical claim? In addition, Euskadi is the community with the greatest degree of self-identification, paradoxically compatible with the greatest conflict of integration: harmonious neither in national ideology, nor in territorial structure, nor in reference to its own criteria of self-identification. For that reason any claim of asymmetry causes conflicts within its own borders.

The second subject for debate is that of the deepening of a federal project in its different scopes: in the scope of each of the territories of Euskadi, in the scope of Euskadi, in the strengthening of the representation of the autonomous communities in the Senate, in the articulation of the defence of the interests of the autonomous communities in Europe.

All these claims may be brought to the dialogue, from the most secessionist to the most unitary. It will only be necessary to have the common sense to eliminate from the debate those that are hardly practicable: the most unitary or secessionist. Perhaps also those that, under protection of a romantic resurrection of the organic constitutions, attribute historical rights to ideal beings, distinct from the citizens.

In reality, the political objective that appears to us today, with the same urgency and importance as when the Constitution was promulgated, is that of the stability of the pact. From the objective point of view, this means that the constitutional federation is a

fundamental political value. From the subjective point of view it means that to the citizens of the State, as much in their condition as members of the whole as that of members of the autonomous communities, the Constitution and, therefore, the Constitutional Court, must demand of them, while that Constitution exists, fidelity to the common project.

Northern Ireland: the Belfast Agreement as a model for conflict resolution?

Stephen Ryan

There are many different ways of explaining what the Northern Ireland conflict is (WHYTE, 1990; McGARRY/O'LEARY, 1993). The current trend to conceptualise it as an intercommunal or ethnic conflict (DARBY, 1998) opens up comparisons with other divided societies struggling to bring to a close a period of protracted and violent struggle. If one attempts some general comparative analysis one is struck by certain advantages that Northern Ireland has over other places of conflict in the search for a peaceful society. First, although there are still differences in the standard of living and employment levels of Protestants and Catholics, differences in wealth are relatively small when compared, for example, to blacks and whites in South Africa. Second, although far from being a perfect democracy, there is an established democratic culture in Northern Ireland. Elections there do not need a seal of approval from the UN, the OSCE, or Jimmy Carter, to be considered free and fair. Third, there is no major refugee problem. Fourth, levels of physical destruction are relatively low and the basic infrastructure required to satisfy basic needs is in place. Finally, the communities are quite close in a cultural sense, in that they are both made up of white Christians who speak English as their first language.

Why was the Agreement signed?

One major difficulty confronts the communities in Northern Ireland in their search for peace. In South Africa, for example, most South Africans can accept as legitimate the existing sovereign state as established by the Act of Union of 1910. Northern Ireland, on the other

hand, was created by an act of partition of the island of Ireland which for many years afterwards was regarded as illegitimate by the majority of the island's population. Even today, although most Catholics on the island may no longer regard a complete reunification of the island as a pressing goal, most would still oppose a return to an "internal" settlement in Northern Ireland that omitted an all-Ireland dimension. Though, of course, views of what a satisfactory Irish dimension would mean will vary from individual to individual.

At the heart of the Northern Ireland conflict, then, has been this disagreement over its sovereign status. Interestingly, the Agreement reached on 10 April 1998 between the various parties does not address this central question and leaves the future sovereign status of the province open. This may be why so many informed commentators were sceptical that any agreement could obtain the endorsement of the parties. Indeed, up until the last few hours there was uncertainty whether consent would be given to a document which did not make any firm statement on the "constitutional question". So the question that has to be asked is, why was the Belfast Agreement signed by the majority of Northern Ireland's political parties when it fudged this vital question?

To begin with, we can mention considerable war weariness in both communities. After 25 years of violence, none of the parties seemed capable of obtaining their goals through armed force. Here Zartman's idea of the hurting stalemate is relevant. He argues that conflicts become "ripe for resolution" when a stalemate is reached which hurts all the protagonists (ZARTMANN, 1995). Northern Ireland seems a good example to support such a theory. We should also not overlook the fact that many believed that peace could bring with it economic development, which was in everyone's interest. Each of the two communities could also claim that they obtained some important concessions from the other side.

Unionist support for the Agreement is strongest in the largest Protestant party, the Ulster Unionist Party (UUP), and some smaller parties including the Progressive Unionist Party and the Ulster Democratic Party. Their leaders point to a number of positive developments. The hated Anglo-Irish Agreement of 1985 will be replaced and the Maryfield Secretariat outside Belfast, where Irish Government civil servants were located so that they could make an input into the governance of the province along the lines set out in the Anglo-Irish Agreement, would be closed. The Irish Government also agreed to end their irredentist claim on Northern Ireland as set out in Articles 2 and 3 of the Constitution. These articles would now be

rewritten. On the other hand, the Act of Union between Northern Ireland and Great Britain was left untouched and the principle of majority consent in Northern Ireland was recognised. Finally, supporters of the Agreement could point to the IRA cease-fire. From the Unionist perspective, certain positive changes were also made to the original draft of the Agreement: "failures of the past" became "tragedies of the past"; the positive role of the RUC was acknowledged; Ulster Scots were recognised as a minority culture; and the proposed North–South bodies were weakened.

Nationalists could also find reasons to support the Agreement. Northern Ireland's status within the UK was now only conditional on the wishes of the majority in Northern Ireland (something the British had already conceded in the Downing Street Declaration of 1993). The idea that Britain has "no selfish interests" in keeping Northern Ireland as part of the UK made it harder to characterise the conflict as a struggle against a ruthless and stubborn colonial power. The establishment of cross-border bodies goes some way to satisfying demands for an "Irish dimension". The Agreement also introduces stronger protection of human rights. In an opinion poll in the fortnight just before the Agreement was signed, 78 % of Catholics said that this would be an essential part of any peace agreement (IRWIN, 1998). In the same poll 70 % of Catholics (but only 7 % of Protestants) indicated that reform of the Royal Ulster Constabulary (RUC) was an important part of any peace process, and the Agreement set up a Commission to investigate this matter.

Thus the Agreement contained enough to ensure that it received strong support in referendums held both in Northern Ireland and in the Republic of Ireland. In the North over 70 % of people voted in favour; in the South the yes vote was over 90 %. The Agreement also obtained huge majorities in favour in both the UK and Irish parliaments and was endorsed by the US Government and the EU.

Key features of the Agreement

Ever since political talks had restarted in the early 1990s after an initiative by the Northern Ireland Secretary of State Peter Brooke, discussions had focused on "three strands". These were the different sets of relationships that had to be sorted out if any agreement was to stick. Strand one was about inter-communal relations in Northern Ireland and what sort of internal structures could be created to govern the Province. Strand two focused on relations between Northern

Ireland and the Republic of Ireland. Strand three focused on the east-west axis, that is, relations between Ireland and Britain.

The deal reached in April 1998 on strand one is close to the ideas of consociational democracy as set out by LIJPHART (1977). He argued that a peaceful plural society could only be obtained if certain key principles were applied to a political system. These were the grand coalition, proportionality, the veto, and decentralisation of power. Lijphart has argued that consociational democracy, which utilises these ideas, is the "only logical solution short of partition" (1977, p. 137). Though he did recognise that the environment in Northern Ireland was very unfavourable in the mid-1970s, he concluded that there could yet be a "grudging acceptance of a consociational solution" (LIJPHART, 1977, p. 141).

The principle of the grand coalition can be seen in the new Northern Ireland executive, which has not yet been established because of disagreements over decommissioning. It will be made up of representatives from both communities and all the main political parties, appointed on the basis of the d'Hondt system. Furthermore, Northern Ireland now has a Protestant First Minister, the UUP leader David Trimble, and a Catholic Deputy First Minister, Seamus Mallon of the Social Democratic and Labour Party.

The principle of proportionality in the Belfast Agreement is found in the newly established Assembly for Northern Ireland. It is made up of 108 representatives, but unlike voting in the UK, these representatives are elected by a proportional representation system (six from each constituency by a single transferable vote method). The safeguards provided by the veto appear in the voting procedures written into the Agreement. All members of the Assembly have to classify themselves as Protestant, Catholic, or neither of the two. This is because some legislation and the election of the First Minister, Deputy First Minister and the Chair of the Assembly will only take place by either parallel consent from the representatives of both communities or weighted voting. This safeguard mechanism can be triggered by a petition of concern by a significant minority of Assembly members.

The Assembly will not have the decisive say over every aspect of political life in Northern Ireland. The British Government has retained control over taxation, security and policing. We should also note that some new statutory bodies are to be created. A Human Rights Commission has already been nominated and the European Convention on Human Rights will be incorporated into Northern Ireland law. One consequence of this is that the courts can overrule Assembly decisions if they are incompatible with the Convention. A

joint Northern Ireland/Republic of Ireland Human Rights Committee will also be established and the Irish Government is pledged to ratify the Council of Europe's Framework Convention on National Minorities.

A new Equality Commission will replace the Fair Employment Commission, Commission for Racial Equality (Northern Ireland), Equal Opportunities Commission (Northern Ireland), and the Disability Council. Some unease has been expressed about the relative weight that this new Commission will give to the disparate areas to come under its control, and there is a fear that a focus on inter-communal (i.e. religious) issues will ease out a proper concern for the status of women and the disabled. Finally, as already indicated, a Commission on Policing for Northern Ireland was established under Chris Patten, the last British governor of Hong Kong. It made its recommendations in September 1999, and proposed that the RUC be replaced with a new force called the Northern Ireland Police Service. This upset many Unionists and further undermined Protestant support for the Agreement.

The main developments in strand two are the creation of a North–South Ministerial Council and six cross border bodies. These must be operational at the time of transfer of powers to the Assembly. These cross-border bodies will be under the authority of the North–South Ministerial Council which requires that all decisions be made by agreement between the two sides. The most innovative development in strand three is a British–Irish council made up of the British and Irish Governments and representatives of the new Assemblies to be created in Northern Ireland, Scotland and Wales. This Council will exchange information and may reach agreements on matters of mutual interest in areas such as transport, health, culture, and education. Participation in these programmes will be on a voluntary basis. A British–Irish Intergovernmental Conference will also be set up to promote bilateral co-operation. This will also allow the Irish Government to put forward proposals on matters where authority has not been devolved to the Assembly (i.e. security, policing and taxation).

Threats to the Agreement

Although there was a clear majority in favour of the Belfast Agreement in both Northern Ireland and the Republic of Ireland, some difficulties remain. The most serious of these is the split in Unionist

attitudes to the Agreement. In the May 1998 referendum on the Agreement, although over 70 % of the population of Northern Ireland voted in favour, Protestants approved it by only a small majority estimated to be about 55 %. This was despite a sustained effort by the British Government to create a mood in favour. Recent opinion polls suggest that Protestant support may now be under 50 % and the majority of Protestant members of the UK Parliament are opposed to the Agreement. Many Unionists regard the Agreement as a sell-out, and there has been vociferous opposition from the second largest Unionist party, the Democratic Unionist Party (DUP) led by the Rev. Ian Paisley. The smaller UK Unionist Party is also against the deal. These parties especially object to the involvement of Sinn Féin in the government of Northern Ireland and the involvement of the Republic of Ireland in the affairs of the North. One member of the Rev. Ian Paisley's Free Presbyterian Church has claimed that the Agreement "bears all the hallmarks of devilish craft ... It has forsaken the basic principles and tenets of God's Holy Word ... The Agreement is not only non-Christian but thoroughly and clearly anti-Christian" (*Derry Journal*, 12 May 1998). Of course, it would be quite wrong to suggest that the majority of Protestant opponents would agree with these views, but there is no doubt that rejectionist parties are tapping into widespread Protestant worries and insecurities. Up to 70 % of Unionists, for example, seem to oppose the creation of cross-border bodies (IRWIN, 1998). Although these rejectionists will accept positions in the Assembly and the Executive, one can expect them to play something of a wrecking role in an attempt to bring down the Agreement they dislike so much.

Three Republican terrorist groups also opposed the Agreement. Two of these, the Real IRA and the INLA, have now declared cease-fires; the Real IRA after carrying out the Omagh bombing. But armed force republicanism is not dead. The Continuity IRA may still be small, but it could attract defectors from the IRA who are disillusioned with the peace process. Terrorist attacks could also increase Protestant opposition to the Agreement. Some new Loyalist paramilitary groups have also emerged and have undertaken attacks on Catholics. They could also attract defectors from groups who have declared cease-fires.

A number of unresolved issues also threaten the Agreement. The most immediate of these is decommissioning by the paramilitaries, and whether an IRA surrender of weapons should be a precondition for Sinn Féin's participation in the Executive. The majority of Unionists seem to believe that no decommissioning means no Sinn Féin

participation. Sinn Féin argues that this precondition breaks the Belfast Agreement, which does not explicitly link decommissioning to participation in the new Executive. The Agreement only requires the parties to exert influence to achieve decommissioning within two years of its endorsement, i.e. by May 2001. To date decommissioning has delayed the transfer of power to the new Assembly and the creation of an Executive. The parties have, so far, also been resistant to the best efforts of the British and Irish Prime Ministers and the US President to broker a deal. It was anticipated by some that the St Patrick's Day meeting involving the pro-Agreement parties and the US President would produce some compromise on this issue, but it did not materialise.

Another threat comes from contentious parades. The most difficult of these is Drumcree, where local Catholic residents along the Garvaghy Road object to Orange Order marches through their community. The Orange Order believe they have a right to walk along a public highway and are using Catholic arguments about parity of esteem to boost their case. For the past five years, there have been stand-offs at Drumcree that have degenerated into violence, and there is the possibility every year of a recurrence of serious trouble. No easy way out of this problem can be envisaged in the short term, but worthy of consideration is the comment by Norman Porter (PORTER, 1998). He argues that by marching Protestants are affirming their own identity. However, by not marching they would affirm the identity of the other community, and this may be a better long term option if the aim is to build a new "civic unionism" that he thinks is important for a new, less divided Northern Ireland.

A recognised problem with any consociational arrangement is that by taking ethnic divisions as the basis for politics it may actually strengthen them. Therefore the Belfast Agreement could actually increase the intercommunal divide by making communal identification the basis for political structures. This encourages people to take these divisions for granted, and may even reify them. The result could be what the political analyst David Butler has termed "balanced sectarianism" or what in Canada has been termed the "two solitudes". We have already indicated at the start that one interpretation of the Northern Ireland situation is to label it an ethnic conflict. But what about class divisions or gender divisions? It is interesting that some of the more "radical" smaller parties such as the Women's Coalition, who played an important part as bridge-builders during the talks that led to the Agreement, have actually been almost squeezed out of the new Assembly under the present voting system.

Another worry is that as the Assembly obtains power and politicians start to flex their financial muscles, the role of non-governmental agencies and quangos will be reduced. The problem here is that some of these bodies have been quite progressive in attempting to engage various groups in the decision-making process. How will the new Assembly, dominated by conservative males whose political thinking is geared to the "constitutional question", develop policies for social inclusion and social justice?

Yet whatever the problems that exist with the Agreement, it has so far survived the temporary suspension of the Assembly and the executive between February and May 2000, three parade seasons, an unpopular prisoner release programme, the Patten Report and the Omagh bombing. Supporters argue that there is "no serious alternative" and that it is the "only game in town". Secretary of State Mo Mowlam has declared many times that there is "no plan B". Opponents have had some difficulty in developing alternative strategies that do not return Northern Ireland to the pre-cease-fire situation.

However, even if the peace process can stumble through the current difficulties relatively intact, there remains the problem of contradictory optimism. Unionists who support the Agreement have sold it on the basis that it strengthens the union between Northern Ireland and Great Britain. Republicans have been told by their own leaders that this advances the cause of a united Ireland. Both sides cannot be right, and a major question remains: is the political fudge contained in the Belfast Agreement the best basis for transforming society? The recent problems over decommissioning demonstrate that existing mindsets may not allow much room for manoeuvre. My feeling is that transformation work has to get away from what Johan Galtung has termed "tablemania" to focus on deeper changes at the grassroots level (RYAN, 1996). This could take us into even more difficult questions of how to rethink and reframe the nature of the problem and how to renegotiate identities.

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Multiculturalism and cities in Europe: Nürnberg, Germany¹

Wolfgang Bosswick

Introduction

A frequent statement of the former conservative/liberal German government under Helmut Kohl was that Germany is not a country of immigration. This point of view contrasted with historical facts and migration statistics, but had a strong policy impact, especially on integration policies. For example, this position was explicitly stated by the former administrative regulations for the recently amended German naturalisation law: "The Federal Republic of Germany is not a country of immigration; it does not aim intentionally to increase its number of citizens by naturalisation" (Einbürgerungsrichtlinien 2.3, 7 March 1989, translation by the author). The strict *ius sanguinis* concept of the German citizenship law until 1991 —dating back to 1913, and historically put into force to provide citizenship for descendants of Germans permanently resident in the colonies (OBERNDÖRFER, 1989, p. 7)— complemented an ideal of an ethnic homogenous nation state stemming from the German *Romantik* of the early nineteenth century. Apart from a few very small minorities (Friesians, Danish, Sinti and

¹ This paper is based on the first explorative studies for the European research project *EFFNATIS* (Effectiveness of National Integration Strategies towards Second Generation Migrant Youth, 4th framework programme, DG XII), coordinated by the European Forum for Migration Studies, University of Bamberg. Among other research, this project will conduct a comparative field study of the integration of children of international migrants in France, the UK and Germany. In Germany, the field study took place during second half of 1999 in Nürnberg, encompassing samples of second generation migrants originating from Turkey and the Yugoslavian successor states in the age group 16-25.

Roma, and Sorbs), no ethnic groups with a traditional area of settlement were present in either of the post-Second World War German states.

In contrast to the fiction of an ethnically homogenous nation, polyethnicity was always present in the history of the German nation state. Before the First World War, the old Prussian German nation state had large Polish minorities in its North East regions, and high levels of immigration of Polish mining workers had already created multicultural cities in the emerging metropolitan area of the Ruhrgebiet in the West in the nineteenth century. The number of foreign workers in Germany peaked at 8.5 million during the Nazi regime in 1944 (PROUDFOOT, 1957, p. 81), a figure not superseded until today. After the supply of ethnic German workers from Central Europe and the former GDR dried up during the Cold War, West Germany started its guest worker programme in 1955 to meet its labour force demand. Although these guest workers were supposed not to stay permanently, some of them, especially of Turkish or Yugoslavian origin, developed stable communities resulting in multicultural structures in most metropolitan areas of West Germany. These communities continued to grow by immigration of relatives and spouses after the 1973 halt on the guest worker programme.

In recent years, public discourse on migration in Germany has turned towards the question of integration of migrants; it seems that a general public awareness has grown up that these “resident foreigners” —the usual term— are likely to stay, and that a policy for integration into the host society has to be developed. For analytical purposes, we differentiate four dimensions of integration: *structural integration* (labour market, housing, welfare, education, citizenship), *cultural integration* (skills, knowledge, acculturation), *social integration* (membership, acceptance by host society, social intercourse, marriage), and *identificational integration* (HECKMANN/TOMEI, 1998, p. 4). On the first dimension, *structural integration*, Germany shows a quite unique pattern compared to the situation of most other European countries: in the field of welfare and social security, resident migrants usually enjoy the same rights as German citizens. They are fully integrated into the social security system, and are entitled to all benefits in case of unemployment or health problems. Resident foreigners in Germany are fully entitled to regular welfare benefits like German citizens (§ 120 *Bundessozialhilfegesetz*), if they are not asylum seekers, rejected asylum seekers, temporary war refugees or tolerated foreigners who are entitled to reduced benefits only according the *Asylbewerberleistungsgesetz* (mostly benefits in kind on a minimum level), or who

have migrated for the purpose of claiming welfare benefits (i.e. unemployed EU citizens). Unemployment benefits are granted to foreigners according to the same regulations valid for German citizens (minimum employment time of 12 months within the last three years). This full integration into the social security system dates back to a fundamental decision made in 1955, when the government, the employers' associations and the unions agreed upon this policy for the newly started guest worker programme (MEHRLÄNDER, 1980, p. 77ff). Contrasting with the full integration into the social security system, the lack of legal integration by naturalisation due to a *ius sanguinis* concept resulted in increasingly problematic developments. Notwithstanding long term residence (in 1996, more than 48 % of foreigners had been resident for more than 10 years), the restrictive naturalisation law placed Germany after Ireland at the bottom of the list of naturalisation rates in Europe during the decade between 1984 and 1994 (50 per 1,000 foreigners). In fact, the numbers of naturalisations during the first half of the nineties were exceeded by the number of foreign children born in Germany by more than 80 %, thus resulting in a foreign population which would grow even at zero net immigration levels.

On the local level, especially in the large cities, this resulted in a significant population of long-term residents without full citizenship rights. They formed visible minorities, and changed the character of large parts of many cities into multicultural communities. This development, and the attempts of many communities to deal with this change, can be well demonstrated in the case of Nürnberg, the second largest city of Bavaria (half a million inhabitants, about one million in the full metropolitan area formed together with three neighbouring cities). Nürnberg is situated about 170 kilometres north of Munich in the Franconian region of Northern Bavaria.

The case of Nürnberg

In 1998, about 17.5 % of Nürnberg residents were foreign nationals, representing 156 nations. Most prominent countries of origin are Turkey (28.8 %), former Yugoslavia (21.3 %), Greece (12.5 %), Italy (8.8 %) and Iraq (3.2 %). As with other large cities in Germany, the percentage of foreigners is about twice as much as the regional (9.6 % in Bavaria, see fig. 1a) and national average (8.9 % in Germany). Out of the 20 cities in Germany with a population of more than 300,000 inhabitants, Nürnberg ranks sixth in the list of percentage of foreigners.

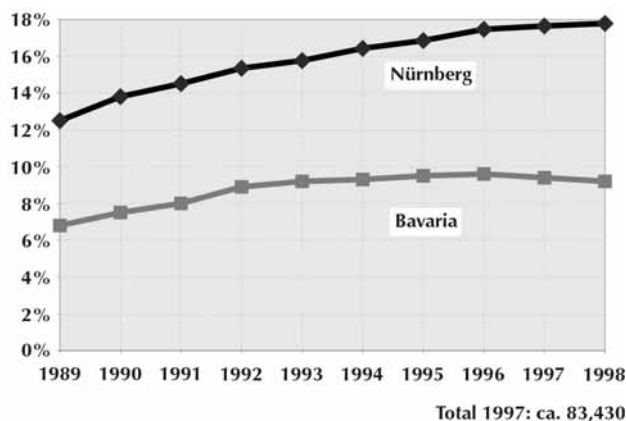


Figure 1a. Percentage of Foreigners in Nürnberg and Bavaria 1989-1998

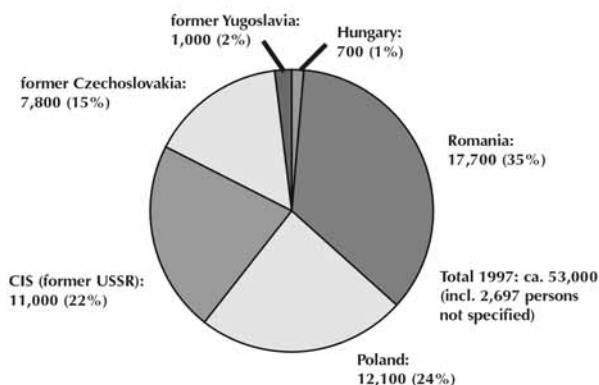


Figure 1b. Foreign Born Ethnic German Migrants in Nürnberg 1997

A large proportion of these foreign nationals have been in Nürnberg for a long time: 30 % more than 15 years, and an additional 16 % more than 8 years. They form quite a stable community with low levels of mobility to other German cities or outside Germany.

One has to take into account that the real number of Nürnberg residents with a migratory background is much higher: in addition to ca. 83,500 foreign nationals, about 70,000 foreign born ethnic Germans were resident in 1998 (see fig. 1b). Migrants in the latter

group, who usually obtained German citizenship before immigration and were thus not included in the figures for foreigners, arrived mainly from the CIS countries during the 1990s after the fall of the iron curtain. Contrary to earlier immigration of ethnic Germans from Romania or Poland who integrated quite seamlessly, these immigrants of the 90s often show severe integration problems and have created a new sector in the multicultural patchwork of the city.

The resulting figure of approximately 153,000 residents with a first or second generation migratory background amounts to 31 % (!) of the total Nürnberg population of 1998 and gives a much better impression of the impact on the city's structure than the mere statistics for foreigners do.

For several reasons, Nürnberg is a good example of migration, multiculturalism and related policy at the communal level, although the city is not a real centre of ethnic communities such as Köln, Hamburg or Berlin, and although it is not representative. As a traditional workers' city with a large industrial sector, it shows both a large labour migrant population and structural problems such as the highest unemployment rates within Bavaria. Furthermore, the Federal Office for the Recognition of Foreign Refugees is located in Nürnberg, and until 1992, most asylum seekers had to pass through the local reception centre for their hearings, quite a few of them staying after their recognition. For migrating ethnic Germans, an important reception centre and housing area is also situated in Nürnberg. Stemming from the city council's active socio-cultural policy during the 70s and 80s, several institutions of the city (schools, youth and cultural centres) became actively involved in integration measures for migrants during the 90s. The choice between an integration or a segregation pathway seems still open in Nürnberg, so the city could be taken as a kind of laboratory for these processes.

The current situation in Nürnberg will be described along three axes of *structural integration* for which, according to the German federal system, the local community is in charge: the spatial distribution of migrants (housing); apprenticeship within the dual system, especially fall-back options for teenagers who failed to find an apprenticeship occupation; and education at the kindergarten, primary and secondary school level. The school system in general is under the authority of the federal state, but in major cities, schools controlled directly by the Ministry of Education of the *Land*, as well as schools directed by the school administration of the city, do exist.

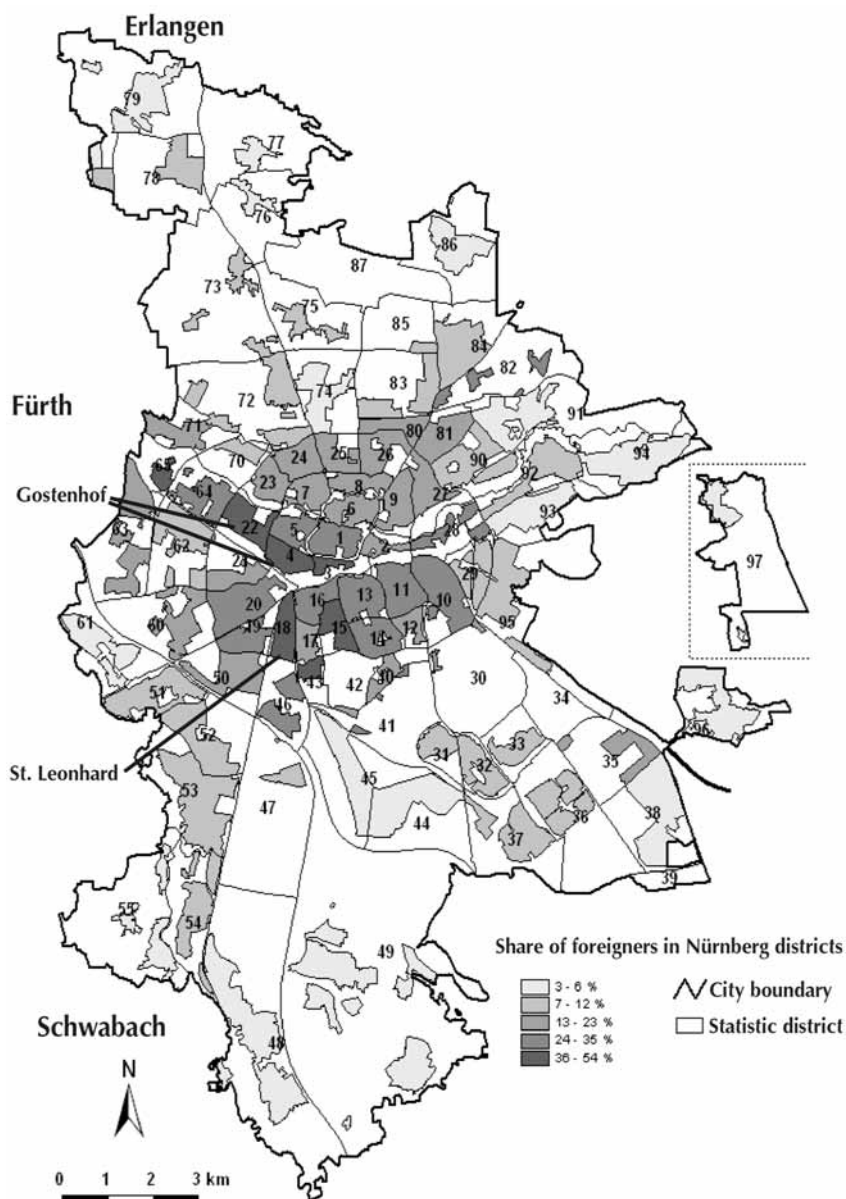
This description is based on initial findings from interviews conducted by my colleague Harald Lederer for the European research

project *EFFNATIS* (see *EFFNATIS*, 2000), and from document analysis. The theoretical starting point for this research was a concept of integration defined as a lack of exclusion, compared to indigenous people, and differing both from the concept of assimilation and from the Canadian understanding of multiculturalism. The dimensions of integration were conceptualised for analytical purposes. The remaining three dimensions of our concept of integration, *cultural*, *social* and *identificational*, were researched during field work for the *EFFNATIS* project during the second half of 1999.

The spatial distribution of foreigners in Nürnberg

German communities usually have two ways of influencing the spatial distribution of minorities on the local housing market. One possibility—although difficult to apply due to the pressing demand for welfare housing—is to assign welfare sponsored housing to persons entitled to it systematically in a way which prevents segregation. Another possibility is reconstruction and modernisation programmes for specifically disadvantaged areas. Both methods were used in Nürnberg to counteract segregation tendencies which resulted from pure housing market dynamics. Firstly, as in many German cities, the Nürnberg city authority responsible for assigning welfare housing has for decades followed a strategy of mixing the occupants of blocks under their authority, to avoid the concentration of migrant populations as much as possible. Secondly, under two pilot restructuring programmes, parts of the city with old buildings, usually occupied predominantly by foreign migrants, were modernised. These programmes (for Gostenhof, also called “Gostambul” by the natives, and for the St. Leonhard quarter, see Fig. 2) aimed at a “soft” modernisation to increase the attraction of the quarter for the middle class without displacing resident occupants. This was carried out by the involvement of the quarters’ inhabitants in the planning process, by the creation of small parks and the opening of the backyards, and by the setting up of several small cultural centres with socio-pedagogic services. In addition, the modernisation of the apartments was funded by programmes of public support for the tenants in order to keep the rents at a low level.

These measures were intended to ensure the spatial distribution of the foreign population in Nürnberg, and to avoid the formation of ghetto-like blocks. As in all German cities, due to availability and low rents, foreign migrants tended to settle in districts with old buildings, which were usually in a quite poor state; at the end of the 70s, these quarters had a high percentage of foreign population (i.e. Gostenhof ca. 47 %,



Fuente: City of Nürnberg, Statistical Office

Figure 2. Foreign population in Nürnberg 1998

St. Leonhard ca. 43 %), while working class and middle class Germans moved to other parts of the city or to the suburbs. Elderly people, new flat-sharing communities (students and 'alternative' young people), and working class people formed the remaining population of German nationality. Other quarters with better housing conditions in the traditional industrial workers' southern part of the city (see fig. 2) also received a share of ca. 25-35 % foreign population, but did not change their character substantially, while middle and upper middle class housing areas in the east and north of the city offered little opportunity for migrants to rent an apartment.

Looking at developments between 1990 and 1996, the increase in the foreign population of Nürnberg was better distributed over the city (fig. 3a) than the total population of foreigners. Only a small part of the increase is due to demographic growth of the resident foreign population (fig. 3b), which takes place in line with the concentration of foreigners in the various districts. Most of the increase is due to incoming migration, both from other German cities and from foreign countries via family reunion, and to temporary protection schemes for refugees (fig. 3c). For further interpretation of these figures, the mobility of foreigners within the city is of special significance. Foreign residents who move within the city, clearly tend to move out of the quarters with a high level of foreign population and into middle class districts. This might be an indicator both for upward mobility and for growing integration of resident foreigners in the city (fig. 3d).

Another aspect of segregation, the concentration of communities of the same origin, seems also to be of little relevance in Nürnberg; apart from minor concentrations of Turkish migrants in some quarters, the main countries of origin are more or less equally distributed (fig. 4). The city policy of spatial distribution, and especially the modernisation programmes for the critical quarters Gostenhof and St. Leonhard, implemented during the second half of the 80s and early 90s, seem to have successfully counteracted any serious segregation. The declining net immigration into the city at the end of the 90s is likely to have contributed to these trends; in 1998, the net immigration of foreign citizens was insignificant (20 compared to a stock of 83,449), although this low net level is mainly caused by the remigration of civil war refugees from Bosnia-Herzegovina (-1,710) balancing the arrival of migrants mainly from Russia (440), Ukraine (586) and Iraq (440). This development follows the general trend at the national level; from 1997 to 1999, the net migration of foreigners in Germany was negative for the first time since 1985 (LEDERER, 1999, p. 7).



Figure 3a. Foreigners' Population Change, 1989-1996

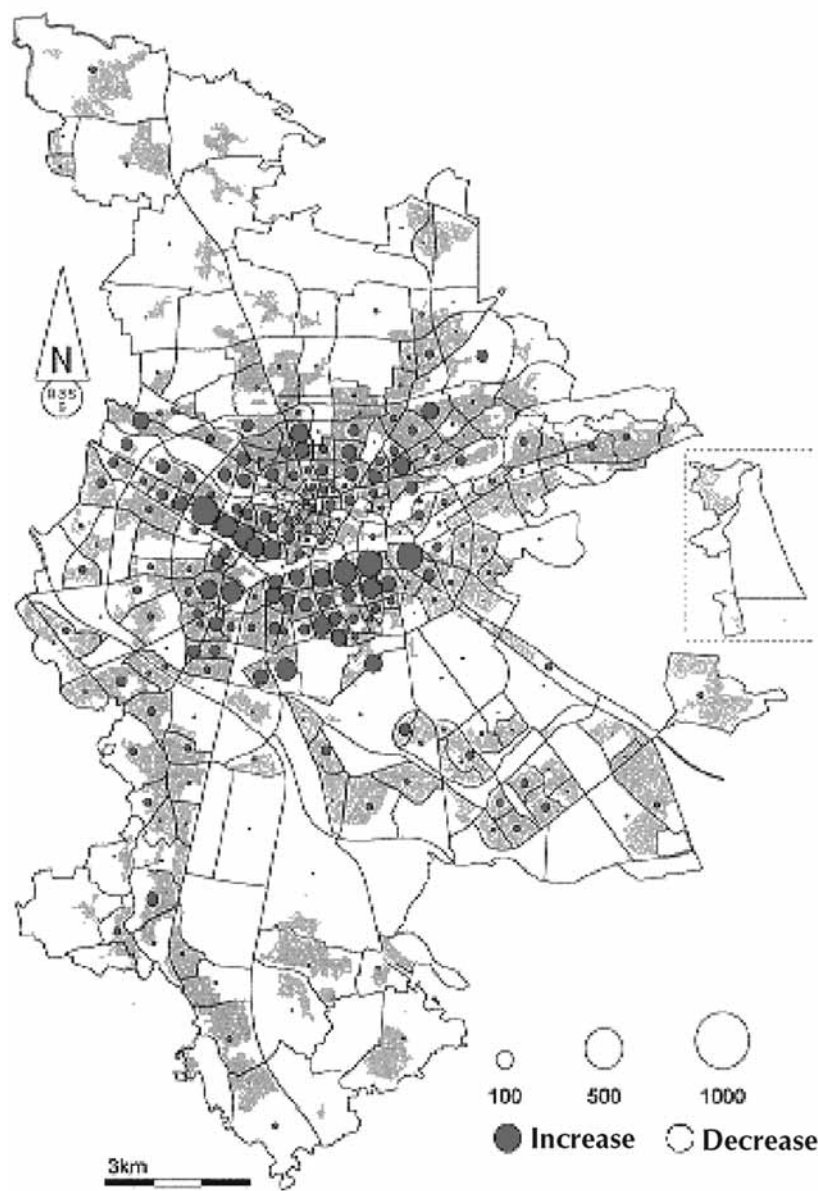


Figure 3b. Births-Deaths (Foreign Nationality), 1990-1996

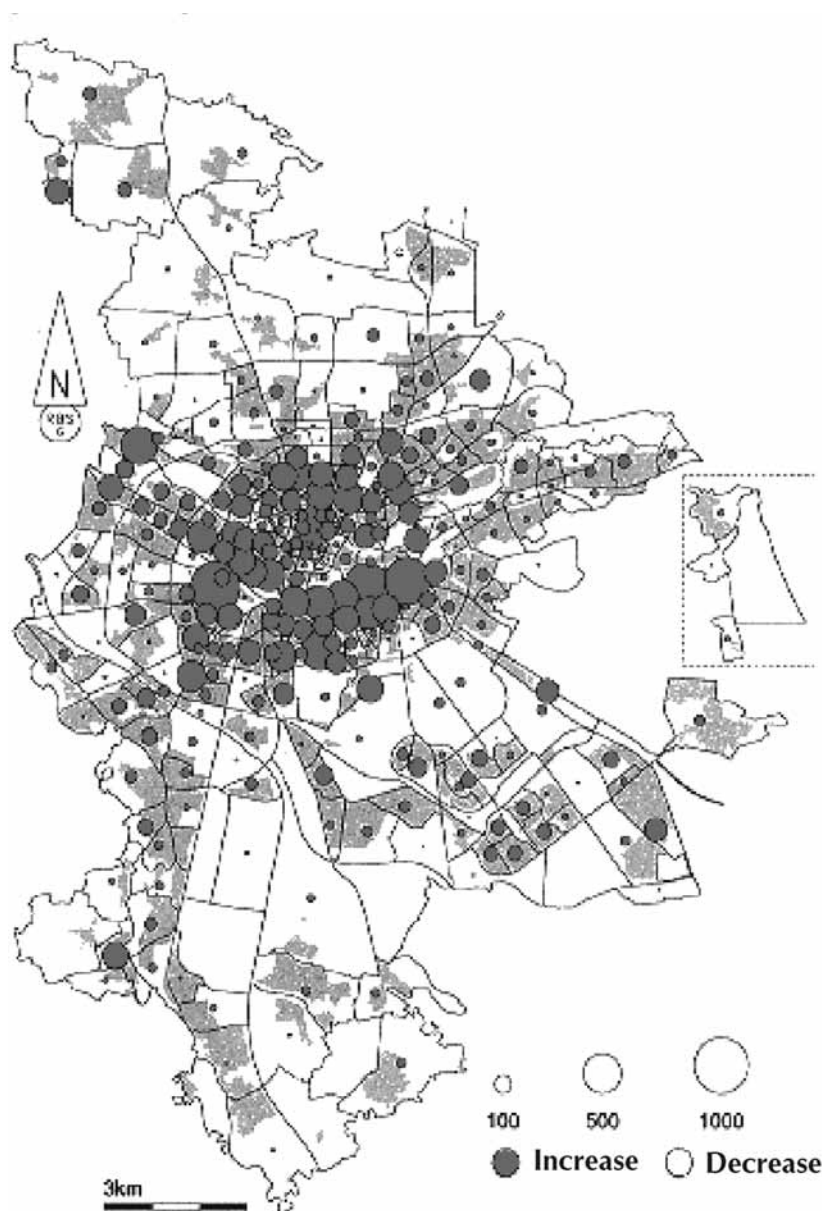
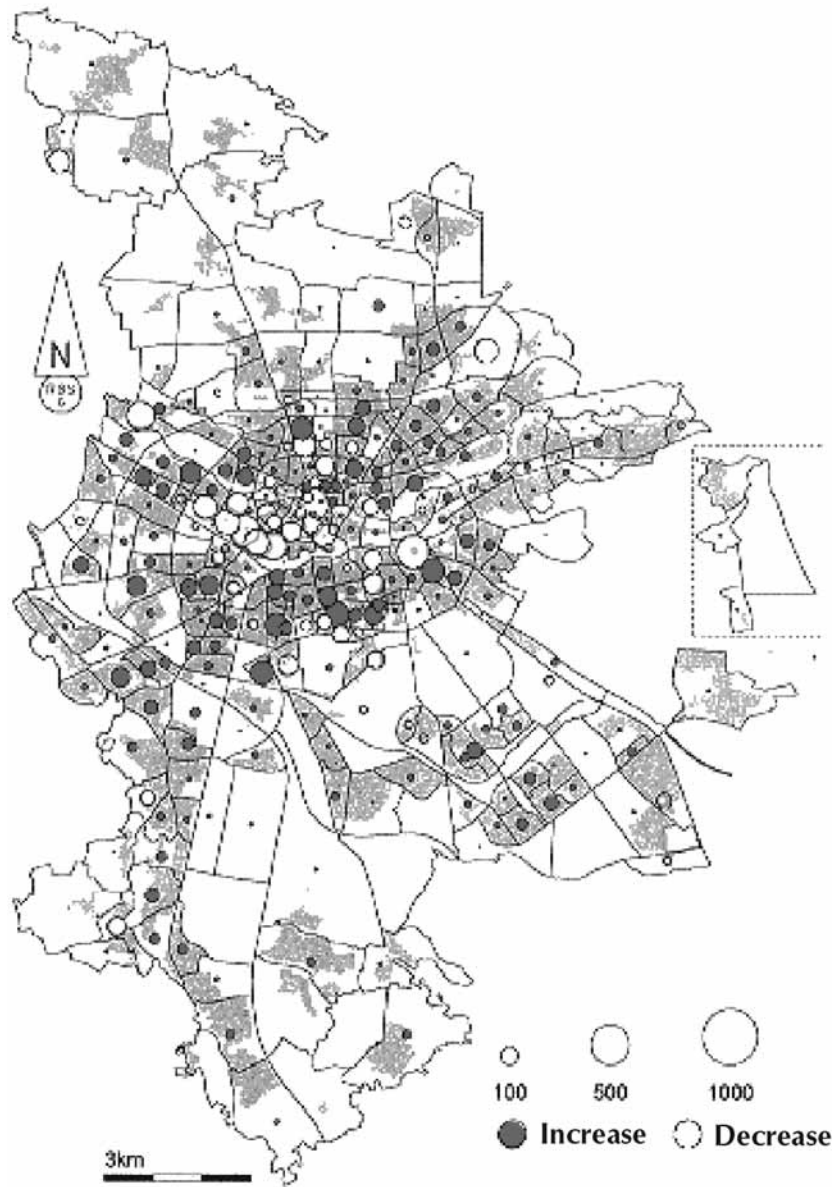
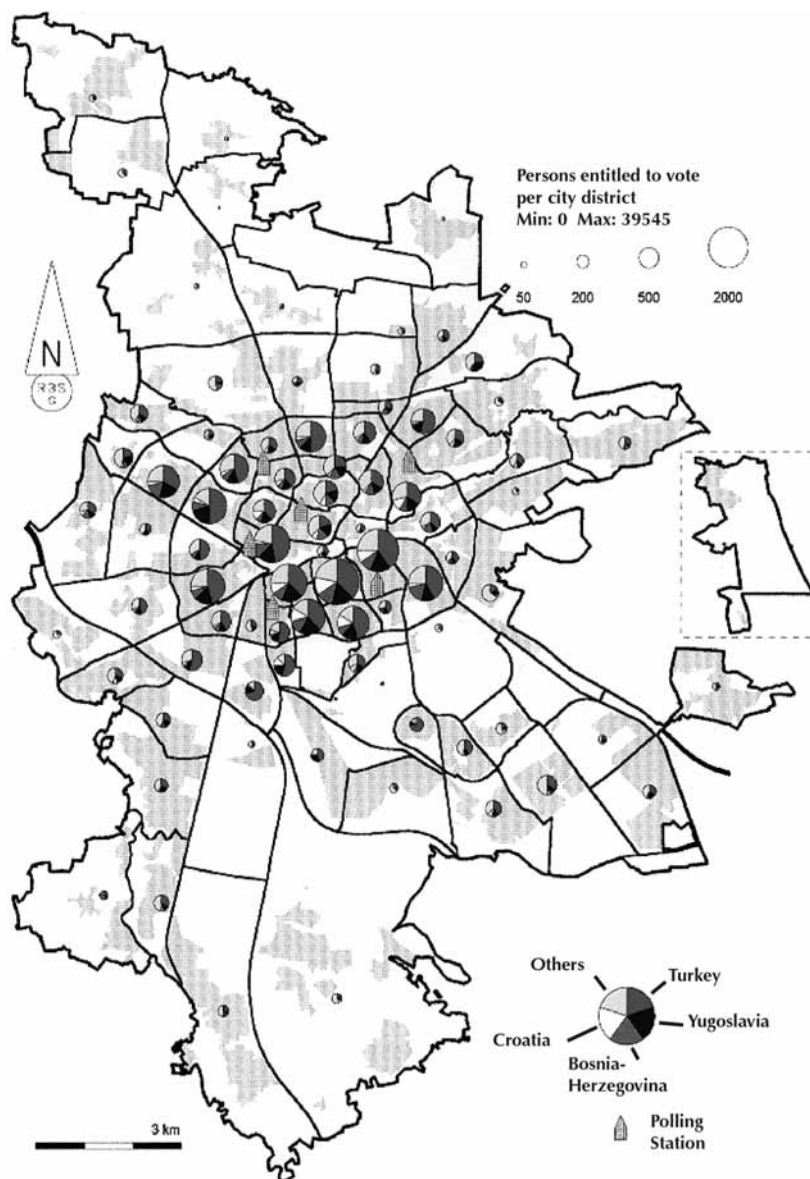


Figure 3c. Migration of Foreigners into Nürnberg 1990-1996



Fuente: City of Nürnberg, Statistical Office

Figure 3d. Migration of Foreigners within Nürnberg 1990-1996



Fuente: City of Nürnberg, Statistical Office

Figure 4. Persons Entitled to vote for Foreigners' Representation
(Election of February 23, 1997)

Employment of children of foreign migrants in Nürnberg

The second aspect of *structural integration*, the transition of young foreigners from the school system into the labour market, clearly shows more problems than the issue of spatial distribution within the city. Within the German dual system of apprenticeship, parallel to a professional training at a public vocational school (*berufliche Schule*), young foreigners seem to have much more difficulty in finding apprenticeship employment than German young people. In 1996, while an average of 37.1 % of all young people of the age group 15-25 years were employed in an apprenticeship occupation, the average for foreign nationals of the same age group was only 18.5 % in Nürnberg (figures calculated from SNASS, 2000 and IHK, 1998). Compared to German apprentices, foreign apprentices tend to join the technical sector (e.g. glass/ceramics/jewellery, metal industry, construction and textiles) rather than the business sector (e.g. trade/shops and transport).

Even if one takes into account that approximately one third of foreigners aged 15-25 in 1997 belonged to an asylum seeker or war refugee family with no prospect of longer residence, the participation of foreign young people in Nürnberg in the dual apprenticeship system is worryingly low. Several measures have been implemented by various institutions at the local level to prevent young foreign people from being left without employment and further training after compulsory school attendance. The vocational colleges (*Berufschulen* and *Berufsaufbauschulen*) of the city are offering a one year full time training course for unemployed young people (54 % of participants in 1997 were foreign nationals). Instead of the combination of apprenticeship and two days per week training at a vocational college (regular dual system), those young people who have not found an apprenticeship, can take a three year full time professional training at the vocational colleges (*Berufsfachschulen*) without parallel apprenticeship (18 % of participants in 1997 were foreign nationals). These public alternatives are supplemented by various institutions: preparatory courses for the unemployed under the age of eighteen are organised by private organisations financed from public funds. Stemming from a Turkish migrants' initiative, *Türkdanis*, a socio-cultural advice centre for migrants, offers counselling to parents and young people. The Nürnberg Chamber of Commerce (Industrie- und Handelskammer or IHK) is actively mediating between migrant families and employers regarding finding apprenticeships as well as in the case of conflicts or problems. This activity is part of a joint initiative called *Aktionskreis berufliche Qualifizierung jugendlicher Ausländer* (Action for vocational qualification of young

foreigners or *ADA*) of the regional Chamber of Commerce, the labour office, the cities of the metropolitan area and consulates of the main countries of origin.

This patchwork of measures for supporting a successful transition from the school system into the labour market is not explicitly directed towards migrants and foreigners (with the exception of *Türkdanis* and *ADA*), but towards “disadvantaged young people” in general, although, as a matter of fact, these supplementary measures support migrant young people to a large extent. The activities are organised on a local level, partly supported by public funds from the *Bundesland* or the federal labour office. Although there are no centrally coordinated measures, and the specific implementation varies from city to city, these integration measures at least succeeded in “leaving none of the young people out on the street”, as a Nürnberg vocational school system official pointed out during an interview.

Migrants in the Nürnberg educational system

The percentage of foreign children in kindergartens and schools in Nürnberg varies considerably, both according to the percentage of foreigners in the district as well as the character of the institution. In general, the city council kindergartens and schools show a significantly higher percentage of foreign children than the institutions managed by the *Land* or the Christian churches.

Within the kindergartens of the city, the proportion of foreign children varied in 1995 between 76.5 % (Bärenschanze, near Gostenhof) and 0 % (rural periphery in the north of the city) with an average of 26.9 %. This exceeds the proportion of foreigners in the relevant age group up till the age of 6 years (25,1 %) (figures calculated from SNASS, 2000 and SKSN, 1999); this could be put down to the concentration of foreign children in kindergartens managed by the city compared to church kindergartens (no figures for foreigners available). Interestingly, the percentage of foreign children in Gostenhof kindergartens (52 % and 58 %) has been lower than in four other kindergartens from other districts. This might result from the modernisation of Gostenhof, which has also increased the attractiveness of this quarter for young German families with children.

At the primary and secondary stage of basic level school, the proportion of foreign children also varies widely depending on the district; the primary school in Gostenhof showed the highest

percentage (70 %), while schools at the periphery and two church schools host between 3 and 0.7 % of foreign nationals. The average was 29.5 % in 1995 rising to 31 % in 1998, but these figures do not include children of ethnic German migrants, some of whom show poor performance in German.

The Bavarian peculiarity of bilingual classes for migrants, aimed to prepare migrant children for an expected return to the country of origin, plays a minor role in Nürnberg. The number of bilingual classes offered is decreasing since the disadvantages (better qualifications achieved in regular classes) and changing expectations on the possibility of return resulted in decreasing enrolment in these classes. In 1995, only 2.4 % of all foreign children attended these bilingual classes. Instead of the bilingual classes scheme which had been oriented along the rotation concept from the beginning of the guest worker migration, the city had implemented the so-called "Nürnberger model" for children of migrants with serious deficits in German. It introduced mixed classes with foreign and German children within the regular scheme; the children of migrants were taught in the mother tongue during the morning lessons, learning reading and writing in their native language and in German as second language. This model proved to produce good results, but the Bavarian ministry of education refused to implement this pilot programme in the regular school scheme from 1995 onwards. Instead, a more restrictive pilot programme was set up. Formerly, the size of the classes had been limited to 27 pupils, and frequent arrangements were made for co-operation between German and foreign teachers. In the new scheme in 1996, 7.4 % of the foreign pupils attended the 43 classes with Turkish morning lessons and 3 classes with Italian morning lessons, while 3.3 % of all German pupils attended these classes; the average of foreign pupils in these classes was 48 % with up to 32 children per class. In addition to this scheme, the schools of Nürnberg offer supplementary afternoon lessons in 14 languages, which are organised by associations or private initiatives, held by qualified mother-tongue teachers with a good command of German, and supervised by the school authority. In 1996, 25.6 % of all foreign pupils from regular classes attended these supplementary lessons.

Another scheme at the primary and secondary school levels (*Grundschule, Hauptschule*) is the formation of so-called transition classes (*Übergangsklassen*) for children of migrants who immigrated during their period of compulsory school attendance. These transition classes teach mainly German language in order to allow participation in regular classes within two years at the latest. In 1996, 11.4 % of all

foreign pupils in primary and secondary schools attended these classes, coming from 54 countries. Although the teaching situation in these classes is quite difficult (mixed ability, up to 20 pupils per class), most of the pupils managed to achieve a regular secondary school leaving certificate. By 1997, two special classes for recent immigrants at the vocational college for the one-year training course with intensive language training had been set up, but could not be continued due to a new regulation of the Bavarian ministry of education requiring sufficient command of German as an entry requirement for these courses.

For young people who failed to finish regular basic school education with a certificate, the schools of the city offer the possibility of continuing for two or at most three years at the secondary level, or taking the examination as an external candidate in order to qualify with a leaving certificate.

A specific situation results from the right of Greek nationals to set up national schools parallel to the German school system, which was gained by the Greek minority at the beginning of the 1980s in order to counteract assimilationist tendencies. Out of 1,153 Greek children attending primary and secondary school, 1,022 attended the private Greek school. The proportion of Greek nationals in German schools is rising due to negative experiences which have been increasingly discussed within the Greek community. Although most former Greek school attenders passed entry examinations at a technical college or university in Greece, more than 70 % subsequently dropped out and returned to Germany without graduating. The proportion of Greek young people starting an apprenticeship after leaving the private Greek school in Nürnberg is much lower compared to other migrant groups.

The attendance of foreign young people in secondary and higher education is considerably less than their share of the relevant age group (31.1 %). In 1996, an average of 8.2 % of grammar school students (*Gymnasium*) and 14.9 % of secondary modern school students (*Realschule*) had a foreign nationality. The five grammar schools and five modern secondary schools under the city authority have been preferred by migrants, although curriculum and structure are the same; in 1996, 12.8 % of students in these schools were foreigners, compared to 7.4 % at schools under the direct authority of the Bavarian ministry of education. The spectrum ranges from 26.1 % foreigners at the Sigena Gymnasium to 2.3 % at the Melanchthon grammar school. One grammar school offered pilot classes for Turkish students (three years, Turkish as second language), and two other grammar schools offered special entry level classes for migrants. In

general, the tendency is to involve foreign students in regular classes and offer additional courses to improve proficiency in English and German (eight schools). The proportion of foreigners graduating with the university entrance qualification (*Abitur*, 7.9 %) and the first public secondary school examination (*Mittlere Reife*, 10.2 %) is even lower than the average percentage of foreign students in these schools. Only in schools with a high percentage of foreigners and consequently a better adaptation to the needs of these young people, do foreign students perform much better. At the Dürer grammar school (average 18.4 % foreigners), 29.4 % of the students who passed the *Abitur* in 1996 were of foreign nationality.

In general, the participation of the children of migrants in the grammar schools is rising; the gender proportion among students from migrant families graduating from grammar schools has been the same as among German students. Problems of the children of migrants within the school system are predominately reported from the primary school level and the vocational college level; the psychological service for schools reported that migrant families among their clients often raise general problems of their life situation, compared to the predominance of career planning questions, or school performance problems, among their German clients.

Conclusion

As in most other German cities, the efforts of the Nürnberg community to deal with the multicultural situation which has emerged during the last two decades, have not been explicitly directed towards minorities but have focused on general problem areas. In order to avoid segregation, disadvantaged quarters of the city have been modernised and an infrastructure of small centres for young people and cultural work has been set up, which also attract young German people and offer free social space for multicultural experiences. Within the school system, as with vocational training and transition to the labour market, nearly all measures have been directed towards individuals with no explicit regard to ethnicity; in schools, migrants have predominantly been included in regular classes, providing additional support for pupils with deficits in German and English language performance. In the case of Nürnberg, the transition to a multicultural setting was made without major conflicts or the rise of xenophobic parties. Conflicts originating in the countries of origin (i.e. between Turks and Kurds, or Bosnians, Croats and Serbs) have been of only minimal relevance within the

multicultural setting of the city; instead of "imported" conflicts, a critical phase has been the rise of occasional conflicts between second generation migrants of foreign nationality and young people who recently immigrated with their ethnic German family, living in the same neighbourhood or neighbouring districts.

This description of developments in Nürnberg will be deepened and broadened by the results of the *EFFNATIS* project; the study will also focus on aspects of *cultural integration* (cognitive, cultural and behavioural change), *social integration* (social intercourse, friendships, marriages, voluntary associations etc., social discrimination) and *identificational integration* (self-identification, perceived prejudice and identification assigned by the host society). First findings from the international comparative project seem to indicate that —notwithstanding the differences in the political discourse on migration and structural differences between the countries— the actual problems are quite similar, as are the pragmatic measures adopted at the local level to address these problems (HECKMANN, 1999). Managing the transition to a multicultural setting requires considerable resources and commitment if the risk of serious conflict is to be minimised; as with other potential causes of social conflict, the integration of migrants will not be achieved through negligence.

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Immigrants in the Netherlands, past and present

Antoon Hoogveld

The Netherlands is one of the most densely inhabited countries in the world. A large proportion of the Dutch live in the Randstad Holland, a vast urban area in the western part of the country, between the capital of Amsterdam and the port of Rotterdam. During the last three decades, the Dutch population has experienced a considerable influx of immigrants from all parts of the world and dispersed over the whole country. This phenomenon is only new in its huge proportions, and in many respects is a continuation of a rather old tradition. As explained by DIELEMAN (1993), the Netherlands has been, from its very beginning, a nation with a diversity of cultural traditions and religious beliefs. Dieleman describes how, after the war against Spain, which ended in 1648, the country was divided into a predominantly Protestant north and a mainly Catholic south. To survive this division as one nation, society had to develop a tolerant attitude towards a variety of beliefs and opinions. The Netherlands became a haven for people persecuted for their beliefs elsewhere. Over the years Portuguese and East European Jews, Huguenots, and Germans from Westphalia found refuge in the country and contributed to the cultural diversity of the Netherlands. This cultural diversity later became institutionalised in a three-pronged system of political, educational, broadcasting, trade union and other organisations. In each of these spheres of society, there would typically be a Protestant, a Catholic and a secular organisation. A good example is the school system, in which each local community would have a Protestant, a Catholic and a public elementary school. All types of schools qualify for funding from the public purse on an equal footing. It seems that the immigrants of the last decades should be able to profit from this tradition of tolerance and equal treatment by the government.

As elsewhere, political and economic factors have given the main impetus to waves of immigration to the Netherlands. During the

Second World War, Japan occupied Indonesia. This set off a rapid process of decolonisation, which was completed by the early 1960s. About 250,000 people were repatriated. Since the seventeenth century there had been traffic and interaction between Indonesia and the Netherlands, including the presence of Dutch people in the colony. Many Dutch men cohabited with Indonesian women, and by 1848 mixed marriages were made legal. Not surprisingly, many of the migrants from Indonesia to the Netherlands were of mixed Dutch-Indonesian descent or were Indonesians married to Dutch. They had never been in their "homeland", to which they now came for the first time. Most of these people knew the Dutch culture and language fairly well, however. Neither the government nor researchers paid much attention to them. This group is now considered to be completely integrated in Dutch society. They are not treated as a special group in the statistics, and therefore little is known about their actual position in Dutch society. Only recently were some data collected for this group. By 1990 an estimated 472,000 people born in Indonesia, or with at least one parent born there, were residing in the Netherlands. I shall not try to analyse their position in the housing and labour markets because the data for this are lacking. However, the general impression is that they hardly differ from the Dutch in these respects. Evidently this early group of immigrants profited from the growth of the welfare state and the expanding economy during the 1950s and 1960s in much the same way as the Dutch population in general.

Inhabitants of the Moluccan islands also came to the Netherlands. As former soldiers in the Dutch colonial army they claimed Dutch support in their struggle for independence from Indonesia. When their efforts failed, there was no place for them in the newly formed Indonesian army, nor could they return to their islands. After the war, 4,000 soldiers brought their families to the Netherlands. This group has now grown to 40,000 people, partly with Dutch nationality. The Moluccans have resisted complete integration in Dutch society, instead retaining their own culture and leadership to a larger extent than the colonial "Dutch" discussed above. They have developed into an identifiable immigrant group.

The second wave of immigration resulting from decolonisation took place in the early 1970s, with the transition of Surinam from colonial status into an independent state. In 1975 Surinam became a republic, and in 1980 the Dutch government imposed a visa requirement for Surinamese who wanted to settle in the Netherlands. Even before 1970, upper and middle-class Surinamese had migrated to the Netherlands in small numbers. However, in the 1970s the political

unrest that accompanied decolonisation provoked a massive migration of less-educated population groups, reaching a peak just before Surinam became independent. An estimated quarter of a million people of Surinamese and Caribbean origin are now residents of the Netherlands. Many Surinamese had or now have Dutch nationality, which makes it hard to identify them in statistics. However, more research on their position is available than for the immigrants from Indonesia. Their integration into Dutch society cannot be taken for granted, for many of these immigrants have a low level of education, and they arrived just before the Dutch economy took a downturn.

Dieleman describes how the "economic" migration from Mediterranean countries to the Netherlands followed the more familiar pattern of labour recruitment to Northern European countries from the South in the period of economic boom. In the 1960s, Dutch industries, mainly in the older and labour-intensive sectors like textiles, mining and shipbuilding, started to invite guestworkers to fill the labour shortages in the rapidly expanding economy. Workers from Spain and Italy were the first to come in large numbers. However, labour recruitment started fairly late in the Netherlands, at a date when the main supply of labour had shifted from European countries to the north of the Mediterranean towards Turkey and countries in North Africa. The Dutch government signed agreements for labour recruitment with Turkey and Morocco, and these countries became the dominant sources. Immigration peaked in the mid-1970s. At that time, guestworkers were no longer given a residence permit.

Dieleman explains how the guestworkers, as well as the Dutch government and employers, initially assumed that their stay in Holland was only temporary. They were expected to return to their home countries when the labour shortages were over. However, the well-known stages of labour migration also occurred in the Netherlands. Family reunification in the Netherlands was the next step in the process. It took place mainly between the mid-1970s and early 1980s, mostly among the Turkish and Moroccan populations. However, the process is not over yet; it is more extensive than anticipated and still makes an important contribution to the immigration flows. In 1989, 25 % of the Turkish immigrants and 60 % of the Moroccans were coming to the Netherlands to join their families. Now a third stage in the process is evolving: young adults, both men and women, are bringing over marriage partners from the original home countries (ALBEDA, 1989). In 1989, 40 % of the Turkish and 30 % of the Moroccan arrivals were coming to the Netherlands to join a spouse. This trend is likely to continue. The Turkish and Moroccan populations,

which include many young families, have high birth-rates. Accordingly, these groups are expected to grow by 30 to 40 % over the next five years.

Excluding the miscellaneous group of people of Indonesian descent, Dieleman establishes that Surinamese, Turks and Moroccans were the dominant groups of foreign origin in the Netherlands by the end of the 1980s. He emphasises that the variety of nationalities in the Netherlands is much wider than the categories mentioned before. At least thirty groups of other nationalities, each comprising 1,000 people or more, live in the Netherlands. Nevertheless no new major immigration waves have changed the legacy of the major patterns of mass migration to the Netherlands described above.

Of course, immigration did not stop in the 1980s, and it is increasing again: the migration surplus was 26,000 in 1988 and 46,000 in 1990 (persons aged 15-64). In recent years people seeking political asylum form an increasing proportion of those who want to enter the Netherlands on a permanent basis. Not all of these are refugees in a strict sense, that is, not all have been forced to leave their country because their lives are threatened by political persecution, war, natural disaster, etc. Many are driven by dire poverty from their home countries. They hope to enter the Netherlands by applying for asylum, because this is the only legal way for them to gain residency in the country. The Dutch government takes a very restrictive stance on accepting refugees, however. Therefore, in most cases, these people are not given a residence permit. The way asylum applicants are treated and housed while awaiting a decision on residency and the way they are deported if their request is denied are rapidly becoming issues of political debate and controversy in the Netherlands.

Residents from neighbouring countries and the United States also contribute to the variety of nationalities in the Netherlands. It may be assumed that most of these residents are highly skilled employees of Dutch plants of multinational corporations. However, statistics and research on these groups of foreign residents are lacking. The debates on immigration policy and the position of immigrants in Dutch society do not refer to these people.

In order to understand the position of the immigrant population in the Netherlands as well as its influence on Dutch society, Dieleman analyses their patterns of residential location in the country. More than 40 % of the total immigrant population live in the four largest cities (Amsterdam, Rotterdam, the Hague and Utrecht), while only 11.5 % of the Dutch population reside there. In the cities, they comprise large proportions of the population, whereas elsewhere in the country their

presence is hardly significant. Amsterdam has always been a gateway for Surinamese entering the Netherlands: 20 % of this group live there. The urban concentration of the Mediterranean immigrants was created by employment opportunities. It was later enhanced by access to housing and to the special services the immigrant groups created for themselves (markets, restaurants, places of worship, schools). With respect to housing, their concentration in the cities was advantageous: the extremely large social rented sector there offered unexpected housing opportunities, as we shall see in the next section. With respect to employment, however, the urban concentration of immigrants was devastating. Soon after they arrived to work in the old urban industries, this sector collapsed with the economic crisis of the late 1970s, leaving many immigrants unemployed (DIELEMAN, 1993).

Changing public opinion

In recent years public opinion in the Netherlands about immigrants has unmistakably changed. In public discussion the soft hand and warm understanding has been replaced by the notion of rights and duties. Immigrants are no longer considered as victims and subjects for social workers. With this hardening came a call for measures. Right wing politicians started demanding limitations to the numbers of immigrants. In the beginning they were branded as racists but soon even the left came to realise that something had to be done. The symbolic meaning of these changes became clear: one could say openly what, until shortly before, could only be felt deep down.

With this shifting sentiment the image emerged of immigrants as purely a collection of problematic groups. Young Moroccan and Antillian criminals, Turkish Mafia, Ghanaian jobless cheating social services, illegal workers, black schools, Islamic girls wearing headscarves, asylum seekers in provisional tents, etc., constantly called for attention. Apparently it was not relevant that the large majority of immigrants caused no troubles at all. Almost every week the situation seems to be more sinister and more and more even liberal and reasonable people are saying that the country is full enough.

In spite of everything one can ask if the situation is really alarming. Holland has always had a tradition of immigration. And even the largest groups have always been able to integrate in society. The history of the large immigrant group of Dutch Indonesians makes this clear. School results of Dutch-born children of Surinamese parents are at the same level as their Dutch peers. The first asylum seekers, 10,000

Hungarian refugees in 1956, are completely forgotten as a social problem. They became Dutch or repatriated. Most refugees and labour migrants returned after the political or economic situation in their countries improved. Holland has not been able to control the immigration of Surinamese, and of Turks and Moroccans. But equally France or the US have never been able to get the immigration process under control. Of course measures such as quota and visa policy, border controls, evictions, and residence permits will have some effect. But the objectives of the actual migration policy probably will never be attained. It is to be expected that the sharpening of legal measures, instead of reducing the number of immigrants, will inevitably result in a huge number of illegal residents.

It is established that the Netherlands is a country which attracts many immigrants. There are more residents born outside the country than in the US (9 % vs. 8 %). Every year around 115,000 immigrants are reported on the Dutch border. At best 20 % can be controlled by legal procedures. These are mainly people from outside the EU who arrive for study or work. The remainder are 30,000 repatriates of Dutch nationality, 5,000 people with Dutch passports from Surinam or the Dutch Antilles, 20,000 EU citizens, 20,000 from reunited families, 20,000 who apply for asylum. These groups are not subject to any restrictive policy.

Discussions in recent years suggest that the problems can be managed. But there is basically little one can do. Many immigrants are Dutch subjects with passports. EU residents are legally allowed to reside. Families are entitled to establish or to reunite. The remaining category are the refugees. The government already grants permanent residence to 80 - 90 % of those who are reported as asylum seekers. So every kind of policy has at best only a marginal effect.

Which solutions can be regarded as feasible? Increasingly politicians are favouring an active employment policy among refugees and accept as a matter of fact that ultimately 50 % will stay in the country. Often these people form the *crème de la crème* of their countries of origin and appear as vital and independent people. With the recent scarcity of workers on the Dutch labour market they are permitted temporary employment in agriculture but until 1999 they were not even allowed to wash the dishes in the Dutch refugee centres.

Another solution probably could be a less interfering administration. Countries with a low degree of government interference in society seem to absorb immigrants more easily. It is a tradition of Dutch politics to be fixed upon the detailed regulation of an equal spread of welfare. Innumerable relief regulations and benefits are open for immigrants.

There is a steady increase of benefits which are almost exclusively called upon by immigrants. The all-embracing system of provisions by the Dutch welfare state seems to be to the advantage of immigrants. The proportion of GNP that is redistributed by the government is very large in comparison with other Western European countries. As a consequence, services such as social housing, education and social security are well built up, and access to these provisions is comparatively easy. For example, the social housing sector comprises 42 % of the total stock in the Netherlands and 50 % of the stock in the cities of Amsterdam and Rotterdam. In France, the United Kingdom, and Germany this percentage is only 27, 24 and 16 respectively. As in other West European countries, the Dutch government cut public spending in the 1980s under the pressure of economic recession and a policy of increased reliance on free market forces. However, most of the basic welfare state provisions are still in place. It seems that immigrants should be able to benefit from these services more readily than in some other countries, where austerity measures have been more severe. This may put a serious strain upon the principle of solidarity. "These people are getting everything". Immigration will be irreversible and a lasting phenomenon in Dutch society.

For modern immigrants, the homeland is no longer something to be abandoned and forsaken, released into a mist of memory or nostalgia. As the world has grown smaller, the immigrant experience has inevitably changed. Most immigrants base themselves more fully here, but maintain ties so vital that their homeland is a part of their Dutch-born children's identity. This here-there phenomenon makes a particularly clear stamp on the psyche of the Randstad Holland, the Dutch urban agglomeration with a large and diverse population of immigrants. A striking phenomenon among emigrants is their increasing emotional and factual involvement in political issues in their motherlands. Surinamese controversies and animosities are taken to the Netherlands. Ethnic boundaries still play an important role. Dividing lines in Morocco are copied. Turkish society in the Netherlands is a mirror of the ethnic and political panorama in Turkey: Kurds and Turks, left-wing Turks and Grey Wolves, Alevi and Sunni Muslims, etc. The question arises if this increasing *nationalism at a distance* (a term coined by ANDERSON, 1991), will hamper integration. This will surely be the case if secluded cultural oases emerge, with divergent conceptions of fundamental human rights. One should be optimistic and assume that *nationalism at a distance* will only play a temporary role as a catalyst for frustrations and will be kept alive only by a small minority of the immigrants. If the majority of migrants is to be

absorbed by mainstream society, this will largely depend on the ability of Dutch society to draw the young generations into an educational system which offers possibilities for stable identification with national culture. But it is doubtful if newcomers today will follow former immigrant groups in their practice of putting the national flag out on the Queen's birthday.

Changes in society will follow unpredictable directions. Cultural differences between people of diverse origins and ethnic identification will play a role as hidden dimensions of social life, to become manifest in times of social tension. The Dutch experience shows that culture and territory are no longer connected. That is the reality in the Netherlands, as it probably will be in other parts of the world.

Acknowledgements

I am much indebted to Rinus Penninx, Hans van Amersfoort and in particular Frans Dieleman whose excellent works on Dutch migration I quoted extensively for my paper at the conference in Bilbao.

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Mazara del Vallo: the most Arab city in Italy

Enzo Pace

The case I wish to describe here concerns the city of Mazara del Vallo, a flourishing fishing port situated on the south-west coast of Sicily. It has 52,025 inhabitants and a fishing fleet of approximately 350 boats. But fishing is not its only economic activity; its other source of income is agriculture, specialising in the production of wine and olive oil. Mazara is also home to 2,700 immigrants, chiefly from nearby Tunisia.

The immigrant population is very homogeneous, since they mainly come from two towns on the coast of Tunisia: Mahdia —a former capital of Tunisia in ancient times— and La Chabba —with its long seafaring tradition. The immigrant community in Mazara is much more compact than in the rest of Italy. Official figures give the total presence of immigrants in Italy as 1.8 % of the population, whereas Mazara has 5 %. The largest immigrant communities in Italy are from Morocco and Senegal, whereas Mazara has a Tunisian community so great as to be unique in Italy (SAINT-BLANCAT, 1999). Not even in the Sicilian capital, Palermo, where there has been a large Tunisian community (as well as other immigrants) for some time, does the percentage approach that of Mazara (SLAMA, 1986).

The reasons for this concentration of Tunisian immigrants in the city of Mazara are not hard to find. The first is economic. The town's main activity, fishing, would be impossible without immigrants. Around 50 % of those willing to sail the fishing boats are Tunisians. The local youth no longer follow in their fathers' footsteps. Former fishermen who have done well, started their own businesses and become small-scale ship-owners, have encouraged their children to study, and having studied, the young people opt for other occupations. Thus, the port is the biggest pull factor for Tunisian labour —both regular and irregular. Without the Tunisians, the port would soon fall into decline. They are therefore a vital

economic resource for Mazara del Vallo, but not only as regards fishing. A good part of the hired labour required for the grape and olive harvests consists of Tunisian men and women. Women form 38 % of the immigrant community, and are mainly employed in agriculture.

The second reason for the appeal of Mazara for Tunisian immigrants is historical. Both geographically and culturally, Mazara is the closest city to the Tunisian coast. Throughout history it has been marked by a Muslim-Arab presence. It is worth briefly recalling the historical roots of the long-standing Tunisian presence in Mazara. They go some way to explain how it is that Mazara is undergoing not so much a phenomenon of immigration, pure and simple, as a return to the Arab-Muslim presence in this corner of Italy (ALLIEVI/DASSETTO, 1993).

The historical roots of the Arab-Muslim presence in Mazara

The very name of the city itself bears the mark of its connection to the Arab-Muslim world. Mazara, the name of the river on which the city stands, means castle in Arabic and refers to the fortifications built by the Arabs near the mouth of the river which forms a kind of natural harbour. It was through this port that the Arabs invaded Sicily in 827 AD. From Mazara, the armies of the Aghlabiti dynasty of Qairawan, vassals of the Abbasid Caliph, under the leadership of Asad ibn Furat proceeded in two directions: first toward the east of the island, getting as far as Syracuse, and later north toward Palermo. The Arab domination of Sicily lasted until 1091 AD and the first ninety years coincided with the Golden Age of Islam. Sicily thus gained from the creative Arab-Muslim contribution to science and literature. Certain streets in Mazara still bear the names of famous Arabs, such as *Via Al-Mazari*, named after a great *fakir* (an expert in Koranic law). A special course in Arab-Muslim culture at the local high school is also named in his honour (FIORDALISO, 1998).

According to contemporary chroniclers, Mazara enjoyed remarkable prosperity under Arab rule. In the twelfth century, Al-Sharif Ibn Idris, geographer at the court of King Roger the Norman, noted in his book *Kitab Riggia*: "Mazara is replete with beauties no other city can boast. Its walls are high and strong, its buildings clean and cared for. It has wide streets, good roads, markets full of articles and produce, handsome baths, spacious stores, and well-planted gardens" (FIORDALISO, 1998). The population at that time was 30,000 inhabitants and the city expanded considerably. Traces of the ancient Arab *medina* can still be seen and the area today inhabited by Tunisians

partly coincides with the ancient settlement. It is no accident that this neighbourhood is known as the *kasbah*.

In 1091, Sicily was re-conquered by the Normans under Roger de Hauteville. This action had a twofold significance. On the one hand, it meant expansion for a regional power such as the Normans into the rich territory of Sicily, with the strategic advantage of gaining control of the Mediterranean, an area long under Arab sovereignty, and thus splitting the Islamic Empire (PIRENNE, 1937; 1951). On the other, it signified Christian repossession, a local variation on the great crusades, which placed European Christianity in conflict with the Muslim world for centuries. King Roger, the victorious restorer of the "Cross of Christ", proceeded with systematic zeal to destroy all mosques and also built an imposing cathedral in Mazara on the site of the Great Mosque, not far from the battlefield which saw the final defeat of the Arab armies. In eternal memory of this victory, King Roger had a scene sculpted onto the pediment of the cathedral, whose façade gives onto the port of Mazara and the sea. It depicts King Roger cutting off the head of his bitter foe, the Saracen. Whoever arrives from the sea - and I am thinking of our Tunisian immigrants —still receives this less than friendly welcome. But that's all history, of course.

The city of Mazara is full of churches in the Arab-Norman style, a sign of the blending of cultures that not even the Christian zeal of the Normans could avoid. It came about because Roger and his successors relied on Arab workers to build their churches, and left them free to adapt Moorish tastes to Christian spirituality to produce an original architectural and aesthetic hybrid. This meant in effect that, having emerged as victors, the Normans made every effort to recoup and turn to account Arab-Muslim art and culture. The Muslim heritage was kept alive throughout the Middle Ages, through place-names, local dishes such as pasta with sardines and Sicilian *cassata* ice-cream, the folklore (e.g. the *pupi*, almost life-size marionettes of Moors with shining armour still used in the puppet theatres in many areas of Sicily), and so on.

This explains why the environment does not seem so very far removed for the immigrants who arrive and settle in and around Mazara. The geographical proximity and cultural similarity nourish the immigrants' hopes of a rapid return to their homeland. Many of them who arrived in the 1970s and early 1980s believed they would stay just long enough to amass a tidy sum of money to invest back home. Things have turned out differently, however. Many have settled permanently and hopes of an early return have gradually diminished. The decision to remain was not taken solely on economic grounds. It depended more on the arrival of family members, which increased

steadily toward the end of the 1980s. The re-formation of families in the new country produces well-known social effects. The arrival of the wives and in some cases the children of immigrants reduced the first generation's feeling of having a temporary existence here, and was conducive to permanent settlement. Women's presence has made it easier to make the decision to stay, which men separated from their families found difficult. As the female presence gradually increased and the original family structure reproduced itself in Mazara, important socio-cultural changes took place in the Tunisian community. In the first place, women began to show their willingness to mediate between the social customs of their country of origin and those of the new country. With the birth of children, moreover, it was the women again who backed up the work of cultural mediation. Mothers encourage their children born in Mazara del Vallo to integrate and accept the customs, forms of socialisation and values of local society.

The second generation of Tunisians born in Mazara undergo the classic experience of commuting between two cultures. At home and when they go back to Tunisia on holiday, they see and feel the cultural differences, but they are urged on by the need to learn the language and the lifestyle of the young people of Mazara in the hope of integration and a positive social outcome. They feel they were born in Mazara, but as the children of immigrants. There is a gradual splitting of the two cultures within the second generation immigrants themselves and the mothers play a highly important role in this process, as they do elsewhere in Italy (SCHMIDT DI FRIEDBERG/SAINT-BLANCAT, 1998). Although the reunification of family members has intensified in the last few years, mixed marriages are still few and far between. Only 23 have been registered in the last 27 years, less than one per year. Though few, they represent the first hesitant signs of a slow mutual acceptance between the two communities.

We mentioned before the social consequences of the arrival of family members to explain how this has changed the initial plans of the first immigrants to Mazara. We are in fact looking at a crucial change from temporary migration to permanent settlement. This fact highlights the paradoxical situation in which the second generation find themselves as they are sent to a special school, distinct from the Italian education system.

The paradox of the Tunisian School in Mazara

Alongside the trend for immigrants to settle in the host country, there also exists in Mazara an educational institution which effectively

impairs the social integration of immigrants and their children. The Tunisian School was founded in 1981 at the request of the Tunisian Ministry of Education. It is attended by children born in Mazara of Tunisian parents as well as those who rejoined their parents from Tunisia. At present there are 91 pupils (HANNACHI, 1998) with four Tunisian teachers recruited by that country's government. Together with a similar institution in Palermo, the Tunisian School at Mazara appears to be unique in Europe. The pupils attend a six-year course of study, on the successful completion of which the school issues a certificate enabling students to continue their studies in Tunisia. But not, of course, in the Italian school system. Even if their parents want them to continue their education in Italian schools, they would find it extremely difficult since their instruction has taken place in Tunisian Arabic and the curriculum is that laid down by the Tunisian authorities. So, some of them are sent back to Tunisia to complete their studies. Others stay in Mazara and attend the secondary school (*scuola media*) with disastrous results. They find it extremely difficult to settle into school life, having attended a totally foreign institution, despite their daily contact with people who speak a different language, usually the local dialect (from the children they play with in the street to adults such as the milkman and the baker). In fact, many of the children have a good knowledge of the Tunisian dialect which is spoken in the home as well as the local dialect of Mazara they hear in the street, but little or no knowledge of standard Italian or classical Arabic. A masterpiece of cultural dissociation. One of the Tunisian teachers in the school, who is well integrated in the local community, writes with great courage that:

The Tunisian School is at present up a blind alley. It turns out pupils who are neither fish nor fowl. After six years' schooling, all but a few have little Arabic, less French and no Italian, apart from what they pick up from the television or from playing with local kids. Some of them, on their return to Tunisia, fail the school year or may even be sent down a year. Those who stay on and attempt the Italian secondary school are irremediably behind in Italian, which leads to difficulty in comprehension, assimilation and progress in other subjects, even those they excelled in at the Tunisian School (HANNACHI, 1998; p. 75-76).

The lamentable result is the stigmatisation of the boys and girls of Tunisian origin who make the effort to try to integrate in the Italian school system. They are regarded as different and inferior by the other pupils, which creates a further barrier to their social integration. The Tunisian immigrants of Mazara have for some time been demanding the closure of the school. They want to put an end to the absurd situation whereby all the children enter the same building but once

inside the school, they are separated according to geographical origin; the Tunisians going to their classrooms and the others —the vast majority— to theirs. The school was not set up at the request of the people of Mazara. It was the wish of the Tunisian government, which hoped in this way to help the Tunisian immigrants, who had left the country on a temporary basis to look for work. Things turned out differently, as we have seen. This is the reason why many are calling for the closure of the school. However, although the political motivation for the school's existence has been explained, we should not forget the social context which made this experience possible. Indeed, the Tunisian School, a separate body within the social context, symbolises the general condition of Tunisian immigrants in Mazara and the attitude of the local public bodies toward a community which now accounts for 5 % of the population of that city.

Civic disregard

Social relations between the Tunisian community and the local population have so far been dominated by an attitude which, paraphrasing Goffman (GOFFMAN, 1967), we may call civic disregard, referring to a twofold interactive process. On the one hand, the local population regard the presence of Tunisian workers as indispensable for the local business economy. Thus, they accept their presence and this is seen in the absence of racial conflict or forms of intolerance. The Tunisians have carved out a niche for themselves in the oldest (and most dilapidated) part of the inner city. They have opened up their own bars and restaurants where new immigrants find a piece of their home country, as well as the food and the aromas of home (METHNANI, 1990). Their physical appearance is not so different from that of the local population (apart from the inhabitants of Mazara who trace their origins back to the Normans, especially noticeable in women and girls with blond hair and blue eyes). But we should not be misled by all this; it is a form of tolerance based on a calculated expediency, not an attempt at social integration. On the other hand, the conviction of the first generation of immigrants that they would soon be back home has fostered a spirit of self-segregation, which has in the long run given rise to certain contradictions within the Tunisian community. With the advent of the second generation, these contradictions have begun to emerge.

It is something like the interplay of mirrors. The Tunisians thought: "I'll be back home shortly, anyway". The local population in turn said

to themselves: "they're useful but it's not worth trying to integrate them into our society because they'll be off home shortly". This is the very same illusion in social attitudes which Germany experienced as regards the *Gastarbeiter* (SCHNAPPER, 1998), albeit on a much larger scale and over a much longer period of time. The public institutions have played their part in this. They paid little or no attention to the presence of such a large immigrant community in the city. Even today, there is no immigration office in Mazara city hall for dealing with the considerable paperwork involved in immigration. Neither is there a reception centre or service for immigrants. Furthermore, none of the city leaders has undertaken the task of having the transcription of Arab names into Italian checked by an expert. As a result, approximately 80 % of the names of citizens of Tunisian extraction born in Mazara have been wrongly transcribed.

From civic disregard to the first steps toward integration

Things, however, have been on the move over the past two years in the paradoxical situation described above. The signs are few but significant. A Mazara-Tunisian association has been formed to study the immigrant presence in Mazara, in connection with the situation in other cities in Sicily. The association is putting pressure on the local authority to open an immigration office in the city hall. Over the last two years, the association has organised various street parties to draw people's attention to Tunisian culture, with the aim of showing the local population the similarities and differences with the Arab world. At the same time, a group of local secondary-school teachers have set up a teaching project to rediscover the Arab-Muslim cultural heritage of Mazara and Sicily in general. In 1998, they were able to offer an optional course of Arab-Muslim Language and Civilisation, which was quite well attended. With their teachers' help, the students of Mazara produced a wealth of material on Arab history, poetry, literature and philosophy at the time of the conquest, as well as research into place-names and the Arab-Norman remains in Mazara.

All these things point to a change of perspective. No longer is it the interplay of mirrored attitudes and civic disregard. The move is in another direction, to discover and re-discover ourselves. The work is in progress. We will have to wait and see what the Mazara del Vallo experiment holds in store for us.

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From place to place: consequences of displacement for forced migrants

Brigitte Piquard

Some theoretical considerations

In recent years, the process of globalisation has led to a revived significance of the notion of space, both for the social sciences in general and for the political sciences in particular. World news often emphasises the ambiguity of the notion of territory on which the Western nations have based their definition of a State, its borders and the limits of its sovereignty. The emergence of people without territories and with multiple identities, and also projects of redefinition of borders and resettlement of population, are phenomena to be considered within the same framework.

Political power often has to reinforce its legitimacy by a reification of its own culture and its boundaries, basing itself on an official history which is largely fabricated. This incongruence between collective memory and official history can create tension and stigmatise certain people. It can in fact provoke the exodus of the weakest populations who cannot defend their rights (political, social, economic or cultural), and can even cause the worst forms of genocide. It can also mobilise such people to create social movements. The arbitrary imposition of representations of history and mental representations of space are the result of former power relations in the struggle for delimitation of territories. For those populations either displaced or threatened, the aforementioned space becomes multiple and the feeling of belonging starts to be polysemic.

We can ask why contemporary society places so much importance on space as one of the factors of self-identification. One of the answers can be found in the fact that "space" is no longer a "monolithic" element but represents something mobile, often destructured, always

plural. Space is always linked to the notion of time by the use of the concept of memory. The memory is multiple. Contributions from the past are processed, filed, and programmed according to circumstances. French anthropologists often use the concept of "*lieux de mémoire*" (places of memory) as a constitutive element of the identification process. The articulation between space - perceptions - identities is particularly dialectical.

All this reflection on the notion of space in a multicultural context has been defined through concepts developed by the French school of the anthropology of contemporary society (in French *anthropologie de la contemporanéité* or *anthropologie du présent*). The starting point comes from the fact that monocultural contexts or societies hardly exist any more. Cultural contacts and the homogenisation of cultures can be observed everywhere. It becomes difficult for anthropologists to distinguish between "remoteness" and "closeness", each individual being situated at the crossroads of several cultures. Spaces of communication become one of the most important issues of anthropology. Each interlocutor builds his own identity vis-à-vis others but still preserves the autonomy of each of these spaces of communication.

This reading of reality is specific in that it links the "observer" with the "observed"; that is to say, that the actors start knowing and recognising each other. The dialogue between them starts to be the main source of information. This hypothesis is quite helpful for a study of humanitarian assistance or forced migration, as in this context different actors coming from different backgrounds start interacting, and thereby create through their socio-cultural contact, a totally new type of context. This imposes an elaboration of new methodologies based upon studies of small groups and not only micro-systems. Long individual or collective conversations (a type of non-directed spontaneous interview) have to be added to participant observation.

This form of anthropology, then, is based on the way social actors are constructing and perceiving the real through the imaginary. The social fabric is made sense of by transposition, the production of images, and the manipulation of symbols and their organisation in a ceremonial codification. This approach also emphasises the tribalisation of certain social elements and creates a powerful link towards orality and iconicity in a culture which is increasingly *immediate* and *ephemeral*.

In political anthropology, following this framework, intuition, emotion, and sensibility have become integral in the context of conflict. Politics only represents itself. Followers are no longer involved by

conviction but by emotion. Political power has to negotiate with current uncertainties and anxieties. Situations are escaping from politicians' control (AUGE, 1994a).

The principle of belonging to a specific space can also be interpreted against the same theoretical background (BADIE, 1995). As an instrument of political action, it introduces us directly to the field of representations and ways of legitimation. It can then be foreseen that the split between the perception of territory and space belongs to this universe of meanings. When we say "meaning", we understand "social sense"; that is to say, the meaning of the relations between those put in contact. This crisis of meaning brings us not only to a crisis of identity but also, and maybe even more, to a crisis of alterity (AUGE, 1994a). A group is in crisis not because it cannot define itself but because it cannot define others and be defined by others. This can exclude some people, can create a population outside a system, a population *extra muros*.

In the most extreme cases, claims to a space of reference become a search for an "imaginary" to tie together the collective existence of a group, to give a meaning, a reason to live together and become a "community of destiny", that is, a group of persons brought together by external circumstances and forced to socialise together. Regionalism or neo-nationalism causes the conservation or the transformation of symbolic power relations. The purpose of such movements is to define vested interests according to one's world vision and the appropriation of a legitimate identity, that is, an identity that can be voiced publicly and recognised officially. The territory becomes less and less the support of a political identity. The ethnic conception of the space starts to prevail, with all its potential consequences (forced migrations, killings or refugee camps).

Understanding the notion of space is then a necessity for the comprehension and the organisation of a community. This can be applied to public life and territorial politics, but also to everyday life. In every society, even those far from one another, historically or geographically, there is the same necessity of «constructing» internal spaces and opening up to the outside, to represent self and others, to create relationships. With all the imposed displacement due to conflicts, demography, the world economy or ecology, forced migrants are condemned to rebuild socialised spaces in areas free from any significance and from which they are excluded. For all these migrants the loss of their land has been correlated with the loss of social links. We can start talking about "minimal forms of localisation" or of "emergency localisation".

The case of Afghan refugees

The Kaleidoscope of traditional patterns has been shaken, leadership, women, and even children are affected. New voices are being heard, new values emerging. Afghan society will never be the same again (AKBAR, 1986: 166).

In the case of the Afghan refugees who fled to Pakistan between 1979 and 1989, the main metamorphosis of space consisted of changes in the spatial structure such as the urbanisation of their settlements. The camps were mostly concentrated on the outskirts of the main cities. This has resulted in basic changes in the social and mental structures of the population. At the time of the 1978 coup, 85 % of the Afghan population depended on agriculture for their livelihood. In Pakistan, Afghan refugees had no access to land, a fact which not only brought changes in the occupations or means of livelihood of the Afghans but also changed the very foundations of social hierarchy, power and influence, alliance and inheritance which are tied to the possession of land (CENTLIVRES/CENTLIVRES-DEMONT, 1988). Another main modification was that the space became heterogeneous, regrouping different kinships, different ethnicities and persons from different backgrounds. This led to major adjustments in their cultural relationships.

The emotional bond

Although displacement does not exclude the reappropriation of spaces, places, and landscapes, images linked to the homeland create a sort of emotional bond.

In this case, the situation of child refugees is particularly relevant. These children are living between two liminal spaces. One only exists in tales and their imagination, although it is their homeland. The other one exists in everyday reality in the form of a country which is not theirs. In the case of the Afghan refugees in Pakistan, from the early 1990s onwards more than 30 % of the children were under fourteen. They were born on Pakistani soil and knew only what their parents had told them about Afghanistan: description of a mythified paradise on earth or stories of battles and warfare. It has to be noted that "imaginary" is often retrospective. There is a return to the fulfilled past where lives were full of social meanings. Such relations to the past are most probably the ones that make individuals more easily able to

perceive their links with the collective and with history. The interference of temporal or spatial criteria contributes to a sort of patchwork in the constitution of identities and interpersonal relationships. For forced migrants, this creates a feeling of constant migration throughout time, the present being cut off from the past, and nothing is perceived as a heritage any longer. Afghan children in the camps felt obliged to have a strong attachment to their unknown homeland and felt guilty if they were indifferent or if they felt closer to their host land. When asked to draw something important or meaningful for them, children often drew war scenes or camps as represented in school manuals offered by NGOs or international organisations. Most of them, although born in the camps, felt like travellers and were not happy in Pakistan because they knew that their situation was temporary and that they would begin "their real life only when they are able to settle in a definite place". These children visualised their situation as refugees through various means. But most of the elements of their identity came not from their inner feelings but from symbols provided by others. The notion of being a refugee as understood by Western or international organisations was not something that existed within them, but instead came from others. Rather than victims, rather than a mass of unarmed and helpless individuals accepted according to humanitarian law, one could perceive the Afghan refugees as beneficiaries of traditional hospitality offered by the Pakistani Pashtuns with whom they shared their cultural background. The Afghan refugees could be perceived as an organised group seeking temporary shelter among kin. The tribal and Islamic notions of being a refugee implied a momentary tactical retreat, preceding return and reconquest (CENTLIVRES/CENTLIVRES-DEMONT, 1988).

Return to traditions as a coping method

Reintroducing traditions is a coping method used to try to rebuild a link between a person's place of origin and his host country and between the past and the present. Four types of traditionalism can be identified.

1. *Fundamental traditionalism* which aims to safeguard values and models. At the beginning of the exile, men adopted or reinforced the physical appearance prescribed by Islamic custom: beards and turbans (CENTLIVRES/CENTLIVRES-DEMONT, 1988).
2. *Formal traditionalism* which aims to maintain institutions, socio-cultural frameworks and a formalised history. The practices of

religious rituals or commemoration can be placed in this category.

3. The *traditionalism of resistance* which is an instrument of denial. For example, the dowry had been officially reduced to a small amount by the Communist regime in Kabul and the veil had been forbidden. In exile, *chadors* appeared longer and darker than ever and the size of the dowry sometimes amounted to several years' income.
4. *Pseudo-traditionalism* in which self-made traditional frameworks are created to impose sense on a confused reality. These are used to control a crisis by imposing a familiar or reassuring aspect.

Education for girls in the Afghan refugee camps can be classified under pseudo-traditionalism. It was common for girls to be taken out of school after the third grade. This was because some families considered that at this age (around 9) the girls had to begin the observance of *purdah* (seclusion), although there is no such stipulation in tradition. The main reason for this withdrawal of girls from school was based on their fathers' concern about being considered good Muslims by foreigners or by Pakistanis.

Consequences for the identification process

Social identity in Afghanistan rested not on an idea of nation and citizenship but on a feeling of belonging both to a supranational entity, the Islamic community or *umma*, and to an infranational one, the regional, tribal or ethnic community (CENTLIVRES/CENTLIVRES-DEMONT, 1988).

The fact of being brought into contact with other cultures or rival groups, or even living in groups different from the former communities of kinship or neighbourhood groups, had ambiguous consequences for the mobilisation of identities.

For example, Islam has been a major binding factor for Afghans, which they as a nation look upon as a sanctuary. In the name of Islam, they have conducted their *jihad*. For them, Islam has a national or even nationalist character. Although the notion of *umma* (Islamic community) is still very important, as is apparent in the constant references to solidarity among Muslim countries and affiliation to the Islamic faith, the Islamic community appears divided. Islam has been used, in an opposite way from the *umma*, for the reconquest of a very

specific territory. It is also in the name of a so-called Islam (pseudo-traditionalism) that the Taliban have conducted the reconquest of Afghanistan from the former Mujahideen.

In the case of Afghanistan, there has been a continuously growing co-operation amongst refugees at grass-root level. Sometimes this has been between different groups, regardless of their ethnicities or their tribal backgrounds. Some interethnic weddings have been taking place. *Madrassas* (religious schools) and other facilities have been built up by the refugees themselves to meet the needs of the whole population of the camp and not only for the group they fled with. They have also expressed their willingness not only to go back to their particular villages, but to Afghanistan. The majority of Afghans, irrespective of their background, had views on national issues and claimed a share in national power. Non-Pashtun then started fighting for power. Taliban has started to be portrayed as a Pashtun movement.

As the area of Peshawar is predominantly *Pathan* (Pakistani name for the *Pashtun*), and as the majority of refugees are also Pashtun, it would be possible to say that culturally, most of the non-Pashtun Afghans have adopted some Pashtun cultural habits. For example, *purdah* (the female seclusion) and *jirgah* (traditional assembly of the eldest of each group) are now practised by both Pashtuns and nonPashtuns. This has had a particular impact on women. Surrounded by strangers in a foreign country, they practised *purdah* in a more radical way. Even women who had never worn even a simple veil before the war, felt the need to respect the seclusion and the diminution of their living space. The living conditions in the camps strengthened the configuration of traditional Afghan society. In contrast to what is generally said, family links are not less important than before. Those links have inherited new meanings as other reference groups have been juxtaposed to the former predominant kinship authority. Different relationships of solidarity between specific groups of tribes or ethnicities now exist at grassroot level. This has created for the first time, not only a feeling of belonging to a state (in terms of external or legal aspects) but also to a nation (in terms of internal or legitimate aspects).

Since Afghans of different ethnicities have an awareness of belonging to the same nation, they all strive to have a share of the national power, but within the borders of the country. New cleavages have been added to the old ones. Most of these new groups are politically diverse. They have different origins, they identify with different political parties and have occupied different positions during the *jihad*, either refugees or fighters. Even among refugees, some

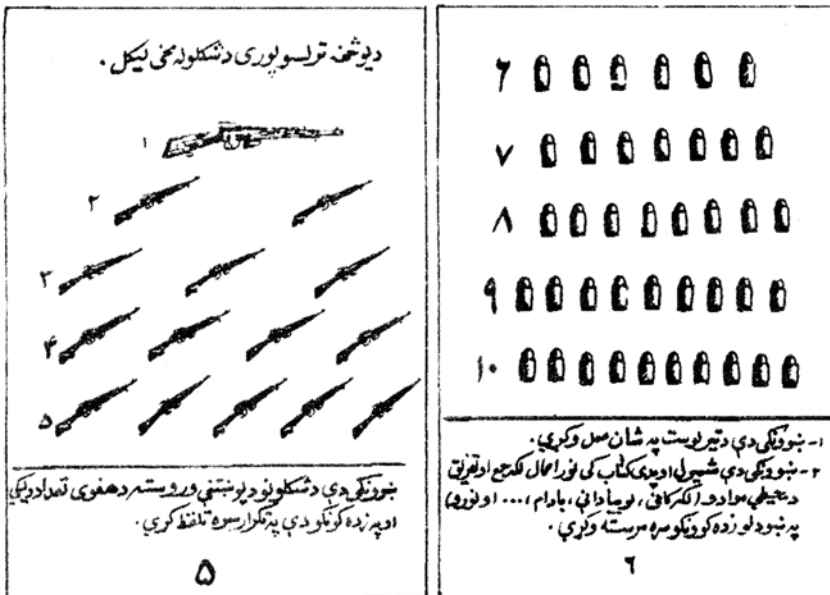
trends exist to differentiate between those who left the country at the very early stage of the war and those who left it a few years after the beginning of the war. The former reproach the latter for their collaboration with the Kabul regime, the latter reproach the former for having given the country up to the enemy.

The constitution of an Afghan nation can presently be described as a community of destiny. Essentially this means that the elaboration of national feelings is the result of particular unplanned events, at least an involuntary process. Destiny can be used here in the two meanings of the word, first as "providence", as it is without any expectation or purposeful intents that these feelings have grown up. It can also be used as "fate" as this process will have an influence on the future of the country and on the social, political and cultural movements that might be generated from this situation.

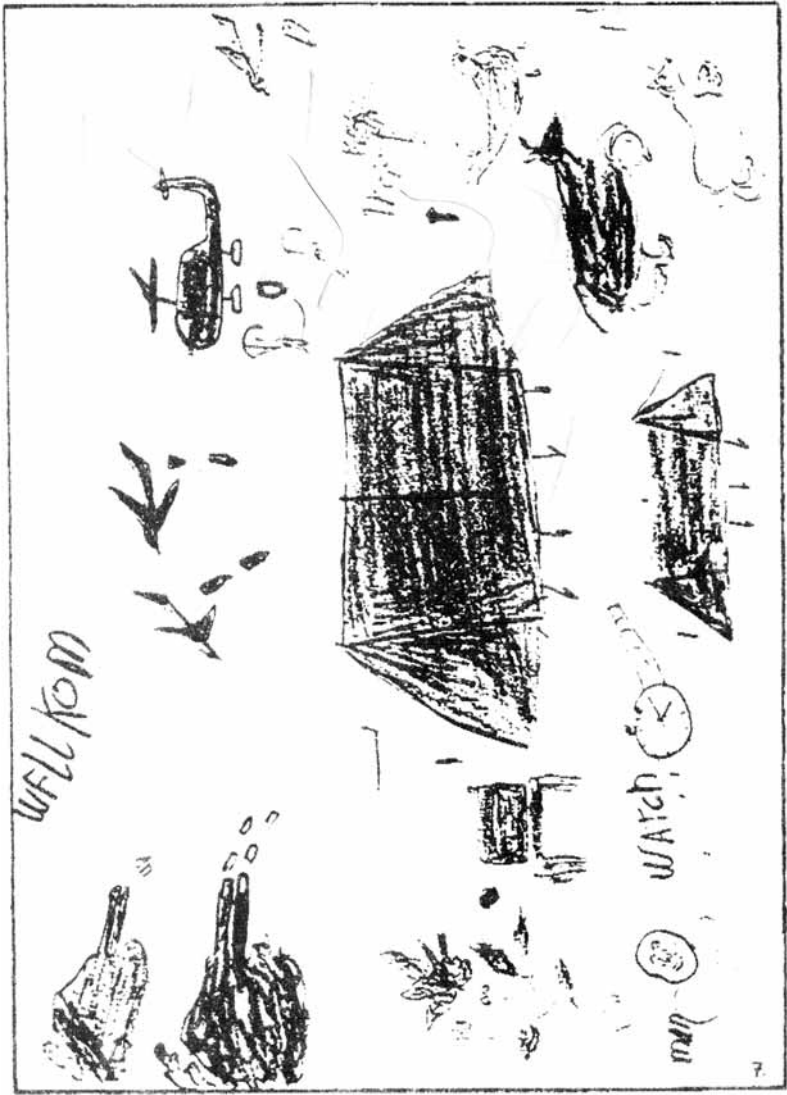
The Saur revolution (1978) began in a particular political context. From the reign of Hamid Rehman Khan (1880-1901) to the first communist coup d'état (1973), the Kabul regime was limited to cities and roads. Local rulers were the effective leaders and tribal fighters were usually opposed to the central government. The war has started a process of nationbuilding. But various sectors of life have been polarised as we have seen, adding new cleavages to the old ones. The political culture has also been dismantled. Warfare, the kalashnikov culture and an abstract scheme (institutions instead of people) has replaced political practices based on cultural principles such as clientelism, the personalisation of power, closeness and the availability of leaders whenever required. From a cultural point of view, war and exile have strengthened family structures and have made some of the internal social links more solid. This is also valid for the kinship framework although all this has created a very complex society. This shows how fragile the new Afghan society is, as so many different logics are at work within it.

Looking at the geostrategical situation of Afghanistan and the discourses of the political elites, it would be natural to assume that Afghanistan is about to collapse due to ethnic rivalries and religious polarisation. Looking at the same situation through the eyes of the masses makes us understand that the situation is much too complex to speculate on the future of the country. The American anthropologist, Gregory Bateson (BATESON, 1977) noted three main possible reactions in the case of such cultural contact. Groups can fuse together, groups can be eliminated and it is also possible that society will become more complex as all groups survive and learn to live together in a dynamic process. Thinking back to the theories of Bateson applied to the

Afghan situation, we can conclude that the three possible reactions are present in the situation of Afghanistan. The "*pashtunisation*" of the way of life can be interpreted as an elimination of some particular cultural bases. But the third reaction of the juxtaposition and diversities of polarisations is most applicable to the Afghan context. Different bases for an identification process now exist. The clashes witnessed between different factions of the population might also have the purpose of integrating all groups in a society previously dominated by the Pashtuns, as now everybody is claiming their share of national power. A dynamic process can rarely take a peaceful path. Current developments in Afghanistan are likely to lead to increasing violence. It seems, at present, that civil society is not taking part in this game. It may be at this grassroot level, therefore, that a solution will be found.



Abstract of a text book from a resistance party school



Drawing from a 12 years old child refugee from Kacha Gari camp, Pesawar

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Multicultural and pluralist societies: concepts and models

Kirsti Häkkinen

In this chapter, I review three models of pluralist and multicultural societies developed by REX (1997) and KUPER (1997). These are the “conflict” model of cultural pluralism, the “equilibrium” model of cultural pluralism, and Rex’s model of a multicultural society. At the end of the chapter I look briefly at the recent Finnish Immigration Law in the light of these models.

Conflict model of cultural pluralism

REX and KUPER constructed the first model of cultural pluralism on the basis of classical anthropological studies made by FURNIVALL (1939) and SMITH (1965) in two colonial societies: Indonesia and the British West Indies. These studies describe plural societies under colonial domination. However, we can also consider whether the model developed by Rex and Kuper could apply to contemporary societies, where one group clearly imposes a monopoly of power over the others.

First, a typical characteristic of a pluralist society in this model is cultural diversity and social cleavage. Cultural pluralism has also been referred to elsewhere as polyethnicity; cultural and ethnic diversity within almost all of the world’s 190 sovereign nation states is widely recognised (GUNDARA/JONES, 1992; KEGLEY/WITTKOPF, 1995). This polyethnicity usually refers to two groups: indigenous peoples, and ethnic minorities, which are often difficult to distinguish from each other. Ethnolinguists have used spoken languages to estimate that all the world’s people belong to 6,000 cultures; 4,000-5,000 of these are indigenous ones. Polyethnicity is certainly obvious in countries such as

Indonesia, where 670 languages have been identified within the country's borders.

In this conflict model, different ethnic communities co-exist as separate segments within the same political unit, repressed by one dominant group. Each segment can have its own communal morality and almost a complete set of institutions covering the spheres of domestic life, religion, law, politics, economy, and education. In fact, these subordinate sections would constitute separate societies if they were not bound together by the political institution of the state. Cultural pluralism itself thus necessitates the control by one group of the others as a prerequisite for the maintenance of the social structure of society. Regulation is needed, because relationships between ethnic sections are characterised by a continuous struggle for power, rather than by shared values and common motivations (KUPER, 1997; REX, 1997).

Another characteristic of a pluralist society is the rigid and hierarchical social structure that dictates the relations between ethnic groups. Since repressed groups are probably not too willing to maintain unequal social and political stratification, it is necessary for the state to exercise its power by promoting a caste system, the rule of law, nationalism and federalism. Deviations from the status quo can lead to political turmoil and eventually violent conflicts. The necessity for regulation by force increases considerably in those societies where the dominant group is also a cultural minority. The hierarchical social order also applies to race relations as long as racial differences are significant—increasing cultural uniformity in a society usually diminishes the hierarchic character of race relations. This ethnic stratification can, however, also be viewed as a basis for racist ideology, as it legitimates the domination of one ethnic section over the others (KUPER, 1997; REX, 1997).

Thirdly, it follows that integration in plural societies is not voluntary, but rather based on outside coercion or economic pressures. As the sections function clearly separately in their communal spheres, they are unable to share a common will as a basis for societal cohesion. This common will that derives from cultural homogeneity and the functional relations of common institutions is a precondition for democratic forms of government. When a society lacks a common will and thus a possibility for consensus, it is more regulated by economic interdependence, that binds communities together through market exchange (KUPER, 1997).

As KUPER (1997) states, this model of cultural pluralism would presumably apply only shortly after the establishment of a plural society

by conquest. He also emphasises the subjective and relative element of cultural pluralism: that the significance of cultural differences is likely to fluctuate with the changing political situation. A similar conclusion on this issue is also made by ADAM (1992) who claims that a common language and shared religion do not necessarily guarantee inclusion, even for people with the same ethnic background. In world history, we can find numerous examples of atrocities committed against members of the same kin-group. Thus, inclusion in a specific group can be a consequence as much of political-historical circumstances as of the preference for kin over non-kin. Furthermore, cultural identity also fulfils different roles in varying societal and historical circumstances. For example, it is interesting to note how in Estonia, the longstanding Soviet repression led to a new collective cultural revival as an act of resistance. The people who had for years been forced to hide their national and ethnic identity as Estonians regained their sovereignty in a "singing revolution" in 1991. Other similar examples of ethnonationalism in Eastern Europe also show that enforced patriotism is likely to fail as a foundation for the social and political structure.

The "equilibrium" model of pluralist societies

According to KUPER (1997), this model presents an optimistic and ideal type of pluralist society, where group cohesion creates conditions favourable to democratic rule. Democracy tends to be associated with pluralism in such a way that where social pluralism is strong, democratic rule and liberty also coincide (KORNHAUSER, 1960). However, in the light of the latest news of political turmoil from Indonesia and the former Yugoslavia, this connection still remains questionable.

In this model, ethnic relations no longer rely solely on the struggle for power and domination between sections, but rather on individual freedom to choose between different group loyalties. It is the groups or associations themselves that now have to compete to obtain the affiliation of individual members of the society. The groups are better organised and more stable; they also act as intermediaries between the nation state and citizens. Political parties are the counterpart of the rigid ethnic segments of the first model. These parties also constitute the democratic government, where power is divided according to election results. Another feature of the model society is that pluralism also forms the basis for the structure of authority: it requires that legislative, executive, judiciary, and administrative sectors are kept apart from each other. This, in turn, requires a system of constitutional checks to prevent

power being concentrated in the same hands, which was the case in the previous model (KUPER, 1997; KORNHAUSER, 1960).

Yet the existence of multiple associations is not in itself an adequate basis for constituting a pluralist society. Ethnic associations, for example, can be highly inclusive in requiring from their members a commitment to certain cultural traditions and communal values. Recently, the question has even been raised whether ethnic associations actually threaten the whole existence of the sovereign state. KEGLEY and WITTKOPF (1995), for example, claim that the rise of ethnonational movements globally reflects the tendency of individuals to identify themselves primarily with their ethnonational group and only secondarily with the state. This so-called "fourth world" becomes increasingly transnational, thus gaining more significance in international politics. Yet it is unlikely that these movements would prevail over the existing states, since although their members share the same ethnic background and cultural traditions, their belief systems are often varied and overlapping.

Multiple affiliations are thus another precondition for societal integration in the second model of pluralist societies. Individuals commit themselves to several groups at the same time, thus fostering diversity of interests and restraining exclusive loyalties. Although commitment to common values forms a cornerstone of integration, an agreement on these values is difficult to attain, since value standards vary considerably between separate actors (KORNHAUSER, 1960; KUPER, 1997).

As stated earlier, this model gives a very optimistic picture of group relations within a society. Its proponents come mainly from the USA, where the melting pot ideology has encouraged the amalgamation of white immigrants of different heritages. Another question is why the same ideology has not worked as well with American Blacks or Native Americans. Regarding the Native Americans, ADAM (1992) offers an explanation, according to which societal integration in polyethnic states such as the USA, Canada and Australia is voluntary, but it also stems from a historical conquest, where First Nation Peoples were either destroyed or permanently marginalised. Western settler states have actually been exercising welfare colonialism, which does not differ in moral terms from state repression.

A model of multicultural society

The last of the three models I wish to introduce is a model of multicultural society constructed by REX (1997). As a major difference

from the previous models, he makes a clear distinction between the public and the private domains. Based on this division he finds four different possibilities for a multicultural society (p. 208).

1. First, a society is unitary in the public domain; however, at the same time it encourages diversity in the private or communal spheres. This possible society also reflects the ideal of multiculturalism, which conforms with equality of opportunity.
2. Secondly, a society is unitary in the public domain and it may also impose unity of cultural practice in private or communal spheres. This case would apply to French assimilation policy with regard to Algerian immigrants, as well as German assimilation policy concerning Turkish *Gastarbeiter*. ADAM (1992) also supports the notion that this kind of submissive integration model will require the newcomers to assimilate into the host society on its terms, thus losing their original identity;
3. In the third case, a society allows "diversity and differential rights for groups in the public domain and also encourages or insists upon diversity of cultural practice by different groups". Since this case is claimed to apply, for example, to the South African apartheid system, a special warning is given NOT to confuse this type of a society with an ideal of multicultural society;
4. In the fourth case a society has "diversity and differential rights in the public domain even though there is considerable unity of cultural practice between groups". This model resembles the state of affairs in the "Deep South" of the USA, before the influence of the civil rights movement.

How are public and private domains then distinguished from each other? The development of European social institutions has been characterised by the liberation of the economic, political and legal systems from traditional values, the latter being replaced by "civic culture". This new value basis includes abstract forms of public morality, law and religion, and is a necessity for the functioning of the public domain in an increasingly impersonal society. At the same time, it has permitted folk morality and communal values to continue in the private domain, as long as they do not hamper the functioning of societal institutions. The role of the private domain is equally important, although its functions have been altered: it now plays a central role in socialising individuals into communities, while at the same time providing them with psychological stability in the formation of their identities. Thus, Rex continues, "multiculturalism in the modern

world involves on the one hand acceptance of a single culture and a single set of individual rights governing the public domain and a variety of folk cultures in the private domestic and communal domains" (p. 210).

Further elaboration illustrates the structure of the public and the private domains. The public domain is composed of three institutions: the law, the political system and the economy. In the sphere of law the ideal of multicultural society and civic culture assumes individual equality before the law and also equal incorporation of all individuals and groups into society, whilst in plural societies different groups are differently incorporated. In politics a multicultural society allows all its members equal access to political power through voting or by other means. As described earlier, a common characteristic of plural societies is an imposed political system rather than the right to contribute to political decision-making. The third component of the public domain, the economy, is characterised by the abstract morality that dictates the rules for peaceful bargaining. The last institution in this structure is those forms of education that concern selection, the transmission of skills and the maintenance of the civic culture. As constituents of the public sphere, these four institutions together should guarantee that no individuals or groups have less or more rights to operate in a society due to their ethnicity (REX, 1997).

A very interesting question raised by REX (1997) is whether, in welfare states, the public domain has extended to embrace many of the functions that earlier belonged to the communal sphere. Are welfare states actually aiming at attaining the loyalty of their citizens by providing them, in addition to political and legal rights, with a substantial body of social rights? Does the socialist provision of family welfare transfer the primary individual identification slowly from the communal sphere to the state itself?

The functions of the private domain include moral education, primary socialisation and the transmission of religious beliefs. In immigrant communities, the most important of these functions is primary socialisation, which often involves an extended family of kin-group members across the national borders. This network of communal ties provides its members with a source of identification and security in an impersonal society. Other functions of these transnational kin-groups are to alleviate their members' social isolation, help members to deal with moral and social problems, and to defend their rights in the same way as trade unions do. The last duty is actually the most interesting, since it also suggests that ethnic movements can be interpreted in terms of class struggle. An important question to be

discussed in the future is whether dialogue and conflict between cultures can constitute a basis for a new multicultural society in the same way that class struggle has contributed to the social structure of modern society (REX, 1997).

The new Finnish Immigration Law

The new Finnish Immigration Law (2000) is particularly relevant to this discussion, since it officially acknowledges immigrants' rights to participate in the economic, political and social spheres of the society. The new law divides the implementation of integration policy into three levels: national, municipal and individual. At the national level the biggest change is the establishment of the Advisory Board for Ethnic Relations (ETNO). This cross-administrative organ includes a wide representation of immigrants and it aims at initiating follow-up work in issues concerning discrimination. It also assists different ministries in the development and planning of refugee and migration policy, as well as promoting co-operation between authorities and civic organisations insofar as immigration affairs are concerned. At the national level, the State is required by law to support integration in the following ways:

- provide accommodation for immigrants;
- promote the integration of children and young people;
- train adult immigrants;
- take measures promoting employment;
- provide social and health services;
- support the family unit;
- keep the mother tongue and the culture alive;
- provide interpretation and translation services; and
- offer immigrants opportunities to participate in decision-making and to initiate issues related to their lives (TUOMARLA, 1998).

As this list indicates, incorporation into Finnish society does not require immigrants to give up their own cultural identity, traditions or language. This principle is emphasised in the Migration Bulletin, published by the Ministry of Labour, where it is stated that although the adoption of the Finnish language and societal rules is the precondition for the successful integration, it is an advantage to our society and the immigrants living here that they can maintain their native language and culture. The government promotes the integration of immigrants on the grounds of the basic rights of the population guaranteed by the constitution, equal membership in the society and

the immigrants' active responsibility for the new phase of life. ... The basis is the equal treatment of the population on every level in society (TUOMARLA, 1998).

This policy statement could reflect the ideal of multiculturalism presented above, as it conforms to equality of opportunity in the public domain and the right to maintain one's own culture and home language in the private domain. Since the new law will bring many changes to the situation of immigrants and refugees, it deserves separate and more detailed consideration. It is also important to consider the situation of national minorities in Finnish society.

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Developing security and democracy amongst European cultures in conflict: reflections on the role of the OSCE in Bosnia and Herzegovina¹

Robert C. Hudson

Since the end of the Cold War, a decade ago, the issue of security and defence in Europe and on the European periphery has gone through a tremendous sea-change, whereby the risk of intra-state conflict rather than inter-state conflict has grown substantially. With reference to Eastern and Central Europe, and particularly the Balkans, there seem to be a number of reasons for this. Firstly, internal tensions have been fuelled by cultural differences, whereby ethnic minorities seeing themselves as persecuted, have desired greater autonomy and independence. Sometimes, they have resorted to non-violent resistance to achieve this. Witness, particularly, the situation of the Hungarian ethnic minority in Romania, or that of the Kosovar Albanians in the Yugoslav Federal Republic (FRY) in the early 1990s. Sometimes the state of tension between different cultures, which has manifested itself in occasional acts of violence, has drifted into full-scale conflict.

¹ The original version of this paper was delivered at the University of Deusto on the day that NATO was enlarged to include Poland, Hungary and the Czech Republic, two weeks before the start of the NATO bombing campaign against Yugoslavia and five months before the second Chechen conflict. One of the points made in the original paper was that the OSCE was being sacrificed to save NATO's reputation. This theme has since been taken up by Noam CHOMSKY (1999), Michael IGNATIEFF (2000), and Tariq ALI and Diana JOHNSTONE (2000). The key difference is that whereas these writers date the "betrayal" of the OSCE to the decision to appoint U.S. diplomat William Walker chief of the Kosovo Verification Mission (KVM) in October 1998 and his subsequent reaction to the Račak massacre in January 1999, I date the decline of confidence in the OSCE to the build-up to the elections in Bosnia-Herzegovina (BiH) in September 1998. Although I have made minor amendments to this work, I have decided to leave the bulk of it unchanged, as this reflects thinking on the Balkans at the time, which remains sound.

Examples of this are provided by the Slovene war of secession from Yugoslavia in 1991; the Serb-Croat wars between 1991 and 1995 and the wars in Bosnia and Herzegovina (BiH) between 1992 and 1995. Meanwhile, another conflict was brewing in the region of the FRY known to Serbs as Kosovo-Metohija and to Albanians as Kosova. One year ago this writer argued that in the growing crisis in Kosovo, a more drastic solution to the situation might be for the KLA to carry out an armed uprising, since there were enough smuggled light weapons in the region for the insurgents to be able to survive a Serbian offensive long enough to ignite external support (HUDSON, 1999, p. 71-79). One might cynically have reflected that what the Kosovars needed was some sort of massacre or atrocity that would have a galvanising impact upon the western media and the international community, like the third Markale Market Place massacre of Sarajevo on 28 August 1995. It was this incident which had led to the launching of NATO air-strikes against Republika Srpska, a response which was at one stage believed to have bombed the Serbs to the conference table at Dayton, Ohio, thus bringing about a rapid conclusion to the war in BiH. (In fact, with the advantage of hindsight, it was the Croat offensive against the Krajina in August 1995 which led to the Dayton Peace talks, not NATO bombings against Republika Srpska.) At the time, little did one realise that media exposure of the massacre at Račak in Kosovo on 15 January 1999, would set in motion the train of events that led to NATO attacks against the FRY, two weeks after the first version of this paper was delivered. This was to be NATO's first conflict in Europe since its formation fifty years ago in 1949.

In reviewing the changing nature of security and defence issues during the first decade of European transition, a further factor came into play. This was that, as so often in Eastern and Central Europe and the Soviet successor states, weak domestic political structures proved themselves unable to mediate between political groupings, because so many of the governments in these regions had lost their legitimacy by the end of the 1980s and the beginning of the 1990s.

Furthermore, since state boundaries throughout Europe have rarely coincided with national groupings, if and when an ethnic group felt itself to be threatened, then its link with a friendly and neighbouring state might escalate into inter-state tension. Here one enters the realms of irredentism and the nature and role of matrix states; issues which played such an important part in the balance of power politics of nineteenth-century Europe and in Europe before the Second World War. The cultural conflicts in "former" Yugoslavia provide the clearest examples of these issues, for example with regard to the position of

Serb ethnic minorities in Croatia, Kosovo, Vojvodina and BiH, which were attracted to the idea of creating a "greater" Serbia, or increasingly politicised members of the Albanian population of Kosovo, who might seek to create a "Greater Albania" by appealing to the Republic of Albania as a matrix and joining with Albanian minority populations in Macedonia, Montenegro, Greece and the Sandzak in Serbia (see HUDSON, 1999). Such developments could obviously seriously destabilise European security, both within the region of Southeast Europe and beyond.

Given the changing nature of European security, one should consider briefly the challenges confronting the international community's main security organisations, namely: the Western European Union (WEU), the Common Foreign and Security Policy (CFSP) and Eurocorps, before focusing on the Organisation for Security and Co-operation in Europe (OSCE) in BiH.

From a European perspective and with regard to the European Union's position on the international scene, it would seem that the most important issue in the early 1990s was for Europe to demonstrate to the world, and especially to the US Congress, that it was able to take responsibility for its own security and defence issues. Yet, this seemed to come adrift with the variety of wars and tensions that broke out in Southeast Europe during the period 1991 to 1995.

The problem can perhaps be best explained by the fact that when the Yugoslav crisis came to a head in 1991, there was no common policy on what to do. For example Greece was more considerate to Serbia (the traditional ally of Britain and France) than were the other EU countries. This was largely due to the fact that Greeks and Serbs are Orthodox co-religionists. Most European states, following the London Conference on Yugoslavia in 1990, wanted to maintain Yugoslavia as it was and did not want that country to break up. It should never be forgotten that the socialist federative republic (1945-1991) brought stability to a region, made up of disparate peoples, that has for a long time been known for its potential for instability. The Yugoslav project had been successful. Any attempt to destabilise Yugoslavia could only result in disaster. Furthermore, from an international relations perspective, there is generally a resistance to change. Only Germany differed, by recognising Croatian and Slovene independence and sovereignty in the summer of 1991. German opinion was riding high on the spirit of self-determination after the re-unification of the two Germanies after November 1989. Furthermore there was a large Croatian constituency in Germany and if nothing else, there was residual sympathy for Croatia and Slovenia, going back to the First

World War, Austria-Hungary and the NDH (Independent State of Croatia, 1941-45) which had been little more than a puppet state of the Third Reich. It could also be argued that perhaps the German government, by comparison with other western states, had made a better assessment of the potential threat posed to Balkan stability by President Milošević and the Serbian nationalist discourse.

Furthermore, the European Communities did not have a common army, and any military operations or policies that were later carried out were dependent upon inter-governmental co-operation and collaboration. By the Treaty of Maastricht, security and defence had clearly entered upon the European agenda, as part of Europe's Common Foreign and Security Policy. The idea was that the Western European Union and Eurocorps should become the cutting edge of this CFSP. However, the WEU had achieved little during the Yugoslav wars. Ideally it could have been given more clout in protecting aid routes in BiH, but this did not happen as the UN was already managing things on the ground. Furthermore, when offered a mission to control the naval blockade in the Adriatic, the WEU soon lost control to the United States and non-WEU states. On this subject, Michael Ignatieff points out that the UN, discredited by Srebrenica, had no role in the KVM (Kosovo Verification Mission) in 1998-99 (IGNATIEFF, 2000, p. 17). CHOMSKY (1999, p. 41) adds that the aim of the Clinton administration was that NATO should act independently of the UN, as was clearly demonstrated by the events of March 1999.

All that the EU seemed to be capable of doing was sending in white-suited monitors (European Community Monitoring Mission - later to be replaced by the OSCE) to watch ethnic cleansing take place. Meanwhile UN forces carried out peace-keeping operations in BiH, a land in which there was no peace; and they watched over "safe areas" that were not safe, such as Srebrenica, where in 1995 troops of the tiny Dutch contingent had to stand aside as soldiers of the Bosnian Serb Army (BSA), under the command of General Ratko Mladić, conducted the worst massacre in Europe since 1945.

NATO, in the aftermath of events between 1989 and 1991, was having to completely rethink its position in the world order. Whereas it had originally been established to defend the West from Soviet aggression and rearm Germany, now it had become involved in peace-keeping and peace-enforcement, expansion and acting outside the European and North Atlantic area. Meanwhile, in 1991 and 1992, there were concerns, not just about the direction that NATO was taking, but whether or not the organisation would even continue to exist. NATO also came in for criticism for failing to respond effectively

to the conflicts in the Yugoslav successor states. Given that there no longer seemed to be any substantial threat to the West, it was argued that NATO enlargement had been rendered unnecessary, and that NATO could even be replaced or beefed up by the OSCE. But this did not explain why most of the Central and East European (CEE) states wanted to join NATO and were not interested in potential alternatives, such as the WEU.

Within Europe there were also doubts over United States willingness to maintain a long-term commitment to European security and defence. This became obvious after the Gulf War and in the way in which the United States kept out of the Yugoslav wars before 1994, apart from American participation in NATO naval operations in the Adriatic and the WEU blockade on arms into Bosnia. Clearly the United States was concerned about the dangers of "mission creep" after its reputation had been badly mauled during the Somalian crisis. Yet after the Sarajevo marketplace massacre of August 1995, US and NATO involvement in BiH would change. Many eye-witness commentators, including this writer, have commented on the importance of the contribution of US troops in IFOR/SFOR peace enforcement operations in BiH since the Dayton Peace Accords, to say nothing of US involvement in peace-keeping operations in FYROM (Former Yugoslav Republic of Macedonia) since 1993.

Another problem has been the relationship between the OSCE and NATO, the WEU, the Council of Europe and the UN. In the process of trying to forge a European security system based upon so-called "interlocking" institutions, there has been a tendency to create "interblocking" (HYDE-PRICE, 1998, p. 36). For example, detractors of NATO have argued that it could be replaced by an empowered OSCE and that the EU could provide better economic and political integration of the CEE states with the West. But what they have failed to realise is that the CEE states themselves preferred to join NATO rather than any European initiatives and organisations, such as the WEU or Eurocorps, in their bid to improve their security status within the region and to join the EU and the OSCE as a means of entering the European mainstream. This was demonstrated by the race to sign up to NATO's PfP (Partnership for Peace) throughout the region and by the entry of the first CEE states, Poland, the Czech Republic and Hungary, in March 1999. Again, by contrast, one should be cautious in accepting too readily the idea of a greatly empowered OSCE as the main organisation of the European security framework that could act as a viable alternative to NATO. Although most of the 200 monitors who worked in Kosovo in the KVM came from military backgrounds, that does not

mean that the OSCE should be seen as some sort of international police task force - the IPF already exists for this role! As Robert Frowick, then OSCE representative for the BiH mission based in Sarajevo, had commented earlier to *Transition* in November 1996:

[The] OSCE can only deploy diplomatic instruments and rules and regulations, not troops to go out and arrest people. We don't have an army; we don't have a police force....The actual arrest and bringing to justice of war criminals has to be done by those who do have troops and forces of law and order (URBAN/BASAL, 1996, p. 54-55).

The purpose of the KVM had been to ensure that the Yugoslav Army should stay in their barracks while the KLA remained in the mountains, in other words to maintain a ceasefire. However, the OSCE's KVM was entirely unarmed. By the end of December 1998, their orange vehicles were already being stoned by hostile crowds from both entities and otherwise ignored by both sides as the hostilities increased. Furthermore, it was soon realised that if the mission fell into difficulty or was fired upon, it would have to be extracted by NATO forces across the border in FYROM, forces which were already in place. Withdrawal of the OSCE's KVM was the turning point in the descent into conflict. Clearly, in the aftermath of NATO's conflict with Serbia, it would seem as though the OSCE has been moved aside by the expansion of NATO and the creation of a NATO protectorate in Kosovo (BLACKBURN, 2000, p. 365). I will now focus upon the role of the OSCE which, until recently, has been seen as one of the unsung success stories of these post-Cold War years.

The OSCE, successor to the Conference on Security and Co-operation in Europe (CSCE), was created in the 1970s as a multilateral forum for dialogue and negotiation between East and West. Transformed into a permanent peace-keeping institution in December 1994, more recently it has been acknowledged as one of the main institutional frameworks within the architecture of the post-Cold War security system in Europe.

The OSCE employs a wide-ranging and comprehensive interpretation of "Europe", which goes beyond De Gaulle's oft-quoted belief that Europe was an area that stretched "from the Atlantic to the Urals", since today, the OSCE comprises 54 states that spread from "Vladivostok to Vancouver", including the United States and Canada, Transcaucasia, and the five Central Asian Republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (OSCE/ODIHR, 1997, Introduction).

Based upon the consensus of all participating states, the OSCE's remit focuses upon the following concerns: security; humanitarian issues (particularly human rights); and economic, scientific and environmental co-operation. This is a reflection of the changing nature and understanding of international relations, security and defence since the end of the Cold War, whereby the functioning of security has moved beyond mere defence concerns alone, to include a whole raft of issues, such as: the economic reconstruction of the CEE states; the development of democracy and civil society; environmental issues; monitoring of minority and human rights; as well as conflict prevention and post-conflict rehabilitation.

The OSCE provides a forum for implementing and developing pan-European multilateral diplomacy, whilst promoting shared values and standards of behaviour amongst its participating states, especially the monitoring of human rights and arms control. It also participates in preventive diplomacy and crisis management as has recently been demonstrated in BiH and Kosovo. Through its offshoot the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE has been responsible for furthering human rights, democracy and the rule of law throughout the OSCE region by observing and supervising elections according to the seven key words central to the democratic tradition: "Universal, Equal, Fair, Secret, Free, Transparent and Accountable" (*Ibid.*).

The achievements of the OSCE and its influence upon European affairs have been impressive. Since 1995 it has sent missions to Albania, Estonia, Latvia, Moldova, Macedonia, Slovakia, Tajikistan and Ukraine; and of particular relevance to this paper, it has been responsible for the supervision of elections in Croatia, BiH (1996), Montenegro, and Serbia (1997). The biggest missions to date were the supervision of elections in BiH in 1998 and the verifying of the so-called cease-fire in Kosovo, 1998-99.

Both missions have centred upon OSCE attempts to manage and build up security and democratic institutions amongst Southeast European cultures which conflicted with each other. Whereas the monitoring mission in Kosovo had clearly failed by March 1999, in BiH there had been the opportunity to build upon achievements already established by international community organisations amongst the different entities, within the framework of the post-Dayton protectorate. The OSCE's role in both Croatia and BiH had been upgraded by Dayton, and the organisation continued its mission in BiH by working closely with the UN High Representative and IFOR/SFOR. However, the outcome of the elections in September 1998 had been

that cultures which had been in conflict, were still not reconciled and had voted along cultural nationalist lines. A scapegoat was sought. The OSCE fulfilled that role. The question was, how did this come about?

First of all, one has to consider the fact that although the OSCE had played a lower-profile role than the EU and NATO in the Yugoslav wars, it had, nevertheless, been directly involved in conflict prevention and peace building in that region, with "missions of long duration" to Kosovo, Sandzak and Vojvodina in the FRY, between September 1992 and June 1993. Concomitant with this, a "spillover" monitor mission was sent to Skopje in September 1992, with the aim of preventing war from spreading into FYROM, by monitoring the border between Macedonia and Serbia, and monitoring relations between the Albanian minority and the Macedonian majority in that country. Sanctions assistance missions were also established within Albania, Bulgaria, Croatia, FYROM, Hungary, Romania and Ukraine, with the aim of supporting states in the implementation of the arms embargo against "former"-Yugoslavia (for further details see ALLCOCK *et al.*, 1998). Through the auspices of its Office for Democratic Institutions and Human Rights (ODIHR), which was established to monitor elections and promote democracy and respect for human rights, the OSCE organised and managed the following elections:

- The FRY republican, regional and local elections in December 1992
- The FYROM census in June-July 1994
- Parliamentary elections in Croatia in October 1995
- The FYROM municipal elections in November 1996
- The FRY parliamentary and municipal elections in 1996
- The BiH municipal elections in September, October and December 1997 and
- The RS (Republika Srpska) national assembly elections in November 1997

It has been observed that if OSCE missions are deemed to be of real importance, the United States and its European allies ensure that they are staffed by their own representatives; if not, the main volunteers are diplomats from the so-called "poorer" parts of the former communist world, who, so it has been said, have found that the organisation's *per diem* allowance is vastly in excess of their salaries at home (CLARK, 1999).

In both BiH and Kosovo, the United States made sure that a senior, experienced American was placed in charge of the mission, yet in both cases the OSCE has come in for some severe criticism. Over the Kosovo issue, the OSCE might even have served as a shield for NATO, for if the

OSCE monitoring operation in Kosovo were ultimately to fail, as it has been doing since Christmas 1998, the prestige of NATO itself would not come into question, but rather that of the OSCE —a form of damage limitation which could severely injure its reputation. This would strengthen NATO as it entered its fiftieth anniversary, and would pave the way for a new role in the international security framework, allowing NATO to reject any uncertainties about its role that had been expressed in the early 1990s.

The massacre at Račak proved to be a turning point in the OSCE's fortunes in the "former" Yugoslavia. On his visit to the incident, in which 45 Kosovar farm workers had been killed, the U.S. diplomat William Walker (who led the KVM) called the Račak massacre a crime against humanity, leaving no one in any doubt who was responsible for the slaughter. His words were as follows: "From what I saw, I do not hesitate to describe the crime as a massacre, a crime against humanity. Nor do I hesitate to accuse the government security forces of responsibility" (CHOMSKY, 1999, p. 41). The Kosovo Verification Mission was demonstrating to the world that it was backing the KLA (Ignatieff, 2000, p.60), at a time when human rights violations were being committed by both sides. Walker was declared *persona non grata* by President Milošević. This was the end of the KVM, which withdrew from Kosovo on 19 March 1999.

Johnstone argues that in some sense, the formation of the KVM was the "kiss of death" for the OSCE, as this would demonstrate the OSCE's impotence and leave NATO as the uncontested arbiter of conflicts in Europe (JOHNSTONE, 2000, p. 162). Meanwhile, Ignatieff, who had travelled with Richard Holbrooke to Kosovo in December 1999, recounted how members of the US State Department, such as Christopher Hill, were horrified by Walker's declaration. CHOMSKY (1999, p.41) adds that it was the withdrawal of the KVM and the start of the bombing campaign five days later (24 March) that exacerbated the displacement of people, the atrocities and the burning of Kosovar Albanian settlements, and the Serb military offensive against the KLA.

Perhaps the decline in confidence in the OSCE started earlier, with the elections in BiH in September 1998. This writer's personal experience of working with the OSCE, twice as an election observer in Serbia in September and October 1997 and in BiH in September 1998, might throw some light on comments that have been expressed, that the OSCE has begun to "suffer the problems of institutional rivalry, bureaucratic infighting and a lack of cohesion" (HYDE-PRICE, 1988, p. 36). This was demonstrated in the setting up of the OSCE mission to BiH in 1996 (Ibid.), and again in September 1998, at the time of the

Bosnian elections. In the case of the latter, the mission involved 2,624 election supervisors from over 25 countries, with over 8,000 national and international personnel, such as drivers and interpreters, to say nothing of election observers from the international community, in what was described as having been the biggest civilian operation since the end of the Second World War. Despite the impressive logistics, the whole operation seemed to have been run on a shoe-string. It was bedevilled by computer failures, delays in completing the final voters' registers, the implementation of last minute decisions, a general sense of a lack of effective co-ordination, and delays in opening polling stations, all of which reflected badly on the international community. Although we were up at 5 a.m. on the first day of polling, we had still not received the final registration list due to computer failure. My own polling station in Novo Sarajevo opened an hour late at 8 a.m., to criticism from older people who had been queuing for several hours. A colleague whose polling station in Ilid(a did not open until 3 p.m. received vicious comments from voters.

Even when the electorate got to vote, the procedure was complicated, with ballots that looked like enigmatic puzzles (PEČANIN, 1998, p. 59-60), with four different elections to vote in for each entity. This meant that those voting in the BiH Federation had to vote for:

- the BiH Presidency;
- the House of Representatives of the Parliamentary Assembly BiH;
- the House of Representatives of the Parliament of BiH; and
- the Canton Assembly FbiH.

Voters in the Republika Srpska (RS) had to choose candidates for:

- the BiH Presidency;
- the House of Representatives of the Parliamentary Assembly BiH;
- the RS President/Vice President; and
- the RS National Assembly.

There would be many spoiled ballots on the two days of elections and delays in the final count and the publication of the results. The OSCE publication *Važ vodič za birački proces*, an illustrated guide to the voting process, explained the complicated nature of how to vote and emphasised that all voting would be in secret (*Važe glasanje je potpuno tajno*). The following paragraph underscores recent experience and conditions:

Niko ne bi trebao da vidi koju političku stranku, koaliciju ili nezavisnog kandidata ste označili na svom listiću. Također ne marate

nikom reći za koga ste glasili. Zapamtite, niko neće znati za koga ste glasali. Sve je poduzetoda bi se zaštitilo vaše pravo tajnost glasa.

No one should see which political party, coalition or independent candidate you have marked on your voting slip. Also you don't have to tell anyone whom you voted for. Remember, no one need know for whom you voted. Everything is undertaken for the protection of your right to a secret vote (author's translation).

The document is a lesson in the mechanics of voting within a democratic society. The fact that the concept of voting in total secrecy, without any involvement of others, is repeated three times, says something of the climate at the time, namely that BiH was still a deferential society in which the concepts and practices of civil society had still not fully developed.

The OSCE was criticised by both the European Union and Bosnian citizens for having spent massive amounts of foreign taxpayers' money for three years in BiH (the EU alone provided 5 million ecu) whilst demonstrating to the world worrying discrepancies and inefficiencies in the practical running of the elections. As Senad Pećanin, editor in chief of the Sarajevo magazine *Dani*, commented, perhaps the real problem was what he referred to as:

...the "bureaucrats from OSCE's Sarajevo headquarters" who preferred to concentrate on "overseeing democratic changes", "educating the media" "promoting values" and other sound bites [in] pre-election Bosnia, rather than on menial tasks such as checking voters' registries (PEĆANIN, 1998, p. 70).

Perhaps one should not be overly critical here, because in the first BiH elections held in September 1996, Robert Frowick, the OSCE representative in Sarajevo, had been criticised for not making enough of the media (URBAN/BASAL, 1996, p. 54-55). My own impression is that the OSCE in Sarajevo had divided up the various areas of responsibility too much, so that the supervisors of logistics, administration, personnel, operations and training were not aware of what their colleagues and the rest of the organisation were doing and this led to mistakes and problems between areas of responsibility. Put another way, on the ground, there seemed to be a communications problem within the organisation.

The elections in BiH were marred by another development, which cannot be blamed upon the OSCE. It was predicted long before the elections started, that the polls would produce little more than an ethnic census. People voted along ethnic lines. Perhaps the biggest shock for the international community was the failure of the "more

moderate" RS president Biljana Plavšić to be re-elected. Admittedly any suggestion of "moderation" would not have been applied to Mrs. Plavšić before 1995. However, in the light of her distancing herself from the Pale/Karadžić faction and given that her rival, Nikola Poplašen, was more closely associated with Šešelj's ultra-nationalist Serbian Radical Party (SRS), in the aftermath of Dayton, Mrs. Plavšić had become the preferred candidate of the international community. With hindsight, it is interesting to note that Poplašen was removed from office on 5 March 1999 by Carl Westendorp (Office of the High Representative in Sarajevo) for having allegedly worked against the implementation of the Dayton Peace Agreement. His moderate prime minister, Dodik, who was widely credited for having turned Republika Srpska from a para-state into an internationally accepted entity, resigned the same day over the decision to remove Serb control from Brčko. Brčko was the key town in the area at the head of the narrow Posavina Corridor in northeastern Bosnia that the Serbs considered crucial to their economic and security interests because of its strategic position on the route linking the two heartlands of Republika Srpska, based on Banja Luka and Pale. If this narrow route was broken, so was the geographical unity of the Republika Srpska.

The OSCE had a major role to play in the Yugoslav conflicts and served as a useful instrument for conflict prevention, peace building and the promotion of democracy and human rights. It was hampered by limited resources, a lack of economic and military power and by its large membership which required consensus in its decision-making process (hence the irony that as an organisation for implementing democracy, it was weakened by its own democratic structure). Clearly, the OSCE played a major role in trying to establish civil society, democracy and security in the Balkans within the post-Dayton framework. Elsewhere it has brought greater stability to cultures which had previously been in conflict. The OSCE's achievements in the past have been recognised, but unfortunately it has been hamstrung, more recently, by its budget and institutional infighting. Furthermore, there is the suspicion that the OSCE might be made a scapegoat for perceived failures during its monitoring mission in Kosovo in the winter of 1998-99, thus enabling NATO to take the limelight as the principal force in ensuring European security and co-operation. The lesson from Kosovo has been the "risk of blowing away" all that was achieved in the period 1989-1991 (JOHNSTONE, 2000, p. 162). By contrast, perhaps the OSCE should be seen as the framework of a new regional organisation for providing collective security, given that it represents many more states than NATO (54 as opposed to 19) and that NATO,

despite its military might, has not been able to stop genocide and conflict in Europe (Ibid.).

Several questions arise from recent experience. Will the OSCE survive long in the 21st Century? Is its purpose now defunct in an age of "virtual wars" (IGNATIEFF, 2000) and moral combat in the period of the "New Interventionism" (CHOMSKY, 1999), as was exemplified by NATO's war against Yugoslavia? With this "new militancy" (BECK, 1998) in an era of a "new ethical foreign policy" (surely a contradiction in terms) Chomsky has envisaged "another rampage in the name of virtue" in which NATO bombings have been undertaken with "humanitarian intent" (CHOMSKY, 1999). Underscoring all of these writings, especially Chomsky's, the subtext has been one of a certain hypocrisy.

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