

The Fate of Ethnic Democracy
in Post-Communist Europe

THE FATE OF ETHNIC DEMOCRACY IN POST-COMMUNIST EUROPE

IGI
Books

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First edition published by
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Design & Production by Judit Kovács/Createch Ltd.

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ISBN: 963 9419 74 9

ISSN: 1586-1317

Library of Congress Cataloging in Publication Data

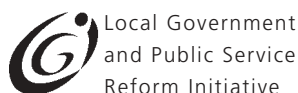
A CIP catalog record for this book is available upon request.

Cover photo: © Getty Images – Illustration Works – Gwilym Johnston

Cover design: Tom Bass and Judit Kovács

Copy editor: John Kowalzyk

Printed in Hungary by Createch Ltd., March 2005



Local Government and Public Service Reform Initiative (LGI), as one of the programs of the Open Society Institute (OSI), is an international development and grant-giving organization dedicated to the support of good governance in the countries of Central and Eastern Europe (CEE) and the Commonwealth of Independent States (CIS). LGI seeks to fulfill its mission through the initiation of research and support of development and operational activities in the fields of decentralization, public policy formation and the reform of public administration.

With projects running in countries covering the region between the Czech Republic and Mongolia, LGI seeks to achieve its objectives through:

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Introduction to the Series

The Fate of Ethnic Democracy in Post-Communist Europe is the third volume in the ECMI/LGI Series on Ethnopolitics and Minority Issues. The Series is a joint venture of the European Centre for Minority Issues (ECMI) and the Local Government and Public Service Reform Initiative (LGI). ECMI conducts practice-oriented research, provides information and documentation, and offers advisory services concerning minority-majority relations in Europe; in addition, it engages in constructive conflict management through its action-oriented projects, particularly in the Balkans and the Baltic states. LGI, a programme of the Open Society Institute, is a think tank specializing in improving governance practices and the provision of public services, especially at the local level.

The ECMI/LGI Series aims to provide a highly visible and accessible platform for ECMI's cutting-edge studies. These multi-author works are the result of the Centre's cooperative research projects, often lasting a number of years. While these projects were at times supported by conferences and seminars, the resulting books attempt to present a coherent and comprehensive picture of the area under investigation. In this way, the Series avoids the pitfalls of conference publications that often lack a clear focus and structure.

The Series also enables both ECMI and LGI to strengthen the link between their proactive work across Europe and the development of scholarly work that is geared towards influencing policy decisions. Through these studies, ECMI and LGI will raise awareness of crosscutting issues related to majority-minority relations and will analyze new issues and practices as they arise. In this way, the Series will advance the practical understanding of new challenges concerning minority issues while at the same time adding a dimension of theoretically based understanding.

The majority of countries in the former Eastern bloc, in particular in Central and Eastern Europe, feature multiethnic societies. Decentralization and the transition to a free market environment have made this characteristic of nation-states more visible and have raised the claim for a proactive approach toward multiethnic community management. The first step for countries that plan to solve ethnic conflicts in a peaceful way is to draft legislation on individual and collective minority rights. The second step is to implement these rules and manage the public sector in accordance with the accepted principles.

As there is a lack of relevant literature and research in this field, the ECMI/LGI Series intends to fill the gap by providing information and 'food for thought' for public officials and relevant professionals as well as practitioners. It is hoped that the ECMI/LGI publishing partnership will result in a significant addition to the study and practice of emerging policy issues related to minorities.

Marc Weller
European Centre for Minority Issues

Petra Kovács
Local Government and Public Service Reform Initiative

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Foreword

Since the end of the 1980s, the so-called third wave of democratization has been sweeping away authoritarian regimes from the states of Central and Eastern Europe (CEE). Observers have been astonished by the radical changes in the political landscapes of these countries, and overwhelmed by the determination of the peoples and political elites to swiftly join the Western mainstream of liberal democracy and market economy.

The end of the twentieth century clearly demonstrated that this unprecedented transition is more complex than originally imagined. The models of Western democracy appear less easily transferable to areas where very little or almost no living memory of similar political endeavours exists. Although challenging for scholars, the practical results of the transition to democracy in CEE have often been disappointing for politicians and their respective constituencies.

In some regions where new ethnically divided independent states were established, such as the former Yugoslavia and the former Soviet Union, the transition unleashed dormant forces of ethnic nationalism resulting in armed violence, ethnic cleansing and genocide—occurrences previously believed to have disappeared forever from the political repertoire of Europe.

The European Centre for Minority Issues (ECMI) was jointly founded by the German and Danish governments in the wake of these shocking developments to help overcome ethnopolitical tensions in the wider Europe. Since 1997, the team at ECMI has been working in several troubled European regions facilitating the accommodation of minorities in the new political realities through various action-oriented projects which promote dialogue in a state between different ethnic communities, majority and minorities, and authorities and minority organizations. In the course of these projects, the members of ECMI were daily exposed to a controversial combination of democratic aspirations and policies of ethnic preference in several newly independent states.

At the time some scholars had labelled this mixture of democratic and ethnic policies as “ethnic democracy”. This label however has been understood to have a negative connotation. From a somewhat different angle, Professor Sammy Smooha from the University of Haifa, Israel, has proposed a model of ethnic democracy as an analytical tool to understand better the political systems emerging in ethnically divided societies of post-Cold War Central and Eastern Europe. In such areas, the type of democracy operational in the West—liberal or consociational—does not seem fully adequate to describe and analyze these new political systems. According to Smooha, ethnic democracy is a political system that combines the extension of democratic rights for all with the institutionalized dominance of a single ethnic group. It is based on contradictory principles: the “democratic principle” of equality for all citizens and members of society, and the “ethnic principle” espousing explicit ethnic inequality, preference and dominance.

In 2001 Professor Sammy Smooha spent a month at ECMI as a visiting scholar. It was then agreed to collate a collection of papers on various countries which exhibit features of ethnic democracy. The present volume is the result of this effort, by a team of researchers who have worked with ECMI for varying periods of time. The contributors to this volume have applied Smooha's mini-model of ethnic democracy to several countries to uncover the features of ethnic democracy. Excerpts of Professor Smooha's contribution, "The Model of Ethnic Democracy", appeared in *Nations and Nationalism, Journal of the Association for the Study of Ethnicity and Nationalism* (London School of Economics) in October 2002. The journal editors kindly have granted their permission to reproduce this work in this publication.

The editors wish to express their gratitude to Marc Weller, ECMI's director, for endorsing this project and to Ms Marita Lampe, ECMI's publications officer, who coordinated the practical side of the production of this volume and who provided invaluable editorial assistance together with Ms Kelly Burke, who herself spent long weeks on the language-editing of the text. The editors would also like to thank Tom Bass for coordinating and producing this volume at LGI/OSI.

Introduction

Priit Järve

Astronomers study stars in different stages of development in order to theorize about their evolution which, because of the sheer duration, would be beyond all human observation. Likewise, the transitional countries observed in this volume represent dissimilar stages of democratization and, in particular, different intensities of international involvement.¹ With the consideration of these diverse stages, we hope to better understand the interaction of the efforts to establish ethnic dominance and the international containment of ethnic democracy.

The taming of ethnic nationalism and the dismantling of authoritarianism are the major tasks of democratization in all countries in transition. This process is further complicated by the weak state syndrome, another hallmark of transition, which discourages state authorities from sharing power with an equally weak civil society, let alone with different ethnic groups inhabiting the state. Instead, this syndrome seems to motivate the ethnic majority to concentrate all power in its own hands, as ethnicity remains the only stable frame of reference in a society with many highly volatile structures. By complicating the introduction of participatory democracy, the weak state, by definition, inhibits the enforcement of ethnic democracy. Full-blown ethnic democracy implies a strong state such as in Israel.

It must be underlined that the countries and territories under scrutiny (from Kosovo to Georgia) are relatively young entities and are far from the classic Israeli case of ethnic democracy, which is the principal inspiration behind Smootha's model. Nevertheless, the application of the model to these countries enables us to observe the inherent tendencies towards ethnic democracy as they move (or are guided by the 'supportive pressures' of the international community) toward a democratic system, in which ethnic considerations nevertheless remain strong.

This volume opens with a chapter by Sammy Smootha and it presents his full-fledged and mini-model of ethnic democracy, its defining features, the circumstances leading to its emergence and the conditions for its stability. Smootha applies the model to Israel where the Jews appropriate the state and make it a tool for advancing their national security, demography, public space, culture and interests. The criticisms against the model and its applicability to Israel are also discussed.

¹ Kosovo, in fact, is directly governed by the international community. Bosnia and Herzegovina, though formally an independent state, still has a very strong presence of international organizations. The OSCE Missions are presently operating in Serbia, Macedonia and Georgia. In Estonia and Latvia, the OSCE Missions operated for almost a decade and were closed only in December 2001.

Priit Järve analyzes in his chapter the relevance of the model of ethnic democracy as applied to Estonia, a case which is usually regarded as marginal in this regard. The Preamble of the Estonian Constitution is identified as the legal foundation of ethnic ascendancy in Estonia. Fears of the core ethnic nation are induced by history and reinforced by the media. The application of the model shows that Estonia can be characterized as a combination of ethnic democracy and a control system, which uses stateless persons' access to citizenship as a means of control. As the number of stateless persons diminishes, the control system slowly loses its importance and ethnic democracy may prevail, if not defeated by the ideas and practices of liberal democracy and multiculturalism in the context of European integration.

Svetlana Diatchkova shows in her chapter that all the main features of ethnic democracy are partly relevant in Latvia. While the Latvian state does not identify itself solely with the core ethnic nation and does not institutionalize its preservation explicitly, it nevertheless prioritizes its interests. Moreover, considerations of the core nation's survival and continued domination prevent the state from granting a broader scope of rights to minorities.

In the chapter on Georgia, Natalie Sabanadze analyzes the relationship between ethnic democracy and the weakness of the Georgian state. She explores why and how ethnic democracy can develop into a source of instability. She describes the rise of ethnic democracy in Georgia by highlighting some of the major factors conducive to its emergence and concludes with the analysis of proposed conditions of stability and why these prove to be insufficient in the Georgian case. According to the author, there are two main options open for Georgia's future development: to become a strong regional power with the determination and necessary military capabilities to maintain an ethnically biased society; or to integrate minorities into society and become a civic democracy equally open and accessible for all its citizens.

In his chapter, Graham Holliday seeks to test the theoretical insights Smootha provides with his model as it applies to Macedonia, which on the surface appears to be the prime example of ethnic democracy. The chapter provides an overview of the historical, political and socio-economic legacies and institutions of the region in order to determine the factors which have both shaped and contributed to the development of the present regime. This includes an analysis of the sources of instability that Macedonia has been confronted with throughout its recent history and how these have translated into perceptions of threat and the relative impact they have had on the type of democracy that has evolved. The chapter looks at the consequences that a recent period of violent conflict has had for democratic development in the country and its prospects for stability. It then examines the factors that could promote, inhibit or even reverse the emergence of a fully fledged ethnic democracy in the country, paying particular attention to the existence of countervailing domestic institutions and the role of external actors. In conclusion, the chapter draws on the previous discussion to engage critically with Smootha's model.

In the chapter on Serbia, Florian Bieber identifies the factors that contributed to the rise of what the author terms an ethnic semi-democracy, focusing on the ethnonationalist mobilization, the perceived fear of other nations and minorities, and finally the interrelationship between ethnonationalism and democracy in Serbia. Further, his chapter explores the reasons for the instability of the regime, examining both internal and external contributing factors. Finally, the chapter will draw theoretical conclusions from the case of Serbia for the model of ethnic democracy.

Robert Curis claims in his chapter on Kosovo that this society is a long way away from being able to establish ethnic democracy within its borders. It may, however, despite the best efforts of its international caretakers, *de facto* exhibit the operational tendencies of ethnic democracy both at the central and municipal levels. Over time, however, due to significantly lower Kosovo Serb birth rates, Serb emigration due to security reasons and especially poor economic prospects for all communities, Kosovo may develop into a democratic ethnic state.

In her chapter, Valery Perry tests the relevance and applicability of the model of ethnic democracy to the postwar state of Bosnia and Herzegovina (BiH). BiH presents a unique challenge: there is no single, core, privileged nation, but three constituent national groups each seeking to advance the interests of their 'own' peoples within a weak 'predemocratic' system. While some features of ethnic democracy, such as ethnic ascendancy, are difficult to qualify in BiH due to the tripartite nature of the country, others, such as the role of threat and fear in politics and the diminished nature of democracy in BiH, are quite relevant. BiH's recent constitutional reforms provide an example of the changing role of ethnicity and ethnic preferences in BiH politics and reflect the attempts to eliminate elements of regional ethnic democracy. Additionally, the role of safeguards, in the guise of internal systems and foreign intervention, are reviewed to determine their impact on ethnic politics in BiH.

The concluding chapter by Sammy Smootha seeks to draw consequences from the case studies for the model and identify possible ways of refining it. His main conclusion is that viable ethnic democracy has not emerged in any of the countries studied due to international involvement in their political development but also because of the weaknesses of their newly established state institutions.

The Model of Ethnic Democracy*

Sammy Smooha

1. INTRODUCTION

The classical democratic, homogeneous nation-state in the West has been under attack since World War Two. Some of the forces impinge on the nation-state 'from above'. They include regionalization and globalization which both decrease the strength of the state and create overarching transnational entities and identities. The European Union is the leading regional power in the world. The building of a European market, a parliament, a mutually compatible social security system and a common identity blurs the boundaries between nation-states and strengthens transnational and regional considerations. The globalization of the economy, of mass communication, tourism and culture also enfeebles the bounded nation-state and encourages transnational thinking and interests. We are also witnessing a phenomenal growth of what Kymlicka calls "universal minority rights",¹ namely, international standards for the treatment of ethnocultural groups (immigrants, national minorities and indigenous peoples), grounded in international law, international conventions and interstate treaties. This is not just a universal moral code but also a set of rules for international intervention in case of gross violations of minority rights. It is certainly bound to erode the sovereignty of the state and its authority to act single-handedly.

Other developments undermine the nation-state 'from the bottom'. The combination of ongoing democratization and continued cultural and economic deprivation of indigenous minorities reinforces their nationalism and claims for cultural retention and political representation. Spain is a prime example. The flow of non-assimilating immigrants and the rise of minority nationalism seriously challenge the homogeneity of the nation-state and its intolerance of ethnic and cultural diversity. This trend of change in the West gradually decouples nation and state, fosters tolerance of ethnic heterogeneity and scatters multiculturalism as an ideology.

In a world of states internally divided by ethnicity, nationality, religion, language or race,² and in an era of growing democratization,³ it is doubtful, therefore, if the liberal-

* This chapter is based on The Model of Ethnic Democracy, ECMI Working Papers No. 13, October 2001, pp. 1–95, Flensburg, Germany: European Centre for Minority Issues, http://www.ecmi.de/doc/public_papers.html. Sections appeared in "Types of Democracy and Modes of Conflict-Management in Ethnically Divided Societies", *Nations and Nationalism* 8, 4 (October 2002): 423–431, and in "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State", *Nations and Nationalism* 8, 4 (October 2002): 475–503. Permission was granted by the editors of *Nations and Nationalism*, *Journal of the Association for the Study of Ethnicity and Nationalism* (London School of Economics).

¹ Will Kymlicka, "Universal Minority Rights?" *Ethnicities* 1 (2001), 1, pp. 21–23.

² Anthony Smith, *Nations and Nationalism in a Global Era* (Cambridge: Polity Press, 1995).

³ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Oklahoma: University of Oklahoma Press, 1991).

democratic nation-state is still the most fruitful model for describing and analyzing the complex realities of political systems existing, changing or emerging in the West and in divided societies all over the world. Alongside this liberal type of democracy, the West has another, though infrequent, type, known in the literature as “consociational democracy”. It is exemplified by Belgium and based on the idea of bilingualism, biculturalism and binationalism. It is, nevertheless, unrealistic to expect liberal and consociational democracies, the two main models recognized in the West today and identified in the current literature of comparative politics, to properly represent the increasing diversity of democratic political systems worldwide.

Since the late 1960s the old Western liberal democracies have been positively responding to strong pressures to accommodate minority demands for equal rights and opportunity and for the recognition of separate cultures and identities. The politics of difference and multiculturalism has forced these liberal democracies, which formally ignore ethnic differences, to open up and to support some sort of collective rights. These democracies are thus transforming themselves into a new system that can be called ‘multicultural democracy’, positioned somewhere between liberal and consociational democracy.

While western countries are moving away from the homogenous nation-state toward multiculturalism, some other countries are building a nation-state. In many countries that lack a democratic tradition, the state is dominated by a single ethnic group and it takes the form of an ‘ethnic state’, i.e. the state is used as a means to institutionalize dominance and privilege of one ethnic group. The question is what forms of democracy these ethnically divided societies or non-democratic ethnic states take in response to challenges by non-dominant ethnic groups or when they embark on a transition to democracy.

The collapse of communism, the liberation of Eastern Europe from Soviet tutelage, the end of the Cold War and the break-up of the Soviet Union, Yugoslavia and Czechoslovakia, have stirred many suppressed ethnic and national conflicts and unleashed attempts to establish democracies in divided societies. Yet democratization is a global wave engulfing countries in eastern and southern Europe, Latin America and other areas. What are the types of democracy available to these democratizing states in ethnically divided societies for consideration and emulation?

Ethnic and national cleavages constitute a major impediment to democratization. According to Brubaker, three types of nationalism interact to destabilize the new or restructured states in interwar and post-1990 Europe.⁴ Looming largest is the “nationalism of the nationalizing state”, aiming to cast the state as an ethnically homogenous nation-state, a state of and for a particular nation, “to make the state what it is properly and legitimately destined to be, by promoting the language, culture, demographic position, economic flourishing, or political hegemony of the nominally state-bearing nation”.⁵ The “nationalism of the national minority” seeks to forestall these nationalizing policies and practices, to do away with discrimination and exclusion, to pursue autonomy, and sometimes even to push for secession. The third kind is the “nationalism of the external homeland” that sees itself

⁴ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

⁵ Brubaker, *op.cit.*, p. 63.

responsible for the welfare and fate of the non-citizen co-ethnic minority in another state and intervenes on its behalf. This triadic, conflict-ridden configuration of nationalisms is different from the problems of national integration in older European and post-colonial states in Africa and Asia.

By the same token, Linz and Stepan see nationalism, or more precisely, the state policy to create a nation-state in a divided society, as a hindrance to the consolidation of democracy.⁶ Many contemporary European liberal democracies implemented a policy of cultural and ethnic homogenization. They did so over a period of over several centuries and applied coercion when necessary. More recently, however, these western states are reversing the historical trend and moving in the direction toward multicultural democracy.

A homogenizing policy would encounter strong resistance in democratizing states today. This is because it is executed rather swiftly, coercion is today easier to resist, the ethnic elite has ample resources to mobilize the minority, the minority may have an external homeland that can intervene, minorities are growing in size and getting more dispersed, and the present international community is more tolerant of cultural diversity. Some of the democratizing states also suffer from a sharp disagreement between majority and minority on fundamental issues such as the very separateness of a given state, the demarcation of its borders and the rules of citizenship and naturalization. It is suggested that the greater ethnic heterogeneity, majority-minority discord and awakening and resistance of minorities, the greater the need for state policies of full enfranchisement, recognition and acceptance of ethnic differences and extension of some group rights.

Schopflin⁷ regards ethnonationalism as a real hindrance to democratization in post-communist states: "post-communist governments take the view that they do not represent citizens but the nation".⁸ Ethnicity fills in the gap created by the destruction of civil societies by communism. In these states, there is a strong tendency for indigenous minorities to be non-assimilating, for majorities to be intolerant of cultural diversity and suspicious of claims for special rights based on ethnicity, and for various essentially non-ethnic issues to be ethnicized.

The type of political system evolving in some of these democratizing states does not correspond to any of the known models. It can be called "ethnic democracy", a regime that combines a structured ethnic dominance with democratic rights for all. The identification of this new kind of regime serves the need to expand and refine the types of democracy in order to better describe and understand the growing variegation of democratic and semi-democratic systems in a world of states internally divided by ethnicity.

Linz and Stepan make a step in this direction. They identify four democratizing strategies for handling ethnic cleavage. Their four-fold typology is based on two criteria: the nation-building ideology (*demos* [i.e., population] and nation should be the same versus the

⁶ Juan L. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore, Md.: Johns Hopkins University Press, 1996).

⁷ George Schopflin, *Nations, Identity, Power: The New Politics of Europe* (London: Hurst, 2000).

⁸ George Schopflin, "Nationalism and Ethnic Minorities in Post-Communist Europe", in *Europe's New Nationalism: State and Minorities in Conflict*, Richard Caplan and John Feffer, eds. (Oxford: Oxford University Press, 1996), pp. 151–168, at p. 153.

possibility that they can be different) and the state-building strategy (exclusion versus inclusion of minority members as full citizens).⁹ While this scheme spells out two important dimensions, it does not provide a full-fledged multidimensional classification that can sensitize the user to more complex situations.¹⁰

I suggest to enrich the typology of democracy with two new types—*multicultural democracy* and *ethnic democracy*. Both promise to be useful for both old and new democracies. This chapter briefly presents the various models of democracy but its main purpose is to introduce and to elaborate on the model of ethnic democracy.

2. DEFINING DEMOCRACY

The common approach in the social sciences is to define concepts as continuous variables, to divide the continuum into sections, to mark off points of transition between sections and to identify a distinct type for each section. According to this approach, the term “democracy”, when it is restricted to a political regime only, can be defined as a continuous variable divided into a positive sector in which democratic regimes are located, a negative sector of non-democratic regimes and a transition zone that separates them. The most widespread and accepted definition of democracy is minimal and procedural,¹¹ according to which democracy is a regime that is characterized by free elections, universal suffrage, change of governments and respect of civil rights. This definition enables many countries to be included in the democratic camp, does not impose strict western criteria and recognizes numerous and novel versions of democracy.

The minimal and procedural definition and the rising democratization of the world since the mid-1970s increase steadily the number of countries considered democratic. The American institute Freedom House conducts an annual survey of the current status of democracy in the world, based on the procedural definition and on two measuring scales with a range of 1–7 ranks: one scale refers to political rights (the right to vote, formation of political parties, free and fair elections), and the other scale refers to civil liberties (freedom of expression, freedom of association, freedom of religion). According to the 1984 survey,

⁹ Linz and Stepan, *op.cit.*, p. 428.

¹⁰ To illustrate the ambiguity of the four types in the Linz–Stepan typology, let us consider the Israeli case. Israel would fall in Type III (its elite subscribes to the ideology that *demos* and nation should be the same and the state institutes an inclusionary strategy because Israel extends full citizenship to the Arab minority). This type implies that the state would “make a major effort to assimilate minorities into national culture and give no special recognition to minority political or cultural rights”. As we will see below, Israel definitely does not pursue such a policy. At the same time, it will be wrong to classify Israel into Type IV since it is not a consociational democracy.

¹¹ There is voluminous literature on this definition; see David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research”, *World Politics* 49 (April 1997), pp. 430–451, note 13 on p. 434. For instance, Robert A. Dahl in *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press, 1971) discusses the minimal aspect of the definition, while Huntington (*op.cit.*, p. 9) takes up the procedural aspect.

36 per cent of the people lived in “free” countries, 22 per cent in “partly free” countries and 42 per cent in “not free” countries,¹² whereas according to the 1999 survey, the figures were 39, 25 and 36 per cent, respectively.¹³ This global survey included all the 192 countries that were independent in 1999: 85 countries were classified as “free” (in which lived 2.34 billion persons, 39 per cent of the world population), 59 as “partly free” (1.5 billion, 25 per cent) and 48 as “not free” (2.1 billion, 36 per cent).¹⁴

The flow of democratization has created a wide spectrum of forms of democratic regimes and blurred the boundaries between democracy and non-democracy: “The recent global wave of democratization has presented scholars with the challenge of dealing with a great diversity of post-authoritarian regimes”.¹⁵ Collier and Levitsky review in detail the various methods researchers use to deal with this new problem. The challenge to comparative study stems from the deviation of some of the regimes from the democracies practiced in progressive industrial societies. Many researchers cope with this challenge by adding adjectives to democracy. This strategy is designed to increase the analytical differentiation and to maintain conceptual validity but without conceptual stretching. It is done by digressing to some extent from the classical western types of democracy. One of the good methods is the use of “diminished adjectives”. This method neither broadens nor blurs the type of democracy but rather sharpens its original meaning by emphasizing a characteristic that is either lacking or deficient. For instance, the diminished type “restrictive democracy” is given to regimes that prevent certain political parties from participating in elections and violate the right of every party to vie for power. Another advantage of a diminished type of democracy is the avoidance of a simplistic dichotomy ‘democracy–non-democracy’ and the recognition of the mixed and hybrid nature of many of the new and renewed regimes.

Another way to cope with the challenge of identifying and classifying political systems, with the transition to an era of multiplicity of democratic regimes, is to focus on the dimension of *quality* of democracy. Democratic regimes that meet the minimal and procedural definition differ considerably in the degree of their quality. As the number of democratic regimes rises, greater attention should be given to the assessment of their quality. Endorsing this position, Etzioni-Halevy explains why: “Democratic procedures are not enough. Such procedures produce democracy, but procedures alone cannot produce a high quality of democracy”.¹⁶

¹² Raymond D. Gastil, “The Past, Present and Future of Democracy”, *Journal of International Affairs* 38 (Winter 1985), 2, pp. 161–179, at p. 165.

¹³ Adrian Karatnycky, “Freedom: A Century of Progress,” The 1999–2000 Freedom House Survey (New York: Freedom House, 2000), available at <http://www.freedomhouse.org/news/akessay.html>.

¹⁴ Huntington, who identified a third wave of democratization in the world, estimated that in 1990 there were 130 countries with a population of at least one million, of which 59 (45.4 per cent) were democratic, in comparison with 30 democratic countries out of 122 (24.6 per cent) with a population of at least one million in 1973. See Huntington, *op.cit.*, p. 26.

¹⁵ Collier and Levitsky, *op.cit.*, p. 430.

¹⁶ Eva Etzioni-Halevy, “Introduction to Monographic Section: Elites, Social Processes and the Quality of Democracy”, *International Review of Sociology* 9 (July 1999), 2, pp. 177–182, at p. 181.

The quality of democracy may be reflected in general consensus on democratic procedures, equality of civil and political rights, legitimacy of all votes,¹⁷ political tolerance, the exclusivity of parliamentary laws,¹⁸ reduction of class inequality, ease of mobility to political elites, political representation of all population groups and effective struggle of deprived groups.

In addition to quality, democracies differ also in degree of their stability and efficiency. Stable democracy prevails in times of rapid change and deep crisis. Instability can stem from unsettled internal conflicts. Efficient democracy makes it possible to regulate conflicts between population groups peacefully. There is no necessary connection between quality, stability and efficiency of political regimes.

Democratic regimes fall into two main categories: civic democracies whose cornerstone is the citizen or the citizenry irrespective of ethnic descent or religion; and ethnic democracies in which the ethnic nation is the centrepiece. Each category has subtypes.

3. TYPES OF CIVIC DEMOCRACY

It is possible to identify four types of civic democracy that are relevant to the comparative study of divided societies. These are *individual liberal democracy*, *republican liberal democracy*, *consociational democracy* and *multicultural democracy*. They differ in the way they handle ethnicity and in the kind of rights extended to ethnic groups.

3.1 Individual Liberal Democracy

In this type of democracy the state refers to citizens, provides them with rights and demands from them to fulfil duties. Ethnic origin is privatized, not the basis for acquiring citizenship, and is not subject to legislation or state intervention. The state administers a policy of non-discrimination to insure equal opportunity. Members of ethnic groups are free to mix or to keep apart, to intermarry or to marry within the group, and to join the common state institutions or to construct their own at their own cost. Although the option of separation exists, the pressure to assimilate is very strong because the society at large is widely open and the individual, not the ethnic group, is the centre of society.

In this entirely individual-based democracy, the nation is subservient to the state. It is a civil, legal and territorial nation that every citizen belongs to automatically. The state is officially not identified with any ethnic nation, language and culture. It derives its legitimacy either from acquiescence in a formal constitution ('constitutional patriotism') or from living on a shared territory, neither from a wide value consensus nor from a deep sense of belonging

¹⁷ While votes of minorities are equally counted and influential, they may be considered illegitimate because ethnic majorities feel that in certain issues they should decide alone.

¹⁸ 'Exclusivity' means that parliament is the only body that makes laws and does not delegate legislative powers on the national level to other institutions. This principle is violated, for instance, in case of religion exclusively mandated by parliament to administer marriage and divorce.

to a nation. The framework of individual liberal democracy is not the nation-state but rather the state as a common, shallow, instrumental and convenient bond for individual citizens.

In individual liberal democracy the state itself is subservient to the individual, who is the centrepiece of society. The individual is conceived of as autonomous and free as long as he does not impinge on the rights of others or violate 'universal' norms (e.g., commits infanticide). In addition, the state power to restrict individuals and to mold them into a certain type of person is minimized.

Critics emphasize the inherent weakness of this conception of individual liberal democracy. The communitarians criticize its expressly atomizing conceptualization of society as a collection of individuals, its utter disregard of communities and its implicit discouragement of social solidarity. More importantly, individual liberal democracy is a purely normative model that hardly exists in reality. There is not even one case of democracy that fits the model well. Western democracies developed historically as nation-states that have been dominated by and identified with titular nations. They have never been empty legal settings for unattached and indifferent individuals.

3.2 Republican Liberal Democracy

In contrast to the individual liberal democracy that seems to be an abstract and remote model rather than a familiar reality, republican liberal democracy is the most common and best-known type in the world. This is the political system that supposedly prevails in most Western states.¹⁹ Similar to individual liberal democracy, equal individual rights are granted and collective rights are denied, but the framework for democracy is the civic nation-state that constitutes a 'super community' for the citizens. In addition to being part of the republican state community, every citizen also belongs to a particular community (a cultural, linguistic, or ethnic group that provides a sense of belonging, identity, meaning and purpose). The state is identified with a certain language and culture that every citizen is required to adopt. Legal citizenship and acquisition of the state language and culture are sufficient for inclusion in the nation-state. The criteria for inclusion are non-ethnic, non-religious and non-ascriptive.

The republican liberal democracy stratifies citizens according to their contribution to the common good. The civic nation that appropriates the state is a moral community with common national goals and a clear conception of the common good.²⁰ Citizens are self-conscious individuals who are politically active in defining and promoting the common good. Although formally equal, they are divided into 'rank and file citizens' who enjoy just the common individual rights and the 'good citizens' who get full privileges in exchange for their contribution to the civic virtue.

The liberal nature of republican liberal democracy is anchored in its pervasive openness. It is liberal through inclusiveness: every citizen who acquires the titular language and

¹⁹ Bruce Ackerman, *The Future of Liberal Revolution* (New Haven, Conn.: Yale University Press, 1992).

²⁰ Adrian Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World* (London: Routledge, 1990).

culture is fully included in the nation-state and nobody is excluded on the basis of race, ethnicity, gender or religion. It is also liberal in its voluntary character: the rule of inclusion and exclusion is willingly accepted and legitimized by individuals and groups in society. And lastly, republican liberal democracy is liberal in being an open-ended system, always subject to change: all citizens, as individuals or groups, can participate in determining, shaping and altering the societal goals and the definition of who is a good citizen.

Multiculturalists attack republican liberal democracy for its mishandling of non-dominant ethnocultural groups.²¹ The titular group imposes its own language, culture and identity on the entire society and forces the other groups to abandon and compromise their distinct heritage. Consequently, many groups are pressured to assimilate or are subjected to gross permanent discrimination.²² Republican liberal democracies do not practice the liberal features they are noted for either. While they are formally and ethnically inclusive, they alienate and coerce non-assimilating groups and disable them from revamping the system. To illustrate, in France, the archetype of republican liberal democracy, Corsicans are repeatedly denied any legal recognition of being nationally non-French and Muslim girls are denied wearing headscarves in public schools.

The western republican liberal democracy evolved over several centuries through destruction of ethnic groups, involuntary assimilation, genocide of native populations and other means of forcible nation-building. After achieving relative cultural homogeneity and basic consensus, republican liberal democracy can function rather smoothly. It usually does justice to individuals and ethnic groups which are more concerned with equal opportunity than with the preservation of their separate collective existence and identity.

Despite their deviation from their declared liberal principles and other shortcomings, republican liberal democracies are still quite useful for analyzing most western societies. Do we have any better model of democracy to characterize France or Denmark? We do not. Even imperfect republican liberal democracies adhere to the liberal principles of separation of ethnicity from the state, individual civil equality, tolerance, non-discrimination and substantial openness for orderly and peaceful change.

3.3 Consociational Democracy

The term consociational democracy was introduced in response to the wholesale failure of liberal democracies in the new, post-colonial states in Africa and Asia. The Anglo-Saxon, majoritarian type of democracy, which was imposed by the colonial powers on these states,

²¹ See Amy Gutmann, ed., *Multiculturalism and the Politics of Recognition* (Princeton, N.J.: Princeton University Press, 1992) and Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan, 2000).

²² While it always constitutes a challenge of the dominant cultural group and a demand from the state to recognize and support group differences, multiculturalism varies widely in import and political agenda. According to Joppke, multiculturalism takes the form of a claim of group rights in the United States, an anti-colonial discourse and struggle in the United Kingdom and an objection to an ethnic nation in Germany. See Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (Oxford: Oxford University Press, 1999).

collapsed soon after independence. Lijphart, who first suggested and developed the new model, explained the failure by the lack of fitness of liberal democracy to deeply divided societies.²³

Lijphart identified certain Western democracies as non-liberal, consociational (or semi-consociational) democracies, like Switzerland, Belgium, Canada and Finland. During the 1970s and 1980s a large literature emerged in which consociationalism was elaborated, applied to many historical and contemporary cases and criticized. In consociational democracy ethnic groups are recognized by the state and given all the necessary conditions, such as separate communities, language rights, schools and mass media, to preserve their separate existence and identity. Consociational democracy operates through the mechanisms of group autonomy, proportional representation, politics of compromise and consensus, coalition government (elite cartel) permanently engaged in negotiations, and veto power on decisions vital to group interests. The state takes a neutral stand toward the conflict between the groups and impartially implements the compromises reached by group elites.

Lijphart maintains that consociational democracy is appropriate to societies with moderate ethnic differences and conflicts. While it cannot insure political stability in deeply divided societies, it stands a limited but better chance than any form of liberal democracy. He also argues that consociational democracy is fairer than the liberal type because it provides collective rights in addition to individual rights.

Critics of consociational democracy advance several arguments. Some argue that consociationalism distorts democracy because recognition of group rights violates individual and human rights, and any allocation that is not fully meritocratic causes a waste of talents and skills.²⁴ Others hold that consociational democracies are by nature stagnant, conservative, unable to handle change and hence unstable in the long run (e.g., the collapse of democracy in Lebanon as a result of the change in the demographic ratios of the communities; the perennial problems afflicting Belgium, Canada and India). Still others maintain that successful consociational democracies like Switzerland are territorial-confederal but, strictly speaking, not consociational.²⁵

3.4 Multicultural Democracy

The idea of multicultural democracy has risen as a corrective to the individualistic conceptualization of liberal democracy. It also emerged in North America and Europe as a means to better understand the permanent inferior status of certain ethnic groups and their strong demand of cultural retention, representation and autonomy. More and more theoreticians and advocates of liberalism realize that equality between individuals cannot be achieved without recognizing and granting certain collective rights. Some supporters of liberal democracy

²³ Arend Lijphart, *Democracy in Plural Societies* (New Haven, Conn.: Yale University Press, 1977).

²⁴ Nathan Glazer, "Individual Rights against Group Rights", in *The Rights of Minority Cultures*, Will Kymlicka, ed. (Oxford: Oxford University Press, 1995), pp. 123–138.

²⁵ Pierre van den Berghe, *The Ethnic Phenomenon* (New York: Elsevier, 1981).

presume that it could and should be expanded to include group rights because “the right to be different” is a basic human right, no less important than the right to conformity and civil and political rights.²⁶

Multicultural democracy falls somewhere between liberal democracy (of the republican subtype) and consociational democracy. For this reason some, like Kymlicka, portray it as another variant of liberal democracy,²⁷ while others, like Yonah, present it as a form of consociational democracy.²⁸ Indeed, multicultural democracy is similar to liberal democracy in several respects. Both base full membership in the state on legal citizenship irrespective of ethnic descent. For both the organizing principle of society is the individual, and in both the state does not institute any legal barrier against exogamy and free circulation of people. In both personal intermixing is a legitimate and attractive option, producing a variety of hyphenated and hybrid identities and at least some degree of assimilation.

Van den Berghe stresses that multicultural democracy is appreciably less assimilating and less exclusionary than liberal democracy:

Multicultural democracy, by contrast, seeks to make room for cultural diversity without making it official. It seeks solutions to the problem of integrating disparate groups into complex, urbanized, post-industrial societies, while avoiding both the imposition of an assimilationist model based on a dominant-group definition of what the society should be, and the political expedient of disfranchising and excluding some groups from the polity and the society. It seeks to integrate without either assimilating or making official cultural differences.²⁹

Multicultural democracy is also different from liberal democracy, and similar to consociational democracy, in other features. Multicultural democracy largely separates the nation from the state and hence makes the idea of “nation-state” unpersuasive and resistible. It is a means of denationalizing the state. As van den Berghe puts it, “Multicultural democracy differs from liberal democracy in that it decouples the concepts of nation and of state, and openly recognizes that the state in question is not ethnically homogeneous”.³⁰ The nation is multicultural or multiethnic. The state not only refrains from negating cultural diversity but also treats it favorably. Citizens not belonging to the majority nation and wishing not to assimilate can be equal and can feel fully identified with the state. Minorities are granted minimal collective rights to preserve their cultural heritage and to use their language in schools and other public bodies. The individual’s affiliation and allegiance both to the state (as a “super-community”) and to particular communities is strong and balanced. The cost of

²⁶ Iris M. Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990).

²⁷ Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995).

²⁸ Yossi Yonah, “Fifty Years Later: The Scope and Limits of Liberal Democracy in Israel”, *Constellations* 6 (September 1999), 3, pp. 411–428.

²⁹ Pierre van den Berghe, “Multicultural Democracy: Can It Work?” *Nations and Nationalism* 8 (October 2002), 4, pp. 433–450, at p. 438.

³⁰ *Ibid.*, p. 437.

non-assimilation is moderate in multicultural democracy—smaller than in liberal democracy and greater than in consociational democracy. Furthermore, the notion of tolerance in multicultural democracy is grounded on ‘the agreement to disagree’—not on the liberal values of relativism, personal autonomy, critical thinking, the virtue of criticism, openness to new ideas, free expression, the benefit of cross-fertilization, respect for the other and the right to be wrong.

Multicultural democracy is distinguished from consociational democracy in the degree of legislation of group differences and rights. To quote van den Berghe once again:

Maximalist multicultural democracy can be clearly differentiated from consociational democracy, in that the latter recognizes and institutionalizes communities and collective rights, thereby almost automatically establishing invidious distinctions between degrees of institutionalisation and recognition for various communities, and unleashing a game of recognition-seeking between communities... Maximalist multicultural democracy, on the other hand, can easily stop short of any official recognition of group rights.³¹

To illustrate, if the law allows prayers in schools, members of different religions have equal right to express their distinct culture without the state recognizing or favoring any specific religion.

Multicultural democracy also differs from consociational democracy in completely lacking or in possessing only seminal forms of consociational mechanisms. It does not have any explicit and binding institutional arrangements of proportional representation, mandatory coalition governments, statutory ethnic autonomy, minority veto rights on vital matters, and avoidance of majoritarian decision-making (the politics of consensus, compromises and non-decisions). These formal rules, which are conducive to endemic disputes, stalemate and mediocrity in consociational democracies, are either absent or embryonic in multicultural democracies. For example, the inclusion of ethnic parties in coalition governments and the participation of minority members in the national power structure are likely legitimate options rather than legal requirements.

Some Western liberal democracies are clearly moving in this direction. Most striking is the Netherlands where non-white citizens from the former colonies are admitted to the society with little discrimination, granted rights to education in their own language, encouraged to keep their culture and identity and assisted in social mobility. The United Kingdom is another case in point. It devolved significant powers to Scotland and Wales. Blacks from the ex-Empire were allowed to enter Britain, their rights to family unions and to a separate culture are recognized, and strong laws against racial discrimination are enacted and enforced. Post-apartheid South Africa is probably even a better case of multicultural democracy. While its governing institutions are based on the principle of liberal democracy, the federal state is officially multilingual and multicultural, giving some authority to traditional chiefs, and large minorities have an effective veto power on any amendment to the Constitution. In addition, the first interim government (1994–99) is by law coalitional (including a representative of any political party with five per cent or more of the votes in the

³¹ *Ibid.*, p. 445.

national elections). New Zealand has drawn even further to multicultural democracy after recognizing the indigenous Maori as a national minority and granting them a full statutory, non-territorial autonomy.³²

The United States is a rather complex and ambiguous case. Its current Constitution makes it a pure individual liberal democracy. The reality for the big minorities, like Asians and Hispanics, is assimilation as individuals into the American mainstream. At the same time, the United States is a republican liberal democracy, a unilingual nation-state, established, shaped and ruled by the WASPs (White Anglo-Saxon Protestants), the gatekeepers of society. Yet the United States is tilting toward multicultural democracy by formally practicing a policy of affirmative action in favor of non-whites and women, popularizing the idea of multiculturalism, granting Native Americans on the reservations certain collective rights and according Spanish-speaking Puerto Rico a commonwealth status. The tolerance shown toward cultural and social separatists from among African-Americans is another sign of multiculturalism.

Growing globalization and the expanding unification of Europe, with the added effect of the legacy of decolonization and galloping international tourism, are transforming Western liberal democracies into multicultural democracies. They move and mix diverse populations and make people keenly aware of their cultural uniqueness. At the same time they draw people together and diminish their differences. Hyphenation and hybridization of identities, cultural shuttling, bilingualism and biculturalism are some of their products that reinforce multicultural democracy. They also engender the counter-effects of the rising radical right that opposes multiculturalism.

4. TYPES OF QUASI- OR NON-DEMOCRACY

There are several quasi- or non-democratic regimes that are specifically crafted to tackle deep ethnonational divisions. These are *control*, *Herrenvolk democracy* and *ethnocracy*.

4.1 Control

Investigating the political system that emerged during the 1960s in the Netherlands for regulating the conflict between Protestants and Catholics, Lijphart did not find liberal democracy applicable, and in response he invented the concept of consociational democracy in order to better account for the system there. Similarly, Lustick studied the division between the Jewish majority and Arab minority in Israel in the 1970s and had an experience reminiscent of Lijphart's: He could not explain Arab acquiescence by liberal or consociational democracy. Instead, he introduced a new model of a political system that he called "control". He set forth control as a general type, spelled out its mechanisms and applied it to Israel.

³² Richard Mulgan, *Maori, Pakeha and Democracy* (Auckland, New Zealand: Oxford University Press, 1989).

Control is presented as a general system to obtain political stability in deeply divided societies, constituting an alternative to liberal and consociational democracy.³³ The system is based on the principle that one ethnic group takes over the state, imposes its culture on the society, allocates to itself the lion's share of resources and takes various measures to prevent the non-dominant group from organizing politically and threatening to upset the status quo. The control system consists of three interrelated mechanisms: isolation (denying the non-dominant group access to the dominant group and internally dividing and ruling it), economic dependence (making non-dominant members dependent on the dominant group for their livelihood and depriving them of the extra economic surplus necessary for waging continuous political struggle) and co-optation (the capture of non-dominant elites and leaders through partial dispensation of benefits and favors).

The control model was applied to various countries. Different versions of the model were applied to Israel within the pre-1967 borders by Lustick³⁴ and by Smootha.³⁵ The model was also applied to Northern Ireland by Smootha and to Canada by Cannon and by McRae.³⁶

Control is appropriate to societies where ethnic differences and conflicts are maximal and profound, a situation that cannot be handled, according to Lijphart, by either liberal or consociational democracy. While not advocating it, Lustick maintains that control also serves the non-dominant group by saving it the pains of instability, persecution, violence and bloodshed.³⁷

There is no clear relationship, however, between democracy and control. Most examples of control are non-democratic, including colonial states and apartheid South Africa. Lustick

³³ Ian Lustick, "Deeply Divided Societies: Consociationalism versus Control", *World Politics* 31 (April 1979), 3, pp. 325–344.

³⁴ See Ian Lustick, *Arabs in the Jewish State: Israel's Control of a National Minority* (Austin, Texas: Texas University Press, 1980). While in 1980 Lustick argued that the Arab minority was placed under control, toward the end of the 1980s he abandoned this model, claiming that Israel is becoming a *de facto* binational state in which the Arab minority is playing a deciding role in Israeli politics. See Ian Lustick, "The Political Road to Binationalism: Arabs in Jewish Politics", in *The Emergence of a Binational Israel: The Second Republic in the Making*, Ilan Peleg and Ofira Seliktar, eds. (Boulder, Colo.: Westview Press, 1987), pp. 97–123.

³⁵ See Sammy Smootha, *Israel: Pluralism and Conflict* (Berkeley and Los Angeles: University of California Press, 1978) and Smootha, "Existing and Alternative Policy towards the Arabs in Israel", *Megamot* 26 (September 1980), 1, pp. 7–36 (in Hebrew). An English version was published in *Ethnic and Racial Studies* 5 (January 1982), 1, pp. 72–98.

³⁶ See Sammy Smootha, "The Control of Minorities in Israel and Northern Ireland", *Comparative Studies in Society and History* 22 (April 1980), 2, pp. 256–280; G. E. Cannon, "Consociationalism versus Control: Canada as a Case Study", *Western Political Quarterly* 37 (1982), pp. 50–64; and Kenneth McRae, "Consociationalism and Control as Alternative Models of the Plural Society: The Case of Canada" (unpublished paper, 1985). The application to Canada was limited to the period from independence in 1867 to the Quiet Revolution of the 1960s. During this time the dominant British majority used the state to make Canada British and to diminish any French power and features.

³⁷ For a sharp criticism of this view, see John McGarry and Brendan O'Leary, "Introduction: The Macro-Political Regulation of Ethnic Conflict", in *The Politics of Ethnic Conflict-Regulation*, John McGarry and Brendan O'Leary, eds. (London and New York: Routledge, 1993), pp. 1–40.

himself does not consider control as a stable democratic system, while he tends to regard liberal and consociational democracy as stable. Control is rather a set of mechanisms that can be used by democracies and non-democracies to contain dissident ethnic minorities.

4.2 *Herrenvolk* Democracy

Herrenvolk democracy is a democracy for the master race, formally excluding other groups. This model was originally introduced by van den Berghe and applied first to apartheid South Africa and then to the ante-bellum United States.³⁸ Van den Berghe's characterization of the United States before the 1960s as *Herrenvolk* followed de Tocquville's classic analysis of American society, where "tyranny of the majority" prevailed and Blacks were disenfranchised. This is a disputed classification, however, since the exclusion of Blacks was not built into the constitution of the United States but was the result of racist local regulations and practices. Full enfranchisement of Blacks in 1964 did not require a constitutional amendment.

On the other hand, van den Berghe's view of South Africa before 1994 as a *Herrenvolk* democracy is pertinent. Yet he belittled its democratic nature even for Whites and dismissed its ability to undergo peaceful change. In contrast, Adam analyzed South Africa also as a *Herrenvolk* democracy but stressed its genuine qualities as democracy for Whites. He successfully inferred its capability to peacefully transform itself into a democracy. Adam and Moodley argue that the new, post-apartheid South Africa stands a much better chance as a stable democracy because it has only to extend an existing democracy to new groups (Asians, Coloureds and Africans), rather than to meet the formidable challenge of building democracy from scratch as is the case for states of Black Africa.³⁹

Benvenisti classifies Israel in its post-1967 borders as a *Herrenvolk* democracy.⁴⁰ He argues that the Palestinians on the West Bank and Gaza Strip were *de facto* annexed to Israel but are permanently disenfranchised. Jews rule Palestinian citizens and non-citizens and use the state as a vehicle of domination and exclusion. This classification is erroneous because Israel's rule over the West Bank and Gaza Strip is internationally defined as a state of occupation and therefore the extension of political rights to their inhabitants is pointless. More importantly, the non-citizen Palestinians have always fought for liberation and sovereignty, not for becoming Israeli citizens. Hence, the analogy between Israel and South Africa is false.

Although useful as a tool to analyze democracy in deeply divided societies, *Herrenvolk* democracy is evidently not a democracy. Scholars neither present it as a democracy nor advocate it as a temporary or permanent solution to deeply divided societies.

³⁸ Pierre van den Berghe, *Race and Racism* (New York: Wiley, 1967).

³⁹ Hedibert Adam and Kogila Moodley, *Opening of the Mind: Options for the New South Africa* (Berkeley and Los Angeles: University of California Press, 1993).

⁴⁰ Meron Benvenisti, *1987 Report: Demographic, Economic, Legal, Social and Political Development in the West Bank* (Jerusalem: The West Bank Data Base Project, 1987).

4.3 Ethnocracy

Feeling disenchanted with “ethnic democracy” as a model for analyzing Israel, Yiftachel developed the existing term “ethnocracy” into a counter-model for studying Israel and some deeply divided societies. The main distinction between the two models lies in the nature of the regime: ethnocracy is construed to be a non-democracy while ethnic democracy is conceptualized as a democracy.⁴¹ While Israel serves as a prime example, ethnocracy is also found in contemporary Malaysia, Sri Lanka, Estonia, Latvia and Serbia.

According to Yiftachel:

An ethnocracy is a non-democratic regime which attempts to extend or preserve disproportional ethnic control over a contested multiethnic territory. Ethnocracy develops chiefly when control over territory is challenged, and when a dominant group is powerful enough to determine unilaterally the nature of the state. Ethnocracy is thus an unstable regime, with opposite forces of expansionism and resistance in constant conflict.⁴²

In ethnocracy, rights are determined by ethnonational descent, not by universal citizenship. The source of legitimacy of the regime is not the citizenry (“the *demos*”) but rather the dominant ethnic nation. Political boundaries are blurred by the state’s territorial expansion, the involvement of the ethnic diaspora in state affairs and by exclusionary measures. The founding ethnic group appropriates the state apparatus and administers discriminatory policies toward other groups. A dichotomy separates the two ethno-nations of the settlers and indigenous, although both are at the same time internally divided into ethno-classes. Segregation is pervasive in all areas of life, including the economy, residence, politics and social classes. Three driving forces converge to create and to sustain ethnocracy: settler society, ethnonationalism and the ethnic logic of capital. They combine to discriminate and to exclude as well as to militate against democratization.

Ethnocracy is non-democratic although it exhibits democratic features, like universal suffrage and democratic institutions. For this reason ethnocracy is not a *Herrenvolk* democracy. It maintains “selective openness”, mostly to obtain international legitimacy. It is not a true democracy because it lacks a “democratic structure”. Ethnocracy tends “to breach key democratic tenets, such as equal citizenship, the existence of a territorial political community (the *demos*), universal suffrage and protection against the tyranny of the majority”.⁴³

There are several problems with ethnocracy as a model. First, the generality and fitness of the model is dubious. For instance, Estonia and Latvia are not settler societies, in the usual sense that the founding Estonian and Latvian ethno-nations are not settlers. They do not expand territorially and do not have a diaspora intervening in their internal affairs. It is also

⁴¹ Oren Yiftachel, “Israeli Society and Jewish-Palestinian Reconciliation: Ethnocracy and Its Territorial Contradictions”, *Middle East Journal* 51 (1997), 4, pp. 1–16.

⁴² Oren Yiftachel, “Ethnocracy’: The Politics of Judaizing Israel/Palestine”, *Constellations* 6 (September 1999), 3, pp. 364–390, see pp. 367–368.

⁴³ *Ibid.*, p. 364.

hard to see the economic factors underlying the exclusionary policies in these two countries. Although the model is based on the Israeli case, it is doubtful whether it properly applies to Israel.

The model of ethnocracy is too rigid and one-sided. It presents the control of the founding ethno-class as hegemonic and cannot detect processes of erosion in its power and privilege. The protest of non-dominant groups is erroneously seen as ineffective because of the ample ability of the dominant group to contain it. The model is also wrong in seeing lower ethno-classes of the dominant ethno-nation as marginalized, whereas in reality they are quite privileged in comparison to members of the non-dominant ethno-nation.

The main weakness of the model is, however, its overdemanding and unrealistic normative conception of democracy. A regime that is not civic in nature and does not provide full equality to all citizens and ethnic groups is deemed non-democratic. Public and elite commitment to democracy, universal suffrage, fair elections, free media and full and effective use of means of democratic, non-violent struggle by non-dominant groups, to name just a few of the components of democracy, are treated as trivial and deceptive. This myopic view misses the essence of regimes that are characterized by an inherent contradiction between democratic and non-democratic tendencies but also by incremental change, flexibility and relative stability. These regimes are identified as ethnic democracies and will be discussed in the next section.

5. ETHNIC DEMOCRACY AS A MODEL

There are some democratic regimes that correspond neither to any of the four civic democracies in which the citizen or the citizenry is at the centre nor to any of the three quasi- or non-democratic regimes discussed above. The founding rule of these regimes is ethnic—an ethnic nation or group. The name given to this type is “ethnic democracy”.⁴⁴ From the very beginning, this type was constructed as a “diminished type” of democracy, that is, a mixed and low-grade type of democratic regime that lacks certain democratic elements.

The initial version of the model of ethnic democracy was published for the first time in a book and an article of mine on Arab-Jewish relations in Israel.⁴⁵ The model was elaborated

⁴⁴ I used this name in 1989 without being aware that it was coined originally by Linz in 1975 to refer to a political system that is democratic for the dominant group but excludes, on the basis of ethnicity, other groups from the democratic process. In 1996 Linz and Stepan followed Linz's original usage and employed the term (Type II, pp. 429–430) to essentially mean “*Herrenvolk* democracy”, which is a non-democratic system.

⁴⁵ See Sammy Smooha, *Arabs and Jews in Israel, Vol. 1*. (Boulder, Colo.: Westview Press, 1989) and Sammy Smooha, “Minority Status in an Ethnic Democracy: The Status of the Arab Minority in Israel”, *Ethnic and Racial Studies* 13 (July 1990), 3, pp. 389–413; followed by Sammy Smooha and Theodor Hanf, “The Diverse Modes of Conflict-Regulation in Deeply Divided Societies”, *International Journal of Comparative Sociology* 33 (January–April 1992), 1–2, pp. 26–47.

In my work on the status of the Arab minority in Israeli society, I explored the type of democracy prevalent in Israel within the pre-1967 borders. Originally, I saw Israel as a *Herrenvolk* democracy *vis-à-vis* the Arab minority (see Smooha, *Israel: Pluralism and Conflict*, *op.cit.*). I argued that while the Arabs formally enjoyed all the democratic rights, they were actually placed under control, excluded from the national power structure and their civil rights did not really matter. I concluded that Israeli democracy did not work for the

and scattered during the 1990s. An extended theoretical version appeared in 1999.⁴⁶ The model was used for a comparative study of several countries⁴⁷ and for a comparison between Israel and Northern Ireland.⁴⁸ It was applied to Estonia and Latvia,⁴⁹ Estonia,⁵⁰ Slovakia⁵¹ and India.⁵² Extensive applications of the model to Israel⁵³ were published, stirring rounds of heated controversies to be referred to below.

5.1 Definition and Delineation

Ethnic democracy is a democratic political system that combines the extension of civil and political rights to permanent residents who wish to be citizens with the bestowal of a favored status on the majority group. This is democracy that contains the non-democratic institutionalization of dominance of one ethnic group. The founding rule of this regime is an inherent

Arabs. My fieldwork soon convinced me, however, that the models of *Herrenvolk* democracy and control were over-simplifications of a rather complex reality. Contrary to my prior conceptions and to the *Herrenvolk* democracy and control models, I found the Arabs to be strongly attached to Israel, believing in the effectiveness of Israeli democracy and engaged in a militant struggle for equality and peace without triggering repression on the part of the authorities. There was also ample evidence that by the late 1970s control over the Arabs eroded appreciably.

Conceding that *Herrenvolk* democracy and control are not appropriate, I was left with liberal and consociational democracy. But both seemed to me far removed from Israeli reality. Despite all the improvements in its treatment of the Arabs, Israel still does not live up to the expectations of these two types of Western civic democracy. Like Lijphart and Lustick, I was forced to distinguish a new type which I called "ethnic democracy". This model was construed as a generalized or universalized type of the Israeli case.

⁴⁶ Sammy Smooha, "The Model of Ethnic Democracy: Characterization, Cases and Comparisons", paper presented at the Conference on *Multiculturalism and Democracy in Divided Societies* (Haifa: Center of Multiculturalism and Educational Research, University of Haifa, 1999).

⁴⁷ Oren Yiftachel, "The Concept of 'Ethnic Democracy' and Its Applicability to the Case of Israel", *Ethnic and Racial Studies* 15 (1993), 1, pp. 125–136.

⁴⁸ Sammy Smooha, "Ethnic Democracy: Israel as an Archetype", *Israel Studies* 2 (Fall 1997), 2, pp. 198–241.

⁴⁹ Graham Smith, "The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia", *Nationalities Papers* 24 (1996), 2, pp. 199–216.

⁵⁰ Priit Järve, *Ethnic Democracy and Estonia: Application of Smooha's Model*, ECMI Working Paper No.7 (Flensburg: European Centre for Minority Issues, 2000), pp. 1–41.

⁵¹ Pieter van Duin and Zuzana Polackova, "Democratic Renewal and the Hungarian Minority Question in Slovakia: From Populism to Ethnic Democracy?" *European Societies* 2 (2000), 3, pp. 335–360.

⁵² Gurharpal Singh, *Ethnic Conflict in India: A Case-Study of Punjab* (New York: St. Martin's Press, 2000).

⁵³ Yoav Peled, "Ethnic Democracy and the Legal Structure of Citizenship: Arab Citizens of the Jewish State", *American Political Science Review*, 86, 2 (June 1992), pp. 432–442; Yoav Peled, "Strangers in Utopia: The Civic Status of Israel's Palestinian Citizens", *Teoria Vebikoret* 3 (Winter 1993), pp. 21–38 (in Hebrew); Sammy Smooha, "Ethnic Democracy: Israel as an Archetype", *op.cit.*; Smooha "The Regime of the State of Israel: Civic Democracy, Non-Democracy or Ethnic Democracy?" *Sociologia Yisraelit* 2 (2000), 2, pp. 565–630 (in Hebrew); and Ilan Saban, *The Legal Status of Minorities in Divided Democratic States: The Arab Minority in Israel and the French-Speaking Minority in Canada*, Doctoral Dissertation (Jerusalem: The Hebrew University, 2000, in Hebrew).

contradiction between two principles—civil and political rights for all and structural subordination of the minority to the majority. The ‘democratic principle’ provides equality between all citizens and members of society, while the ‘ethnic principle’ establishes explicit ethnic inequality, preference and dominance. The organization of the state on the basis of this structural incompatibility constantly generates ambiguities, contradictions, tensions and conflicts, but not necessarily ethnic and political instability. The state belongs to the majority, not to all of its citizens, and the majority uses the state as a means to advance its national interests and goals. The minority encounters the hard problem of potential disloyalty to the state because it can neither be fully equal in nor fully identified with the state. Yet the democratic framework is real, not a façade. The conferral of citizenship on the minority enables it to conduct an intense struggle for fulfilling its rights and for improving its situation without fearing repression on the part of the state and majority. The state imposes various controls and restrictions on the minority in order to prevent subversion, disorder and instability. As a result, the status quo is preserved, but over time the minority experiences a partial betterment of its status.

One should not interpret the central contradiction between democracy and ethnic dominance, being built into ethnic democracy, as a contradiction that arises in all matters. There are matters for which the contradiction is not relevant at all, others in which it takes concrete and striking forms, and yet others in which it is reflected in varying degrees. The expressions of the contradiction also depend on perceptions, interpretations and attitudes of minority and majority, and not just on intractable and objective situations, and they can be shaped by state and public policies.

What is deficient in ethnic democracies as compared to civic democracies? The fundamental deficiency is the lack of civil and political equality because the rights of the minority are inferior to the rights of the majority. The state belongs to the majority and serves it more than the minority. Being identified with the majority, not with its citizens, the state also does not try hard to obtain nor does it actually enjoy the legitimacy, consent and cooperation of all the ethnic groups living in its midst.

Like all diminished types, ethnic democracy is also an incomplete case of democracy. If so, why should ethnic democracy not be regarded as ‘an extended type of non-democracy’, instead of ‘a diminished type of democracy’? This is because ethnic democracy shares greater ground with civic democracy than with non-democracy. Ethnic democracy meets the procedural minimum definition of democracy (civil and political rights for all permanent residents interested in them) and even excels in additional democratic properties: elite and public commitment to democracy and an effective struggle by the minority without state repression.

The type of ethnic democracy broadens and enriches the comparative scheme of political regimes in divided societies but without stretching and obscuring the concept of democracy. It augments the researcher’s analytical differentiation by adding a type that diverges significantly from the common types of civic democracies, thereby refining the meaning of ‘full democracy’. It does not stretch and distort the concept of ‘democracy’ because it does not misrepresent itself as an additional case of full democracy but rather as a diminished type only.

5.2 Distinction from Other Types of Political Regimes

Table 1 presents a comparison of the five types of democracy. The two liberal types are distinguished from the three other types in their non-recognition of cultural differences and denial of collective rights. Consociational democracy provides the minority with maximal recognition, separate institutions, autonomy, proportional representation and equal status. Multicultural democracy recognizes cultural differences and supports groups that organize separately, but does not legislate collective rights and does not extend self-rule and power-sharing. Ethnic democracy is selective in its approach to collective rights, denying collective rights that may empower the minority and reinforce the threat it presents to the majority. It is distinguished from the other four types in being ethnic, not civic. It takes the ethnic nation as the cornerstone of the state, not citizenry. It also differs from the rest on the question of equality. While the four civic types of democracy treat the minority equally, ethnic democracy grants individual and collective rights to the minority but also guarantees preferred status to the majority. Paradoxically, ethnic democracy is similar to republican liberal democracy in having the state side with the majority, whereas in the other three types the state remains neutral.

It can be said, with some simplification, that while liberal democracy conforms to the idea of 'equal and not separate', multicultural democracy concurs with the vision of 'equal but not so separate' and consociational democracy corresponds to the concept of 'separate but equal', ethnic democracy fits the pattern of 'separate but not so equal'.

The table highlights the peculiarity and rationale of ethnic democracy, as evident in its features discussed below.

5.3 Features

In order to elucidate the special nature of ethnic democracy, some conceptual clarifications and distinctions are necessary. A 'state' is a political juridical entity, whereas a 'nation' is a collectivity of people. A 'nation' is a population that claims a right to self-determination (to be fulfilled by autonomy or sovereignty) to a certain territory (considered as its homeland). An 'ethnic nation' is a nation that, in principle, consists of a single ethnic group, whereas a 'non-ethnic (civic) nation' is a nation that is or, in principle, can be composed of different ethnic groups. Since ethnic nation has rigid boundaries, it is extremely hard to join or leave it. The ethnic nation is further grounded in a myth of a common descent and a shared collective memory and often also a common language and a common culture. 'Ethnic nationalism' (ethnonationalism) is a brand of nationalist ideology or movement claiming that a given group constitutes an ethnic nation (rather than a civic nation), and as such has a right to a certain territory. It usually also presumes that the ethnic nation has a distinct culture and language and certain collective goals to be preserved and promoted. When a pre-existing ethnic nation founds a state, it tends to take precedence over the state's democratic system and institutions. On the other hand, a pre-existing state tends to create a non-ethnic, civic nation.⁵⁴

⁵⁴ For discussion of the distinction between ethnic and civic nation and the features of the ethnic nation, see Anthony Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986) and Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, Mass.: Harvard University Press, 1992).

Table 1.1
Comparison between Types of Democracy

	Individual Liberal Democracy	Republican Liberal Democracy	Multicultural Democracy	Consociational Democracy	Ethnic Democracy
Procedural Minimum Definition of Democracy	Yes	Yes	Yes	Yes	Yes
State's Character	Collection of citizens	Civic nation-state	Multicultural state	Binational or multi-national state	Ethnic nation-state
Equality of Individual Rights	Yes	Yes	Yes	Yes	To a large extent
Collective Rights	None	None	Yes, but not legislated	Legislated	Legislated
Equality of Collective Rights	Not applicable	Not applicable	Yes	Yes	No
State's Neutrality	Yes	No	Yes	Yes	No
Assimilation Policy	No	Yes	No	No	No
Assimilation Rate	High	High	Medium	Nil	Varies
Mechanisms of Integration and Conflict-Management	Equality of individual rights and opportunities, constitutional patriotism, assimilation	Equality of individual rights and opportunities, formation of a nation-state with cultural homogeneity and value consensus, assimilation	Equality of individual rights and opportunities, formation of a common super-community with recognition and cultivation of group cultural differences, some degree of assimilation	Equality of individual rights and opportunities, agreement over a binational or multi-national state, proportional distribution of resources, extended autonomy, power-sharing, veto power, politics of compromise and consent	Gradual decrease of inequality of individual rights and opportunities, broadening of collective rights, power and resoluteness of the majority, protest and struggle of the minority, control and deterrence of the state

The following features distinguish ethnic democracy from types of civic democracy and from types of non-democracy. They tend to characterize ethnic democracy but not all are equally essential, their presence may vary from one case to another and some may even be missing.

1. *The dominant ethnic nationalism determines that there is only one ethnic nation that has an exclusive right to the country.* The point of departure of ethnic democracy is the prevalence of ethnic nationalism that asserts an absolute, exclusive and indivisible right of an 'ethnic nation' to a given country. From this assertion stems a dichotomy separating the core ethnic nation from non-core members who originate from other ethnic groups. Ethnic nationalism makes the ethnic nation a centre of gravity for the society as a whole—a prime concern, a world interest and a precious asset for most members and leaders of the ethnic nation.

Since ethnic nationalism asserts the ethnic nation's inalienable right to a separate political entity and an exclusive right to the homeland, it legitimates inequality of status between the core ethnic nation and non-core groups.

The idea of a single core ethnic nation, enshrined in ethnic nationalism, also exists in all types of quasi- and non-democracy—control, *Herrenvolk* democracy and ethnocracy. It is absent in liberal and multicultural democracies which do not have a core ethnic nation at all, while consociational democracies have more than one (ethnic) nation and hence lack a single ethnic core.

2. *The state separates membership in the single core ethnic nation from citizenship.* The state accepts the claim of ethnic nationalism that the ethnic nation is the single core ethnic nation in the country, hence sharply marking it off from other ethnonational groups. The state tries hard to limit citizenship to members of the core ethnic nation, but citizenship is neither a necessary nor a sufficient condition for inclusion in the core ethnic nation. The core ethnic nation may include citizens and non-citizens, and by the same token the non-core population may also include citizens and non-citizens. Membership in the core ethnic nation is given, primordial and innate, though it could be achieved by a select few under certain conditions.⁵⁵

The state is primarily entrusted with the care of the core ethnic nation and only secondarily with the care of its non-core citizens. It is concerned with the preservation of the core ethnic nation and its members, even if they are non-citizens living permanently in the diaspora. It may allow, encourage or discourage the assimilation of non-core groups but always takes measures to prevent the assimilation, depopulation and decline of the core ethnic nation.

The difference between the various types on this point is clear. While in ethnic democracy the state primarily serves the single core ethnic nation, and only secondarily all its citizens, in individual liberal democracy the state serves the individual citizen and in republican liberal democracy it caters to all its citizens who by definition constitute its non-ethnic, civic nation. In the same vein, ethnic democracy differs from multicultural and consociational democracies, which treat all their citizens equally, including the members of their different

⁵⁵ For instance, the standard way to join the Jewish people is through religious conversion. On the other hand, it is not clear how to join the German ethnic nation since it is not enough to acquire the German language and culture and to be a resident citizen in Germany. Inter-marriage and blood ties are no doubt a step forward.

constituent ethnic groups and nations. On the other hand, ethnic democracy considers the needs and interests of its citizens, while the various types of quasi- or non-democracy cater only to the members of the core ethnic nation and grossly disregard non-core citizens and non-citizens.

In order to further clarify the first two features of ethnic democracy, let me illustrate their manifestations in civic democracies. Every state has an ethnic core that reflects the ethnic stock, language and culture of its population, majority or charter (founding) group. For instance, the ethnic core of the United States is White, English-speaking, Christian and Western, mirroring its Anglo-Saxon founding group. For centuries this ethnic core was preserved by the depopulation of Native Americans, an immigration policy in favor of white Europeans, the denial of full political citizenship to African-Americans and other measures. Notwithstanding this ethnic core, the United States should not be considered an ethnic democracy because it lacks ethnic nationalism, has not institutionalized an ethnic nation, and has not declared itself as the homeland of Whites, WASPs or Christians; but rather it has formed a multiethnic nation that includes all citizens by birth or naturalization. It has become even more civic and even multicultural following the enfranchisement of Blacks, the liberalization of immigration policy and the growing acceptance of multiculturalism since the mid-sixties.

3. *The state is owned and ruled by the core ethnic nation.* It is the core ethnic nation that possesses and controls the state, not its citizens. The state is the embodiment of the core ethnic nation's right to national self-determination, the state territory is the exclusive homeland of the core ethnic nation and the state apparatus is a tool at the disposal of the core ethnic nation to promote its collective goals and the security, welfare and success of its members. The state's official language, religion, culture, institutions, flag, anthem, emblems, stamps, calendar, names of places, heroes, days and sites of collective commemoration, laws (especially those regulating naturalization, immigration and ownership of land and businesses) and policies are biased in favor of the core ethnic nation, and members of the core ethnic nation expect and receive a favored status.

Ethnic democracy creates an ethnic stratification of citizenship. Members of the core ethnic nation are first-class citizens, and only they have the option to define and contribute to the common good. The select few among them who make exceptional effort and contribute have the special privileges of 'good citizens', while the rest remain rank and file members. On the other hand, non-core members can hardly qualify as 'good citizens', that is, they are not entitled to take part in determining the common good (national goals and policies) but cannot enjoy the special rewards given for excellence in contributing to the public good.⁵⁶

The state in ethnic democracy is expressly on the side of the core ethnic nation, not operating as an impartial body, a fair broker or an agreed upon arbiter for the population groups. In this respect, the state in ethnic democracy is similar to the state in non-democratic regimes. In ethnic democracy there is also no broad, shared and agreed upon civic infrastruc-

⁵⁶ For a general statement of this point and an application to Israel, see Yoav Peled, "Ethnic Democracy and the Legal Structure of Citizenship: Arab Citizens of the Jewish State", *American Political Science Review* 86 (June 1992), 2, pp. 432-442; and Yoav Peled and Gershon Shafir, "The Roots of Peacemaking: The Dynamics of Citizenship in Israel: 1948-1993", *International Journal of Middle East Studies* 28 (1996), pp. 391-413.

ture that contains language, culture and identity. Such an infrastructure is present in republican liberal democracy although here, too, the nation-state is not neutral but rather identified with the majority group. In contrast, the state in individual liberal democracy, multicultural democracy and consociational democracy is, in principle, an impartial and autonomous organization, neutral to the groups in conflict and attempting to administer its affairs in a fair manner—to mediate and to find mutually acceptable compromises.

4. *The state mobilizes the core ethnic nation.* The state fosters the national identity of the members of the core ethnic nation in order to ensure against their apathy and assimilation. But beyond this minimal fundamental goal, the cultivation of an exclusionary national identity and the provision of preferential treatment of core ethnic nation members aim to obtain their full consent, legitimacy, identification, support, participation and sacrifice for national projects. The concrete state undertakings vary but the grand design is the continued construction or reconstruction of the core ethnic nation (ethnic nation-building) or a nation-state building, and defence against a perceived or real threat. Members of the core ethnic nation are called upon to contribute to and to make personal sacrifices for national interests and they are rewarded by special privileges.

Since mobilization of the masses by the state is the characteristic of ideological societies, ethnic democracies are ideological states with relatively weak civic societies and vulnerable private domains. In this sense they resemble *Herrenvolk* democracies and differ markedly from civic democracies in which civic society and the private domain are broad and strong, national ideology is not obliging and mass mobilization is infrequent (usually occurs during wartime).

5. *The state grants non-core groups incomplete individual and collective rights.* Ethnic democracy qualifies as a democracy because it meets the standard criterion of extending rights to the entire permanent population, including non-core groups. Certain rights might be either missing or not fully given. Four kinds of individual rights are granted: human rights (such as dignity, physical safety and equality), social rights (including entitlement to housing, health, employment, income and education), civil liberties (including freedom of assembly and association, freedom of the press and independent judiciary) and political rights (including the right to vote and to stand for election, a multi-party system, change of governments through fair elections and lack of military or foreign intervention in the political process). In addition, since non-core groups are recognized by the state as distinct and separate groups, they are endowed with some collective rights. They are usually allowed to use their language and to hold separate religious institutions, schools and cultural organizations and activities.

The state in ethnic democracy sees political rights as an extremely pivotal privilege and practices a policy of restricting them as much as possible to core ethnic members. It extends, however, political rights to permanent residents and allows non-core immigrants to naturalize under strict conditions due to the core nation's commitment to democracy, international pressures or other pragmatic reasons. Extension of political rights for all distinguishes ethnic democracy from non-democracy.⁵⁷

⁵⁷ On the other hand, Graham Smith (in "The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia", *op.cit.*) extends the original formulation of the ethnic democracy model by making it applicable to cases like Estonia and Latvia, in which full political rights (citizenship and voting for parliament) are denied to most minority members but kept open for acquisition.

On the one hand, ethnic democracy is inferior to civic democracies because full equality is by definition lacking and the core ethnic nation and its members enjoy superior status and rights. Whereas individual rights (including political ones) are equal for all in individual-liberal, republican-liberal, multicultural and consociational democracies, they are somewhat deficient in ethnic democracy. The individual rights of non-core members are limited to some extent and usually less protected. For instance, their right to purchase land may be subject to various restrictions.

In contrast, with regard to collective rights, ethnic democracy is superior to individual-liberal democracy and republican-liberal democracy which in principle do not recognize any group right. The collective rights accorded in ethnic democracy are more extensive than in multicultural democracy but inferior to the full and equal group rights granted by consociational democracy. Unlike the binational nature of the state in consociational democracy, the state in ethnic democracy is uninational. It does not recognize the national rights of non-core groups, i.e., they are not accepted as national minorities with a representative leadership, entitlement to a proportional share of state resources (appointments, budgets), power-sharing, autonomy and a veto power on crucial decisions. Restrictions are also put on the expression of the national identity of non-core groups. For example, there are restrictions on the public display of identification with the external homeland and on school curricula of the national history and literature.

6. *The state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change.* Another democratic dimension of ethnic democracy is the availability and legitimacy of standard avenues of protest and struggle for change for use by non-core groups. They are allowed to use the vote, petitions, mass media, courts, political pressures, interest groups, lobbies, demonstrations, strikes, sit-ins and other legal means to advance their status without having to face repression by the state and violence by the core ethnic nation.

On this score ethnic democracy is far superior to quasi- or sham democracies where the fundamental right to protest and dissent is not respected. But in ethnic democracies this right, among others, is more restricted for non-core groups than in civic democracies.

7. *The state perceives the non-core groups as a threat.* The state and the core ethnic nation perceive the non-core groups as a threat. The threat may vary considerably in nature (real or apparent) and contents. Threats may include demographic increase and preponderance (swamping), excessive accumulation of political power, unfair economic competition, downgrading of the national culture, dilution of the 'pure ethnic stock', a national security risk, loyalty to an external homeland, subversion, unrest and instability.

Perceived or real threats are widespread in all types of democracy, but only in ethnic democracy and quasi- or non-democracies are they an integral part of the system, enduring and obsessive.

8. *The state imposes some control on non-core groups.* Since members of non-core groups suffer from personal and institutional discrimination, cannot enjoy full equality and cannot completely identify themselves with the state, their loyalty is considered problematic. They are also perceived as a threat to the order and stability of society. Moreover, their protest and struggle are feared to lead to escalating demands and to illegal actions and violence. Even if the historical record shows that they are by and large law-abiding people, their disloyalty potential is assessed to be significant, and occasional incidents of law violation on their part

reinforce suspicion and apprehension. For this reason non-core groups in ethnic democracy are targets of the security forces. Their participation in the security apparatus, access to sensitive information and recruitment to posts of trust are restricted. They are watched by state agencies and the activities of their activists and leaders are monitored. Restrictions are also imposed from time to time on their protest lest it deteriorates to unrest and violence.

Control is commonly used in civic democracies against individuals and selected action-groups with high risk to the regime and to law and order, but in ethnic democracy and quasi- and non-democracies control is also applied as a rule over non-core groups as such, not just over particular members from among them. Average non-core members in diminished democracies and non-democracies are much more likely to get the attention and harassment of the security forces than average core members.

Each of the above features of ethnic democracy readily distinguishes it from the existing political systems: civic democracies and quasi- or non-democracies. Ethnic democracy is not liberal because it is overwhelmed by excessive ethnic nationalism; it sharply distinguishes between members of the core and non-core ethnic nation, officially recognizes ethnic differences and extends group rights, puts the ethnic nation above citizenry and state, provides the core ethnic nation with institutionalized power and privilege and places the non-core groups under control.

The comparison with multicultural democracy is rather complex. On the one hand, ethnic democracy is less democratic than multicultural democracy for non-core members concerning equality of individual rights and inclusion into society. On the other, it is more democratic in giving more extensive and legalized collective rights to non-core groups.

Although ethnic democracy makes concessions to the non-core groups, it is not consociational because the state is by definition appropriated and ruled by the core ethnic nation, and the non-core groups are deprived of full rights, equal status, proportional representation, veto power and politics of compromise and non-decision. The non-core groups remain on the receiving end and must constantly be on their guard to ensure their due rights and entitlements.

Ethnic democracy differs from control as a type of regime in being clearly democratic, while in most cases control is not democratic. Whereas in the regime of control, ethnic dominance takes precedence over democratic rules, in ethnic democracy the democratic and ethnic principles compete with each other, but neither has a clear upper hand. Yet a mechanism, not a regime, of control is a necessary component of ethnic democracy. A certain degree of political and economic regulation of the non-core groups is essential for keeping ethnic dominance. Unlike control as a type of regime, control in ethnic democracy operates as a subtle, manipulative, selective and hidden mechanism in deterring and restraining dissidents and suspected troublemakers from among the minority.

Ethnic democracy differs from ethnocracy in being more truly democratic and in producing real dilemmas as a result of clashes between democracy and structured ethnic dominance. It provides the non-core groups with more political participation, influence and improvement of status than ethnocracy supposedly does.

Being a democracy for all, ethnic democracy is not a *Herrenvolk* democracy which is by definition a democracy officially limited to the core ethnic nation only.

5.4 Factors Conducive to Emergence

The following factors are conducive to the emergence of ethnic democracy:

1. *Ethnic dominance precedes emergence of democracy.* Democratizing ethnic states, in which the core ethnic nation has enjoyed institutionalized supremacy long before the introduction of democracy, are highly susceptible to ethnic democracy because it provides some continuity with the past. Instead of renouncing their traditional, structured dominance, core ethnic nations can make the new democracy serve them in a form of ethnic democracy. Ethnic democracy moderates the process of democratization.

2. *Ethnic nationalism precedes emergence of democracy.* If a movement or ideology of ethnic nationalism precedes the existence of the state, there is a strong tendency that the new state will be ethnic or will adopt ethnic democracy as its regime. This is because the ultimate end of ethnic nationalism is advancement of the ethnic nation, not quality of the regime, civil equality or justice. Ethnic democracy emerges where the ethnic nation rose prior to the formation of the state and founded the state to ensure its survival, well-being and interests. On the other hand, civic democracies rise where the state preceded the nation and created the civic nation as an instrument of societal solidarity and integration and as a tool of a state capitalist economy.

These two factors indicate that high appreciation of the ethnic nation is a strong push for establishing ethnic democracy. For historical reasons, they prevail more in Central and Eastern Europe than in the West.⁵⁸ The predisposition in Central and Eastern Europe to ethnic democracy is related to its historical development: ethnic nationalism and ethnic nations preceded the proclamation of independent states, and democratization took place in states in which ethnic dominance had been consolidated. On the other hand, the states in the West are older and they created nationalism and built civic-territorial nations.

3. *Real threat that requires continuous and broad mobilization.* When a danger is posed to the physical, demographic, cultural or economic existence and well-being of the ethnic nation and prolonged and mass mobilization of members of the ethnic nation is needed to secure its survival, there is a tendency to use the ethnic nation as an effective means of mobilization to contain the threat. In other words, when the nation lives in a hostile environment and the minority constitutes part of this environment, the state may shape its regime according to patterns of ethnic democracy to be able to cope successfully with the external and internal threat. Grave concern with national security generates and propels ethnic democracy.

4. *Commitment to democracy.* The ethnic nation has an ideological or pragmatic commitment to democracy. This commitment is not absolute but rather competes with other superior values or needs, including the promotion of the ethnic nation and containment of the threat directed against it. Ethnic democracy is a compromise between these conflicting values. Lack of commitment to democracy is liable to engender quasi- or non-democracy.

⁵⁸ Anthony Smith, *The Ethnic Origins of Nations*, *op.cit.*, and *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism* (London and New York: Routledge, 1998).

5.5 Conditions of Stability

The conditions that sustain ethnic democracy are numerous. None is either necessary or sufficient. Some of them are:

1. *The core ethnic nation constitutes a solid numerical majority.* When the core ethnic nation constitutes a demographic majority, it can rule democratically on its own without the necessary political support and legitimacy of the non-core groups ("the tyranny of the majority"). Lijphart lists this condition as inimical to stable consociational democracy but precisely for this reason it serves ethnic democracy well. The larger and more united the majority (over 75 per cent), the greater the chances of ethnic democracy to survive and keep stability.

2. *The non-core population constitutes a significant minority.* Minorities numbering from 10 to 25 per cent of the total population are significant. It is sometimes possible to disregard or repress, with a bearable cost, a minority of under one-tenth. On the other hand, a minority of over one-quarter is too large to be included in an ethnic democracy because it can use its numerical and electoral strength to undermine the majority's dominative system. When the minority is too small or very easy to manage, ethnic democracy is not necessary or may be concealed as a liberal democracy.

These figures are estimates which may vary from one situation to another depending on other factors. For example, a self-conscious and well-organized minority may definitely be significant even though its share of the total population is under one-tenth, while a minority of over one-quarter that lacks strong political consciousness and organization may be insignificant. To achieve stability where non-core minorities are sizeable and mobilized, ethnic democracies are predisposed to deny full political rights to as many non-core members as possible.

3. *The core ethnic nation has a commitment to democracy.* Without the core ethnic nation's commitment to democracy, ethnic democracy will degenerate into a non-democracy. The commitment may be either ideological or due to expediency or necessity (e.g., international pressure). Since the core ethnic nation also wishes to keep its control of the state and to preserve its favored status, it reluctantly turns to ethnic democracy as a pragmatic solution to its contradictory interests.

4. *The core ethnic nation is an indigenous group.* An indigenous status, whether firmly grounded in centuries-old residence in the homeland or anchored in historical rights of a returning diaspora, may serve as a basis for validating superior claims by the core ethnic nation.⁵⁹

5. *The non-core groups are immigrant.* Since immigrant groups, even with a seniority of several generations, have fewer claims to their new homeland and to the state than native groups, it is easier to restrict their rights and to subject them to ethnic democracy than indigenous non-core groups.

6. *The non-core population is divided into more than one ethnic group.* Ethnic conflict is more intense in societies which are bi-ethnic, that is, they are divided between the core ethnic nation and one big non-core group. It is easier to control a number of small minorities than one substantial minority.

⁵⁹ Points 4 to 6 are made forcefully by Yiftachel (in "The Concept of 'Ethnic Democracy'...", *op.cit.*), who draws on others.

7. *The core ethnic nation has a sizeable, supportive diaspora.* The need to protect and to repatriate the diaspora can become a sufficient ground, in the eyes of the core ethnic nation, to prefer the diaspora to the non-core inhabitants. This view facilitates the establishment of an ethnic democracy.

8. *The nature of involvement of the external homeland.* The chances of ethnic democracy to achieve stability would be better if the external homeland (the country of the nation to which the non-core population belongs) does not intervene on behalf of the minority or does not take actions to subvert ethnic democracy.

9. *The nature of the international involvement.* If the international community gives legitimacy to the particular system of ethnic democracy or refrains from delegitimization of this system and from interceding on behalf of the minority, the chances of the regime to be stable are improved. The international community intervenes in cases of gross infractions of human rights or denial of individual political rights (disenfranchisement), but increasingly also when minority rights are blatantly violated, or following intervention by the external homeland that may destabilize the global state system.

These conditions are not meant to be a list of generalizations, each of which to be tested separately. The listing aims, rather, to inform and to sensitize historical and comparative studies of some of the factors that are worth examining in order to understand the development and sustainability of ethnic democracies.

5.6 Mini-Model

The following is a condensed version that captures the essential elements of the model of ethnic democracy.

5.6.1 Features

1. *Ethnic ascendancy.* The central idea of ethnic democracy is the existence of an ideology or a movement of ethnic nationalism that declares a certain population as an ethnic nation sharing a common descent (blood ties), a common language and a common culture. This ethnic nation owns a certain territory that is considered as its exclusive homeland. It also owns a state in which it exercises its right to self-determination. The ethnic nation, not the citizenry, shapes the symbols, laws and policies of the state for the benefit of the majority. This ideology makes a crucial distinction between members and non-members of the ethnic nation. Non-members are the others, some kind of outsiders, less desirable persons that cannot be full members of the society and state. Citizenship is separate from nationality, neither a necessary nor a sufficient condition for membership in the ethnic nation.

2. *Perceived threat.* Non-members of the ethnic nation are not only considered less desirable but are also perceived as a serious threat to the survival and integrity of the ethnic nation. The threat can be a combination of biological dilution, demographic swamping, cultural downgrading, security danger, subversion and political instability. All kinds of restrictions and controls are imposed to contain the minority's threat potential.

3. *Diminished type of democracy.* Democracy is the political system prevailing in the state. All permanent residents who so wish are granted citizenship, including human, social, civil and political rights. Minority citizens are allowed to conduct an intense struggle for equal rights without facing state repression. They are also permitted to join coalitions with majority groups and are granted autonomy with certain limits. Democracy is, however, diminished by the lack of equality of rights. Non-members of the ethnic nation enjoy incomplete rights and are discriminated against by the state. The state measures to prevent them from realizing their perceived threat potential compromise rule of law and quality of democracy. Democracy is constituted and functions as 'a defensive democracy', a political system designed to deter and to outlaw highly threatening groups. Considerations of national survival and security predominate.

Ethnic democracy meets the procedural minimum definition of democracy, but in quality falls short of the civil types of democracy prevalent in the West. It is a diminished type of democracy because it suffers from an inherent contradiction between ethnic ascendancy and civil equality. The state is geared to privilege the majority and to advance its interests rather than to serve all its citizens equally. The minority cannot fully identify itself with the state, cannot be completely equal to the majority and cannot confer full legitimacy on the state.

5.6.2 *Factors Conducive to Emergence*

1. *Ethnic nation precedes the ethnic state.* The relatively older ethnic nation creates and shapes the relatively new state. Hence the ethnic nation is superior to the state.
2. *The ethnic nation experiences a threat.*
3. *The majority is committed to democracy* for ideological or practical reasons.
4. *The small or manageable size of the minority* allows the majority to maintain both democracy and to keep ethnic ascendancy.

A combination of these factors encourages the rise of an ethnic democracy rather than either a form of civic democracy or non-democracy.

5.6.3 *Conditions of Stability*

1. A clear and continued *numerical and political majority* of the ethnic nation.
2. *A continued threat* perceived by the majority.
3. *Non-interference of the "external homeland"*, that is, the foreign state to which the minority belongs nationally and which it regards as an ethnic patron.
4. *Non-intervention or even extension of legitimacy and support by the international community* (foreign states and NGOs engaged in the protection of human and minority rights).

5.7 Subtypes

It is possible to discern three subtypes of ethnic democracy according to their location on the consociational–*Herrenvolk* democracy continuum.

1. *Standard ethnic democracy*. This is the subtype that is presented above. It is located in the middle between consociational and *Herrenvolk* democracy.

2. *Hard-line ethnic democracy*. This subtype draws near *Herrenvolk* democracy. Very limited individual and collective rights are granted to the non-core citizens, the freedom to conduct parliamentary and extra-parliamentary struggle is quite restricted, the minority's threat is perceived as grave and immediate, and the control exercised by the authorities is strict and comprehensive. In addition, non-core citizenship is weak but not absent as in *Herrenvolk* democracy.

3. *Improved ethnic democracy*. This subtype approaches consociational democracy. Equal and common civility is expanded and strengthened. The non-core minority is accorded broad individual and collective rights, including institutional autonomy and some political representation. The minority's protest and struggle for equality are intense and meet with some understanding, goodwill, willingness to talk and to negotiate, and actual significant concessions. The threat posed by the minority is perceived as potential and significant, but neither clear nor immediate. Control is also no longer comprehensive, but rather selective and appropriate. Non-core citizenship is real but devoid of full equality of individual and minority rights.

All these upgraded features are only buds, not mechanisms, of consociational democracy. Despite all the headway made in comparison to the standard version, improved ethnic democracy remains without full power-sharing, without a system of proportional allocation of resources, without full ethnonational autonomy, without a routine of negotiation and compromise as a rationale of the regime and without a veto power.

5.8 Issues

The model of ethnic democracy raises four fundamental issues: conceptual adequacy, stability, effectiveness and legitimacy. Critics charge that the concept of ethnic democracy is an oxymoron. It refers to a type of regime that is inherently unstable and ineffective for regulating deep ethnic conflicts. Democrats, be they scholars, libertarians or members of non-core groups, cannot accept ethnic democracy as legitimate if it appears to them as an unreal or bad democracy. Let me take up these objections one by one.

1. *Conceptual inadequacy*. It is argued that ethnic democracy is conceptually inadequate because it can be seen as a contradiction in terms, an impossible unity of equality and inequality. It is a confusing and dismissible overstretching of the concept of democracy because a regime that by definition denies full equality of rights cannot and should not be construed as democratic.⁶⁰ According to this criticism, ethnic democracy and *Herrenvolk* democracy are

⁶⁰ Yiftachel *et al.*, *op.cit.*

similarly non-democratic because they share hegemonic control and tyranny of the majority. They differ in tactics only: when the minority is small and manageable, the majority uses ethnic democracy, but when the minority is too large or unruly, the majority is forced to resort to outright *Herrenvolk* democracy. It is presumed that ethnic democracy is always preferable to *Herrenvolk* democracy due to its democratic façade, and it is retained only as long as the majority is able to exercise its hegemony.

Neuberger's criticism is typical of mainstream liberal scholars. He holds that ethnic democracy is not democracy because, according to the procedural minimum definition, stated by Zakaria, in a democratic regime all citizens can enjoy full rights, and the equality of rights they enjoy does not stand in contradiction with any hierarchical principle—two basic requirements that are not met by ethnic democracy.⁶¹ With regard to the compromise between the democratic regime and the ethnic state inherent in ethnic democracy, Neuberger says:

If this is a compromise, then this is no longer 'an additional type of democracy'. This is a compromise between democracy and something else, something in between, a semi-democracy.⁶²

If the contradiction between democratic rights and ethnic dominance is so substantive, then the regime is not democratic.

In response to this criticism it should be emphasized that ethnic democracy does not violate any conceptual principle. Let us recall that democracy is not an all-or-nothing category but rather a continuum on which full democracy and full non-democracy are two poles. The transition on the scale, as in any other concept, from democracy to non-democracy is hard to pinpoint. The procedural minimum definition is set to mark off the crossing of a threshold to democracy. The requirement of democratic inclusiveness set forth by Dahl⁶³ is met by ethnic democracy, which extends civil and political rights to the entire permanent population, including the non-core groups. Also satisfied are the demands for the possibility to conduct a legal struggle and the likelihood to affect change. In other words, it is not the philosophical principle of absolute equality which should be the decisive consideration but rather the concrete implementation of rights, the openness for protest and struggle, and the amenability of the system for significant change. As in many other cases, whether a given system is an ethnic democracy or actually a *Herrenvolk* democracy is an empirical question on which judgments can expectably and legitimately differ.

Ethnic democracy does not stretch the concept of democracy because it is conceptualized as a diminished type of democracy rather than as a full-fledged democracy. It does meet the minimal procedural definition of democracy, which requires extension of citizenship rights but not full and equal rights. The distinguishing feature of ethnic democracy as con-

⁶¹ Fareed Zakaria, "The Rise of Illiberal Democracy", *Foreign Affairs* 76 (November–December 1997), 6, pp. 22–43.

⁶² Benjamin Neuberger, "Democracy with Four Stains", *Panim* 9 (Spring 1999), pp. 104–108, at p. 107 (in Hebrew).

⁶³ Dahl, *Polyarchy*, *op.cit.*

taining internal contradictions and tensions is not unique to it, and can be found in all types of democracy. For instance, liberal democracy confers equal individual rights but denies equal collective rights (the public domain is biased in favor of the majority). There is also high tension, rather than an inherent contradiction, between equality and freedom in liberal democracy. It is true that the contradiction in ethnic democracy between democratic rights and ethnic ascendance is more striking than the tensions and contradictions in other types of democracy, but this specific trait contributes to its interpretative power as a model rather than rendering it conceptually untenable. Apart from these conceptual considerations, the question whether ethnic democracy is a true democracy should also be tested empirically. The acid tests are the actual exercise of rights granted to the minority and the effectiveness of its struggle.

2. *Instability.* Ethnic democracy is criticized as a regime that is not and cannot be stable because of its built-in contradictions. It will either be downgraded to authoritarian control or upgraded to consociational democracy, but it cannot remain as it is over an extended period of time.

The sources of instability are varied. The state promises equality to the minority but provides only partial equality. The minority is granted citizenship but is treated as a threat and sometimes even as an enemy. The minority cannot be equal and cannot be identified with a state that is not considered as its own. A permanent source of instability is the denial of legitimacy by the non-core groups. The state does not even make a serious effort to secure their consent and moral endorsement. Another important cause for the endemic instability is the inability of the system to satisfy the basic human needs of respect, belonging, identity and equality of non-core members.⁶⁴ Moreover, many problems of the non-core groups are left unattended, breeding widespread distress and disaffection.

Yiftachel argues that ethnic democracy prevails under adverse circumstances, such as substantial cultural diversity, deep disputes and two indigenous groups vying for control.⁶⁵ As a long-term model, it can be viable in states where the non-core groups are immigrants and the core ethnic nation faces more than one non-core group, but this situation is rare. Yiftachel concludes that “when the ethnic democracy model was implemented in bi-ethnic homeland states (Type 1), such as Northern Ireland, Cyprus and Sri Lanka, minority grievances were mobilized to break down social and political orders effectively”; “long-term political (democratic) stability has been achieved in bi-ethnic-homeland states (Type 1) only when consociational policies have been put to practice, as exemplified by the cases of Belgium and Switzerland”.⁶⁶

In response to these objections, it must be emphasized that ethnic democracy does indeed suffer from a certain degree of instability, but this is the fate of all democracies in

⁶⁴ See Nadim Rouhana and As'ad Ghanem, “The Crisis of Minorities in Ethnic States: The Case of the Palestinian Citizens in Israel”, *International Journal of Middle East Studies* 30 (1998), pp. 321–346; and Nadim Rouhana, *Identities in Conflict: Palestinian Citizens in an Ethnic Jewish State* (New Haven, Conn.: Yale University Press, 1997).

⁶⁵ Yiftachel, “The Concept of ‘Ethnic Democracy’ and Its Applicability to the Case of Israel”, *op.cit.*

⁶⁶ *Ibid.*, p. 129.

deeply divided societies. The scale of diversity and discord in these societies is beyond the capability of any democratic regime to manage. Consociational democracy is not a panacea and has not proven itself stable even at the medium conflict level of Canada and Belgium.

On the other hand, one should not underestimate the viability of ethnic democracy. Its stability is a function of the conditions detailed above, resulting in disintegration when they weaken or disappear. The destabilizing factors are counterbalanced by stabilizing forces. Ethnic democracy has a leeway and flexibility of acquiring stability by making concessions to minority groups. It is also buttressed by strong support, high legitimacy and determination of the core ethnic nation. The ambiguity and flexibility of the system encourage compliance and pragmatism among non-core groups. The possibility given to them to conduct a struggle and to score partial gains soft-pedals radicalism. The sharp asymmetry of power between core and non-core groups serves as an effective deterrence. The machinery of control also deters and stifles opposition.

3. *Inefficiency.* The efficiency of ethnic democracy as a regime for managing and reducing internal conflicts is questioned. Critics argue that this model is inefficient because it freezes ethnic conflict instead of reducing them.

In addressing this objection, it is worth repeating that ethnic democracy can moderate intergroup conflicts. It can shift from the hard-line subtype to the standard subtype and even to the improved subtype. In all its subtypes, ethnic democracy is a better option than non-democratic ways, such as genocide, population transfer and domination, to settle deep differences between ethnonational groups. On the other hand, ethnic democracy regulates the conflict between majority and minority but leaves intact the deep cleavage and the fundamental dispute.

4. *Lack of legitimacy.* Many object to and feel annoyed by the very term “ethnic democracy” because it is allegedly not a genuine democracy. It is assumed that any system that does not intend to provide complete equality and full rights to the entire citizenry is not a democracy. The disqualification of ethnic democracy is not due to actual inequality, discrimination and restriction of rights, a widespread phenomenon in all types of democracy, but rather due to the assumption that equality in ethnic democracy is impossible and the state is inherently unfair.

These arguments are maintained by several critics. Neuberger’s criticism is typical of mainstream liberal scholars. He distinguishes between an “illegitimate” ethnic democracy and “legitimate” democracy with stains. All existing democracies have flaws which are non-substantive, corrigible deviations:

The concept of ethnic democracy gives legitimacy to any offence against democracy, while the concept ‘democracy with stains’ implies that there are stains but these are stains of democracy, deviations from the liberal democratic model.⁶⁷

According to Neuberger, while any democracy can improve by making a constant effort of cleansing itself of its stains, ethnic democracy is incorrigible for being a non-democracy.

Ghanem, Rouhana and Yiftachel level similar criticism, but their point of departure is a more comprehensive and demanding definition of democracy. They demand that democracy

⁶⁷ Neuberger, “Democracy with Four Stains”, *op.cit.*, p. 107.

should meet the necessary condition of full equality of rights both on the individual level and on the ethnic group level. In their opinion, ethnic democracy is disqualified because according to its very definition, it is impossible that minority rights are equal to majority rights. Instead of ethnic democracy, they propose the terms “ethnic state” or “ethnocracy” in order to stress the non-democratic character of the regime. They are convinced that the only type of regime appropriate to a divided society is consociational democracy.⁶⁸

According to another criticism related to the issue of legitimacy, ethnic democracy is a normative model, as any model of democracy is. As such, it gives legitimacy to this flawed ethnic regime by defining it as a democracy and by presenting it to democratizing states as a model for emulation. In other words, it is argued that by distinguishing ethnic democracy as a separate type, calling it a democracy, putting it at the same level as a liberal, multicultural and consociational democracy, and by showing various cases as fitting the model, ethnic democracy implicitly receives a legitimacy it does not deserve.

These critical points are made by a few social critics. Yonah condemns ethnic democracy for serving primarily not as a scientific analytical device, but rather as a disguised tool for legitimizing a bad system of quasi-democratic and hegemonic control.⁶⁹ In the opinion of Bishara,⁷⁰ this model, although it meets the procedural minimum definition of democracy and fits well the reality in certain countries, including Israel, is “dangerous” because “it perpetuates the reality instead of criticizing it”.⁷¹ Ethnic democracy should rather be singled out as a sham democracy, in need of replacement by another true type of civic democracy. The delineation of the model as a legitimate democratic type is actually an act of publicity and promotion, making ethnic democracy available and exportable to states in process of democratization, instead of encouraging them to adopt an existing, genuine, civic type of democracy. The investigator should formulate models critically to further social change and improve the quality of democracy. Bishara proposes the model of multicultural democracy as a critical and even revolutionary model for Israel.

Let me consider these objections. Neuberger’s criticism is puzzling because according to the procedural minimum definition that he adopts, there is no explicit demand for equality of rights nor an express requirement of lack of inherent contradiction between principles. His suggestion to use the term “(liberal) democracy with stains” in lieu of ethnic democracy should be rejected because the former is not a liberal democracy with a correctable deviation but rather a different type of democratic regime. Ethnic democracy is not a civic democracy because it puts members of the ethnic nation at the centre and grants them priority over the citizenry.

⁶⁸ As’ad Ghanem, Nadim Rouhana and Oren Yiftachel, “Questioning ‘Ethnic Democracy’”, *Israel Studies* 3 (1999), pp. 253–267.

⁶⁹ Yonah, *op.cit.*

⁷⁰ Azmi Bishara, “The Israeli Arab: A Study in a Split Political Discourse”, in *Zionism: A Contemporary Controversy: Research Trends and Ideological Approaches*, Pinhas Ginossar and Avi Bareli, eds. (Sede Boquer: Ben-Gurion Research Center, 1996), pp. 312–339 (in Hebrew).

⁷¹ Azmi Bishara, “The Process of Sovereignty Has Not Been Completed”, *Panim* 9 (Spring 1999), pp. 113–115 (in Hebrew), for an English version, see http://www.azmibishara.info/publications/aa_2000Sovereignty.html.

The criticism of Ghanem, Rouhana and Yiftachel should also be rejected because it is based on an overdemanding conception of democracy.⁷² Their definition calls for equality of individual and group rights, which is missing in ethnic democracy. Yet individual-liberal democracy and republican-liberal democracy, starring in most western countries, also do not meet this high requirement because they formally deny group rights to all, although informally the nation-state is shaped by the standards, needs and desires of the majority group. One wonders why these critics do not reject these two types of liberal democracy. After all, with all its shortcomings, ethnic democracy is superior to liberal types of democracy in according recognition and certain collective rights to non-assimilating minorities.

As to the criticism that ethnic democracy is a disguised, counterproductive, normative model, it must be emphasized that it is designed as a strictly scientific model. Historically, the model of ethnic democracy was formulated to overcome the inability to satisfactorily classify some political systems rather than to rationalize a certain regime (for example, Israel, Northern Ireland). The primary use of the model is scientific. Without ethnic democracy as a distinct type, some political systems would erroneously be classified as *Herrenvolk*, consociational, multicultural or liberal.

Admittedly, there is no way, nonetheless, to avoid ascribing a normative component to ethnic democracy as to any scientific model. Yet, the conceptual distinction between existence and quality of democracy makes it possible to make a value judgment on ethnic democracy. One can reject ethnic democracy as a sore evil even if it is classified as a type of democracy, as *Herrenvolk* democracy is not considered democracy despite its deceptive name. The question is, however, not only semantic and normative, but also substantive. Underlying the term ethnic democracy is a scientific and normative assumption that ethnic democracy is indeed democracy in spite of its low quality. It is true that some legitimacy is bestowed on ethnic democracy by its very definition as democracy, but as long as it meets the requirements of democracy, it deserves the credit.

The equation of ethnic democracy with *Herrenvolk* democracy does not only entangle right and wrong but also negates the scientific merit of ethnic democracy. Suppose ethnic democracy, like *Herrenvolk* democracy, is not democracy. In this case it would not have been problematic or full of internal contradictions, on the one hand, and would not allow ethnic minorities to come to terms with it and the international community to recognize it, on the other. The thrust of ethnic democracy is the fundamental contradiction and the unrelenting tension between the principle of rights for all and the principle of institutionalized ethnic dominance, that are interwoven in it and the engendering ambiguities, uncertainties and confusion in the political system. This structural duality is missing in *Herrenvolk* democracy because it is not a democracy and not pretending to be so. The extension of citizenship and political rights to ethnic minorities, even with an intention to control and exclude them, creates an unintended dynamics of democratization that is absent in *Herrenvolk* democracy. Enfranchised minorities in nominal democracies can employ democratic procedures to implement their rights and to improve their status. Critics posit the untenable presupposition that political citizenship is meaningless in non-authoritarian or democratic regimes.

⁷² Ghanem, Rouhana and Yiftachel, *op.cit.*

It is possible to use ethnic democracy, like other scientific concepts, both to justify and to censure it. Critics should equally benefit from the sketch of a distinct type of ethnic democracy. A widely recognized distinct type is a more convenient target for attacks because of its low quality and other failings. It is also easier to use it as a bad example that democratizing states are warned against considering and adopting.

Although the issue of legitimacy and social uses of scientific models falls outside the ordinary role of social science, it could not and should not be dismissed because it invokes intriguing moral deliberations and intense emotions. Like any model of democracy, ethnic democracy has to be linked to a normative theory. This task is still to be undertaken by political philosophers, jurists and intellectuals. The legitimacy of ethnic democracy obviously may draw on the moral underpinnings of both the nation-state and democracy and attempt to balance them. The stress can be put on either the ethnic nation or democracy, ranging from *ethnic* democracy and *ethnic democracy*. The difference between these two approaches can be illustrated by systematic efforts made by two Israeli jurists to justify the Israeli regime.

Cohen argues that the definition of the sovereign determines the nature of the state.⁷³ In states where the sovereign is 'a rooted people', a national community that treats the country as its exclusive homeland and shows complete devotion to it, democracy is secondary to the ethnic nation and the minority can enjoy equal individual rights and some cultural collective rights as long as these rights do not impinge on the national character of the state. In the Israeli case, since the ultimate end is to keep Israel a Jewish state, democracy is subservient to Jewishness and must be shaped by Jewish heritage, not by universal or Western tenets of democracy. For example, according to Cohen, it would be proper for Israel to disallow the possibility that an Arab will serve as a prime minister.

On the other hand, Gavison bases the morality of ethnic democracy on the right of ethnic nations to states of their own (the general right of titular nations to self-determination) and on the obligation to restrict this right in order to maintain democracy, to avoid discrimination and to do justice to non-core minorities. In the final analysis, ethnic democracy is justified as a pragmatic compromise between contradictory supreme values.⁷⁴ In applying these moral considerations to Israel, Gavison justifies the idea of a Jewish and democratic state but also points to certain elements in the treatment of the Arab minority and in the role of religion in state affairs that are superfluous or clearly irreconcilable with the principles of equality and justice.⁷⁵

More specifically, four normative ways can tentatively be identified to deal with the problem of the normative nature of ethnic democracy; two are pragmatic and two are ideological. One of the expedient approaches is to construe ethnic democracy as 'a lesser evil', a mode of conflict-management that is superior to violence, domination and other non-democratic modes.

⁷³ Yehuda Cohen, *Who's Afraid of a Jewish State? A Constitutional and Ideological Perspective* (Tel Aviv: Lishkat Orkhe Hadin, 2001), pp. 121–155 (in Hebrew).

⁷⁴ See Ruth Gavison, "Jewish and Democratic? A Rejoinder to the Ethnic Democracy Debate", *Israel Studies* 4 (1999), 1, pp. 44–72.

⁷⁵ Ruth Gavison, *Israel as a Jewish and Democratic State: Tensions and Chances* (Tel Aviv: Hakibbutz Hameuhad, 1999) (in Hebrew).

The other pragmatic defence is to conceive of ethnic democracy as a temporary necessity, a form that later could and should change to a more acceptable type. The necessity may be a protracted security threat caused by the non-core group for being an enemy-affiliated minority, with territorial continuity with a hostile ethnic nation across the border. In this case the regime takes the form of 'defensive democracy' that can shift to a non-defensive civic democracy when the conflict diminishes or disappears. Another necessity can be an urgent need to accomplish a national goal. It can be argued that new states, like Israel and Estonia, whose titular nations are small, have endured historical repression and whose existence is still under threat, are entitled for a given period of time to harness the state apparatus for protecting national survival, a set of policies commensurate with 'affirmative action' in favor of the ethnic majority. When the ethnic nation becomes consolidated and secure, the temporary restrictions, discriminations and exclusions against the minority will be unjustified and stopped.

The two ideological justifications provide more direct legitimacy. One is to demonstrate that ethnic democracy is compatible with universal minority rights. Ethnic democracy is apparently congruous with the five most important international documents on the protection of human and minority rights; three were adopted by the United Nations and two by the Council of Europe. The United Nations treaties are the International Convention on the Elimination of All Forms of Racial Discrimination (which took effect in 1969), the International Covenant on Civil and Political Rights (1976) and the International Covenant on Economic, Social and Cultural Rights (1976). The European Council agreements are the European Charter for Regional or Minority Languages (1991) and the Framework Convention for the Protection of National Minorities (1995). The compatibility of ethnic democracy with these legal devices of protection means that ethnic democracy grants individual civil, political and social rights as well as collective linguistic and national rights to minorities. It also means that ethnic democracy does not violate any of these rights. Furthermore, ethnic democracy is compatible with the extension of legal protection, affirmative action, cultural autonomy and power-sharing to minorities. This high compatibility of ethnic democracy with international standards can also be deduced, for instance, from the fact that almost all states in Central and Eastern Europe signed the Council of Europe agreements although some of them show certain features of ethnic democracies. Slovakia and Estonia, for instance, were not called upon to amend the preamble to their constitutions, which declare them as ethnic democracies.

The other moral defence of ethnic democracy can be made indirectly by stressing its partial superiority to liberal democracy. The state in individual liberal democracy that pretends to be truly neutral to group differences and to treat all individuals equally simply does not exist. The form that does exist is 'republican liberal democracy' in which the state is evidently partial, imposing the language and culture of one of the constituent groups as the national language and culture and making it hard for non-assimilating minorities to keep their separate existence and identity. In contrast, in ethnic democracy the state does not pretend to be neutral and behaves as the guardian of the dominant majority but also provides the non-dominant minority with essential collective rights and all the necessary arrangements to preserve itself as a distinct and separate entity.

6. CASES OF ETHNIC DEMOCRACY

In order to further illustrate the relevance of ethnic democracy as an analytical and empirical tool, I will apply the mini-model in detail to Israel, in a condensed form and, in a snapshot, to Northern Ireland (1921–72), Poland (1918–35) and Malaysia.

6.1 Israel⁷⁶

Most observers see Israel as a special or mixed case with regard to its political system, economy and protracted conflict with the Arab world.⁷⁷ Despite its uniqueness, however, Israel is considered a western democracy by the Jewish elite, including the Zionist left, as well as by mainstream Israeli social scientists and western scholars.⁷⁸ In all these nation-states, including Israel, the majority determines the identity and culture of state institutions. Hence, it is assumed that Israel is democratic and Jewish as France is democratic and French. This widespread outlook will be examined below.

6.1.1 Background

The Jews lived in the Land of Israel till the year 70 A.D. and were then exiled from their homeland. As a result of the Jewish question in Europe, a Zionist movement emerged in the late nineteenth century, aiming to restore the Jewish homeland in the Land of Israel. Until mid-1948 545,000 immigrants arrived and built a new modern Jewish community. The right of Jews to the land and statehood were recognized in a series of Western and international resolutions. The Palestinians rejected Jewish settlement and rights and demanded from the British Mandate the immediate formation of a Palestinian state. On 15 May 1948 the State of Israel was proclaimed and a war with the Arab world erupted. During the war over half of the Palestinian people escaped or were deported and became refugees. At the end of the war Israel controlled 78 per cent of the land of Mandatory Palestine.

⁷⁶ For a systematic application of the full model of ethnic democracy to Israel and further documentation, see Sammy Smooha “Minority Status in an Ethnic Democracy”, *op.cit.*; Smooha, “Ethnic Democracy: Israel as an Archetype”, *op.cit.*; and especially Smooha, “The Model of Ethnic Democracy: Israel as a Jewish and Democratic State”, *Nations and Nationalism* 8 (October 2002), 4, pp. 475–503.

⁷⁷ Asher Arian, “Israeli Democracy 1984”, *Journal of International Affairs* 38 (Winter 1985), 2, pp. 133–144.

⁷⁸ Arend Lijphart, for example, regards Israel as a western type of democracy. In a comparative study of 24 democracies, he places Israel in an isolated location because it is found to be very high on certain consociational measures, such as the electoral method of proportional representation, while it is very low on others, such as the unitary, non-federal structure. He explains this classification by Israel’s internal deep divisions that necessitate consociationalism and by its small size that does not need federalism. Lijphart’s underlying assumption is that Israel is on the whole a western democracy. See Lijphart, “Israeli Democracy and Democratic Reform in Comparative Perspective”, in *Israeli Democracy under Stress*, Ehud Sprinzak and Larry Diamond, eds. (Boulder, Colo.: Lynne Rienner Publishers, 1993), pp. 107–123.

Of the 900,000 Palestinians who lived in the area that became Israel, only 186,000 Palestinian Arabs remained in the country. Israel extended automatic citizenship to the Arabs, but they were considered potentially disloyal and put under military government until 1966. About half of their land was confiscated. Israel absorbed millions of Jews since 1948 but refused to let the Arab refugees return. In the aftermath of the 1967 war Israel occupied the entire land of Mandatory Palestine, bringing Palestinian citizens and non-citizens together. By the mid-1970s Israeli Palestinians organized and started an intense struggle for peace and equality. In 1976, they conducted the first of many general strikes in protest of land confiscations, inadequate funding and other discriminatory practices. During the first *Intifada* (the Palestinian uprising in the West Bank and Gaza in 1987–93) they protested in solidarity with their brethren. They protested again during the second *Intifada* (beginning in late September 2000) and 12 Arab citizens were killed in clashes with the police in the first week of October 2000. Most of the Arabs boycotted the elections to the prime minister (held on 6 February 2001) in protest of the maltreatment of Arab protesters by the police and government.

6.1.2 *Ethnic Ascendancy*

Israel declares and legislates itself as a Jewish and democratic state. It is the homeland of the entire Jewish people, of whom over 60 per cent live in the diaspora. It sees its destiny and duty in preserving the Jewish people and regards the state of Israel as the main instrument to carry out this ultimate goal.

Zionism is the official state ideology and its central objective is to make Israel increasingly Jewish in demography, language, culture, institutions, identity and symbols, and to protect Jewish lives and interests all over the world. Zionism accepts the historical development of Jews as an ethnic nation, in which ethnicity, religion and peoplehood are intertwined. A member of the Jewish people cannot hold to a non-Judaic religion. Israel was conceived and born Jewish. It sees itself as a direct successor of Jewish sovereignty that ended with the destruction of the Second Temple two thousand years ago. It confers a statutory status on Zionist organizations that represent and cater to Jews only.

Israel keeps its Jewish identity through various measures. One important mechanism is the central role of religion. It is Orthodox Judaism that is entrusted with defining who is a Jew, blocking free admission of non-Jews into the Israeli Jewish population and preserving its ethnonational nature. Prevention of the formation of a new, multi-religious, multiethnic, Israeli civic nation is also achieved by the lack of civil marriage and divorce, a legal void that legitimizes and enforces national and religious endogamy. Membership in the Jewish nation is thus kept separate from Israeli citizenship.

Another bulwark of Jewish ascendancy is the Law of Return which provides Jews free admission to and settlement in the country. Jewish newcomers and their Jewish and non-Jewish descendants are extended automatic citizenship, and ample assistance in the absorption and integration of immigrants is provided. Over two million Jews arrived and were absorbed in Israeli society since 1948. Jews are considered 'returnees', not immigrants. The other dimension of the Law of Return is the denial of the right of repatriation to four million

Palestinian refugees. The Law of Return is further complemented by the virtual non-practice of Israel's laws of immigration and naturalization. Together, these three pillars of the immigration regime guarantee the preservation and augmentation of the Jewish majority.

Hebrew is Israel's official and dominant language while Arabic is official but non-dominant. It is the solid base of the evolving Israeli Jewish culture and is dominant in all areas of life (home, mass media, economy, government, science, etc.). It is the only official language in compulsory education for Jews, displacing foreign languages and cultures in the Israeli-born generation. It is acquired and widely used by Jewish immigrants and Israeli Arabs.

Over 90 per cent of the land in Israel is either owned or controlled by the state or Jewish public bodies. Jewish control of land makes it possible to establish new Jewish settlements for immigrant absorption and national security and to expand and develop existing Jewish communities all over the country.

The state symbolic system is strictly Jewish. Israel's official titular name, calendar, days and sites of commemoration, heroes, flag, emblem, national anthem, names of places and ceremonies are Jewish.

The state also prefers Jews to Arabs in extending entitlements and benefits and in its policies of funding localities, regions, institutions and organizations.

6.1.3 Perceived Threats

In the Jews' eyes, the creation, crafting and maintenance of Israel as a Jewish and democratic state, rather than as a civic democracy, aim to contain three major threats to their nation and state. One is the menace to the continued survival of the Jewish diaspora. Antisemitism, dilution of the Jewish identity and culture and mixed marriages are the main dangers. Israel defines its role as an agent who forestalls these dangers, fosters ties with the diaspora, facilitates Jewish immigration and thus normalizes the Jewish people. A Jewish state is regarded as a necessary condition for the Jewish national survival. It provides a safe shelter to persecuted Jews and to any Jew who seeks full and sovereign Jewish life. Preservation of the Jewish diaspora is important for Israel as a reservoir of immigrants, political support, moral solidarity and economic help.

The second threat is the physical and political survival of Israel in the region. Despite the peace treaties with Egypt and Jordan, Israel sees itself rejected and resisted by Syria, Iran and other Muslim states. Even if peace is achieved, the region will remain insecure, unfriendly and volatile. Located in a largely non-Jewish region, the Jewish state will have to keep a high military capability and national distinctiveness in order to survive as a separate state. Regional animosity is expected to continue because Israel prefers economic, political and cultural integration into the West rather than into the Middle East. Maintenance of Israel as a Jewish state stirs rejection in the region, on the one hand, and is a cause for the mobilization of Israeli Jews, on the other.

The Palestinian citizens of Israel are the third threat in Jewish eyes. They constitute a security and demographic hazard. With regard to national security, the Arabs are an enemy-affiliated minority and an integral part of the Palestinian people and the multi-state Arab nation that are not friendly to Israel. They are also concentrated in border and confrontation

areas with high pressure to collaborate with hostile elements. They live in territories that were earmarked to belong to a Palestinian state according to the 1947 UN partition resolution, and hence are suspected of harboring a deep-seated secessionist sentiment. Their numerous deprivations in the past and present cast further doubt on their loyalty to the state.

There are several elements in the Israeli Arab demography that frighten the Jews. The Arabs make up 11 per cent of Israel's electorate, making them a direct threat to the right-wing political bloc (over half of the Jewish voters) that does not receive from them its share of support. Hence they can decide crucial issues, most notably territorial withdrawals in exchange for peace agreements, that divide Jews in Israel. Since the Arab birthrate is double the Jewish one, the Arabs enjoy a disproportionate share of the state resources. They constitute a majority of 70 per cent in the central-mountainous Galilee, a concentration that is feared to threaten the national security and the Jewish identity of the Northern region and to prompt them to demand territorial autonomy.

6.1.4 *Diminished Democracy*

Israel functions as a diminished democracy for the Arab minority. It extends them both individual and collective rights. The Arabs enjoy human, social, civil and political rights. They are recognized as a minority and accorded all the collective rights that are essential for a separate existence: free use of the Arabic language (which is an official language), a separate school system in Arabic, Arabic media, Arabic cultural institutions and separate religious institutions that ensure endogamy. All these institutional arrangements are at least partially funded by the state. The Arabs live in separate communities and are not pressured to assimilate.

However, Arab rights are incomplete and not properly protected. Israel does not accept the Arabs as a national Palestinian minority. It does not recognize their national leadership, their right to cultural autonomy and their ties with the Palestinian people. Their right to property, for instance, is vulnerable in view of the massive land expropriations, the state's reluctance to allocate land for Arab development, and the social and semi-legal restrictions on land acquisitions by Arabs outside Arab areas. Discrimination against the Arabs by the state and by the Jewish public is widespread in the funding of services, entitlements and hiring.

On the other hand, the Arab right to representation, protest and struggle is highly respected by the state. The Arab participation rates in elections to the Knesset, local authorities and the Histadrut trade union is very high. They elect Arab representatives in proper proportion. For instance, 12 out of the 120 Knesset members in 2001 were Arabs, of whom nine represented Arab parties. The Arab representation in the Knesset provides a political leverage in the divided Israeli politics. The Arabs extensively use demonstrations and partial and general strikes in protest for peace and equality. There is a large Arab civic society, consisting of political representative bodies, self-help and welfare organizations and cultural associations. All these voluntary groups are engaged in the promotion of Arab interests and in protest both in Israel and abroad. The authorities do not ban these activities and do not use repressive measures against Arab dissidents.

At the same time, the Arabs are regarded as potentially disloyal to the state and are placed under control. Looming largest among the diverse control measures is security surveillance. The Arabs are exempted from compulsory military service and excluded from the other security forces. Defined as a high risk, the Arab minority as a whole is an official target of the secret service that collects information, follows troublemakers and issues security alerts. The state operates in a permanent state of emergency with unlimited powers to suspend civil rights in order to detect and prevent security infractions. Israeli law does not allow a change of Israel's Jewish-Zionist character through parliamentary procedures. Israeli citizens, including the Arabs, are precluded by law from establishing political parties and running for the Knesset on a platform that denies Israel as the homeland of the Jewish people; motions by Knesset members to tamper with Israel's exclusive Jewish-Zionist identity and mission are similarly forbidden. Israel denies Arabs cultural autonomy lest they misuse it for instigating against the state, building an independent power base, conducting illegal struggle and forming a secessionist movement. Since 1948 the state has successfully executed a large-scale Jewish settlement of Arab areas in order to de-territorialize the Arabs. It has also made attempts to encourage internal Arab divisions in order to weaken national Arab unity and to prevent a concerted mass support for the PLO and the Palestinian people. All these steps for containing the Arab minority are taken in defence of national security and the Jewish-Zionist nature of the state.

The diminished and self-contradictory nature of Israeli democracy and Arab status is evident in Arab politics. The Arab parties, enjoying about 70 per cent of the Arab vote, are part of the Labor political bloc. Without the Arab vote and without the support of the Arab parties, the Labor-Meretz government of 1992-96 could not have been formed and the Oslo peace process would not have been possible. One of the right-wing slogans in the 1996 election campaign was "Netanyahu is good for the Jews". The Likud and radical right opposition parties and movements delegitimized the Rabin government and peacemaking for being dependent on Arab support and devoid of "a Jewish political majority". In 2000 the Likud introduced a Knesset bill requiring a special majority in future national referenda on Israel's permanent borders. The manifest intention is to neutralize the Arab vote. These delegitimacy moves are censured by the left and Labor as 'racist'. Labor-Left governments exploit the backing of Arab parties from the outside, excluding them from the government coalition and denying them cabinet posts, power-sharing and many other resources commonly allocated to coalition partners. Yet the Rabin government of 1992-95 made significant concessions to the Arab minority (for example, abolished the well-established discrimination in family allowances).

It is also worth noting that the formal legal ban of parliamentary actions against Israel's character is actually not enforced. Arab parties that reject Israel's Jewish-Zionist identity are formed, run in Knesset elections and introduce bills for restructuring the Jewish makeup of the state. The Jewish establishment tolerates Arab dissidence because it is united and resolute on the Jewish nature of the state and because of the calculation that underground Arab dissidence is more dangerous and damaging. This contradiction in the Arab political status recurs even more strikingly in the peculiar situation where the Arabs are allowed to keep separate communities and institutions but are deprived of institutional autonomy (for example, they have separate schools in Arabic but do not control them).

The non-civic character of Israel's regime is quite transparent. Ethnic nationalism reinforces the ethnic nature of democracy. Jewish nationality is grounded on ethnic descent and religion, neither on residence in a common territory nor on a shared citizenship. National identity takes precedence over citizenship among both Arabs and Jews. There has been no development in Israel of an Israeli nation or an Israeli people, and the national movements of both sides negate the formation of such new overarching entities.⁷⁹

Israel is a diminished ethnic democracy and not a liberal democracy because the state recognizes ethnic groups, and not just individuals. It is neither a liberal nor a multicultural democracy because it makes the Jews a core ethnic nation and the Arabs non-core outsiders. It imposes separation between Arabs and Jews through the law of religious marriages, making intermarriages infrequent and illegitimate (but recognizable by law). Israel lacks a national identity of its own that is shared by all of its citizens, and instead of treating all citizens equally, it privileges the Jews. The state is explicitly partial, serving as the homeland of all Jews in the world, not impartially catering to all its citizens regardless of ethnic origin.

Israel is an ethnic democracy and not a consociational democracy because the state is neither binational nor neutral in the dispute between minority and majority but is rather identified with the Jewish majority who employs it as a vehicle to further its particular interests. The Arab minority is not considered as an equal partner in the society and the state. It is suspected of disloyalty and placed under control, not recognized as a national Palestinian minority, denied a proportional share of national resources, lacks territorial or institutional autonomy and is devoid of a veto power. There is no need to conduct tough negotiations with the Arabs in order to reach compromises and agreements over disputed issues.

Israel is not a common western nation-state. As an ethnic democracy, it is not Jewish and democratic in the same way as France, being a republican-liberal democracy, is French and democratic, and not in the same way as Belgium, being a consociational democracy, is Belgian and democratic. It is paradoxical, however, that the Jews strongly believe that Israeli democracy is western and liberal, and that there is no contradiction in Israel between being Jewish and democratic. It is even more paradoxical that Israel is universally accepted in the West as a Western liberal democracy. Its character as Jewish and democratic is sanctioned by the West and was legitimized by the 1947 United Nations partition resolution, providing for the formation of two states in Palestine—one Jewish and one Arab. In other words, there is international legitimacy for the existence of an ethnic democracy in Israel.

⁷⁹ The ethnic nature of Israeli democracy is also evident in the criteria of good citizenship and in the basic inequality between Arabs and Jews to meet them. A good citizen contributes to the state much beyond law obedience, tax payment, military service, voting in elections and regular involvement in public life that are expected of a rank and file citizen. With the crucial exception of army duty, there is no difference between Arabs and Jews in becoming rank and file citizens. On the other hand, a good citizen in Israel is expected not only to excel in voluntary activities but also to make contributions to the achievement of state goals, which are the strengthening of national security, increase of the Jewish majority, cultivation of the Hebrew language, ingathering of (Jewish) exiles, settlement of the land (with Jews), dispersion of the (Jewish) population all over the country and economic independence. This 'common good' was and is determined by Jews only, and Arabs are barred from influencing it. The prospects that an Arab will become a good citizen are low indeed because being an Arab, bearing Arab children and practicing Arabic language and culture, an Arab cannot contribute, whatever efforts made, to most of these state Jewish objectives.

Israel's Supreme Court articulated, in several rulings, the Jewish-democratic credo on Israeli democracy. It reaffirmed the constitutionality of the requirement that in order to participate in Knesset elections any list must not deny Israel as the homeland of the Jewish people. In this regard it ruled that "there is no contradiction whatsoever between these two things: The state is the state of the Jews, while its regime is an enlightened democratic regime that accords rights to all citizens, Jews and non-Jews".⁸⁰ The counter-claim that there is an inbuilt contradiction between the democratic and Jewish nature of the state was rejected: "There is no real contradiction, so to speak, between the different clauses of paragraph 7a: the existence of the State of Israel as the state of the Jewish people does not negate its democratic character, as the Frenchness of France does not negate its democratic character".⁸¹ At the same time the Supreme Court announced the constitutionality of the principle of equality and issued some rulings, since mid-1985, that are liberal in nature and in favor of the Arabs. To mention just a few, the court refrained from disqualifying Arab parties despite their alleged rejection of Israel as the homeland of the Jewish people, supported the mandatory use of Arabic in official signs, ruled against the state practice to allocate land for founding purely Jewish communities, and declared certain state funding policies as discriminatory and void.

The Jewish consensus on the liberal and enlightened nature of Israeli democracy and the inability to see the difference between Israel and western countries are a genuine conviction, not a make-believe. Israel is considered as a Western liberal democracy because it meets the fundamental requirement of extending individual (human, social, civil and political) rights for all, while the existence of the principle of Jewish ascendancy is deemed irrelevant. The true belief in the full legitimacy and quality of the Israeli democracy makes the Jews united, determined and intransigent on holding to ethnic democracy. Furthermore, the provision of individual and certain group rights to the Arab minority creates ambiguity and flexibility in the nature of the system, contributing to its stability.

These ideas about the liberal nature of Israeli democracy are shared by Israeli and western mainstream social scientists. For instance, Neuberger regards Israel as a liberal "democracy with stains".⁸² It deviates from liberal democracy in a lack of constitution, a permanent state of emergency, an indirect legal inequality between men and women through the religious jurisdiction over personal status, the statutory status of the Zionist organizations, the Law of Return and related deviations. These shortcomings do not disqualify Israel as a liberal democracy, however, because they are not debilitating and because there is no such thing as a perfect liberal democracy. Neuberger rejects the model of ethnic democracy in principle and its application to Israel in particular.⁸³ Dowty⁸⁴ follows suit. He sees all liberal-

⁸⁰ Supreme Court, "Election Appeal No. 2 of 1988", *Piske Din* 43 (1989), Part 4, pp. 221–279 (in Hebrew), see paragraph 8.

⁸¹ Supreme Court, "Election Appeal No. 1 of 1988", *Piske Din* 42 (1988), Part 4, pp. 177–197 (in Hebrew), see p. 189.

⁸² Neuberger, "Democracy with Four Stains", *op.cit.*

⁸³ Benyamin Neuberger, *Israeli Democracy* (Tel Aviv: Open University, 1998) (in Hebrew).

⁸⁴ Alan Dowty, "Is Israel Democratic? Substance and Semantics in the 'Ethnic Democracy' Debate", *Israel Studies* 4 (Fall 1999), 2, pp. 1–15.

democratic nation-states as ethnic in one way or another and Israel as generally more ethnic and problematic on the continuum. Avineri claims that Israel better fits the type of multi-cultural democracy than western countries like France with regard to cultural, religious and national minorities.⁸⁵ Israel recognizes the Arabs as a linguistic, cultural and religious minority and extends to them wide collective rights, while liberal-republican and Jacobin France imposes a uniform linguistic-cultural model on the entire population. Don-Yehiya and Susser do not share Avineri's analysis. Rather, they see Israel as an exception among western democracies in not having developed toward multicultural democracy since 1945. They attribute the persistence of Jewish ethnonationalism to the centrality of religion for Jewish national survival and to the centuries-old, ethnoreligious Jewish nation that predates the modern state of Israel. Notwithstanding these well-taken insights, Don-Yehiya and Susser categorize Israel as a liberal democracy.⁸⁶

These characteristics, which are viewed by mainstream social scientists like Neuberger as readily rectifiable aberrations, are regarded by radical social scientists as substantive traits that make Israel a non-democracy. For various authors, Israel is an "ethnic state" or an "ethnocracy", a state with some democratic features but clearly short of being a democracy.⁸⁷ While refraining from the term *Herrenvolk* democracy, they advance the view of Israel as a settler-frontier society without fixed borders, an occupier of Palestinian territories, an exclusionary and discriminatory state *vis-à-vis* its Arab citizens, a society leaning toward theocracy, militarism, and the like. The formation of the Palestinian Authority, the historical process of peacemaking and the ongoing democratization of the state do not alter this situation radically, leaving Israel as a non-democracy.

Both the mainstream and radical approaches err in disregarding the inherent contradiction built into Israel's dual character. Israel is a solid ethnic democracy that possesses not only the features but also most of the conditions that give rise to and sustain ethnic democracy. They include a large and stable Jewish majority, a strong commitment to democracy for all, self-definition of the Jews as a homeland ethnic nation (a returning diaspora rather than immigrants and settlers) with an inalienable right to the land, and the existence of a big diaspora with support and need of Israel. No less important is the Jews' pervasive sense of continued serious threats to the survival of the Jewish people and Israel that only a Jewish and democratic state can forestall. This set of circumstances is firm enough to shore up an ethnic democracy in Israel.

⁸⁵ Shlomo Avineri, "National Minorities in Democratic Nation-States", in *The Arabs in Israeli Politics: Dilemmas of Identity*, Elie Rekhess, ed. (Tel Aviv: Dayan Center, Tel Aviv University, 1998), pp. 17–27 (in Hebrew).

⁸⁶ Eliezer Don-Yehiya and Bernard Susser, "Democracy versus Nationalism: Israel as 'an Exceptional Case'", *Democratic Culture* 1 (1999), pp. 9–21 (in Hebrew).

⁸⁷ See, among others, Yiftachel, "Israeli Society and Jewish-Palestinian Reconciliation", *op.cit.*; Nadim Rouhana, "The Test of Equal Citizenship: Israel between Jewish Ethnocracy and Bi-National Democracy", *Harvard International Review* 20 (Spring 1998), 2, pp. 74–78; As'ad Ghanem, "State and Minority in Israel: The Case of Ethnic State and the Predicament of Its Minority", *Ethnic and Racial Studies* 29 (May 1998), 1, pp. 428–448; Ghanem, Rouhana and Yiftachel, *op.cit.*; and Baruch Kimmerling, "Religion, Nationalism and Democracy in Israel", *Constellations* 6 (1999), 3, pp. 339–363.

6.1.5 *Factors Conducive to Emergence*

What are the factors accounting for the emergence of ethnic democracy in Israel? The Jewish nature of the state is not a natural outgrowth of the unintentional, centuries-old, normal process of living on the land as a Jewish majority, but rather a result of the Zionist project of the twentieth century to design a state on such a basis, to craft it according to a blueprint of ethnic-Jewish arrangements and institutions and to follow an explicit policy of arresting the possible development of democracy along civic—liberal, multicultural, or consociational—lines.

Zionism emerged in Eastern Europe as a brand of ethnic nationalism, accepting the Jews as an ethnic nation. The Zionist project has always aimed to resolve the Jewish question and to mold a state that serves as the exclusive homeland and protector of the Jewish people. The Jewish state has been conceived as a primary tool for containing real and imagined threats to the security, welfare and national identity of the Jews in the diaspora and the Land of Israel. The continued Jewish-Arab conflict before and after the establishment of the Jewish state necessitates the mass mobilization of the Jews, and the idea of an ethnic Jewish state has served as an effective means of mobilization.

While it is clear why under these circumstances the state created by the Jews could not be designed to be a civic state but rather an ethnic state, it remains to be explained why it became democratic. Two factors can account for democracy. One is the commitment of Zionism and the Jewish founders of the state to democracy. Zionism has a strong orientation to the West and the idea of democracy has always been central in its grand design. Democracy is an admission card into the West and an expedient for receiving ample and essential support from the West. It has also been a vital mode of conflict-management between rival Jewish groups. Adherence to democratic procedures rests, therefore, on strong ideological and pragmatic considerations.

The other explanatory factor is affordability. It was feasible to establish democracy in Israel and to extend it to the Arabs because they constituted a small and manageable minority as a result of the mass exodus of the Palestinians during the 1948 war. Without the massive removals of the Palestinians, the Arab minority would have probably been disenfranchised. This speculation can be substantiated by the fact that the occupation of the West Bank and Gaza Strip in 1967 has not led to full annexation, with an automatic extension of citizenship to the Palestinians, as Israel did after 1948. The size of the Palestinian population has acted since 1967 as the real obstacle, and it still is the most important reason for Israel's readiness to withdraw from most of the Palestinian territories and to allow the formation of a separate Palestinian state. The Zionist idea of a Jewish and democratic state, namely, ethnic democracy, is the primary consideration in including the small Arab minority into Israeli democracy and in excluding the larger Palestinian population.

6.1.6 *Conditions of Stability*

Israel can continue to be a Jewish and democratic state for the foreseeable future if it meets several conditions. First is the need to keep Jews as a permanent majority in Israel. Jews will

remain a solid majority if diaspora Jews continue to immigrate to Israel, if non-Jews will be kept out, if Israel will withdraw from the West Bank and Gaza, and if it will continue to deny the right of return to Arab refugees. There is a consensus on this issue within the Jewish majority.

The second condition is a continued sense of threat to the survival of the Jewish ethnic nation in Israel and abroad. Without a continued perceived threat and a sense of insecurity, Jews will not feel the need to keep Israel Jewish as a defense system.

The third condition is the continued inability and unwillingness of the Arab world and the Palestinian people to intervene on behalf of the Arab minority in Israel. If these ethnic patrons are capable and willing to mobilize Israeli Arabs in order to destabilize Israel, Israel may withhold democracy from its Arab citizens in order to weather the foreign intervention. This condition will not be met as long as Israel remains strong. It is also unlikely that the PLO or Palestinian leaders will pursue this course of action because it is in their interest to have a Palestinian minority in Israel that can act as a strong lobby for Palestinian causes.

The fourth condition is lack of intervention by the international community on behalf of the Arab minority and for changing Israel's character. This condition is satisfied. Israel's right to be Jewish and democratic is fully legitimated in the 1947 UN resolution for the formation of Jewish and Arab states in Palestine. It has never been challenged by any international resolution. The more recent criticisms of Israel by UN committees and other international organizations on human and minority rights for maltreating Arabs in Israel are limited in scope and have never questioned the legitimacy of the Jewish state and its democracy.

The ethnic configuration of Israeli democracy is so deeply ingrained that a shift to a civic type is not likely for the foreseeable future. The Jews take ethnic democracy for granted and see it as unproblematic. They regard a Jewish and democratic state as their absolute and legitimate right, think that Jews can fulfil their national aspirations only in a Jewish state, and feel that their life in Israel would become meaningless if Israel ceased to be Jewish. The vocal 'post-Zionist' circle, advocating a liberal, multicultural or a consociational democracy, is mostly confined to a handful of Jewish intellectuals and unlikely to become the mainstream in the foreseeable future. A radical transformation of Israel is most genuinely and popularly desired by the Arabs, but they do not have the power to affect such a sea change.

The stability of Israeli ethnic democracy also stems from its flexibility and adaptability. It has truly improved over the years, as reflected in the shift in Arab status. Israel has undergone a process of democratization and has substantially eroded the control over Arabs. Until 1975, the Arabs were placed under strict administrative control, subject to massive land expropriations and extensive discrimination, and passively resigned to their fate as a subordinate minority. Since 1976 they have been engaged in a continuous struggle for equal rights and opportunities and for peace, for publicly expressing their Palestinian identity and attachment, organizing in independent and nationalist parties, seeking autonomy, and even calling for remaking Israel into "a state of all of its citizens", a slogan that challenges Israel's Jewish-Zionist character.

This change amounts to a historical shift from a hard-line to a standard subtype of ethnic democracy. It shows that Israel's ethnic democracy is flexible enough to absorb, in the future, various concessions to the Arabs, including admission into coalition politics, extension

of cultural autonomy and recognition of the Arabs as a Palestinian national minority. These and other consociational ingredients can be integrated into Israel's ethnic democracy without transforming its essence, namely, institutionalized Jewish dominance, state preferential treatment of Jews, preservation of a Jewish majority, state Jewish symbols and a firm commitment to and ties with the Jewish diaspora.⁸⁸

Survey data, collected during the period from 1976 to 1995, demonstrate the disagreement between Jews and Arabs on ethnic democracy and the trends of change in their attitudes on this fundamental issue.⁸⁹ They show that the Jews are firmly committed to Israel as an ethnic democracy and that their commitment has not waned over the years. An overwhelming majority of 86.2 per cent in 1988 and 90.5 per cent in 1995 defined themselves as Zionist. As many as 97.7 per cent in 1980 and 96.4 per cent in 1995 thought that the state should keep its Jewish majority. The internal differences on this matter were insignificant. According to the 1995 survey, the proportions supporting a policy of Jewish majority for Israel were 95.5 per cent among the most cosmopolitan Jews,⁹⁰ 92.9 per cent among voters for the left, 99.3 per cent among voters for the right and 100.0 per cent among the ultra-Orthodox, although they are known to be aloof to Zionism. The proportion of Jews who definitely oppose and would not even consider the adaptation of the Israeli flag in order to have Israeli Arabs identify with it was 91.1 per cent in 1980 and 86.7 per cent in 1995.

Other findings reveal that Jews associate the ethnic nature of the state with many other characteristics that would be regarded as racist in Western civic democracies. For instance, on questions involving territorial withdrawals that determine Israel's permanent borders, in 1995 59.9 per cent agreed that there should be a Jewish political majority and Arab votes should not be considered; 36.7 per cent were in favor of and 35.0 per cent were reserved about (but not opposed to) the idea that the state should seek and use any opportunity to encourage Israeli Arab citizens to leave the country; 59.2 per cent maintained that only Jews should be employed in the civil service or at least should be given preferential treatment in employment in this state sector; and 85.9 per cent oppose the appointment of an Arab as the state's president.

In contrast, Arab citizens show a clear trend of accommodation. To cite some of the highlights, the proportion denying Israel's right to exist was as low as 20.5 per cent in 1976, dropping to 6.8 per cent in 1995. Arabs defining themselves in non-Israeli Palestinian terms

⁸⁸ For the contrary view that the introduction of such consociational elements would transform Israel from an ethnic to a consociational democracy, see Peled, "Strangers in Utopia", *op.cit.*

⁸⁹ Five surveys were conducted in the years 1976, 1980, 1985, 1988 and 1995. Each was based on a national representative sample of 1,200 Arab and 1,200 Jewish Israelis aged 18 and older and living in Israel within the pre-1967 borders (excluding East Jerusalem). Data were collected by standard questionnaires in face-to-face interviews. Sampling error is 3.5 per cent. Surveys are comparable due to a common design and core questions. The 1985 and 1988 surveys are reported in full in Sammy Smooha, *Arabs and Jews in Israel, Vol. 2*. (Boulder, Colo.: Westview Press, 1992) and the 1995 survey in Smooha, *Coexistence between Arabs and Jews in Israel: Attitude Change during the Transition to Peace. Research Report* (Haifa: Department of Sociology and Anthropology, University of Haifa, 1997).

⁹⁰ Jews who are Israeli-born, Ashkenazi (European), aged 18–45, having post-secondary education, secular and supporting the left parties (Labor and Meretz).

constituted 32.9 per cent in 1976, down to 10.3 per cent in 1995. Moreover, the proportion of Arabs rejecting Israel's right to exist as a Jewish-Zionist state (i.e., as an ethnic democracy) declined from 57.1 per cent in 1980 to 35.3 per cent in 1995, and the proportion of Arabs defining themselves as anti-Zionist diminished from 47.1 per cent in 1988 to 24.7 per cent in 1995. These figures unravel the growing realization among Israeli Arabs that the forthcoming solution to the Palestinian question obliges them to resign themselves to a minority status, that they are unable to do away with Israel's Jewish-Zionist character and that their struggle should be conducted according to the law and focus on obtaining greater equality.

Questions were posed in the 1995 survey about the acceptability of each option for reshaping Arab-Jewish relations. Of the Jews, as many as 31.4 per cent agreed to a population transfer of Israeli Arab citizens, 26.5 per cent to a *Herrenvolk* democracy, and as few as 4.5 per cent to a liberal democracy. It is confirmed by previous surveys that very few Jews consent to a binational state (consociational democracy). Of the Arabs, 31.6 per cent agreed to an Islamic state in Greater Palestine instead of Israel, 37.8 per cent to a secular-democratic state in Greater Palestine to replace Israel, 81.5 per cent to a consociational democracy, 40.5 per cent to an individual-liberal democracy and 24.4 per cent to an individual-liberal democracy with the possibility of a significant rate of intermarriage. Beyond these sharp Jewish-Arab discords, however, there were concurring majorities of 71.5 per cent of the Jews and 65.9 per cent of the Arabs on what can be called 'an improved ethnic democracy': "Israel will continue to be a Jewish-Zionist state and the Arabs will enjoy democratic rights, get their proportional share of the budgets and manage their religious, educational and cultural institutions".

This picture of Arab-Jewish relations has been, however, undergoing a significant change since 1996 (after the 1995 surveys were taken). All Israeli governments since Rabin's assassination in November 1995 were particularly bad for the Arab minority; they retreated from peacemaking with the Palestinians and from the benevolent Rabin policies toward Israeli Arabs. In 1996 two radical Arab groups joined Israeli parliamentary politics—a faction of the fundamentalist Islamic Movement and a nationalist Palestinian movement known as Balad. They launched heavy attacks against the status quo of discrimination and exclusion of Arabs and blamed the nature of the regime for the Arab predicament. This combination of a shift to the worse in the government's foreign and domestic policies with the entry of new radical forces into Arab politics redirected the Arab political discourse toward greater rejection of the status quo, militancy and radicalism. The change was well captured by the two Arab public opinion surveys taken in 1999 and 2001. For instance, the historical decrease in the proportion of Arabs denying Israel's right to exist, dropping from 20.5 per cent in 1976 to 6.8 per cent in 1995, was reversed, rising to 15.6 per cent in 2001.

The outbreak of the Palestinian *Intifada* also engulfed Israeli Arabs. Their protest in solidarity with the *Intifada* encountered harsh police brutality, resulting in 12 Arab casualties and hundreds wounded during the first week of October 2000. In Arab eyes, the state treated them as non-citizens, while in Jewish eyes, Arabs behaved as non-citizens by siding unequivocally with the enemy. The Arab anger at the Labor government led to two unprecedented democratic moves—the appointment of a state inquiry commission to investigate the October events and the Arab boycott of the elections to the prime minister held in February 2001. These intricate developments divulge the complex interplay of democratic and non-democratic forces in Israel's ethnic democracy.

6.2 Northern Ireland (1921–72)⁹¹

Ulster was an ethnic democracy during its statutory autonomy from 1921 to 1972. The Protestant majority perceived Ulster as its patrimony and instituted its dominance over it. The Protestants excluded the Catholics from the national power structure, exercised institutional discrimination against them, defined them as a potentially disloyal minority and imposed control over them. At the same time, Ulster was a democracy for all and the Catholics were represented in the parliament, maintained a viable civil society (control of their schools, churches and a network of organizations) and retained firm ties with Ireland.

The system collapsed in 1972 when the British government suspended autonomy and ruled Northern Ireland directly. This change occurred as a result of Protestant intransigence, on the one hand, and the large and unmanageable size and substantial political strength of the Catholic minority, on the other. After many abortive attempts, the British slowly moved to institute consociational democracy and to involve Ireland in Ulster's internal affairs. The new system was agreed upon and started to operate in 1999.

6.3 Poland (1918–35)⁹²

When Poland became independent in 1918, after a century and a half of division and subjugation, it initiated a large-scale project of nationalization of the state, namely, establishing the ethnic Poles as a core ethnic nation and turning Poland into an ethnic democracy. The country was identified as the state of and for ethnic Poles, and a policy of exclusion was practiced against the non-core minorities which constituted 30 per cent of the population at the time. Polonization proceeded vigorously in language, education, media and representation in the economy and in regions where ethnic Poles were exceedingly underrepresented.

⁹¹ For the application of the ethnic democracy model to Northern Ireland, see Sammy Smooha, "The Viability of Ethnic Democracy as a Mode of Conflict-Management: Comparing Israel and Northern Ireland", in *Comparing Jewish Societies*, Todd M. Endelman, ed. (Ann Arbor, Mich.: University of Michigan Press, 1997), pp. 267–312; and Smooha, "The Tenability of Partition as a Mode of Conflict-Regulation: Comparing Ireland with Palestine-Land of Israel", in *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, John McGarry, ed. (Oxford: Oxford University Press, 2001), pp. 309–335. Other useful sources include Thomas Wilson, *Ulster: Conflict and Consent* (Oxford: Blackwell, 1989); John Whyte, *Interpreting Northern Ireland* (Oxford: Oxford University Press, 1990); Brendan O'Leary, and John McGarry, *The Politics of Antagonism: Understanding Northern Ireland* (London: Athlone, 1993); O'Leary and McGarry, eds., "A State of Truce: Northern Ireland after Twenty-Five Years of War", Special Issue of *Ethnic and Racial Studies* 18 (October 1995), 4, pp. 695–872; John McGarry, "Political Settlements in Northern Ireland and South Africa", *Political Studies* 36 (1998), pp. 853–870; and McGarry, ed., *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective* (Oxford: Oxford University Press, 2001).

⁹² For relevant accounts, see Moshe Landa, *A Militant National Minority: The Struggle of Jews in Poland in the Years 1918–1928* (Jerusalem: Zalman Shazar Centre, 1986) (in Hebrew); Jerzy Tomaszewski, "The National Question in Poland in the 20th Century", in *The National Question in Europe in Historical Context*, Mikulas Teich and Roy Porter, eds. (Cambridge: Cambridge University Press, 1993), pp. 293–316; Brubaker, *Nationalism Reframed*, *op.cit.*, Chapter 4.

The middle-class German minority (four per cent) in the west of Poland, seen as disloyal, was mostly driven out. The assimilation policy toward the Slavs (18 per cent) in the east of Poland failed because it was imposed with discrimination and without incentives. Considered unworthy of assimilation, the widely dispersed Jews (eight per cent) were neutralized by the anti-Semitic state, encouraged to leave and partly dispossessed.

After 1935 Poland lost its democracy, shifting from an ethnic democracy to a non-democratic ethnic state. Despite its strong ethnic ties, post-communist Poland can afford liberal democracy because during and in the aftermath of World War Two it disposed of all its national minorities.

6.4 Malaysia⁹³

Since the early 1970s Malaysia has become an ethnic democracy, although a weak and restricted democracy. From independence in 1957 through 1969, it was considered a successful consociational democracy. The Malay majority held political power and the Chinese and Indian minorities kept economic power. The coalition government included all the major ethnic groups, group autonomy was respected and politics of compromise prevailed.

The system was reconstituted in the 1970s as an ethnic democracy. Since the shift in regime, the state has been identified with the Malay majority. It institutionalizes Malay dominance, Islam as a state religion and Malay as a state language. Immigration policy is designed to preserve a Malay majority. State preferential treatment of Malays in admission to the universities and state civil service and in certain economic ventures is instituted as a common policy. Restrictions are imposed on land acquisitions by non-Malays. At the same time, the Chinese and Indian minorities continue to maintain cultural autonomy and to participate in coalition governments.

7. SOME IMPLICATIONS

The model of ethnic democracy has further implications for the political integration and ethnonational peace of a society.

1. *Ethnic democracy is an effective integrative, assimilative and mobilizing tool for members of the core ethnic nation.* It is a highly inclusionary instrument, instilling a strong ethnic-national identity and reinforcing a keen sense of a common destiny. This is well shown in Israel in the rapid amalgamation of Jews hailing from over one hundred countries. The state has successfully induced the population to accept millions of immigrants and has mobilized both old-timers and newcomers for the reconstruction of society.

⁹³ For discussing the ethnic divide in Malaysia, see Milton J. Esman, *Administration and Development in Malaysia: Institution-Building and Reform in a Plural Society* (Ithaca, N.Y.: Cornell University Press, 1972); Dennis Rumley and Oren Yiftachel, "The Political Geography of the Control of Minorities", *Tijdschrift voor Econ. En Soc. Geografie* 84 (1993), 1, pp. 51–64.

2. *Ethnic democracy is an inegalitarian, exclusionary, disintegrative, segregative and alienating force for non-core groups.* This is true for the minorities in all the countries discussed above: Arabs in Israel, Catholics in Northern Ireland, non-Poles in interwar Poland, and Chinese and Indians in Malaysia. Assimilation, as measured in rates of intermarriage, loss of original language and adoption of local identity, is much lower in ethnic democracies than in liberal democracies (see, for example, the high assimilation of all minorities, excluding the special case of African-Americans, in the United States).

3. *Ethnic democracy itself is a key controversial issue dividing majority and minority.* While liberal, multicultural and consociational democracies do not become internal divisive issues, ethnic democracy does. Legitimacy of the regime is deficient in the eyes of the minorities who regard it as a means of discrimination against them. Objection to ethnic democracy is prevalent among the minorities in all the reviewed cases. Aware of the inherent problem of illegitimacy, the state tries to get the compliance of the minorities but not their identification with the system.

4. *If given a choice, non-assimilating minorities would prefer consociational democracy most, then multicultural democracy, then ethnic democracy, while liberal democracy is the least preferred.* Since consociational and multicultural democracy provide both separation and equality, they are the best options. On the other hand, the assimilative pressures of liberal democracy threaten non-assimilating minorities, and hence it is the worst choice. The intermediary position of ethnic democracy stems from its provision of separation along with considerable opportunities and rights. Indeed, surveys in Israel show that the Arabs' first choice is consociational or multicultural democracy, but they prefer improved ethnic democracy to liberal democracy.

5. *Non-core groups conduct continuous struggle that results in incremental and inconsistent change.* Minorities wage a struggle for equality and against the restrictions imposed on them. Since they lack the power to bring about radical change, the system changes only incrementally. The democratic game results in gains and losses and in inconsistent and patchwork situations. Consequently, the status of minorities is complex and unbalanced. For instance, Catholics in Northern Ireland were discriminated against but they enjoyed autonomy. The Chinese in Malaysia maintain a strong socioeconomic position and participation in government despite the preferential treatment of Malays in all spheres of life. Arab struggle in Israel caused an end to the expropriation of lands to which they possess titles.

6. *Ethnic democracy may become less functional over time and may diminish and even change to another type of democracy.* Northern Ireland turned into a consociational democracy in the aftermath of the Good Friday Agreement of 1998. On the other hand, there are slim chances that Israel will become a civic democracy. The project of the ingathering of the exiles is far from being complete (most Jews still live in the diaspora), and the Jewish state will continue to live in an insecure environment for a long time to come.

8. CONCLUSIONS

Various forces are impinging on the relatively homogenous, liberal-democratic nation-state in the West. They include globalization, regional integration and agreements on universal

minority rights, on the one hand, and defiance of assimilation by national minorities, indigenous peoples and immigrants, on the other. The western nation-state is shifting toward 'multicultural democracy', a newly forming regime that can better accommodate these pressures and minority claims.

While western countries are decoupling the nation-state and are becoming more multicultural in ideology and practice, there are other states that are engaged, rather, in designing and crystallizing a nation-state on the basis of two conflicting organizing principles: democracy for all and ethnonational ascendancy of the majority group. These states are driven by a strong impulse of ethnonationalism that seeks satisfaction in an ethnic nation-state and by a sense of threat posed by ethnocultural, ethnonational, non-assimilating and dissident groups living in the country. Some of the new-old states in Central and Eastern Europe are prime examples, but as the process of democratization gathers momentum more divided societies may develop along these lines.

The construction of ethnic democracy as a distinct analytical type is necessary for accounting for these cases that are not properly classifiable by the existing models of liberal, consociational and *Herrenvolk* democracy, and by the addition of a new type of multicultural democracy. Ethnic democracy is based on an inherent contradiction between extension of rights and freedoms for all and institutionalized ethnic dominance and exclusion. The model of ethnic democracy consists of features, factors conducive for emergence and conditions of stability. It is an elaborated model that contributes to the descriptive, analytical and theoretical tools for the comparative study of political systems in divided societies. In addition to offering a description, the model helps in generalizing about the dynamics of the regime—circumstances leading to the rise, consolidation, shift or disintegration of ethnic democracy.

The incorporation of non-democratic elements into the model of ethnic democracy has become a major reason for criticism and even rejection of the model by some scholars. Ethnic democracy is criticized for being a self-contradictory term (equality and inequality of rights), unstable (a political system built on inherent contradictions cannot be stable), inefficient (conflicts are left simmering) and illegitimate (a non-democracy posing as a democracy).

Israel within its pre-1967 borders serves as an archetype, a springboard and a benchmark for the initial formulation and further development of the model of ethnic democracy. A detailed analysis of Israel shows that it is a viable and stable democracy, but fitting none of the existing, civic, western types of democracy. It is better understood as a case of ethnic democracy. The state is constituted as the homeland of the Jewish core ethnic nation, with a large diaspora, and its institutions, policies and symbols are streamlined to cater to the Jewish majority, not to its citizens. Seen by the Jews as a numerically and electorally significant, ideologically dissident and potentially disloyal minority, Israeli Arabs are, nevertheless, accorded civil and political rights as well as all the necessary arrangements to preserve their separate existence and identity. Arab citizens have undergone a process of Israelization without assimilation and gradual adaptation to the Jewish and democratic state. The democratization of the state and the continued militant Israeli Arab struggle, among other factors, have forced ethnic democracy to liberalize over the years. Fifty-five years of Arab-Jewish coexistence have shown that ethnic democracy can be a flexible, adaptable and sustainable system in keeping political stability in a divided society. Ethnic democracy in Israel will be further reformed if

and when the Jewish majority concedes to the Arab minority a policy of non-discrimination, cultural autonomy, inclusion into coalition politics and into the national power structure, and state recognition of the Arabs as a Palestinian national minority. Such reforms can be made without abandoning ethnic democracy.

Ethnic democracy is especially attractive to ethnic states that are democratizing. The transition from a non-democracy to a liberal, multicultural or consociational democracy is too big a jump to make for some of these ethnic states, discovering ethnic democracy as a compromise that allows them to retain ethnic dominance and ethnic nationalism along with democracy. Some of the independent states of the former Soviet Union, especially Estonia, Latvia, Georgia and the Muslim states, are possibly moving in this direction.

Ethnic democracy is also found in other ethnically split countries. A relatively stable ethnic democracy prevails in Malaysia. On the other hand, ethnic democracy broke down in Northern Ireland in 1972 and in Poland during the interwar period. Turkey with its outright rejection of the large Kurdish population as a national minority is a clear candidate for ethnic democracy provided it consolidates its democracy. Québec and the Palestinian Authority, if and when they achieve sovereignty, may strongly lean toward ethnic democracy because of their ethnic nationalism and long-term national frustration.

The ethnic democracy model is non-western in essence, but it is to a certain degree also relevant to Germany. In Germany a clear-cut distinction is made between a German core ethnic nation and non-core groups. Germany lacks an immigration law despite the existence of millions of immigrants and practices a policy of restricting citizenship to ethnic Germans (it absorbed about 15 million of them since 1945 as 'returnees', not immigrants) as much as possible.⁹⁴

Non-western and democratic Japan is similar to Germany in many ethnic respects. In order to keep its ethnic purity, it virtually disallows immigration and naturalization of non-ethnic Japanese. Instead of importing cheap labor, it exports production. The relevance of the Japanese preoccupation with racial, ethnic and cultural purity can be elucidated by the ethnic democracy model.

The ideology and politics of the radical right in western countries, especially in France, are manifestations that can be illuminated by the model of ethnic democracy. The cultural and ethnic diversity introduced by the immigration of non-western peoples to the West brings to the open layers of intolerance, hidden and dormant in these societies. The radical right plays on popular discontent and anxiety, advocating solutions tantamount to the transformation of the system from a civic democracy to an ethnic democracy. The attraction of the radical right reflects the tenacity of ethnicity and the continued appeal of ethnic democracy to certain strata in liberal democracies.

Ethnic democracy is a descriptive and analytical, not a normative model. Although it may enjoy international legitimacy, as in the case of Israel, it can serve both supporters and

⁹⁴ Mary Fulbrook, "Germany for the Germans? Citizenship and Nationality in a Divided Nation", in *Citizenship, Nationality and Migration in Europe*, David Cesarani and Mary Fulbrook, eds. (London: Routledge, 1996), pp. 88–105; Jost Halfmann, "Immigration and Citizenship in Germany: Contemporary Dilemmas", *Political Studies* 45 (1997), 2, pp. 260–274; and Christian Joppke, "Multiculturalism and Immigration: A Comparison of the United States, Germany, and Great Britain", *Theory and Society* 25 (1996), pp. 449–500.

critics. A familiarity with all the types of democracy would help the advocates and opponents of any given system of democracy to clarify their positions and to sort out their differences. On the other hand, multicultural democracy is both a descriptive and analytical type and a normative model endorsed by the rising ideology of multiculturalism.

The new wave of democratization in the world today makes ethnic democracy a promising theoretical model. It is a particularly pertinent trajectory for some democratizing ethnic states that would prefer this avenue, instead of liberal, multicultural or consociational democracy, because it does not require the renouncement of ethnic ascendancy by the dominant majorities.

The model of ethnic democracy is awaiting a comparative study of ethnic democracies for further theoretical formulation and empirical enrichment.

Re-Independent Estonia¹

Priit Järve

In a world of ethnically divided states and growing democratization, new issues demand scrutiny and elaboration. One such issue is the character of democracy emerging in several post-communist transitional countries. This chapter seeks to analyze some features of democracy in Estonia, one of the ethnically divided transitional countries, by applying the mini-model of ethnic democracy proposed by Sammy Smooha.² According to Smooha:

Ethnic democracy suffers from an inherent contradiction between ethnic ascendancy and civic equality. The state privileges the majority and strives to advance its interests rather than to serve all its citizens equally. The minority cannot fully identify itself with the state, cannot be completely equal to the majority and cannot confer full legitimacy on the state.³

Ethnic democracy establishes ethnic ascendancy by exploiting threats, both imagined and real, to the existence of the core ethnic nation for the purposes of its legitimization.

1. BACKGROUND

The territory of contemporary Estonia, on which the forerunners of ethnic Estonians lived for thousands of years, has been largely under the domination of different foreign powers since the thirteenth century. At the beginning of the eighteenth century the Russian Empire conquered the territory and assumed rule from Sweden. In the second half of the nineteenth century, the Estonians went through a national awakening. In 1920, after the downfall of the Russian Empire and an armed conflict with Soviet Russia, Estonia was recognized as an independent state for the first time in history. In 1925 Estonia adopted a law on cultural autonomy for its national minorities as was required by the League of Nations. For its time the law was considered a progressive development. The law explicitly recognized German, Russian and Swedish minorities and other minority groups that had over 3,000 members, the latter implicitly referring to Latvians and Jews. These minorities were given the right to establish educational and cultural institutions in their native languages.

¹ An early version of this chapter was published as *Ethnic Democracy and Estonia: Application of Smooha's Model*, ECMI Working Paper No.7 (Flensburg: European Centre for Minority Issues, 2000).

² Sammy Smooha, *The Model of Ethnic Democracy*, ECMI Working Paper No.13 (Flensburg: European Centre for Minority Issues, 2001) and Smooha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State", *Nations and Nationalism* 8 (October 2002), 4, pp. 475–503.

³ Smooha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State", *op.cit.*, p. 478. See also Smooha, in this volume, pp. 21–2.

In 1940 Estonia was incorporated into the USSR by force and remained under this authority until 1991. Prior to the Soviet takeover, Estonia's German minority was called back to Nazi Germany. The Soviets dissolved the cultural autonomies of national minorities. From 1941 to 1944, Estonia was occupied by the Nazis. During this period, local Jewish and Roma minorities were decimated, while the Swedish minority managed to leave for Sweden. Under the renewed Soviet hegemony between 1944 and 1989, other crucial demographic changes occurred. Large groups of migrants from Russia, Ukraine and other parts of the USSR settled in Estonia as a result of the centrally planned industrialization and the Soviet military build-up in the Baltic region. By 1989 the share of minorities in the population of Estonia had increased almost fourfold since 1945, reaching 38.5 per cent.⁴ As a rule, the newcomers were Russian speaking and showed little interest in local culture and language. A whole set of educational, cultural and other institutions operating in the Russian language were created for them, while Estonians were allowed to run similar institutions in their own language. Over time, two different information spaces were formed in Estonia, one in the Estonian language and the other in Russian. By and large, this development correlated with differences in lifestyles, employment and even areas of residence.

Estonia restored its independence after the failure of the August coup in 1991 in Moscow. At that time, Russia, the biggest Soviet Republic under the leadership of Boris Yeltsin, supported the Baltic states of Estonia, Latvia and Lithuania against the Soviet President Gorbachev and recognized them as independent countries. Soon, Gorbachev and the international community followed suit.

Before August 1991 a large number of local Russians and other Russian speakers supported the Baltic elites in their quest for democracy and independence.⁵ However, the disintegration of the USSR made the support of local minorities far less important. Moreover, as the Baltic nations started to set up their own power structures and carry out ownership reforms, the non-titular groups came to be viewed more as a liability than an asset. Ethnic nationalism and a negative attitude towards Russians (and Russia) started to dominate political discourse. The laws adopted in such a political atmosphere included a deliberate element of ethnic containment.⁶

⁴ See Statistical Office of Estonia, *2000 Population and Housing Census. Citizenship, Nationality, Mother Tongue and Command of Foreign Languages*, II (Tallinn: Statistical Office of Estonia, 2001), p. 14.

⁵ In this chapter the terms 'Estonians', 'Russians' and 'non-Estonians' will be used to denote ethnicity, not citizenship. For this purpose, the term 'Estonian citizen' or 'non-citizen' will be used. This clarification is necessary as we are dealing with a complex situation where Estonian society is composed of citizens and non-citizens (half of whom are stateless, if we exclude foreign nationals). Furthermore, among Estonian citizens we have ethnic Estonians (or 'members of the core nation') and members of the minority ethnic groups (Russians, Ukrainians, Belorussians, Finns, Jews, Tatars, Germans, Latvians, Poles, etc.). Another term used is 'Russian speakers' which refers to ethnic Russians as well as to the residents of Estonia belonging to other ethnic groups whose first language is Russian, regardless of their citizenship.

⁶ Peeter Ernits, "Kodakondsusameti endine peadirektor Andres Kollist: Nende eesmärk oli venelaste elu põrguks muuta" ("Their aim was to make the life of Russians hell", Peeter Ernits' interview in the Estonian bi-weekly *Luup* with the former director of the Estonian Citizenship and Migration Board, Mr Andres Kollist), *Luup*, 3 (7 February 2000), p. 112. Available in Estonian at http://www.lichr.ee/est/artiklid/kodakondsusameti_endine_peadirek.htm, Russian translation at <http://www.moles.ee/00/Feb/12/6-1.html>.

At the same time, the Baltic politicians continued to proclaim their adherence to principles of democracy. National elites, particularly in Estonia and Latvia, justified the ethnic policies as the only way to regain independence and ensure the political dominance of titular nations. Estonia, with Latvia following suit, opted for the restitution of the pre-1940 independent state. This implied the restoration of pre-1940 citizenship, which prevented the Soviet-era settlers from automatically becoming citizens of Estonia. These settlers, except the Soviet ex-military and security personnel and their family members, were offered the right to apply for citizenship through naturalization. As naturalization requires passing exams in the Estonian language, of which the Russian speakers have a relatively poor command, many of them have not been able or willing to naturalize up until the present day. According to the population census of 2000, Estonia had 1,370,052 inhabitants of which 32.1 per cent belonged to national minorities. Of all permanent residents, 80 per cent were citizens of Estonia; 170,349 permanent residents, or 12 per cent of the entire population, had no citizenship; while 15 per cent of all citizens (168,088 persons) indicated Russian as their mother tongue.⁷

The case of Estonia's ethnic democracy is usually considered marginal and controversial because considerable proportions of non-titular permanent residents are stateless and cannot fully participate in democratic processes. Nevertheless, according to several authors, Estonia can be labelled an ethnic democracy despite the fact that many of its residents do not have citizenship.⁸

Smootha has characterized Estonia as "a system in a preparatory stage before becoming an ethnic democracy", and as a "good candidate for an ethnic democracy".⁹ The main reason for being a "candidate" is obvious: the core nation dominates; the country has no full enfranchisement through citizenship. Indeed, Estonia has been rightfully characterized as a control system.¹⁰ A control system is based on the principle that one ethnic group takes over the state, imposes its culture on society and takes measures to prevent the non-dominant group from

⁷ Statistical Office of Estonia, *op.cit.*, pp. 12, 14, 192–193.

⁸ Pål Kolstø and Boris Tsilevich, "Bulletin of Electoral Statistics and Public Opinion Research Data. Patterns of Nation Building and Political Integration in a Bifurcated Postcommunist State: Ethnic Aspects of Parliamentary Elections in Latvia", *East European Politics and Societies* 11 (Spring 1997), 2, pp. 366–391; Vello Pettai, "Emerging Ethnic Democracy in Estonia and Latvia", paper presented at the Association for the Advancement of Baltic Studies Conference (Chicago, 8–11 June 1994); Pettai, "Emerging Ethnic Democracy in Estonia and Latvia", in *Managing Diversity in Plural Societies: Minorities, Migration and Nation-Building in Post-Communist Europe*, Magda Opalski, ed. (Ottawa, Canada: Forum Eastern Europe, 1998), pp. 15–32; Graham Smith, Aadne Aasland and Richard Mole, "Statehood, Ethnic Relations and Citizenship", in *The Baltic States: The National Self-Determination of Estonia, Latvia and Lithuania*, Graham Smith, ed. (London: Macmillan, 1994), pp. 181–205; Graham Smith, "The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia", *Nationalities Papers* 24 (1996), 2, pp. 57–93; Smootha, *The Model of Ethnic Democracy*, ECMI Working Paper, *op.cit.*; Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore, Md.: Johns Hopkins University Press, 1996).

⁹ Sammy Smootha, "The Model of Ethnic Democracy and Its Application to Israel and Estonia", lecture at Tartu University, 14 September 1998 (manuscript), pp. 3, 4.

¹⁰ Vello Pettai and Klara Hallik, "Understanding Processes of Ethnic Control: Segmentation, Dependency and Co-optation in Post-Communist Estonia", *Nations and Nationalism* 8 (October 2002), 4, pp. 505–529.

organizing politically and upsetting the status quo. The system employs such means of control as isolation and economic dependence of the non-dominant group, as well as co-optation of non-dominant elites.¹¹ In the case of Estonia, the stateless residents, particularly those who do not speak or speak very little Estonian, can be regarded as being under the control system.¹² They are isolated because of their poor knowledge of the state language and lack of citizenship; they are economically disadvantaged because of the lack of appropriate language skills which do not enable them to compete on equal terms on the labour market. Non-citizens are prevented from organizing politically as they cannot form or belong to parties according to the law. Access to citizenship, which is highly dependent on the state language requirements, is used as the principal means of control. With time, the control system will lose ground as the number of stateless Russian speakers is slowly diminishing; they are learning Estonian and acquiring citizenship (Estonian, Russian or other) or emigrating or dying.

This brings me to two principal questions:

1. What will happen after the control system fades away? After becoming citizens of Estonia, will former non-citizens acquire equality with members of the core ethnic nation, or is a less rigorous system of control such as ethnic democracy already in operation and waiting to be implemented?
2. If features of ethnic democracy do exist in the Estonian political system, are these sustainable, or will they give way to more traditional forms of democracy (such as liberal, multicultural or consociational)?

Below, I will seek answers to these questions by applying Smootha's mini-model of ethnic democracy to Estonia.¹³

2. FACTORS CONDUCTIVE TO THE EMERGENCE OF ETHNIC DEMOCRACY

According to the mini-model, the following factors are conducive to ethnic democracy: (1) ethnic nationalism predates the establishment of the state; (2) a threat (real or imagined) to the ethnic nation perceived by the majority who requires mobilization in order to preserve the ethnic nation; (3) the majority's commitment to democracy on ideological or pragmatic grounds; and (4) a minority of manageable size.¹⁴

All four factors could be detected in Estonia at the beginning of the 1990s, when the legislative structures leading to ethnic democracy were conceived.

¹¹ Ian Lustick, "Deeply Divided Societies: Consociationalism versus Control", *World Politics* 31 (April 1979), 3, pp. 325–344.

¹² The 2000 census established that of 170,349 stateless residents, 90 per cent (153,696 persons) were native speakers of Russian, seven per cent (11,924 persons) had mother tongues other than Russian or Estonian, while the mother tongue of 4,729 persons (three per cent) was Estonian (see Statistical Office of Estonia, *op.cit.*, p. 193).

¹³ Smootha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State", *op.cit.*, pp. 477–483.

¹⁴ *Ibid.*, pp. 478–479.

2.1 Ethnic Nationalism

In Estonia ethnic nationalism and the ethnic nation predated the state. The ethnic nation perceived the establishment of the Estonian state at the beginning of the twentieth century as the embodiment of its right to self-determination. At the end of the 1980s Estonian feelings of defensive nationalism, expressed in different disguises (heritage protection, green movement, singing festivals, etc.) against the Soviet regime, peaked once again and predated the restoration of state independence.

2.2 Threats to the Ethnic Nation

The most dangerous threat to the Estonian nation and to the Estonian state is associated—in the view of the core nation—with Russia, which allegedly has not given up its imperial ambitions and aims to conquer Estonia once again. In this context, the local Russians are habitually perceived as ‘the hand of Moscow’ or ‘the fifth column’.

Under Soviet rule the threats also obtained a demographic dimension due to a continuous shrinking of the share of Estonians in the population. This helped mobilize people for change. The highest level of ethnic mobilization of Estonians could be observed in 1988–91, during the so-called singing revolution. People demonstrated their full support for the idea of national independence, and participated massively in popular movements, elections and referenda to help to replace Soviet institutions with new ones. It is noteworthy that this mobilization occurred *before* the independent state was restored. Soon *after* the restoration of the Republic of Estonia in 1991, it lost momentum, having brought to power a new political elite who sought to protect the ethnic nation by adopting relevant legislation.

The Estonian press regularly publishes articles and letters to the editor which stress that the non-core population, especially Russians, pose a threat to Estonia. Sociological polls have shown that the core nation has remained quite conservative on citizenship issues; in fact, it is supportive of official policies.¹⁵ Smith has identified three steps in which the exclusionists among the Baltic politicians were able to legitimize the marginalization of the Soviet era migrants in Estonia and Latvia.¹⁶ First, these migrants were labelled as illegal migrants. Second, by equating ‘Russians’ to ‘the Soviet or Russian empire’, Russians were successfully represented as ‘fifth columnists’, dangerous to the security of the state. Finally, Russian settlers were also represented as a threat to the cultural self-preservation of Estonians and Latvians.

The Estonian citizenship policy has produced questionable side effects. Almost 90,000 residents of Estonia (8 per cent of the whole population) had become citizens of foreign states by 2000. Estonia has the largest colony of Russian Federation citizens (86,000) of

¹⁵ Juri Kruusvall, “Usaldus ja usaldamatus rahvussuhetes” (Trust and Distrust in Interethnic Relations), in *Vene küsimus ja Eesti valikud* (The Russian Question and Estonia’s Choices), Mati Heidmets, ed. (Tallinn: TPÜ Kirjastus, 1998), pp. 29–75.

¹⁶ Graham Smith, “The Russians in Estonia and Latvia: Diaspora or Stranded Minority?” in *De Baltiske land—et nytt’ Norsk nærområde?* Anton Steen and Andreas Selliaas, eds. (Oslo: Institutt for Statsvitenskap, Universitetet i Oslo, 1998), pp. 42–51, at pp. 45–47.

any state outside Russia. This can be considered a potentially destabilizing factor. Here, the Estonian political elite seems to have fallen into a self-fulfilling prophecy—Russian speakers were excluded from the citizenry because of their assumed potential disloyalty to the Estonian state. This has pushed many of them to apply for Russian citizenship, which, in turn, is interpreted as the ultimate proof of their disloyalty.

There is no data available on the amount of attention that the Estonian security forces are paying to the non-core population. In the media, though, one can often read articles calling for vigilance towards the non-core population—the alleged fifth column of unpredictable and ever-aggressive Russia.¹⁷ Where state control may be lacking, the control executed through the media and public opinion more than adequately compensates. When a group of Russian-speaking youth demonstrated at the Embassy of the United States in Tallinn against the NATO campaign in Yugoslavia and against the more recent military campaign in Iraq, it was not interpreted as freedom of demonstration or freedom of thought by the Estonian mass media, but as an obvious expression of disloyalty to the Estonian state.

As criminality in non-core groups generally tends to be higher than in the core nation—and this is the case in Estonia—it cannot be excluded that the non-core group might attract considerable attention from the police and other law enforcement bodies. Moreover, veterans of the Soviet Army and their family members—who belong to the non-core population—are officially regarded as a potential source of great danger.¹⁸ The non-core groups are clearly underrepresented in the structures of executive power. Although, at the same time, non-Estonians serve in the police and are conscripted to the armed forces.

Periodically, in connection with local elections, the Estonian state tries to mobilize the ethnic nation to turn out to vote in order to avoid the non-core nation's decisive impact on some local governments (in Estonia non-citizens and foreign nationals who are permanent residents have the right to vote in local elections). However, these calls have failed to stop the decline in voter activity. The turnout at the local elections in October 1999 was, for the first time after 1992, below 50 per cent. Yet, the participation rate among citizens was still higher than among non-citizens. This indicates that the political threat of voting non-citizens may be overestimated.

While Russia and Russian speakers in Estonia tend to be viewed as potentially major threats, they fail to effect constant high-level ethnic mobilization of the core nation. The reason for this might be that, in the wake of the high ethnic mobilization of Estonians at the end of the 1980s and the beginning of the 1990s, legal conditions were created (by adopting the Constitution and other laws on citizenship, language, aliens and education) which unambiguously protected the interests of the core ethnic nation by granting it certain privileges. Once ethnic ascendancy was firmly established and the external threats did not look imminent, there was no significant reason for mobilization.

¹⁷ The Estonian-language chatrooms on the Internet, such as <http://www.delfi.ee>, while discussing ethnic issues, produce a characteristic mix of Russophobia, hate speech and calls for vigilance.

¹⁸ This is an estimated group of 20,000 people, who live in Estonia according to a special treaty of 1994 between Estonia and Russia. Their pensions and medical insurance are paid for by the Russian Federation.

2.3 Commitment to Democracy

The majority's commitment to democracy initially developed on mainly ideological grounds as a reaction to the authoritarian rule of the Soviet one-party state. After independence, pragmatic considerations also emerged: a functioning democracy became an important precondition of the so-called return of Estonia to the West. However, an emerging new political culture could not free itself fully from the influences of past authoritarianism. Thus, intolerance can be observed in the relations between the government and opposition as well as in the relations between the core ethnic nation and the non-core ethnic groups. This might have contributed psychologically to the establishment and acceptance of the control system and ethnic democracy.

2.4 Size of Minority

The relatively large size of the Russian-speaking minority in Estonia has raised doubts about whether the minority is indeed manageable. Minorities which constitute over 30 per cent of the total population might be too difficult to manage under an ethnic democracy if all minority members are citizens with views and aspirations which differ considerably from those of the core ethnic nation. To politically manage this minority, suspected of disloyalty, a control system was created by the 1992 Citizenship Law which excluded the Soviet era settlers from obtaining automatic citizenship.¹⁹

The threats posed by the large size of the non-core population were mitigated by its very modest organizational resources due to the weakness of political and cultural elites among its ranks. Such a skewed professional structure of immigrants developed during the Soviet regime when Russian speakers migrated to Estonia predominantly as industrial workers.

Thus, due to the early presence of the factors conducive to ethnic democracy, Estonia was predisposed to this regime at the beginning of the 1990s. However, the regime was not fully utilized from the outset. To delay and regulate the access of the minority group to Estonian citizenship, a control system was put into operation first, under which the majority of the non-core group members found themselves in 1992. It was possible for them to move from the control system to ethnic democracy through naturalization, while the core nation was carefully keeping the gate between the two systems. After reaching 20,000 new citizens per year, the conditions of naturalization were changed in 1995 by new laws on citizenship and language which brought the numbers down to an average of 3,000 new citizens per year. This slower pace of naturalization seems to be acceptable to Estonian politicians. Regular appeals and requests by international and regional organizations, such as the European Union, to more rapidly reduce the number of non-citizens have not led to any major changes in the numbers of persons naturalized per year.

¹⁹ Under this law only a limited number of minority members could claim automatic citizenship. These were the prewar Estonian citizens of Russian and of other non-Estonian decent and their descendants, the so-called citizens by birth, to whom the principle of the restoration of prewar citizenship applied. These citizens were not considered a threat because of their long ties with Estonia, good command of Estonian and stable position in society. They cannot be included in the control system. It is an open question to which extent they belong to ethnic democracy.

3. ETHNIC ASCENDANCY

The most important feature of ethnic democracy is ethnic ascendancy. The Preamble of the Estonian Constitution states:

Unwavering in their faith and with a steadfast will to secure and develop a state which is established on the inextinguishable right of the Estonian people [in Estonian: *Eesti rahvas*] to national self-determination and which was proclaimed on 24 February 1918, [...] which shall guarantee the preservation of the Estonian nation [*eesti rahvus*] and its culture throughout the ages—the Estonian people [*Eesti rahvas*] adopted, on the bases of Article 1 of the Constitution which entered into force in 1938, by Referendum held on 28 June 1992, the following Constitution...

The Preamble uses two different concepts: *Estonian nation* (*eesti rahvus*) and *Estonian people* (*Eesti rahvas*). In the Estonian language, *eesti rahvus* means ‘ethnic Estonians’ and *Eesti rahvas* means ‘the people (citizens) of Estonia’ regardless of their ethnic origin; *Eesti* with capital “E” refers to Estonian territory. Thus, the first meaning refers to ‘ethnic nation’ and the second to ‘civic nation’. (Only citizens of Estonia could vote in the referendum on 28 June 1992 by which the Constitution was approved.) The logic of the Preamble, although not very explicit, is simple: the citizens (all ethnic groups together) establish a state and adopt a constitution to preserve one ethnic group—the Estonians—and its culture. Thus, one ethnic group has manifested its specific claims to the state in which it establishes itself constitutionally as a single core ethnic nation. Because of this logic, it is legitimate to regard the Preamble as the constitutional pillar of ethnic ascendancy in Estonia.

It is noteworthy that the Estonian State Court, the highest court in the country, referred to this provision of the Preamble in November 1998 when adjudicating the constitutionality of the state language requirements for elected members of local government councils. According to the court, given the interests of the preservation of the Estonian nation and its culture as explicitly stated in the Preamble, the state language requirements for elected members of local government councils are constitutionally justified.²⁰ However, exactly these requirements were abolished by the Estonian Parliament in November 2001 following the intervention of international organizations which held these requirements to be undemocratic because they restrict a citizen’s right to stand for office.

The following articles of the Constitution empower Estonians as the core ethnic nation by creating collective privileges, which are mostly based on language use:

- Article 6: “The official language of Estonia shall be Estonian”.
- Article 36: “Every Estonian shall have the right to settle in Estonia”.
- Article 37: “All persons shall have the right to instruction in Estonian”.
- Article 51: “All persons shall have the right to address state or local government authorities in Estonian and to receive answers in Estonian”.

²⁰ See *Riigi Teataja* (Estonian Gazette) RT I 1998, 98/99, 1618. Available in Estonian at [http://trip.rk.ee/cgi-bin/thw?\\${BASE}=akt&\\${OOHTML}=rtd&ID=RKPJKo_RT_I_1998,_98/99,_1618](http://trip.rk.ee/cgi-bin/thw?${BASE}=akt&${OOHTML}=rtd&ID=RKPJKo_RT_I_1998,_98/99,_1618).

- Article 52: “The official language of state and local government authorities shall be Estonian”.

Official and semi-official populist political rhetoric in Estonia also deserves attention in connection with the issue of a single core nation. The typical reasoning, repeated over and over again, is that Estonia is the only territory where the Estonians can have their state, and protect and develop their language and culture, and for this reason Estonians are entitled to certain privileges on this territory where they have lived for thousands of years.

The Estonian state has accepted the claim of ethnic nationalism, that the ethnic nation is the single core ethnic nation and makes a clear distinction between it and other groups. Article 37 of the Constitution assumes that minorities speak languages other than the state language (i.e., Estonian). Article 1 of the Cultural Autonomy for National Minorities Law (in force since November 1993) states this more explicitly by defining that, in addition to other characteristics, minorities are citizens of Estonia who “are *distinct from Estonians* on the basis of their ethnic, cultural, religious, or linguistic characteristics (emphasis added)”, and further who “are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity”.

The state is also concerned with the preservation of the core ethnic nation and its members, even if they are non-citizens living permanently as members of the diaspora. Here, scarce resources restrict the practical measures of the state, but in case of need, textbooks and even teachers have been sent to Estonian-language schools or classes abroad. At the same time, the state allocates budget money to support cultural activities of non-core groups in Estonia.

Estonians agree that the Republic of Estonia is the embodiment of their right to national self-determination, and subsequently that the territory of Estonia is the exclusive homeland of the core ethnic nation. These views have been repeated in countless newspaper articles and in the speeches of different Estonian officials. At the same time, the core ethnic nation is not very confident that it possesses and controls the state. Many Estonians do not trust state institutions and especially civil servants, which are suspected of placing their own personal interests and welfare above those of the people. The government bureaucracy, though overwhelmingly staffed with members of the core nation, is also mistrusted because of allegedly not protecting national interests and yielding too easily to harmful outside pressure—be it from Russia, the European Union or even the United States. When asked in October 1999, “How much can people influence the activities of the Government, the Parliament and the President?” respectively 83, 84 and 89 per cent of Estonians responded “not at all” (the figures for non-Estonians were 84, 85 and 87 per cent, which only shows that the whole population of the country feels almost equally alienated from political power).²¹ It has become a popular view that only a small part of the core ethnic nation (those in political power and the newly rich) possesses and controls the state. However, even this view is eroding as foreign investors

²¹ I am indebted to Dr Marika Kirch of the Economic and Social Information Department of the Chancellery of the *Riigikogu* (Estonian Parliament) for providing these data from a public opinion survey “State and People” conducted at the request of the Chancellery of the *Riigikogu* by Saar Poll in October 1999.

are taking under their control a growing number of banks, businesses and media outlets in Estonia.

The official language, national institutions, flag, anthem, emblems, stamps, calendar, names of places, heroes, days and sites of commemoration, laws (especially those regulating naturalization, language use, immigration and privatization) and policies of Estonia favour the core ethnic nation, or have led to ethnically-biased outcomes.²² Members of the core ethnic nation expect to enjoy a favoured status in general and on the labour market in particular, when compared to individuals who are not fluent in the Estonian language. At the same time, members of the non-core groups who are fluent in Estonian and hope to enjoy equal treatment with members of the core nation tend to end up with a lower occupational status than Estonians with the same educational background.²³

According to Article 10 of the 1992 Citizenship Law, Estonian citizenship may be granted to a limited number of persons yearly who have performed a special service to the state of Estonia. As a rule, these individuals are non-Estonians. In such cases the requirements of naturalization are waived, such as residency, knowledge of the official language and of the Constitution and the Citizenship Law. As stipulated by the law, “special service shall be accomplishments in science, culture, sports or in other spheres, which have contributed to Estonia’s international reputation”. Granting citizenship for special service can be seen as a means of recognition for ‘good citizens’ among non-core groups.

Thus, while the Preamble of the Estonian Constitution is the cornerstone of ethnic ascendancy, its implementation appears inconsistent. While the distinction between core nation and non-core groups remains clear, a possibility exists for members of non-core groups to join the core nation through linguistic and cultural assimilation. The Estonian laws do not explicitly stipulate ethnic preferences. Instead, they give the Estonian language a prominent role in public life, which has led to practical outcomes that privilege the core ethnic nation. The nature of the nascent legal system of Estonia is such that, in many cases, the Constitution refers to laws and these laws, in turn, often make it the responsibility of the executive power to work out the necessary details and implementation procedures. As a result, the implementation of laws is largely at the discretion of civil servants, the absolute majority of which are recruited from the core ethnic nation. In addition to the constitutional obligation to contribute to the survival of the Estonian nation, these officials may also be influenced by the perceived threats to Estonia, which are periodically reinforced and elaborated by the media, ethnic stereotypes and popular phobias. All these factors can lead to an ethnically

²² On ethnically biased outcomes of privatization in Estonia, see Erik Andre Andersen, *An Ethnic Perspective on Economic Reform: The Case of Estonia* (Aldershot and Brookfield USA and Singapore and Sydney: Ashgate, 1999). Unequal privatization might partly explain the persistently higher and faster growing unemployment among the non-core group. According to the *Estonian Labour Force Survey* of 1999, the unemployment of Estonians grew from 7.4 per cent in the 2nd quarter of 1998 to 9.2 per cent in the 2nd quarter of 1999, while the respective figures among non-Estonians were 13.8 and 16.4 per cent. After 1999, this systematic difference in unemployment between Estonian and non-Estonian remains. The explanation usually given by Estonian sources is that non-Estonians happen to live in the regions with higher unemployment.

²³ Vadim Poleshchuk, *Social Dimension of Integration in Estonia and Minority Education in Latvia*, ECMI Report No.18 (Flensburg: European Centre for Minority Issues, 2001), p. 8.

motivated implementation of laws, and the features of ethnic democracy might take shape even if the laws themselves are in no formal contradiction with international human rights standards.

4. FROM CONTROL SYSTEM TO ETHNIC DEMOCRACY

Regardless of citizenship, inhabitants of Estonia have been accorded social and human rights and civil liberties (Art. 9 of the Constitution). The political rights of non-citizens, who overwhelmingly belong to the non-core group, are incomplete. Non-citizens have the right to vote at local elections, but they can neither stand for any office nor vote at national elections. According to Article 48 of the Constitution, they can neither form nor belong to political parties. These are the most important features of the control system.

The control system is populated by stateless permanent residents of Estonia (“aliens” in official legal terminology, “people with undetermined citizenship” in local political language). People can ‘leave’ the control system by obtaining Estonian citizenship through naturalization.

Formally, Estonian citizenship is available to all those individuals who meet the requirements of the law regardless of their ethnic origin, religion, first language, etc. Yet, in some cases, the law explicitly rules out naturalization. Refusal to grant citizenship is stipulated in Article 21 of the 1995 Citizenship Law. It applies to six categories of persons: (1) those who knowingly submit false information in applying for citizenship; (2) those who do not observe the constitutional state system of Estonia; (3) those who act against the state of Estonia and its security; (4) those who have been sentenced to imprisonment for a period exceeding one year for a criminal offence and who are not considered rehabilitated with a spent sentence or who have been punished repeatedly for an intentional criminal offence; (5) those who were or are employed by the intelligence or security service of a foreign state; and (6) those who have served in a career position in the armed forces of a foreign state and their spouses.

Estonia has controlled access to citizenship for eligible members of the non-core groups by adopting and changing language requirements. After the changes of 1995, the latter have not been attainable for many non-Estonian applicants. However, not one Estonian politician has expressed any surprise over the fact that those unable to pass language tests for citizenship, or who never even tried, are almost 100 per cent Russian speaking. This can only mean that their non-inclusion was an expected outcome, regarded as necessary self-defence in the wake of a drastic decrease in the proportion of ethnic Estonians in the population (almost 30 percentage points, from 90 to 62) under Soviet rule.

The current naturalization process is a politically sensitive, cautious and slow inclusion of non-citizens, which is carried out partly due to international support and pressure. Nevertheless, it has brought new members to Estonian citizenry. In 2000, there were about 173,500 non-Estonians among the citizenry, which accounted for 16 per cent of all Estonian citizens. Approximately half of them acquired citizenship after 1992 through naturalization. By doing so they left behind the control system only to enter an ethnic democracy where formally they have acquired the same political rights, or other rights which come with citizenship. At the same time, they were confronted with additional language proficiency

requirements (means of control) before they were allowed to enjoy these rights equally with citizens of Estonian decent. Legal battles were waged between 1998 and 2001 in Estonia with the participation of international organizations to ensure that in practice these new citizens enjoy their rights equally with other citizens.²⁴ However, naturalized citizens can never be fully equal with citizens by birth because their newly acquired citizenship can be revoked, while citizenship acquired by birth cannot (Art. 28 of the Citizenship Law). This stratification of citizenship will retain its ethnic connotation for a few decades to come as naturalized citizens belong mostly to the non-core group. This difference between the citizenship statuses is also a marker of ethnic democracy.

It is a feature of Estonian democracy that not all non-core groups are endowed with equal collective rights. The Cultural Autonomy for National Minorities Law grants a collective right to form a cultural autonomy only to those minorities whose membership consists of at least 3,000 Estonian citizens. Article 2 of the law prescribes that “national minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with a membership of more than 3,000”. It means that, besides the minorities mentioned in the law, only the Ukrainian, Belorussian, Finnish and Tatar minorities are currently numerous enough to have a chance to qualify for this right, if they are able to identify over 3,000 Estonian citizens from amongst their ranks. Smaller non-core groups have no right to organize as a cultural autonomy. So far, these stipulations have had no practical effect as no minority has used this law but organized various minority NGOs instead.

The standard avenues for protest and struggle for change are available to non-core group members who are citizens of Estonia. They can vote at national elections and stand for office. They have petitions, media, courts, political pressures, interest groups, lobbying, demonstrations, strikes and other legal means at their disposal to effect changes in their status. However, the non-core group as a whole remains underrepresented in the Estonian Parliament ever since 1992. It is also clearly underrepresented in the state administration. As a consequence, non-Estonians think that under the present system Estonians have certain advantages which are given and not achieved. When asked during a poll in 2001, “What is the advantage of Estonians that has allowed them to occupy most of the official positions?” 46 per cent of naturalized citizens in Tallinn, the capital city, responded “ethnicity”, 21 per cent indicated “connections”, while only 14 per cent marked “citizenship” and nine per cent said “knowledge of state language”.²⁵

The problem on the Estonian side is that Estonians generally do not believe that ‘Russians can become Estonians’, which seems to induce suspicions and wishes to keep Russians always under some control. The two groups are considered to be culturally too

²⁴ Priit Järve, “Language Battles in the Baltic States: 1989 to 2002”, in *Nation-Building, Ethnicity and Language Politics in Transition Countries*, Farimah Daftary and François Grin, eds. (Budapest: Local Government and Public Service Reform Initiative, OSI-Budapest, 2003), pp. 73–105.

²⁵ Klara Hallik, “Integratsiooni soodustavad ja takistavad tegurid” (Facilitating and Inhibiting Factors of Integration), in *Integratsioon Tallinnas 2001* (Integration in Tallinn 2001), Aleksey Semjonov, ed. (Tallinn: Inimõiguste Teabekeskus, 2002), pp. 74–92, at p. 91.

different: a border between ‘civilizations’ is believed to exist between Estonia and Russia.²⁶ To cope with such a situation and in response to criticism from international organizations on the huge number of stateless persons living in the country, the Estonian government switched to a policy of national integration in 1998. According to the policy document adopted by the government, “Integration of Non-Estonians into Estonian Society: The Bases of Estonia’s National Integration Policy”, this policy seeks to create conditions for the full participation in society of the non-Estonian population, while both language communities continue to maintain their cultural identity.²⁷ Thus, even if integrated, minorities might be considered as something completely alien to Estonian society. At the start of the local election campaign in 1999, an editorial in a prominent Estonian-language daily newspaper, *Postimees*, viewed the prospects of ethnic Russians with Estonian citizenship in these elections. The paper concluded that “it would be both sad and disgraceful if the capital of the Republic of Estonia will have a non-Estonian mayor”.²⁸ There have been attempts to destroy the credibility of at least three prominent Estonian politicians by claiming publicly that their parents were not Estonian, but rather Russian or Jewish.

5. STABILITY AND LEGITIMACY

Legitimacy and stability are two fundamental issues of ethnic democracy,²⁹ to the extent that they walk hand in hand. In the contemporary world where political stability and peaceful ethnic relations tend to be in diminishing supply, any regime can win legitimacy if it manages to maintain stability and peace with the application of democratic procedures over brutal political suppression. Even if a regime privileges one ethnic group over another, and is labelled an ethnic democracy by scholars, it can still earn legitimacy because these privileges are said to ensure stability.

Estonia has made exactly this claim by stressing that it was the exclusion of Soviet era immigrants from the political process through their disfranchising in the early 1990s that helped avoid ethnic conflict and allowed Estonians to start a democratic process. Thus, the establishment of a control system is interpreted as a necessary precondition of democratic development in Estonia. Now, it is hard to say what would have happened if all these immigrants were granted citizenship back in 1992–93. However, the claim that

²⁶ Marika Kirch, ed., *Changing Identities in Estonia: Sociological Facts and Commentaries* (Tallinn: Estonian Science Foundation, 1994), p. 12.

²⁷ This policy document can be found in Priit Järve and Christian Wellmann, *Minorities and Majorities in Estonia: Problems of Integration at the Threshold of the EU*. ECMI Report No.2. (Flensburg: European Centre for Minority Issues, March 1999), pp. 39–42, and downloaded from http://www.ecmi.de/doc/download/report_2.pdf. For more recent documents on Estonian integration like the State Programme “Integration in Estonian Society 2000–07”, see <http://www.riik.ee/saks/ikomisjon>.

²⁸ *Postimees*, 30 July 1999.

²⁹ Sammy Smooha, “The Model of Ethnic Democracy: Characterization, Cases and Comparisons”, paper presented at the Conference on “Multiculturalism and Democracy in Divided Societies” (University of Haifa, 17–18 March 1999), p. 23.

this massive disfranchisement produced stability can be challenged, especially in light of the well-known fact that due to the dearth of citizens in the Russian populated north-eastern part of Estonia a serious ethnopolitical conflict gathered momentum there in connection with the 1993 local elections. The majority of local community leaders, being non-citizens, could not run for office and separatist sentiment in the region became widespread. Even an illegal referendum on regional autonomy was staged. Somewhat ironically, the Estonian government could defuse the crisis only by granting citizenship to those local leaders “for special service to the state of Estonia”, enabling them to run for and be elected to office.

Smootha’s model elaborates four conditions of stability for ethnic democracy: (1) a clear numerical and political majority of the core nation; (2) majority’s ongoing sense of threat; (3) non-interference of kin state(s) on behalf of non-core groups; and (4) non-intervention by the international community. An absence of one or more of these conditions can reduce the stability of an ethnic democracy.³⁰

An analysis of the Estonian case suggests that the long-term stability of ethnic democracy is very much dependent on Russia. Indeed, if Russia increasingly interferes on behalf of its compatriots, it will violate the third condition. But, paradoxically, exactly this interference will help maintain the second condition—the perceived threat to the Estonian nation. And vice versa, prolonged non-interference on the part of Russia would make it increasingly difficult to maintain the sense of threat. As political factions in Russia cannot easily refrain from using the situation of Russians abroad in domestic election campaigns, the probability of prolonged non-interference from Russia is low. Consequently, Estonian politicians can look forward to periodic signals from Russia that may be interpreted as threats.

The international community’s intervention on behalf of the minorities in Estonia has recently declined especially with the accession of Estonia to the EU. It has been declared that Estonia has fulfilled the political criteria for membership; these include respect for and protection of minorities. It can be expected that the demands of European bodies addressed to candidate countries in the area of minority rights will lessen in severity and frequency as these countries become full EU members in order to avoid double standards inside the EU.

The legitimacy discourse is most clearly highlighted by the debate over citizenship issues. In this debate, two opposite views have emerged. The Estonian side justifies the established political regime in general and the existing legislation in particular by articulating collective rights of Estonians on their historical territory, stressing the need to protect Estonian culture and to undo the injustice that Estonians suffered during the years of Soviet occupation. Thereby, non-Estonian immigrants, and particularly Russians, are often explicitly identified as tools of that occupation. Therefore, their initial non-recognition as citizens, together with a more sophisticated control under the ethnic democracy, is regarded as legitimate by many Estonians. Yet, in the long term, the domestic price of the non-inclusion of non-Estonians is their gradual economic and cultural marginalization, which leads to ‘lumpenization’ and criminalization of members of the non-core groups. Especially alarming is a disproportion-

³⁰ Smootha, “The Model of Ethnic Democracy: Israel as a Jewish and Democratic State”, *op.cit.*, p. 479.

ately high rate of drug addiction and related HIV infection, as compared to Estonians, among the young non-core generation. In this perspective, citizenship as a control mechanism might well have ceased to work as originally intended. Estonia seems to be gambling with the dilemma of whether it can accomplish political and social integration of the non-core groups before major instability develops as a result of the alienation of non-Estonians.

The non-Estonian side does not discuss history, rejects all accusations that assume their collective guilt as former occupants, and criticizes the Estonian state for not adhering to the international standards of individual human rights and the rights of persons belonging to minorities. To the non-core groups, the legitimacy of the current regime in Estonia is problematic. While Estonians stress the importance of learning the Estonian language in the process of acquiring citizenship, the non-Estonian side calls for lower language requirements for citizenship applicants, advocates double citizenship for ethnic Russians and some sort of official status for the Russian language in Estonia, at least in regions where the non-core group constitutes a majority.

6. EROSION OF ETHNIC DEMOCRACY

The factors that were conducive to ethnic democracy in Estonia at the beginning of the 1990s are showing signs of weakening. Ethnic nationalism, still prevalent in the minds of some groups of Estonians, is losing ground among younger generations against a background of overall growth in tolerance.³¹ However, there remains the 19 per cent of Estonians and 14 per cent of non-Estonians who still report a high level of distrust of other ethnic groups.³² At the same time the efforts to define Estonian national interests, especially in the context of the EU, have not produced anything comparable to the mobilizing power of the idea of restoration of state independence.

The perception of Russia as the main threat has entered 'troubled waters'. Since 11 September 2001, Estonians have had to adjust to the fact that their most feared threat (Russia) and their most powerful political ally (the United States) are strategic partners and almost on friendly terms. This has thrown the habitual political thinking of Estonians into cognitive dissonance, which undermines the traditional perception of threat that has served as one of the main justifications for the control system and ethnic democracy. Another circumstance not yet fully understood by many is that for the first time in history Estonia and Russia belong as separate states to the same economic system, which is likely to push them toward partnership and cooperation rather than toward animosity. Transit of Russian goods, including oil, through Estonia has already become an important branch of the Estonian economy and businesspersons of both countries that work in this area are making millions by way of good cooperation.

³¹ Kruusvall, *op.cit.*

³² Iris Pettai, "Eestlaste ja mitte-eestlaste sallivustüpoloogia" (The Typology of Tolerance of Estonians and Non-Estonians), in *Integratsioon Eesti ühiskonnas. Monitooring 2002 (Integration in Estonian society. Monitoring 2002)*, Klara Hallik, ed. and comp. (Tallinn: TPU Kirjastus, 2002), pp. 25–41, at p. 26.

Recently, the Russian threat has been cited in quite ambiguous contexts which may indicate its progressive loss of focus. Thus, when a heated debate developed in mid-2003 before the referendum on EU membership, the Russian threat was employed by both the 'yes' and 'no' camps. The 'yes' camp argued that joining the EU would provide security against possible future onslaughts of Russian imperialism, while the 'no' camp stressed that the EU could open the borders with Russia, which would once again give Russians from Russia free passage to Estonia. In a somewhat surprising manner, to keep the traditional Russian threat alive, the government is even downplaying the role of NATO membership for Estonian security. In November 2003 an Estonian minister warned that notwithstanding NATO membership, Estonia's much-feared threat from the east remains intact.³³

At the national elections of 2003, Russian ethnic parties were not supported by their traditional voters, which clearly indicates that ethnic voting in Estonia may have collapsed and that Russians now vote mostly for mainstream political parties. This development is accompanied by the efforts of Estonian parties to catch the attention of the Russian electorate by responding to their expectations and by putting Russians on the electoral lists. Thus, in the political establishment, suspicions about the loyalty of non-citizens are being replaced by attempts to shape the electoral behaviour of naturalized citizens.

Estonia's commitment to democracy has been regularly tested by the international community asking Estonia to bring its legislation relating to minority and language issues in line with its international obligations. Whenever Estonia has followed these recommendations, like in the case of language requirements for elected officials referred to above, it has weakened ethnic democracy. Thus, promotion of the democratic principle by the international community has progressively eroded the ethnic principle that Estonia has sought to exploit.

The 2000 population census showed that the size of minorities and their share in the total population had decreased between 1989 and 2000. The share of minorities in the population fell from 38.5 per cent to 32.1 per cent, while the number of Russians had decreased from 475,834 to 351,178, or by 26 per cent.³⁴ The shrinking of minority populations may lead to difficulties in justifying the existing control mechanisms and to other ways of regulation.

7. FROM ETHNIC DEMOCRACY TO WHAT?

Changes in the state's perception of non-core groups have been underway at least since February 1998 when the government of the Republic of Estonia adopted the policy document "Integration of Non-Estonians into Estonian Society: The Bases of Estonia's National Integration Policy". The document stated that the attitude of "non-Estonians as a problem" must be replaced by the attitude of "non-Estonians as participants in rebuilding Estonia". A significant reduction in the numbers of stateless persons was also envisaged. The government expressed its wish that non-Estonians in Estonia be predominantly Estonian citizens,

³³ See "Vaher: paljukardetud oht idast ei ole kadunud" (Vaher: Much-feared danger from the east has not disappeared), *Eesti Päevaleht* (Estonian daily), 7 November 2003, available at: http://www.epl.ee/artikkel_249821.html.

³⁴ Statistical Office of Estonia, *op.cit.*, p. 14.

and declared its interest in improving the efficiency of the naturalization process and providing it with both political and material support.³⁵ This was in sharp contrast to previous attitudes, especially those dating from 1992 to 1993, when Estonia was about to declare unilaterally that all post-1940 non-Estonian settlers were citizens of Russia.³⁶

However, both Estonians and non-Estonians met this policy document and the subsequent State Programme “Integration in Estonian Society 2000–07” with a mixed response. While some Estonians agreed with the idea of integration, others still considered it a threat to the core nation; while some non-Estonians supported the integration programme, others said that it is aimed at the assimilation of non-Estonians. In spite of such attitudes, it should be appreciated that the state programme introduced ‘multiculturalism’ as one of the aims of integration into public debate.

The Estonian state does not prohibit the voluntary assimilation of individual members of non-core groups, but large-scale assimilation is not explicitly encouraged, nor implicitly desired, as Estonians do not think it possible to assimilate 32 per cent of the country’s population. Moreover, according to Article 3(2) of the Cultural Autonomy for National Minorities Law, “it is prohibited ... to engage in any activity which is aimed at the forcible assimilation of national minorities”. Still, David D. Laitin presumed that, in the future, the Russian speakers in Estonia might choose, quite independently of the official policies, to assimilate linguistically because of the anticipated economic benefits for themselves and their children.³⁷ Although so far only partly true, this tendency can already be observed when Russian-speaking parents send their children to Estonian-language schools.

But the fears of massive assimilation are not confirmed by the events of the last decades. So far, Estonians and Russians in Estonia have shown very little signs of linguistic assimilation. During the census of 2000, 97.9 per cent of Estonians and 98.2 per cent of Russians indicated that their native language was their mother tongue.³⁸ More recent research by Laitin in Estonia has shown that instead of replacing one language repertoire by another, the young Estonian and Russian students (and their parents) prefer to add new language repertoires to those which the students already possess.³⁹ This all seems to point to a growing interest in other languages and cultures among younger generations which might create a more favourable atmosphere in the future for multiculturalism than the present one, with its emphasis on the domination of one culture.

In my opinion, a typology of state-, nation- and democracy-building strategies in multinational polities, as proposed by Linz and Stepan, provides a clue for where Estonia might be going when it leaves behind ethnic democracy.⁴⁰ These authors base their typology on the

³⁵ Järve and Wellmann, *op.cit.*, p. 41.

³⁶ Ernits, *op.cit.*

³⁷ David D. Laitin, *Identity in Formation: The Russian-Speaking Populations in the Near Abroad* (Ithaca, N.Y.: Cornell University Press, 1998).

³⁸ Statistical Office of Estonia, *op.cit.*, p. 151.

³⁹ David D. Laitin, “Three Models of Integration: And the Estonian/Russian Reality”, paper presented at the international conference “Multicultural Estonia” (Tallinn, Estonia, 24–25 October 2002).

⁴⁰ Linz and Stepan, *op.cit.*, pp. 428–429.

interaction of two dimensions: the state-building strategy and the nation-building strategy. In the state-building strategies, state policies toward citizenship rights of the minorities can be either inclusive or exclusionary. In the nation-building strategies, the ideology can be that the *demos* and the nation should be the same, or that minorities can be accepted within the *demos*, i.e., that *demos* and nation can be different. This gives four different types. In Type I, the preferred option might be the expulsion of aliens, i.e., non-titular inhabitants. In Type II, non-titular residents are given civil rights, but not political rights as they are excluded from citizenship. In Type III, the minorities are allowed to participate politically only if they assimilate into the dominant culture. Minority rights are not given any special recognition. Finally, Type IV combines liberal democracy with diversity. All people are given fully individual political rights, and additionally, minorities are given some group rights. Linz and Stepan place “ethnic democracy” in Type II, and admit that such a regime would not satisfy the criterion of democratic inclusiveness.⁴¹ They also discuss possible movements from one type to another. They identify the Estonian rejection of Type IV, and they reject in their turn the Estonian claim that the country is on its way to Type III, placing it instead in Type II, i.e., into ethnic democracy, for the foreseeable future.⁴² If we take into account that Type I was the one-time sweet dream, which never materialized for Estonia, that it is now in Type II, that it has claimed to be on its way to Type III, but under international pressure and due to global factors might have to move, albeit reluctantly, to Type IV, then we get a sort of trajectory.

8. CONCLUSIONS

My main conclusions in summary form are that:

1. Estonia, intimidated by the large size of its non-Estonian population, started its democratic development with the establishment of a control system by not extending full political rights to the Soviet-era non-Estonian settlers but offering them to naturalize instead;
2. Naturalized citizens of non-Estonian decent, after leaving behind the control system, found themselves in legal, political and cultural conditions which can be characterized as ethnic democracy;
3. Estonian ethnic democracy, together with the control system, looks unsustainable in a longer perspective and will give way to liberal democracy with elements of multiculturalism.

The Estonian state has put into place two lines of defence to protect itself against assumed threats to the domination of the core ethnic nation that could emerge from the unrestricted political participation of a large number of non-Estonian permanent residents with unclear loyalties. The first line was the control system which guaranteed that Soviet-era immigrants could not participate in the creation of Estonia's political and legal system

⁴¹ *Ibid.*, p. 430.

⁴² *Ibid.*, pp. 432–433.

in 1992, and under which their access to national politics is currently regulated through the requirements of naturalization. The second line of defence was ethnic democracy, populated by naturalized citizens of non-Estonian ethnicity, in which control is applied in more sophisticated ways such as language requirements for professionals and optional revoking of acquired Estonian citizenship.

The legal cornerstone of the combination of ethnic democracy and control system is to be found in the Preamble of the Estonian Constitution. The Estonian Constitution and many laws were created as part of the political agenda of restitution of the prewar republic in order to save the ethnic nation from becoming a minority on its own traditional territory. Therefore, the open agenda of these legal acts was to promote the ethnonationalist aspirations of Estonians, the core group, whereas their hidden agenda was to encourage the reemigration of Russians and other non-titular groups from Estonia to their historical homelands, or put them under control.

It is important to note that the regime of ethnic democracy was not institutionalized only formally by legal means, but that it is based also on other manifestations of ethnic nationalism. The latter is rooted in the public opinion of the core ethnic nation in the form of various 'unwritten rules', phobias and prejudices, which shape public discourse and attitudes in the media and which are followed on a daily basis by officials at different levels of administration, by employers, and so on.

The peculiarity of the situation with ethnic democracy in Estonia is that no need was discerned to introduce the ethnic principle into legislation explicitly, except in the Preamble of the Constitution. The restoration of pre-1940 citizenship was effectively the exclusion from the citizenry of all those who had settled in Estonia between 1940 and 1991. A purely legal principle worked as an ethnic one, because the absolute majority of postwar immigrants were non-Estonians by ethnic origin. At the same time, those non-Estonians who were or whose ancestors were citizens of Estonia in 1940 became citizens of Estonia in 1992 automatically. This supports the official claim that the citizenship policy of Estonia has nothing to do with the ethnic principle and is in harmony with international legal standards.

The preservation of different ethnic groups is an understandable and fully acceptable aim especially in the European Union which declares its respect for cultural diversity. However, making the preservation of one ethnic community and its culture a constitutional principle should be called into question as a potentially counterproductive measure in a democratizing world where multiethnic and multicultural conditions prevail. The noble aim of the preservation and development of one ethnic community may be better served if all ethnic groups living under the same constitution are given equal guarantees.

Ethnic Democracy in Latvia

Svetlana Diatchkova¹

1. INTRODUCTION

Sammy Smootha identifies four types of civic democracy prevailing in the West: individual liberal democracy, republican liberal democracy, consociational democracy and multicultural democracy.² All these democracies are characterized by the equality of individual rights, but differ regarding the treatment of minority rights.³

Smootha points out that “the classical model of the liberal-democratic nation-state is on the decline in the West” and many Western states are slowly shifting towards another type of civic democracy—multicultural democracy due to the globalization, regionalization and institutionalization of international minority rights standards and the ethnic nationalism of minorities. According to Smootha, multicultural democracy is not identified with any single nation and culture and is characterized by the formation of a “common super-community” with equal individual rights and opportunities. Furthermore, multicultural democracy recognizes cultural differences without legislating them and assimilation is voluntary. Smootha describes multicultural democracy as a “denationalization of the state”, where the state openly proclaims itself as multicultural and multiethnic.

However, according to Smootha, these types of democracies and also non-democracies can hardly be applied to states with ethnically divided societies which are building a nation-state. There are several states (Smootha identifies Israel, Slovakia, Estonia, Latvia, Georgia and the Muslim states in Asia Minor as either fully fledged ethnic democracies or moving towards

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² Sammy Smootha, *The Model of Ethnic Democracy*, ECMI Working Paper No.13 (Flensburg: European Centre for Minority Issues, 2001), pp. 11–19.

³ Smootha differentiates between ‘individual’ (such as human, social, political rights) and ‘collective’ rights (rights of minorities to use their language, establish separate religious, cultural and educational institutions, etc.). In Smootha’s typology, individual liberal democracies grant individual, not collective rights, and are characterized by high assimilation rates. Republican liberal democracies (the political system that prevails in most Western states) also do not recognize minority collective rights, but are characterized as ‘civic nation-states’, where the state is identified with a certain language and culture, and each citizen is expected to adopt that language and culture. The criteria for inclusion are based on legal citizenship and language acquisition. Consociational democracies are binational or multinational states characterized by the granting of equal individual and collective rights to all, a lack of assimilation, and are founded on such mechanisms for conflict resolution as: proportional distribution of resources, extended autonomy, power-sharing, veto power, and the politics of compromise and consent.

such a system) which can be characterized as democracies due to the existence of a procedural minimum definition of democracy (such as free elections, universal suffrage, change of governments and respect of civil rights); but at the same time these countries institutionalize the favoured position and dominance of one ethnic nation or group. Smooha defines *ethnic democracy* as “a democratic political system that combines the extension of civic and political rights to permanent residents who wish to be citizens with the bestowal of a favoured status on the majority group”.⁴ Thus, while all classic Western types of democracies are based on full membership in the state grounded on legal citizenship irrespectively of ethnic, racial or religious criteria, ethnic democracy is marked by an inequality of individual and collective rights and for this reason is characterized by Smooha as “a diminished type of democracy”. Ethnic democracy legislates the collective rights of minorities, and either does not implement or has no assimilation policy. Ethnic democracy is at odds with civic democracy as the institutionalization of ethnic hierarchy is contradictory to the principle of civic equality.

The nature of democratic development in Latvia and Estonia has evoked a broad range of opinions.⁵ For example, Vello Pettai claims that ethnic democracy in Latvia (as well as in Estonia) has been institutionalized and stabilized through the adoption of restrictive citizenship laws and the aim to re-establish “the core degree of Estonian and Latvian nation-statehood”, despite the large percentage of Soviet-era newcomers.⁶ There are scholars who do not classify Latvia and Estonia as democracies as such due to the high proportion of non-titular residents without citizenship. Smooha considers Estonia to be on its way towards ethnic democracy,⁷ as is Latvia in his opinion. Priit Järve, analyzing the case of Estonia, concludes that:

Estonia can be characterized as a combination of a strongly defined ethnic democracy (citizens of the core ethnic nation are dominating the other citizens) and control (citizens of the core ethnic nation are dominating the stateless individuals of non-core ethnic origin), and that as the number of stateless persons is diminishing, the system of control slowly disappears and ethnic democracy may prevail.⁸

Some analysts consider ethnic democracy as a more or less common feature of many post-communist Central and Eastern European countries.⁹ Mark Jubulis, the author of a

⁴ Smooha, *op.cit.*, p. 24.

⁵ See the analysis of various opinions about the relevance of ethnic democracy to Estonia and Latvia in Pritt Järve, *Ethnic Democracy and Estonia: Application of Smooha's Model*, ECMI Working Paper No.7 (Flensburg: European Centre for Minority Issues, 2000), pp. 5–6, and Smooha, *op.cit.*, pp. 77–78.

⁶ Vello Pettai, “Emerging Ethnic Democracy in Estonia and Latvia”, in *Managing Diversity in Plural Societies: Minorities, Migration and Nation-Building in Post-Communist Europe*, Magda Opalski, ed. (Ottawa, Canada: Forum Eastern Europe, 1998), p. 16.

⁷ For example, Smooha regards Estonia “as a nation-state slowly developing into an ethnic democracy”, since it “does not exhibit the essential feature of ethnic democracy, *viz.*, that permanent residents are enfranchised and able to avail themselves to democratic procedures in their fight for change”, see Smooha, *op.cit.*, pp. 78.

⁸ Järve, *op.cit.*, p. 1.

⁹ Boris Tsilevich, “New Democracies in the Old World: Remarks on Will Kymlicka's Approach to Nation-Building in Post-Communist Europe”, in *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Will Kymlicka and Magda Opalski, eds. (Oxford: Oxford University Press, 2001), pp. 154–169, at p. 158.

recent study on democratization in Latvia, believes nevertheless that Latvia is civic, and not an ethnic democracy, since, for example, the granting of citizenship is not determined by ethnicity and there is a policy of integration. Similarly, in turn, the language law and linguistic requirements “are meant to provide the necessary incentive for integration to take place”.¹⁰

In the context of the debate on whether Latvia is an civic or an ethnic democracy, it is important to note that the consolidation of democracy in Latvia has generally proceeded successfully in recent years, and several international organizations have repeatedly acknowledged the progress the country has made in strengthening democratic institutions and harmonizing citizenship and language legislation with international standards. With that said, however, even today ethnic values play an important role in state policies in Latvia and the controversy over the harmonization of interests of ethnic Latvians and minority populations continues. The inversion of the ethnic hierarchy in the early 1990s still has certain long-lasting political, social and economic implications. Thus, the crucial questions in this context are the following: What are the reasons for such inequality today and to what extent has inequality been institutionalized? Under what conditions could this inequality between ethnic communities in Latvia be redressed?

Smootha's multidimensional model of ethnic democracy assists in evaluating the relevance of the various aspects of ethnic democracy to the Latvian context. I will apply the mini-model of ethnic democracy, which is a condensed version of the theory, while referring also to the broader definition of ethnic democracy.¹¹ After a brief background, the features of ethnic democracy as defined by Smootha will follow, namely, the issues of ethnic ascendancy, threats perceived by the ethnic nation and the diminished type of democracy. In other parts of this chapter, I will concentrate on the factors leading to the emergence of ethnic democracy and the conditions required for its stability.

2. BACKGROUND

Latvia has historically been an ethnically heterogeneous country.¹² The ancestors of ethnic Latvians, the Balts tribes, have lived in the existing territory of Latvia for around 4,000 years. Another indigenous group, the Livs, have been largely assimilated by ethnic Latvians. Several occupying powers have ruled over Latvia: Baltic-German Barons, Poles, Swedes and Russian tsars. The national awakening of Latvians and the formation of the Latvian ethnic nation began in the mid-nineteenth century. The ethnic Latvian nation institutionalized its right to national self-determination in 1918, when an independent Latvian nation-state was founded

¹⁰ Mark A. Jubulis, *Nationalism and Democratic Transition. The Politics of Citizenship and Language in Post-Soviet Latvia* (Lanham, New York and Oxford: University Press of America, 2001), pp. 201–208.

¹¹ Smootha, *op.cit.*, pp. 28–39.

¹² Data on the ethnic composition of the population residing on Latvian territory in 1914 show that non-ethnic Latvians constituted 40 per cent of the total population of 2.6 million, see Agris Balodis, *Latvijas un latviešu tautas vēsture* (The History of Latvia and the Latvian People) (Rīga: Kabata, 1991), p. 212. The changes in ethnic proportions were significantly impacted by the tragic events experienced both by ethnic Latvians and non-Latvians during the First and Second World Wars.

and the institutions of parliamentary democracy were established.¹³ Although all citizens formally had equal rights, ethnic Latvians (comprising 77 per cent of the total population in 1935) actually founded and ruled the state, while minorities (primarily Germans and Jews) were successful participants in the state's economic life. Minorities had full citizenship rights and were granted extensive rights to cultural autonomy.¹⁴ In 1934 an authoritarian ethnocratic regime with a nationalist orientation, "Latvia—for Latvians" and "For Latvian Latvia", was established and headed by President Karlis Ulmanis.

In 1940 Latvia was occupied by the Soviet Union. The Soviet migration policy dramatically changed the ethnic proportions of the population: the share of ethnic Latvians was reduced from 77 per cent in 1935 to 52 per cent in 1989.¹⁵ The proportion of ethnic Latvians was also diminished by several acts of mass terror: hundreds of thousands of Latvian residents were deported, imprisoned or shot. The Soviet policy that gave priority to the Russian language resulted in one-sided bilingualism; almost all ethnic Latvians were bilingual speakers of Latvian and Russian, while most non-ethnic Latvians spoke only Russian.¹⁶

Grounded on the perceived injustices inflicted by the Soviet Union and the threat of ethnic and political minoritization, the decision of the ethnic Latvians to claim the right to self-determination was the driving force in the struggle for independence in the late 1980s through the early 1990s. Significantly, at the same time, state independence was peacefully regained largely due to the support of part of the non-Latvian population, although another part of the population opposed it.¹⁷ The agreement that emerged from the ruling elite on the concept of 'legal continuity' provided for the restoration of the pre-1940 nation-state. The Western community accepted this ideology since many Western democracies had never recognized the Soviet occupation. Following this premise, the resolution that passed by the Supreme Council in October 1991 contained the provision that only those who were citizens before the war and their descendants should be granted automatic citizenship in the restored

¹³ The Constitution of Latvia (Satverme) was first adopted in 1922 and then renewed in 1991.

¹⁴ Leo Dribins, "Nacionālā valsts un tās etnopolitika" (A Nation-State and its Ethnic Policy), in *Nacionālā politika Baltijas valstīs* (National Policy in the Baltic States), Elmārs Vēbers and Rasma Kārklīņa, eds. (Riga: Zinātne, LZA Filozofijas un socioloģijas institūts, 1995), pp. 84–102, at pp. 93–97.

¹⁵ Rasma Karklins, *Ethnopolitics and Transition to Democracy: The Collapse of the USSR and Latvia* (Washington D.C.: Woodrow Wilson Center Press, Baltimore and London: John Hopkins University Press, 1994), p. 175.

¹⁶ Karklins, *op.cit.*, p. 151.

¹⁷ Many (20–30 per cent) non-Latvians voted for the Popular Front of Latvia in the parliamentary elections of 1990 in which the entire population participated, including Soviet military personnel. In the 1991 referendum, 73.6 per cent of all residents of Latvia supported the independence of Latvia. It was estimated that 49 per cent of non-Latvians also voted in favour of independence, while 47 per cent voted against it (see Karklins, *op.cit.*, pp. 97–104). 10–15 per cent of non-Latvians were the members of the Latvia's People's Front. Latvia's good economic prospects economic development played an important role in garnering non-Latvian support for independence; see Eric Rudenshiold, "Ethnic Dimensions in Contemporary Latvian Politics: Focusing Forces for Change", in *The Baltic Path to Independence: An International Reader of Selected Articles*, Adolf Sprudz, ed. (Buffalo, N.Y.: William S. Hein & Co., 1994), pp. 148–153. Another reason that non-Latvians supported independence was the promise of the Popular Front of Latvia to grant equal rights to all residents of Latvia, including a broad range of cultural rights for minorities.

republic. Despite the lack of 'ethnic criteria' in the granting of citizenship, this decision ensured that ethnic Latvians comprise an absolute majority among citizens of the republic and in decision-making and state bodies.¹⁸ At the same time, the Citizenship Law, providing conditions for naturalization, was passed in 1994 because the original agreement stipulated that this law should be adopted by the 'restored' citizens to be elected to the Parliament in 1993. The state's incentive to restore the national identity also meant a radical reversal of language hierarchy in favour of the Latvian language as the state language.

In mid-2002 ethnic Latvians constituted 1,362,466 or 58 per cent of Latvia's total population of 2,336,818. The other percentages broke down as follows: 29.1 per cent Russian, 4.0 per cent Belorussian, 2.6 per cent Ukrainian, 2.5 per cent Pole, 1.4 per cent Lithuanian, 0.4 per cent Jew, 0.1 per cent Estonian, with the remaining 1.6 per cent comprised of other nationalities.¹⁹ And yet, ethnic Latvians constituted a minority in six of seven of the largest cities in Latvia, including the capital city of Riga where they constituted only 41.2 per cent in 2001.²⁰

In mid-2002 citizens of Latvia constituted 77 per cent of all residents, 22 per cent were non-citizens and around one per cent were aliens or stateless.²¹ Among citizens, ethnic Latvians constituted 76 per cent and non-Latvians made up 24 per cent. An overwhelming majority of Latvians, 99.7 per cent, held citizenship, while the respective number for non-ethnic Latvians was only 44.3 per cent. Yet, in mid-2002 there were still 514,298 non-citizens, and only 55,439 persons had been granted Latvian citizenship (mostly Russians, Belorussians and Ukrainians) since the beginning of the process of naturalization in 1995.

Latvia has been a member of the United Nations (UN) since 1991, the Council of Europe (CoE) since 1995, the Organization for Security and Cooperation in Europe (OSCE) since 1991 and the Council of the Baltic Sea States since 1992. In 2002 Latvia received an invitation to join the North Atlantic Treaty Association (NATO) and the European Union (EU). Under significant pressure from the international community, above all the OSCE and the EU, and in close cooperation with some moderate politicians and representatives of civil society, Latvia made several amendments to national legislation to comply with international human rights standards. As expectations about the repatriation of Soviet-era immigrants—

¹⁸ In 1994 ethnic Latvians constituted 78 per cent of the citizenry while numbering around 52 per cent of the total population; see Nils Muižnieks, "Etniskā stratifikācija Latvijā: padomju laikā un tagad" (Ethnic stratification in Latvia: In the Soviet period and today), in *Nacionālā politika Baltijas valstīs* (National policy in the Baltic states), Elmārs Vēbers and Rasma Kārklīņa, eds. (Riga: Zinātne, LZA Filozofijas un socioloģijas institūts, 1995), pp. 113–121, at p. 115. In the 5th *Saeima* or Parliament (1993) 88 out of 100 MPs were ethnic Latvians, 94 in the 7th *Saeima* (1998), and 79 in the 8th *Saeima* (2002). See <http://www.saeima.lv> (in Latvian). Since 1993 only one non-Latvian (an ethnic Russian and a representative of the Latvian radical-nationalist party, "For Fatherland and Freedom") has been appointed to the post of minister.

¹⁹ Data are from the Naturalization Board of the Republic of Latvia.

²⁰ Central Statistical Bureau of Latvia, *Statistical Yearbook of Latvia* (Riga: Central Statistical Bureau of Latvia, 2001), p. 41.

²¹ The status of non-citizens in Latvia is regulated by the Law on the Status of Former Citizens of the USSR Who Are Not Citizens of Latvia or Any Other State (adopted in 1995). The rights of stateless persons and aliens are regulated by separate laws. See more about the rights of these categories of residents in section 3.3.

which prevailed in political rhetoric until the mid-1990s—did not materialize, the majority of government officials agreed with the policy promoting the integration of non-citizens.

Yet, the main problems regarding minority issues in Latvia have been the low naturalization rate, slow acquisition of the Latvian language, general alienation from the state and low representation in state bodies. The status of minorities in Latvia is not legislated and some legal provisions primarily concerning language use are still considered by experts as not being in compliance with international minority rights standards. One example is the Framework Convention on Protection of National Minorities (hereinafter, FCNM), which most public officials have strongly refused to ratify thus far.²²

3. DESCRIPTION OF FEATURES OF ETHNIC DEMOCRACY IN LATVIA

3.1 Ethnic Ascendancy

3.1.1 *The Status of Ethnic Groups in Latvia*

The central idea of ethnic democracy is the existence of an ideology or a movement of ethnic nationalism that declares a certain population as an ethnic nation sharing a common descent (blood ties), a common language and a common culture. This ethnic nation owns a certain territory that is considered as its exclusive homeland. It also owns a state in which it exercises its right to self-determination.²³

Latvian language and culture have been the main symbols of the ethnic Latvian nation. The nationalism of ethnic Latvians, similar to that of Estonians,²⁴ is grounded on injustices inflicted by the former occupiers and on memories of the interwar period of independence. In regard to ‘blood ties’, the boundaries of the ethnic Latvian nation are not significantly rigid since Latvian society is characterized by a relatively high rate of ethnically mixed marriages and family ties.²⁵

²² Latvian Centre for Human Rights and Ethnic Studies, *Monitoring Minority Rights in Latvia*. (Riga: LCHRES, Forthcoming); Latvian Human Rights Committee (FIDH), *Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Latvia* (Minority Rights Group International, 2002); EUMAP (EU Accession Monitoring Program), *Monitoring the EU Accession Process: Minority Protection* (Budapest: Open Society Institute, 2001); and EUMAP, *Monitoring the EU Accession Process: Minority Protection, Volume I, An Assessment of Selected Policies in Candidate States* (Budapest: Open Society Institute, 2002)

²³ Smooha, *op.cit.*, p. 39.

²⁴ Vello Pettai and Klara Hallik, “Understanding the Process of Ethnic Control: Segmentation, Dependency and Co-Optation in Post-Communist Estonia”, *Nations and Nationalism* 8 (October 2002), 4, pp. 505–529, at p. 508.

²⁵ Around 20 per cent of ethnic Latvians have non-ethnic Latvian spouses (see Central Statistical Bureau of Latvia, *op.cit.*, p. 42).

The official aim of the ethnic policy of the newly restored independent state has been to re-establish Latvia as a nation-state with a core Latvian identity based on the Latvian language and culture.²⁶ Ethnic Latvians have been declared the 'core nation'²⁷ or the 'core people' in various political documents and political rhetoric. Livs, an indigenous minority consisting of 200 people today, is also considered a 'core nationality' and in need of particular support among other minorities.²⁸ At the same time, the legal framework in Latvia does not guarantee the preservation and development of ethnic Latvians and Livs explicitly.²⁹ The existence of minorities or 'national and ethnic groups' in Latvia and the rights of individuals to preserve and develop their ethnic identity are guaranteed in the legal framework and policy documents. For example, according to the preamble of the outdated Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups (1991): "Within the Republic of Latvia live the ethnic Latvian nation, the ancient indigenous nationality, the Livs, as well as other nationalities and ethnic groups".³⁰ The law also states that it has been adopted in order "to guarantee to all nationalities and ethnic groups in the Republic of Latvia the rights to cultural autonomy and self-administration of their culture". The state also provides certain support for minority cultural organizations and activities.

However, the political and cultural interests of ethnic Latvians and Livs have been prioritized, which derives from various policy documents and policies (see also below) and the stance of the most influential political parties representing predominantly ethnic Latvians.³¹

²⁶ The moderate centrist party "Latvia's Way", which played an important political role until 2002, stated in its political programme that Latvia should be considered "a nation-state with a multicultural society where Latvian language is the only state language".

²⁷ Smootha notes that the idea of a single 'core nation' exists also in all types of quasi- and non-democracies and is absent in liberal and multicultural democracies (see Smootha, *op.cit.*, pp. 28–29).

²⁸ For example, this provision is also included in the government declaration adopted in November 2002.

²⁹ Unlike constitutional provisions in some other states, e.g., Slovakia and Estonia, which outline the preservation of the core nation explicitly (see Smootha, *op.cit.*, p. 65 and Järve, *op.cit.*, p. 7), Article 2 of the Constitution of Latvia states that "The sovereign power of the State of Latvia is vested in the people of Latvia". Chapter VIII guarantees the right to preserve their identity to persons belonging to national minorities. Equal rights regardless of nationality, *inter alia*, are guaranteed. At the same time, several additional provisions of the Constitution were adopted in 1998 and 2002 to protect explicitly the Latvian language and its use (Articles 8, 18, 21, 101 and 104). For the text of the Constitution of Latvia, see the webpage http://www.riga.lv/minelres/NationalLegislation/Latvia/Latvia_Const_excerpts_English.htm.

³⁰ The law has been criticized by its declarative character since it does not provide and guarantee concrete mechanisms for minority 'cultural autonomy' and does not define ethnic and national groups.

³¹ Several influential political parties considered the territory of Latvia to be the exclusive homeland of the ethnic Latvians and Livs, and as indigenous groups, stress the importance of developing and advancing their interests, and protecting their language and culture. For example, the political programme of the ruling New Era Party declares: "the Latvian Republic is the historical homeland for the ethnic Latvian people and the only state in the world which can take responsibility to preserve and develop the Latvian language and culture ... People of all nationalities should be interested and work to preserve Latvia's historical environment and the Latvian language". Another influential party today, The People's Party states: "We are for Latvian Latvia ... The Mission of the democratic Latvia is to preserve and develop our people's culture and language ... Latvian nation as each nation has the right to freedom ... The integration of society should be based on European and ethnic Latvians' values ..." (author's translation).

Such prioritization also derives from the fact that the status of non-Latvians and the rights of minorities are not clearly defined by the law.

As an example, the national programme, “The Integration of Society in Latvia”, (adopted in 2001) contains the basic guidelines for ethnic policy, including protection for both the right of ethnic Latvians to national self-determination and minority rights (primarily the right to preserve ethnic identity and culture). At the same time, it notes that “Latvians frequently continue to consider themselves as a minority; they do not feel like the rulers and masters in their land”, and stresses the role of ethnic Latvians in politics: “Latvians must shed historical inferiority complexes and act with the conviction that they can control and positively influence the processes that occur in Latvia. For their part, non-Latvians must gain the conviction that they will be able to maintain their ethnic identity in Latvia and be fully empowered citizens of this nation”.³² The national programme, “Culture”,³³ also stresses as a priority objective the necessity “to protect Latvia a small culture and language area”, “to strengthen national identity and self-respect of Latvians and Livs”, and also “promote mutual enrichment between Latvian and other nationality cultures”. The programme generally prioritizes the preservation of the culture and language of ethnic Latvians and Livs, yet also aims to preserve cultural diversity.

To conclude, the core nation’s right to self-determination, exclusive homeland, political control and cultural domination are declared at the official level, whereas minorities are considered to constitute part of the Latvian people, and their right to preserve and manage their identity is also acknowledged and supported.³⁴ The cultural interests of the small indigenous Livs minority are prioritized among other minorities. Thus, the feature of ethnic democracy concerning ethnic nationalism which “asserts an absolute, exclusive and indivisible right of an ‘ethnic nation’ to a given country” is to a large extent applicable to Latvia.

³² National Programme “The Integration of Society in Latvia”, Riga, 2001, see <http://www.np.gov.lv>.

³³ Karina Pētersone, *National Programme ‘Culture’, 2000–2010* (short version) (Riga: Ministry of Culture, Republic of Latvia, 2000), p.28, available in Latvian at <http://www.km.gov.lv/UI/ImageBinary.asp?imageid=306>.

³⁴ Generally this model of ethnic policy is widely proposed by most mainstream social scientists. The main authors and proponents of the Integration Programme have been social scientists and representatives of state bodies. Regarding public attitudes, the opinions about the character of the state are rather split: minority representatives and ethnic Latvians representing the younger generation possess a greater orientation toward multicultural development than toward a ‘one-community society’, as compared to ethnic Latvians. According to a survey conducted in 2000, the majority of the respondents—44 per cent of citizens and 56 per cent of non-citizens—think that Latvia should be open to cultural diversity, while around 40 per cent of citizens and 13 per cent of non-citizens believe that Latvia should be a ‘one community society’ and that immigrants should adapt to the traditions of the majority. Those respondents favouring more cultural diversity tended to be from minority groups, younger or hold higher education degrees. But respondents supporting a more homogenous society were mostly ethnic Latvians, older or have less education. Only five per cent of citizens and 14 per cent of non-citizens think that Latvia should be ‘a two-community society’. For these data, see Baltic Institute of Social Sciences (BSS) and the Naturalization Board (NB), *Ceļā uz pilsonisku sabiedrību* (Towards a civil society), (Riga: BSS and NB, 2000/2001), p. 118.

3.1.2 *The Ethnic Aspects of Policies*

The ethnic nation, not the citizenry, shapes the symbols, laws and policies of the state for the benefit of the ethnic majority.³⁵ According to Smooha,

“[t]he state territory is the exclusive homeland of the core ethnic nation to promote its collective goals and the security, welfare and success of its members ... [M]embers of the core ethnic nation expect and receive a favoured status”.³⁶

Järve's conclusion³⁷ that alienation from the state and its policies amongst the population of Estonia does not depend on ethnicity, is also true for Latvia. Many members of the core nation generally do not believe that the state works in their interest. Low civic participation, lack of trust in their ability to influence state policy and limited access to information characterize the political experiences of many ethnic Latvians and non-Latvians, while minorities, primarily non-citizens, are even less active politically and socially.³⁸

To evaluate the role of 'ethnic principles' in policy, it is important to look at the distribution of power between ethnic groups and also to what extent the interests of various ethnic groups are taken into account in the decision-making process.

The majority of the influential political parties and their supporters are composed predominantly of ethnic Latvians. A unified ideology of nationalism does not exist in Latvia and the views of ethnic Latvian politicians and other residents are dissimilar regarding various ethnic policy issues. At the same time, party manifestos that claim to protect the interests of ethnic Latvians have been widely expressed since the renewal of independence, particularly during the debate on the adoption and liberalization of citizenship and language legislation.³⁹ Thus, although political preferences of non-ethnic Latvians are also rather diverse and some parties have tried to rouse the interest of potential non-ethnic Latvian voters, most political forces have primarily worked to meet the interests of the ethnic Latvian electorate. However, nationalist rhetoric has diminished to some extent in recent years, perhaps due to the fact that the most controversial legislation has already been adopted.⁴⁰ A recently adopted gov-

³⁵ Smooha, *op.cit.*, p. 39.

³⁶ Smooha, *op.cit.*, p. 31.

³⁷ Järve, *op.cit.*, pp. 12–13.

³⁸ See BISS and NB, *op.cit.*; Institute of Philosophy and Sociology, *Public Survey on Public Policy and Regional Development Issues*. Report (Riga: Latvian Institute of Philosophy and Sociology, 2000); and Social Correlative Data System (SKDS), *Iedzīvotāju integrācija: sabiedriskās aktivitātes* (Integration of Residents: Public Activities), Public survey (Riga: SKDS, 2002).

³⁹ As Artis Pabriks and Aldis Purs conclude in their book, *Latvia: The Challenges of Change* (London: Routledge, 2001), “[f]rom the party formation period of the early 1990s to the 1998 referendum on the citizenship issue, nationalist rhetoric played a central role in Latvian politics. In order to acquire legitimacy, almost every newly emerging political force felt a need to reassure voters that their party would follow a hard line towards Soviet immigrants, thus securing national independence as well as Latvian collective identity. At first, the ‘proof’ of a ‘real patriot’ was a conservative initiative in the sphere of citizenship, but later, conservative views on language and education policy also became ‘symbolic’”.

⁴⁰ The nationalist rhetoric was almost absent in the 2002 pre-election campaign with the exemption of some parties that traditionally claim to protect ethnic interests, as compared, for example, with previous parliamentary elections.

ernment declaration states: “We will implement such ethnopolitical principles which will consider the interests of the state and all members of society, including Latvians and national minorities”,⁴¹ which contradicts previous government declarations in which the interests of the ethnic Latvian nation were explicitly stressed—in particular the issues of language, culture and education.⁴²

Parties formed around ‘ethnic criteria’ with the intention of representing minorities have not been influential in Latvia. The largest ‘pro-minority’ and ethnically diverse (including membership of some ethnic Latvians) political force—“For Human Rights in the United Latvia” (FHRUL), headed by an ethnic Latvian—is distrusted by many ethnic Latvians who view it as a potential ‘fifth column’ for Russia because some of its members opposed independence in the early 1990s and have been accused of playing into Moscow’s hands. Some observers have also criticized FHRUL for its unwillingness or inability to create a constructive dialogue between parties of the ruling coalition, as well as for its ‘politicization’ of ethnopolitical issues. Nevertheless, in recent years the representation of pro-minority parties has grown as evidenced by the outcomes of the 2001 municipal and 2002 parliamentary elections (with the support of ethnic Latvian voters),⁴³ although their impact on minority policies has been limited. Actually, this is the only political force with a definite and liberal stance—generally not shared by other political forces—on minority issues such as the ratification of the FCNM, preservation of secondary education in a minority language, granting non-citizens the right to vote in municipal elections, etc. In early 2003 a moderate People’s Harmony Party separated from the association with a view to improving prospects for collaboration with the ruling parties. The recently formed First Party, a member of the ruling coalition composed predominantly of ethnic Latvians, has also claimed to take into account minority interests, proposing, for example, to establish Orthodox Christmas as an official holiday⁴⁴ and initiating the establishment of the post of Special Task Minister for Societal Integration (see below).

The renewal of the prewar republic also meant the renewal of the Latvian state symbols (the flag, anthem, state coat of arms, calendar, etc.). While most policies have been shaped without so-called ethnic principles, several laws and policies (above all those on citizen-

⁴¹ See <http://www.mk.gov.lv> (in Latvian).

⁴² For example, the government declaration adopted in 1995 stressed the importance of the development of education “since it is the prerequisite of the existence and development of the ethnic Latvian nation”. It also mentioned as a task achieving the switch to the Latvian language of instruction in minority secondary schools. Another government declaration (1999) outlines one of the priorities as the “ensuring of conditions for preservation and development of the Latvian language and culture”. See <http://www.mk.gov.lv/index.php/?id=79> (in Latvian).

⁴³ In early 2003, the FHRUL acquired 25 seats in the Parliament elected in 2002 (as compared to 16 seats represented by the People’s Harmony Party in the previous Parliament) and 12 of 60 seats on the Riga City Council. The FHRUL, together with the Social Democrats, forms the ruling coalition on the Riga City Council. The Deputy Mayor of Riga and the heads of two committees are members of the FHRUL and non-ethnic Latvians.

⁴⁴ This proposal was not supported by the Parliament. It was argued that a broader discussion with ethnic Latvians is necessary.

ship, education, language, culture and immigration policies) have primarily been designed to advance the interests of the core nation. However, these policies do have a tendency to change, to some extent, as the result of the influence of international actors and civil society.

The discussions in Latvia on the balance between the rights of the core nation and those of minorities have often raised controversy. One side (mostly representing ethnic Latvians) usually focuses on internal and external security, and understands the primary aim of integration to be the strengthening of national identity based on the Latvian language and culture in order to prevent further emotional and linguistic segregation within society. This same side would argue that it is impossible to achieve full equality, or equal rights (for example, language rights), amongst the majority and minority communities. Yet, this group of Latvians would disagree that Latvia is an ethnic or a 'diminished type of democracy' since, as they see it, the strengthening of national identity around one ethnic group's cultural values is a common practice in most modern democracies. Adding to the controversy is the lack of clear international standards on minority rights, and the differing practices throughout the democratic world of managing ethnic diversity. Although the interpretation of minority rights differs to a large extent among experts, another side (mostly representing minorities) would claim that greater equality of rights and opportunities based on the minority-rights approach and participation should serve as the basis for integration.

Thus, in the context of these discussions, the unavoidable question is what measures should be considered as stemming from ethnic democracy and which from a nation-building process? To assess this controversy, I will briefly illustrate the development of some policies, above all concerning citizenship, language and education, where the principles of ethnic ascendancy have been most relevant.

3.1.3 *Citizenship Law (1994) and Policies*

After the parliamentary elections of 1993 and a harsh debate, the 1994 Citizenship Law was adopted, thus providing for the start of naturalization in 1995. The law is said to be a compromise between those nationalistic movements that did not support naturalization of Soviet-era migrants and those parties that supported gradual inclusion by meeting definite criteria.⁴⁵ The law established the so-called age window system (a system of limitations based on age to ensure a gradual process of naturalization), instead of the previously proposed quota system, which was harshly criticized by international organizations. This system depended on the "economic and demographic situation in the country and would ensure the development of Latvia as a one-community nation-state", and would be regulated by the Cabinet of Ministers and adopted by the Parliament.⁴⁶ Many politicians were motivated to adopt the

⁴⁵ United Nations Development Programme, *Living Standards, Education Reform and Participation*, The 1997 Latvian Human Development Report (Rīga: UNDP, 1997), pp. 52–56.

⁴⁶ Aina Antane and Boriss Cilēvičs, *Latvija. Model etnolģischeskogo monitoringa* (Latvia: The Model of Ethnological Monitoring), Projekt "Etnichnost', konflikt i soglasiye" po programme UNESCO "Upravleniye obschestvennymi transformatsiyami" (MOST) (Moskva: Rossiyskaya Akademiya Nauk, Institut Etnologiyi i Antropologiyi, 1997), p. 56.

Citizenship Law, which included stringent naturalization conditions, in order to ensure the dominance of ethnic Latvians in political life, particularly because they perceived the Soviet-era immigrants to be disloyal and similarly saw their integration as a linguistic threat.

The adoption of the Citizenship Law proceeded in an atmosphere in which many politicians challenged the legitimacy of the residence of Soviet-era immigrants in Latvia and expected that they would leave the country.⁴⁷ In 1998 the Citizenship Law was liberalized, due to significant pressure from international organizations, particularly the OSCE and the EU, to foster a slow naturalization process. The amendments made after the referendum, organized by a radical nationalistic political force, “For Fatherland and Freedom/Latvian National Independence Movement”, abolished the “age naturalization windows” and granted the right to register by request for Latvian citizenship for all children born in Latvia after 21 August 1991.⁴⁸ Several politicians, who agreed to amend the Citizenship Law, stressed the importance of taking further steps to strengthen the position of the Latvian language in legislation and with language training; others would agree to such amendments only if new language legislation (Education Law; State Language Law) was adopted.⁴⁹ The Citizenship Law includes the ethnic ascendancy principle, since it privileges ethnic Latvians and Livs in acquiring citizenship, as well as persons who were educated in Latvian schools, together with some other categories of persons meeting certain conditions.

In light of the close involvement of international organizations, above all the OSCE and the EU, and the activities of the Naturalization Board (a state body established in 1994 to implement the Citizenship Law) and foreign states, several initiatives have been undertaken to promote naturalization in recent years including: simplifying the naturalization procedure, decreasing the naturalization fee, organizing information campaigns and promoting language training. Although the Citizenship Law and the related regulations have not recently been criticized by international organizations, the process of naturalization is slow and is not likely to speed up considerably in the years to come (see more in section 5 below). According to surveys and evaluations by experts, the major reasons for slow naturalization are alienation from the state, lack of information and motivation to obtain citizenship, as well as the perceived inability to pass naturalization exams, particularly by middle-aged and older people.

Although the majority of the ruling parties agree on the importance of integrating loyal non-citizens, generally in practice there has been a lack of political will to facilitate naturalization. A large number of non-citizens is perceived as a matter of individual choice where the state should not interfere, since naturalization is available to everybody. Also, the fear of losing electors dampens the motivation of moderate politicians to openly express their support for naturalization.⁵⁰ Any initiative designed to promote naturalization has usually

⁴⁷ Muižnieks, “Etniskā stratifikācija Latvijā”, *op.cit.*; Antane and Cilēvičs, *op.cit.*

⁴⁸ The result of the referendum indicated only moderate support for these amendments: only 53 per cent of citizens voted against the abolishment of the amendments.

⁴⁹ See, for example, *Diena*, 28 August 1998; *Diena*, 2, 3 and 4 September.

⁵⁰ The assessment was made by Ilze Brands Kehris, the Director of the Latvian Centre for Human Rights and Ethnic Studies, after interviewing 40 representatives of the political elite on citizenship issues.

met strong opposition by radical nationalist politicians, who claim that it is necessary to limit naturalization in order “to guarantee political power for the ethnic Latvian nation”. However, there is actually only one political force (“For Fatherland and Freedom/Latvian National Independence Movement”) that openly now opposes naturalization, and its influence has considerably diminished in recent years. In 2002 the party just barely passed the five per cent barrier of votes for parliamentary representation.

The lack of political will to accelerate the resolution of the citizenship problem as justified by ‘ethnic’ considerations calls into question the quality of democracy prevailing during the adoption of the Citizenship Law. Some positive developments may occur in the near future since several state institutions, including the government, the Ministry for Societal Integration Issues and the Society Integration Foundation, named promotion of naturalization as one of their priorities. In 2002 the government started to allocate funding for Latvian language training for naturalization applicants.

3.1.4 Language Policy

The relevance of language policies in Latvia to ethnic democracy is a controversial issue.⁵¹ On the one hand, the improvement of Latvian language proficiency among minorities has been slow.⁵² While the majority of non-core groups consider the official status of the Latvian

⁵¹ The existence of the state language(s) and the necessity to learn the state language can be considered a legitimate and usual practice in each liberal democracy since each liberal state has engaged in the ‘nation-building process’. According to Smootha, republican liberal democracy (a civic-nation state) also constitutes a ‘super community’ associated with a certain language and culture. In civic democracies, legal citizenship and acquisition of the state language are sufficient for full membership in a state; and acquisition of the state language and becoming a member are voluntary. Language policies, as with other policies, are subject to change since “all citizens, as individuals or groups, can participate in determining, shaping and altering the societal goals ...” (Smootha, *op.cit.*, p. 13). The main question in analyzing the quality of democracy in this context seems to be whether language acquisition generally enables full membership in the state and core-nation. A question about the methods of language policies also arises: To what extent do they generally promote inclusion of citizens in society? Is language acquisition and use voluntary? Are language policies democratic and subject to input by non-core groups? Also, to what extent is language policy liberal, e.g., to what extent is language use in the private and public domain regulated? As Kymlicka notes, liberal states have a more restricted conception of the relevant ‘public space’ within which the dominant national identity should be expressed, and a more expansive conception of the ‘private’ sphere where differences are tolerated. See Will Kymlicka, “Western Political Theory and Ethnic Relation in Eastern Europe”, in *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Will Kymlicka and Magda Opalski, eds. (Oxford: Oxford University Press, 2001), pp. 12–85, at p. 55.

⁵² A recent survey carried out in 2001–02 showed that 40 per cent of the non-ethnic Latvian population possessed intermediate or advanced levels of Latvian language proficiency. This means that the greater part of minority populations (60 per cent) still have poor, or no Latvian language skills. At the same time, only 12 per cent of non-ethnic Latvians say they do not speak any Latvian. Over the last eight years, the number of persons who speak Latvian has grown by 10 per cent, although the data for the last three to four years has not changed. In comparison, around 83 per cent of ethnic Latvians possess intermediate or advanced levels of Russian language proficiency. See Baltic Institute of Social Sciences (BISS) and National Programme for Latvian Language Training (NPLLT), *Valoda* (Language, A sociological survey), November 2001–January 2002 (Riga: BISS and NPLLT, 2002).

language legitimate, there is often little economic motivation among non-core groups to learn and speak the state language.⁵³ These trends deviate considerably from the practice in liberal republican democracies of making state language proficiency a necessary precondition for social and economic success, where “the rule of inclusion and exclusion is willingly accepted and legitimized by individuals and groups in society”.⁵⁴ Thus, the language policy in Latvia has been designed to strengthen the position of the Latvian language, which has been considerably weakened due to the legacy of the Soviet period where titular language skills were not necessary for non-titular populations of the republics.

On the other hand, the ethnic affiliations in language policy have been distinctly expressed in the initial goals of the policy to reverse the consequences of Russification in the Soviet period by extending the use of Latvian. It is the intent of many politicians to prevent the extension of minority rights that could impinge on the Latvian language. Although most politicians and government officials consider the state language policy as the key mechanism for integrating minorities into society, language requirements have been an additional factor leading to unemployment and disadvantages on the labour market among non-core groups.

In 1992 the Supreme Council adopted amendments to the 1989 Languages Law proclaiming Latvian as the only state language. The law stressed the necessity of particular measures to protect the Latvian language. The Languages Law adopted in 1992 made proficiency in Latvian a prerequisite for many professions, including jobs in the private sector. Consequently, the State Language Centre has the authority to regulate language use in society by conducting inspections and imposing sanctions.⁵⁵ Though the law significantly limited the use of Russian in the public domain and stipulated an intense regulation of language use in the private sector, it also recognized the use of other languages in Latvia. The law also stipulated that state and private organizations should accept and examine applications in Latvian, Russian, German and English.

Between 1997 and 2000, the draft the State Language Law—initiated and elaborated by the State Language Centre, the Parliamentary Commission on Education, Culture and Language, the Latvian Language Institute and other actors on the scene since 1995—and the tightening of the state language regulation in the private sector evoked controversy. The primary aim of the policymakers was to “guarantee the rights for the residents to communicate in the Latvian language in all spheres of society, strengthen the mechanism for state language protection in the conditions of the competition of Russian and English”, as well as to “interrupt the self-sufficiency of the Russian language”.⁵⁶ The draft law was adopted in three

⁵³ Passing a language certification exam—one of the criteria for occupying posts in both the public and private sectors, often does not guarantee improved state language proficiency in the long term. Russian is still used in the private sector, and it is common practice to use Russian in interethnic communication, including other factors.

⁵⁴ Smooha, *op.cit.*, p. 13.

⁵⁵ Nils Muiznieks and Ilze Brands Kehris, “Latvia and the EU”, in *The European Union and Democratization*, Paul Kubicek, ed. (London: Routledge, 2003).

⁵⁶ *Valsts valodas politikas īstenošana Latvijā: Valsts valodas centrs 1992–2002* (The implementation of language policy in Latvia: State Language Centre 1992–2002), (Valsts valodas centrs, 2002), 11 (in Latvian).

readings by the majority of MPs, despite sharp criticism from the international community.⁵⁷ However, the newly elected president of Latvia, Vaira Vike-Freiberga, sent the law back for reconsideration by the Parliament. The final version of the law provides state regulation in the private domain if there is a 'legitimate public interest' as determined by the Cabinet of Ministers. While the OSCE and the EU have recognized that the state law is generally in compliance with Latvia's international obligations, these organizations have expressed their concern about the implementation of the law, which is largely dependent on the interpretations of public officials.

Yet strengthening the position of the Latvian language has not been balanced with the official protection and promotion of other languages spoken in Latvia. For example, according to the new the State Language Law (1999), all other languages except Latvian and Liv are considered foreign languages and language legislation does not guarantee the protection, promotion and respect for minority languages. Unlike Estonia, there are no provisions guaranteeing the use of minority languages in official contact with public administration at the local level in Latvia (although it is tolerated in practice),⁵⁸ and the law does not provide opportunities for residents to submit written applications in languages other than Latvian without an attached translation into Latvian. Also, officially recognized personal names and surnames have to comply with the Latvian grammar. Moreover, the 1995 Radio and Television Law stipulates strict language restrictions in public and private electronic mass media.⁵⁹ These provisions contradict the spirit of international documents on minority rights—for example, the FCNM. Previous governments were decidedly reluctant to ratify the FCNM since "the ratification in the existing complicated ethnodemographic conditions could threaten the state sovereignty and the welfare of the ethnic Latvian nation".⁶⁰ Due to the increased attention paid by the international community (including the Council of Europe and the EU) and civil society to this issue, most politicians currently agree on the possibility of ratification, but nevertheless propose a variety of 'reservations' concerning minority language use. Close political observers note that amendments to the State Language Law are not politically realistic.

⁵⁷ Representatives from various international organizations—above all the High Commissioner on National Minorities Max van der Stoep of the OSCE, the Commissioner for Human Rights Ole Espersen of the Council of the Baltic Sea States, as well as others from the European Commission and the Council of Europe—criticized the draft law primarily for its provisions allowing state intrusion in the regulation of language use in the private domain: in private organizations, in meetings, in public information, etc. They maintained that these provisions were not in compliance with the international treaties which Latvia had ratified and stressed that the law could be a serious obstacle for Latvia's accession to the EU. See Muižnieks and Brands Kehris, *op.cit.*

⁵⁸ For example, 36 per cent of ethnic Russian citizens and 42 per cent of non-citizens speak only Russian in state institutions. See BISS and NB, *op.cit.*, p. 97.

⁵⁹ According to the Law on Radio and Television, one of the two public radio and television channels must broadcast only in the state language, while the other can allocate up to 20 per cent of its airtime to broadcasts in other languages (Art. 62). No more than 25 per cent of the programming of private channels may be in other languages (Art.19).

⁶⁰ Ministry of Justice, *Par pievienošanas Vispārējai konvencijai par nacionālo minoritāšu aizsardzību* (On the ratification of the FCNM), 20 February 1998.

Language struggles continued in 2002 around the abolition of the state language proficiency requirements in elections (see also section 3.3 below) made under pressure from the United States and NATO, which underlined the importance of these amendments as a condition for NATO membership. Before doing so, several amendments to the Constitution were adopted, strengthening the position of the Latvian language in order to 'compensate' for the soon-to-be-enacted amendments to election laws. Another compensatory measure has been the establishment of the President's State Language Commission with the allocation of funding from the state budget to promote Latvian.

The promotion of the Latvian language through 'administrative methods' and legal regulations has generally been preferred to the support of language training as a means to facilitate the inclusion of predominantly monolingual Russian speakers into society. The latter option has often not been sufficiently balanced with the supply of opportunities to learn the language. However, in 1995 the National Programme for Latvian Language Training was launched with the close involvement of government officials. The programme used state funding to promote the integration of non-Latvians through language training for schoolteachers and other professionals. Some other state bodies (e.g., the Social Integration Foundation) have also recently organized, and are planning to expand, language training free of charge. In addition, the state has given significant attention in recent years to minority education reform designed to promote language training.

3.1.5 Education Policy

The state has funded schools with instruction in Russian, and other national minority schools opened after the renewal of independence.⁶¹ The creation of a united education system is part of a nation-building project. Two separate, or 'segregated', school systems inherited from the Soviet period with Latvian and Russian as the languages of instruction have been perceived by state officials and experts as a fundamental obstacle to integration. A segregated educational system is also viewed as a threat to state integrity and security, accentuated by the poor quality of Latvian language training and the lack of contact between Latvian and Russian schools. However, the 1998 Education Law too has provoked controversy, for it stipulates that all Russian-language public secondary schools begin offering instruction predominantly in Latvian starting in 2004.⁶² Article 9 of the law stipulates that education in languages other than Latvian can be obtained in private educational institutions or in schools implement-

⁶¹ In the 2000/2001 academic year, there were 732 schools with instruction in Latvian, 173 in Russian and 149 in both Latvian and Russian. There were also a few Polish, Jewish, Ukrainian, Estonian, Lithuanian and Belorussian schools, as well as Romani language classes in two schools. See <http://www.am.gov.lv/en/?id=800>.

⁶² According to the 1998 Education Law, from 1 September 1999 all state and municipal general educational institutions with languages of instruction other than Latvian had to either start implementing minority education programmes (bilingual education) or proceed with the transition to education in the state language. On 1 September 2004 all grade ten students at state and municipal general educational institutions, and first-year classes of state and municipal vocational educational institutions are to begin teaching in Latvian only.

ing “minority education programmes” (bilingual education). The Ministry of Education and Science is authorized to elaborate the models of such programmes and determine which and how many subjects should be taught in Latvian.

Government officials and politicians representing conservative nationalist parties are primarily responsible for initiating the changes to minority education, and the ‘Latvianization’ of the educational system and the promotion of minority youth integration in the Latvian language environment have prevailed.⁶³ The major argument of the Ministry of Education and Science today is that it is a legitimate aim of the state to promote Latvian language training, thus ensuring minority graduates can compete with ethnic Latvians, and therefore also promoting their social inclusion. However, the current political debate proceeds largely around the improvement of the Latvian language situation in the state and integration “on the basis of the Latvian language”. At the same time, Russian-speaking students are reluctantly accepted to Latvian-language schools due to perceived disadvantages incurred for ethnic Latvian children (because of the potential linguistic influence by minority children and methodological considerations).⁶⁴

Yet reform has been formulated with limited participation of minorities and has been harshly criticized by several civil society representatives for insufficient preparation and poor management, thus raising an increasing concern about the quality of education and its negative impact on ethnic identity.⁶⁵ While there is a general consensus on the bilingual approach to education and the need to improve Latvian language training in education, the controversy has been associated with split opinions among experts, politicians, minority schools and parents about the tools for achieving these aims, the readiness of minority schools for reform and the rights of minorities to obtain education in their mother tongue.

It is within education reform that ethnic cleavages in policies are particularly visible. While around half of the teachers, parents, school directors and most representatives of minority organizations do not support the 2004 transition to instruction in Latvian at public

⁶³ Dzintars Ābiķis, “Integrācijas galvenais jautājums” (The main integration issue), in *Nacionālās attiecības un nacionālā politika Latvijā*, (Rīga: Latvijas inteliģences apvienība, 1998), pp.49–53; Baiba Lulle, “Būtiskākās problēmas mazākumtautību izglītības reformas īstenošanā Latvijā” (Important problems in the implementation of minority education reform in Latvia), in *Politikas zinātnes jautājumi* (Issues in political science) (Rīga: Latvijas Universitāte, Politikas Zinātnes Nodaļa, 2002), pp. 205–238, see pp. 229–232.

⁶⁴ In 1995 the Ministry of Education and Science passed a letter to schools recommending that non-Latvian children only be accepted to Latvian-language educational institutions if the child and at least one parent has a fluent command of Latvian and if Latvian is spoken at home. It was also recommended that Russian-language schools, at the demand of the parents, set up special classes in Latvian. See Iveta Silova and Guntars Catlaks, “Multicultural Education in Latvia”, in *Multicultural Education: Issues, Policies and Practices*, Farideh Salili and Rumjahn Hoosain, eds. (Greenwich, Conn.: Information Age Publishing, 2001), pp. 125–149, at p. 142.

⁶⁵ See the analyses of the implementation and views on minority education reform in the following studies: Baltic Institute of Social Sciences (BISS), in collaboration with the Canadian International Development Agency (CIDA), the Organisation for Security and Cooperation in Europe (OSCE), and Soros Foundation–Latvia (SFL), *Analysis of the Implementation of Bilingual Education* (Rīga: BISS, 2002), available at http://www.politika.lv/polit_real/files/lv/bilingv_en.pdf; Elmārs Vēbers, “Reform of Bilingual Education”, in *A Passport to Social Cohesion and Economic Prosperity. Report on Education in Latvia 2000* (Rīga: Soros Foundation–Latvia, 2001); Silova and Catlaks, *op.cit.*, p. 142; and EUMAP, 2002, *op.cit.*

secondary schools and bilingual education programmes⁶⁶ (indeed, others support the basic provisions of the reform), most key government officials and representatives of the ruling political parties do support the reform.

Some of these individuals acknowledge that it is necessary to pay more attention to preparing these schools for the transition and have suggested that for some schools the switch to the Latvian language of instruction be postponed. The suggestion, put forth by government officials to initiate a discussion on the readiness of schools for the reform, recently provoked a harsh reaction by influential political parties and even from the Latvian diaspora, demanding the reform be implemented as initially planned. In light of the increasing attention of international organizations to the preparation of the reform and internal concerns about the reform, the state has recently made some compromises; for example, introducing opportunities to teach some subjects in the minority language after 2004 on the secondary level, promising to intensify preparatory work for the reform and creating 'individual action plans' for schools. However, as of May 2003, no legal guarantees for minority-language education or liberalization of the reform providing more opportunities for individuals in education have been invoked, nor are any foreseen in the near future. Since 1995, the transition at the secondary level to instruction in Latvian in 2004 has been, and continues to be, a principle issue on the political agenda.

According to Smooha, "[t]he state in ethnic democracy is expressly on the side of the core ethnic nation, not operating as an impartial body, a fair broker, or agreed upon arbiter for the population groups".⁶⁷ Also, in republican liberal democracy, for example, the nation-state is identified with the majority group, but there is a "broad, shared and agreed upon civic infrastructure that contains language, culture and identity". In Latvia the state (the majority of political forces shaping policies) is definitely on the side of the core ethnic nation in important minority-related political decisions. The Latvian mechanisms for dialogue with minorities are weak and poorly institutionalized.⁶⁸ Many active minority NGOs and politicians point to the difficulty of influencing policies concerning minorities, especially in the field of education. Other observers note that minority NGOs do not always have sufficient skills or capacity to influence state policy. Together with an insufficiently developed 'civic infrastructure' and national identity, as well as a relatively weak civil society, the lack of interethnic dialogue further alienates non-core groups from the state.

Thus, although there is not a unified nationalist ideology in Latvia, laws and policies related to ethnic identity in Latvia generally aim to preserve the interests of the core nation. However, civil society (above all international actors) has promoted the liberalization of these policies.

⁶⁶ BISS, et al., *Analysis of the Implementation of Bilingual Education*, *op.cit.*, p. 20.

⁶⁷ Smooha, *op.cit.*, p. 31.

⁶⁸ For example, the President's Advisory Council on Nationalities has not convened since 1999 and the Department on National Affairs at the Ministry of Justice was closed in 1999. Since 2000, the Department of National Minority Affairs at the Naturalization Board was responsible for dealing primarily with issues of minority culture. However, new developments occurred with the establishment of the Ministry for Integration in late 2002, which claimed to have reestablished an Advisory Council on Minority Issues and to promote dialogue between the state and minorities.

3.1.6 Membership of Non-Core Groups in Society and in the Core-Nation

This ideology makes a crucial distinction between members and non-members of the ethnic nation. Non-members are the others, some kind of outsiders, less desirable persons that cannot be full members of the society and state. Citizenship is separate from nationality, neither a necessary nor a sufficient condition for membership in the ethnic nation.⁶⁹

In the case of Latvia, the main distinction has been institutionalized primarily between prewar citizens and Soviet-era immigrants (non-citizens), as opposed to between the core nation and non-core groups. However, according to Smooha, the declaration of a single core-nation in itself confirms its separation from non-core groups and legitimizes the inequality between the two groups.⁷⁰ As previously mentioned, various policies have been developed to ensure the top positions for ethnic Latvians and Livs in the 'ethnic hierarchy'. This distinction has also been institutionalized, for example, by classifying all languages, except Latvian and Liv, as 'foreign languages'. The Integration Programme also 'separates' the rights and roles of ethnic Latvians and minority rights and stresses the preservation of ethnic identity as a desirable trend. Can ethnic groups other than Latvians be full members of society and state?

As discussed previously, citizenship and language policies have created, directly or indirectly, obstacles against the political participation of non-core members, including obstruction of such rights and freedoms as obtaining citizenship, public employment and representation.⁷¹ Generally, minorities, including citizens of Latvia, also experience greater social and economic insecurity on the labour market and are subject to a greater risk of unemployment—this trend has only increased in recent years.⁷² Latvian language proficiency is an essential precondition for employment.⁷³

⁶⁹ Smooha, *op.cit.*, p. 39.

⁷⁰ *Ibid.*, p. 29.

⁷¹ According to a recent survey, only eight per cent of employees in ten ministries belonged to a minority group (minorities constitute 23.7 per cent of Latvian citizens). The share of minority representatives is 12.3 per cent in city councils; six per cent in district councils; 11 per cent in municipal administrations and 12 per cent in district administrations. Minority judges made up 7.5 per cent of all judges in the 35 courts investigated. See Artis Pabriks, *Occupational Representation and Ethnic Discrimination in Latvia* (Riga: Latvian Centre for Human Rights and Ethnic Studies, Soros Foundation–Latvia, Nordik Publishing House, 2002), available at http://www.politika.lv/polit_real/files/lv/SFL_Pabriks_eng.pdf.

⁷² For example, according to a 2000 survey, 10 per cent of ethnic Latvians and 17 per cent of persons of other ethnic origins stated that they were unemployed and did not receive benefits; see Richard Rose, *New Baltic Barometer IV: A Survey Study*. Studies in Public Policy, 284 (Glasgow: Centre for the Study of Public Policy, University of Strathclyde, 2000), p. 5. The share of officially registered unemployed ethnic Latvians decreased from 53.7 per cent of all unemployed in 1997 to 49.8 per cent in 2000; the share of unemployed persons of minority origin has therefore increased (data from the State Employment Service). One possible explanation for these disadvantages is that many minority group members have traditionally been employed in manufacturing and in other branches of industry (e.g., transit of oil), which have experienced a wave of bankruptcies. Minorities more often work in private enterprises where employees are less protected than employees in the public sector.

⁷³ Only 43 per cent of citizens and 23 per cent non-citizens whose native language is not Latvian report that they would be able to work at a job that requires knowledge of Latvian; 30 per cent and 28 per cent,

While the perception of discrimination grounded on ethnicity and language is widespread (which, however, is not a sufficient argument for conclusions about ethnic discrimination),⁷⁴ there is no data to show that, today, there is an institutionalized and systematic practice of treating non-core members as 'less desirable' or as 'outsiders' who cannot become full members of the society and the state. Research data shows that while certain trends of ethnic segregation on the labour market do exist,⁷⁵ the level of interethnic contact in the workplace is generally quite high in Latvia.⁷⁶ Largely because of the Soviet legacy, minorities are proportionally represented or even overrepresented in some state institutions (such as the police, the prison administration, the Ministry of Interior, etc.) and at several state-owned enterprises. Individuals belonging to minority communities are more often employed by private enterprises than are ethnic Latvians; however, in comparison to ethnic Latvians, they more rarely occupy the top positions in enterprises and NGOs.

It is reasonable to argue that the level of 'receptiveness' of the members of non-core groups (as well as the core nation) in Latvia is very much dependent on the traditions and attitudes prevalent in various organizations. It should also be noted that minorities are not always motivated to apply for jobs in state institutions, not only because of a lack of citizenship or language proficiency, but also due, for example, to the overall alienation from the state, low prestige of the work in state institutions and separate communication networks.⁷⁷ Thus, non-core groups cannot become full members of the society and the state not only because they may be considered 'less desirable', but also partly due to a lack of incentive to join the core nation.

respectively, could do so with difficulty; 22 per cent and 38 per cent could not because they do not know the language. People who report that they could work at such a job usually have a higher level of income (see BISS and NB, *op.cit.*, p. 99). Limited language proficiency particularly restricts opportunities for unemployed persons in search of work. According to data provided by the State Employment Service, as of October 2001, around 12 per cent of the total number of the registered unemployed did not possess documentation on their Latvian language proficiency and thus could not apply for employment. At the same time, other survey data show that there is no clear connection between the level of self-evaluated Latvian language proficiency and the level of income. This can be interpreted to suggest that language proficiency is not the only factor influencing employment opportunities, especially as minorities often work in predominantly monolingual environments in private enterprise (see BISS and NPLLT, *op.cit.*).

⁷⁴ According to a 2000 survey, 24 per cent of respondents (33 per cent of non-citizens and 31 per cent of non-ethnic Latvians) had experienced discrimination in the previous three years; 37 per cent of non-citizens and 36 per cent of non-ethnic Latvians cited language as the ground of human rights violations; and 43 per cent of non-citizens and 40 per cent of non-ethnic Latvians mentioned their ethnic origin. See Baltic Data House (BDH), *Cilvēktiesības* (Human rights), unpublished survey commissioned by the National Human Rights Office (Riga: BDH, 2000).

⁷⁵ Pabriks, *op.cit.*, pp. 40–43.

⁷⁶ 71 per cent of ethnic Latvians have Russian co-workers, while 88 per cent of ethnic Russian citizens and 91 per cent of Russian non-citizens have ethnic Latvian colleagues; see BISS and NB, pp. 112–113.

⁷⁷ Pabriks, *op.cit.*, pp. 44–50.

According to Smooha:

Ethnic democracy creates an ethnic stratification of citizenship. Members of the core nation are first-class citizens and only they have the option to define and contribute to the common good. The select few among them who make exceptional effort and contribute get the special privileges of “good citizens”, while the rest remain rank and file members. On the other hand, non-core members can hardly qualify as “good citizens”, i.e., they are entitled to take part in determining the common good (national goals and policies) but cannot enjoy the special rewards given for excellence in contributing to the public good.⁷⁸

Similar to Estonia, ethnic stratification of citizenship is not unequivocal in Latvia.⁷⁹ Indeed, the stratification of residents includes citizens of Latvia, non-citizens, aliens and stateless persons (see more about the status of these groups in section 3.3). According to the Citizenship Law, the rights and obligations of the citizens of Latvia are equal and do not depend on how citizenship was obtained.⁸⁰ The objective of Integration Programme is to promote the integration of non-core groups in different spheres of society, “to be fully empowered as citizens”. However, ‘core and non-core citizens’ differ to a certain extent since ethnic Latvians (and Livs) have certain privileges in applying for citizenship, and, in practice, the majority of ethnic Latvians automatically received citizenship.

Do non-core members have the option to “define and contribute to the common good” and “enjoy the special rewards”? Given the general trend of low minority representation in state bodies, it can be assumed that ethnic Latvians generally have better prospects to occupy high-ranking positions and contribute to a ‘common good’, with the undeniable advantages of citizenship, language proficiency and better education prospects. At the same time, the ethnic principles of ‘contributing to public good’ are not legally institutionalized, and there are indeed some examples when non-core members have been represented in state bodies and occupied high-ranking executive positions (for example: since 2001 a Russian-speaking non-ethnic Latvian has been a deputy mayor of Riga; in 2002 an ethnic Jew was appointed to the post of secretary general of the ruling party “New Time”). Similar to the Estonian case,⁸¹ granting citizenship for special services is a means of recognition for ‘good citizens’ among non-core groups. Several businesspersons, athletes, cultural leaders and other professionals of non-ethnic Latvian origin have been granted Latvian citizenship by the Parliament. The official awards by the president of Latvia, the mayor of Riga and the Ministry of Culture to Marija Naumova, a naturalized ethnic Russian and the winner of the Eurovision competition in 2002, also demonstrate that members of non-core groups can be accepted as ‘good citizens’. However, the argument in November 2002 by the prime minister to

⁷⁸ Smooha, *op.cit.*, p. 31.

⁷⁹ Järve, *op.cit.*, p. 14.

⁸⁰ According to Article 24 of the 1994 Citizenship Law, citizenship can be revoked both from persons applying for automatic citizenship and naturalized citizens if they provide false information when applying for citizenship (if discovered within five years after granting of citizenship).

⁸¹ Järve, *op.cit.*, p. 15.

reject a candidate for the post of Special Task Minister for Societal Integration because of the candidate's minority origin and religious affiliation (ethnic Russian Orthodox), among other reasons, has not been widely censured by the public, nor by government officials.

To conclude, the above-mentioned features of ethnic democracy concerning membership in the core nation and in the state are only partly relevant to Latvia. Although the interests of ethnic Latvians as the core nation are prioritized in policies, which to some extent have created certain social and political disadvantages for non-core groups, the exclusion of minorities from the core nation's society and the state is not systematic.

3.1.7 *Conditions for Inclusion into Society and the Core Nation*

Smootha has observed that “[m]embership in the core ethnic nation is given, primordial and innate, though it could be achieved by a select few under certain conditions”.⁸²

This statement is only partly applicable to Latvia, because neither a change of ethnicity nor assimilation is prohibited, although certain conditions should be met to become a member of the core nation. Since 2002, the inscription of ethnicity in Latvian passports is voluntary while entry in the Population Register remains mandatory (but is qualified as sensitive data). All residents, independent of ethnicity, may change their registered ethnicity, but in order to do so, a person should provide evidence that an ancestor was of the desired ethnicity. Thus, in the choice of ethnicity the ‘blood principle’ is operative which only partly coincides with the principle of free ethnic self-identification.⁸³ In addition, in order to change the ethnicity listed in one's identification card to ‘Latvian’, a person should submit a document demonstrating Latvian language proficiency at the highest level (disabled persons—at the middle level).

The state does not prohibit members of non-core groups from assimilating (Latvianization) into the core nation (independent of citizenship status), especially where children from ethnically mixed families are concerned. However, as noted earlier, the state has tried to prevent assimilation (Russification) of ethnic Latvians and non-Russian minorities within the educational system.

In ethnic democracy “[t]he state tries hard to limit citizenship to members of the core ethnic nation, but citizenship is neither a necessary nor sufficient condition for inclusion in the core ethnic nation ...”.⁸⁴ The Integration Programme states: “[t]he foundation for integration of society is loyalty to the state...” and outlines the eventual result of integration to be when “non-Latvians [both citizens and non-citizens] have a command of the Latvian language, having overcome alienation from Latvian cultural values, and are involved in realizing the common goals of Latvian society; and where non-Latvians have the right to preserve their native language and culture”.⁸⁵

⁸² Smootha, *op.cit.*, p. 30.

⁸³ Latvian Human Rights Committee, *op.cit.*, p. 12.

⁸⁴ Smootha, *op.cit.*, pp. 29–30.

⁸⁵ National Programme “The Integration of Society in Latvia” (Rīga 2001). See also the webpage of the Naturalization Board at <http://www.np.gov.lv>.

To conclude, in Latvia citizenship is not a necessary and sufficient condition for inclusion in the core nation. Yet, naturalization and Latvian citizenship are not perceived by many politicians as sufficient preconditions for a 'true' integration because these do not guarantee that a person will speak Latvian and be loyal to the Latvian nation. Ina Druviete, an influential language policymaker, has noted that "A person who speaks Latvian and is loyal to the Latvian state should become a member of society".⁸⁶

3.2 Perceived Threat

Non-members of the ethnic nation are not only considered less desirable but are also perceived as a serious threat to the survival and integrity of the ethnic nation. The threat can be one of a combination of biological dilution, demographic swamping, cultural downgrading, security danger, subversion and political instability.⁸⁷

Smootha argues that "perceived or real threats are widespread in all types of democracy, but only in ethnic democracy and quasi- and non-democracies are they an integral part of the system, enduring and obsessive".⁸⁸

Concerns of the core nation over its survival, the related threat of losing the ethnic and political majority, and the perceived threat posed by the disloyalty of non-core groups acting as a potential 'fifth column' for Russia have been important leading motives for key ethnopolitical decisions.⁸⁹ However, similar to Estonia, the Integration Programme tends to ease the threats perceived by the core nation and promotes the 'receptiveness' of non-ethnic Latvians.

Today, political rhetoric concerning the threat of becoming a minority is not widely expressed because of the gradual increase in the share of ethnic Latvians and their clear political majority (see also section 5 below). Instead, the debate focuses on the strengthening of the Latvian language. The cultural threat derives primarily from the fear that the survival of the Latvian language is closely associated with the survival of the core nation.⁹⁰ While the rate of assimilation (Russification) of ethnic Latvians is very low, this concern is connected to the fact that Russian is more widely spoken in Latvia than Latvian.

According to Smootha, "[s]ince members of non-core groups suffer from personal and institutional discrimination, cannot enjoy full equality and cannot completely identify them-

⁸⁶ Ilze Kuzmina, "Neliesim ūdeni tukšā mūcā", *Elections Newspaper*, Appendix to *Lauku Avīze*, 8 (13 September 2002), pp. 12–13 (Author's translation).

⁸⁷ Smootha, *op.cit.*, p. 39.

⁸⁸ *Ibid.*, p. 34.

⁸⁹ See the analysis above and Pettai, *op.cit.*

⁹⁰ According to survey data, only 16 per cent of the citizens of Latvia (predominantly ethnic Latvians) felt a threat to their ethnic identity, while 44 per cent perceived a threat to the survival of the Latvian language. See BISS and NB, *op.cit.*, p. 117.

selves with the state, their loyalty is considered problematic. They are also perceived as a threat to the order and stability of society”.⁹¹

The loyalty issue is controversial in Latvia. On the one hand, the independence movement and the right of ethnic Latvians to self-determination were supported by a large part of the non-Latvian population, while another part of this population opposed independence and sought to preserve the old regime. Survey data shows that most representatives of non-core groups generally possess a strong commitment to live in Latvia and have positive attitudes towards citizens’ obligations. Their identification with Russia is also rather weak.⁹² On the other hand, there are differences in opinions concerning the extent to which different groups, ethnic Latvians, ethnic non-Latvians and non-citizens, identify with the state. Among citizens (mostly those who were granted automatic citizenship), ethnic Russians and newly naturalized citizens generally possess more loyal attitudes towards the state and its independence and tend to feel more integrated than non-citizens. Ethnic Latvians, in turn, among citizens and non-citizens possess a stronger state identity than both ethnic Russians.⁹³ This generally supports the belief of politicians that citizenship status is not a sufficient condition for state identity. At the same time, the division of the society into citizens and non-citizens, the slow adoption of the Citizenship Law, as well the claims of radical nationalist politicians for ‘de-colonization’ are additional factors deepening the cleavages in society and further alienating non-core groups from the state.⁹⁴

Still, 43 per cent of ethnic Latvians and 27 per cent of non-Latvians admit that conflicts between ethnic Latvians and Russians can constitute a threat to the peace and security of the state.⁹⁵ The threat of Russian political interference is also widespread among ethnic Latvians.⁹⁶

⁹¹ Smooha, *op.cit.*, p. 34.

⁹² A very small number (two per cent) of non-citizens plan to get Russian or other citizenship, according to BISS and NB, *op.cit.*, p. 117. Latvia has a considerably smaller number of aliens (citizens of other states) (1.3 per cent of the total population) than Estonia (seven per cent, according to Järve, *op.cit.*, p. 22). The number of citizens of the Russian Federation with a long-term residence permit is also not large: 21,000 (or around one per cent of the total population) in 2003 (data from the Naturalization Board).

⁹³ For example, among citizens 2.9 per cent of ethnic Latvians and 13.4 per cent of ethnic Russians, along with 23 per cent of non-citizens, do not feel that they belong to Latvian society. 11.6 per cent of ethnic Latvians among citizens; 47.1 per cent of ethnic Russians among citizens; 33.2 per cent of newly naturalized citizens; and 51 per cent of non-citizens support possible integration of Latvia into the Commonwealth of Independent States and the Union of Former Soviet Republics. See BISS and NB, *op.cit.*; Baltic Institute of Social Sciences (BISS), *Jaunpilsoņu aptauja* (Survey of newly naturalized citizens), Report (Riga: BISS, 2001). Eight per cent of ethnic Latvians and 28 per cent of non-Latvians think that it would be better if Latvia were still part of the Soviet Union. See Rose, *op.cit.*, p. 57.

⁹⁴ Ineta Ziemele, Aina Antāne, Boriss Cilēvičs, Ilmārs Mežs and Nils Muižnieks, *Mazākumgrupu (minoritāšu) integrācijas aspekti Latvijā* (Minority integration aspects in Latvia), (Rīga: Latvijas Universitātes Juridiskās Fakultātes Cilvēktiesību Institūta Bibliotēka, 2001), pp. 49–50.

⁹⁵ Rose, *op.cit.*, p. 36.

⁹⁶ In 2000, 66 per cent of ethnic Latvians and only 18 per cent of non-Latvians ‘definitely’ or ‘possibly’ considered the Russian state a threat to the peace and security of Latvia. 71 per cent of ethnic Latvians and 39 per cent of non-Latvians admit that hard-line nationalist politicians in Russia could create such a threat. See Rose, *op.cit.*, pp. 36–37.

In conclusion, although certain measures, primarily through the integration policy adopted by the government and the international community, have sought to prevent the destabilizing effect of non-core groups and the promotion of greater understanding between groups, perceived threats have played an important role in sustaining ethnic democracy in Latvia.

3.2.1 Control Mechanisms

All kinds of restrictions and controls are imposed to contain the minority's threat potential.⁹⁷

As Smooha comments:

[C]ontrol is commonly used in civic democracies against individuals and selected action-groups with high risk to the regime and to law and order, but in ethnic democracy and quasi-democracies and non-democracies control is also applied as a rule over non-core groups as such, not just over particular members from among them.⁹⁸

The conclusions drawn by several analysts of the Estonian case⁹⁹ about its restrictive citizenship policy as well as about the differences between the rights of citizens and non-citizens as the major mechanism of control can also be fully applied to Latvia (see also section 3.3 below). However, such control mechanisms can diminish given the gradual increase of state support for the promotion of naturalization and a gradual increase in the number of naturalized citizens. As previously mentioned, to preserve a core Latvian state identity and ensure the domination of the Latvian language, the state has 'tightened' various regulations on language use. State bodies (above all, the State Language Centre and the Ministry of Education and Science) have broad authority to monitor language use among non-core groups.

Some Estonian analysts also consider integration policy in Estonia as institutional co-optation—as a kind of ethnic control, arguing that “[t]he essence of the State Programme is none the less to integrate non-Estonians into an Estonian-dominant state and society. In this respect, it is meant to adapt non-Estonians to a preset Estonian world, not to alter this world”.¹⁰⁰ In Latvia the Integration Programme targets not only minorities but the whole society, and it aims to promote basic shared values (for example, the democratic independent state) and loyalty, and it declares that the culture and language of ethnic Latvians are the basis for integration. The main integration initiatives aimed at fostering national identity so far have been educational reform, the promotion of Latvian language training, and the use and the promotion of naturalization. While the programme has been elaborated through

⁹⁷ Smooha, *op.cit.*, p. 40.

⁹⁸ *Ibid.*, pp. 34–35.

⁹⁹ See Pettai and Hallik, *op.cit.*; Järve, *op.cit.*; and Smooha, *op.cit.*

¹⁰⁰ Pettai and Hallik, *op.cit.*, pp. 512–524.

extensive consultations with minorities, many of them have criticized it for not incorporating a minority-rights approach and view the state integration policy as a 'one-way' process, or even as assimilation. Yet, while the promotion of national identity and loyalty and the funding of state language training are generally legitimate nation-building tools, the integration policy has not been able to compensate for the lack of legal and other related mechanisms for the development of multicultural democracy (e.g., the adoption and liberalization of minority-related legislation, the issue of establishing dialogue between minorities and the state and other forms of political participation). Moreover, the extension of minority rights has been perceived by several officials and experts as a threat to the primary aims of integration: that is, the strengthening of the positions of ethnic Latvians and societal unity.¹⁰¹ Thus, to a large extent the integration policy has served to counter threats perceived by the core nation. The controlling character of the integration policy is particularly evident from its attempts to prevent the influence of Russia; for example, by trying to limit using educational materials produced in Russia or exposure to Russia's mass media.

It is noteworthy, however, that the priorities of integration policy have a tendency to change (and to be periodically renewed). For example, in the years to come, it has been explicitly foreseen that more attention will be paid to the promotion of naturalization, civic participation of society and minority NGOs in the years to come. The main priorities of the Ministry for Societal Integration Issues are: the ratification of the FCNM, a dialogue with minorities, a comprehensive minority policy and participation of minorities.¹⁰²

According to Smooha, "[n]on-core groups in ethnic democracy are targets of the security forces. Their participation in the security apparatus, access to sensitive information and recruitment to posts of trust are restricted. They are watched by state agencies and the activities of their activists are monitored".¹⁰³

There is no institutionalized control of non-core groups by security forces, with the exception of restrictions on various rights of non-citizens and the denial of citizenship rights for certain groups of non-citizens. As discussed above, while minorities are generally distinctly underrepresented in government and state institutions, they are well represented in some state bodies and serve in the army.

To conclude, a conservative citizenship policy and several regulations concerning the monitoring of language use and the partial policy of social integration constitute the major control mechanisms imposed on non-core groups in Latvia. However, institutionalized control of minorities by security apparatus is not applicable to the Latvia context.

¹⁰¹ See the opinions and the analysis of the Latvian Integration Programme in EUMAP, *op.cit.*

¹⁰² Yet the political priorities are very much dependent on officials' concrete stance on minority issues. For example, in October 2002, the board of the New Era Party proposed for this ministerial post a candidate who is one of the main authors of the stringent language legislation including the Law on the State Language. This candidacy was strongly opposed by many representatives of civil society and finally withdrawn.

¹⁰³ Smooha, *op.cit.*, p. 34.

3.3 Diminished Type of Democracy

Democracy is the political system prevailing in the state. All permanent residents who so wish are granted citizenship, including human, social, civil, and political rights.¹⁰⁴

Latvia declares itself a democratic state and basic democratic institutions and procedures have been established. Fundamental human rights (such as the elimination of discrimination of any kind, equality before the law and courts, etc.) are guaranteed in the Constitution of Latvia, independent of citizenship status. The liberalization of the Citizenship Law in 1998 provided opportunities to naturalize without 'naturalization windows', and now all residents can apply for citizenship except those persons who opposed independence, the democratic parliamentary regime and the legislative authority of Latvia, or who expressed totalitarian ideas, etc.

Democracy is, however, diminished by an inequality of rights. Non-members of the ethnic nation do not enjoy full rights and are discriminated against by the state. State measures to prevent them from realizing their perceived threat potential compromise the rule of law and the quality of democracy.¹⁰⁵

The principal question of individual rights in Latvia is not about the discrepancy in rights between core and non-core citizens, but between the rights of citizens and non-citizens (still constituting a significant number and belonging overwhelmingly to non-core groups).¹⁰⁶ Non-citizens have a particular status in Latvia which was institutionalized in 1995 by the Law on the Status of Former Citizens of the USSR Who Are Not Citizens of Latvia or Any Other State. According to Article 2 of the Law, non-citizens have human rights and obligations as prescribed in the Constitution, in addition to the right to preserve their native language and culture. They shall not be deported from Latvia (with certain exceptions). Generally, non-citizens of Latvia have a much broader range of basic human, social, civil and cultural rights than aliens in Estonia, including the right to the diplomatic protection of the state of Latvia.¹⁰⁷

Priit Järve points out that despite the equal right to naturalize, the members of non-core groups in Estonia cannot equally enjoy this right as many of them are unable to meet the

¹⁰⁴ Smooha, *op.cit.*, p. 40.

¹⁰⁵ Smooha, *op.cit.*, p. 40.

¹⁰⁶ Apart from the lack of basic political rights—such as the rights to vote and stand for elections, to serve in the civil service (including almost all state public institutions: ministries, the military, police)—non-citizens do not have the right to occupy certain positions in the private sector or to study at the Latvian Policy Academy and the National Security Academy, and, in addition, several limitations apply to the ownership of land by non-citizens. Nevertheless, several differences between the rights of citizens and non-citizens have been abolished in recent years, while other disputable differences still remain, despite criticisms from international organizations.

¹⁰⁷ Vadim Poleshchuk, *Advice Not Welcomed: Recommendations of the OSCE High Commissioner to Estonia and Latvia and the Response*, Kieler Schriften zur Friedenswissenschaft, Band 9 (Münster: Lit Verlag, 2001), p. 84.

naturalization requirements.¹⁰⁸ As previously mentioned, the naturalization requirements in Latvia have been periodically simplified in recent years, and increasing state support for the promotion of naturalization has to some extent eased unequal access to naturalization among ethnic Latvians and many members of non-core groups.

According to Smooha, “[s]ince non-core groups are recognized by the state as distinct and separate groups, they are endowed with some collective rights. They are usually allowed to use their language and to hold separate religious institutions, schools and cultural organizations and activities”.¹⁰⁹ However, ethnic democracies can be selective in granting these rights.

While certain minority rights to cultural autonomy are generally recognized and supported, they are not fully legislated (no definition of minority has been agreed upon, no comprehensive minority law adopted and no conventions on minority rights have been ratified). Several legal provisions either limit minority rights so that they do not impinge on the interests of the core nation and the Latvian language (see section 3.1 above), or are practically or potentially discriminating.¹¹⁰

In regard to the equality of rights among various minorities, they are actually equal with the exception of the Livs minority who has a special status and certain privileges. If Latvia qualifies minorities as citizens only (many politicians have such an opinion) or imposes other limitations, additional differences in rights among minority members will be established.

To conclude, the features of Smooha’s ‘diminished type of democracy’ are relevant to Latvia in the sense that many members of non-core groups, for the time being, cannot participate in political life due to their not holding citizenship. If the current political attitude of the Latvian political establishment towards minorities persists, present-day non-citizens might not be able to enjoy equal rights with ethnic Latvians even after acquiring citizenship.

3.3.1 Avenues for Political Participation for Core and Non-Core Groups

Minority citizens may conduct an intense struggle for equal rights without facing state repression. They are also permitted to join coalitions with majority groups and are granted autonomy within certain limits.¹¹¹

¹⁰⁸ Järve, *op.cit.*, p. 20.

¹⁰⁹ Smooha, *op.cit.*, p. 32.

¹¹⁰ For example, section 59 of the Law on Education stipulates that state and municipal authorities can only fund private schools which implement state accredited education programmes in the state language. Art. 6 of the Law on Value-Added Tax (1995) stipulates that the tax shall not be imposed “on educational and scientific literature, first publications of original literature and publications intended for children in the Latvian language published in Latvia in accordance with the lists approved by the Ministry of Education and Science, as well as services of printing offices in respect of the production (formation) of such literature” (translation from: <http://www.riga.lv/minelres/>).

¹¹¹ Smooha, *op.cit.*, p. 40.

Smootha also notes that

In ethnic democracies this right, among others, is more restricted than in civic democracies The state in ethnic democracy sees political rights as an extremely pivotal privilege and practices a policy of restricting them as much as possible to core ethnic members. It extends, however, political rights to permanent residents and allows non-core immigrants to naturalize under strict conditions.¹¹²

Several forms of political participation (demonstrations, strikes, petitions, media, courts, NGOs, etc.) are extended to everyone in Latvia regardless of citizenship status. Both core citizens and non-core citizens have the right to vote and to stand for parliamentary and municipal elections, to serve in the civil service, and to form and become members of political parties. In contrast, these rights are not available for non-citizens, with the exception that non-citizens do have the right to join political parties. According to the Municipalities Law (Art. 51), municipal councils can establish a committee for stateless individuals and alien affairs, provided they constitute at least one quarter of the local population, to stipulate which decisions should be made with the participation of stateless people and aliens.¹¹³ In addition, non-citizens have the right and are encouraged to naturalize.

In 2002 the Parliament abolished the requirement for deputy candidates for parliamentary and municipal elections to possess the highest level certificate of Latvian language proficiency. The candidates are still required to give a self-evaluation of their language proficiency, but cannot be excluded on language grounds. The amendments to the Constitution made in 2002 (in Article 18), stipulate that an elected MP must take an oath in the Latvian language, swearing “to be loyal to Latvia, to strengthen its sovereignty and the Latvian language as the only official language, to defend Latvia as an independent and democratic state”. Thus, “the right to be wrong” and “agreement to disagree” as a feature of multicultural democracy as defined by Smootha is limited.¹¹⁴

Therefore, certain language-based conditions for political participation do exist. This feature of ethnic democracy is partly relevant to Latvia (also taking into consideration the slow naturalization process).

4. FACTORS CONDUCIVE TO THE EMERGENCE OF ETHNIC DEMOCRACY

According to Smootha's mini-model of ethnic democracy, the following factors are conducive to the emergence of ethnic democracy:

- The ethnic nation precedes the ethnic state. The relatively older ethnic nation creates and shapes the relatively new state. Hence the ethnic nation is superior to the state.

¹¹² *Ibid.*, p. 33.

¹¹³ For example, an Advisory Council on Non-Citizens' Issues in Ventspils City has been actively involved in local decision-making and has the status of 'local government commission', and is thus able to delegate members to other local government commissions.

¹¹⁴ Smootha, *op.cit.*, p. 17.

- The ethnic nation experiences a threat.
- The majority is committed to democracy for ideological or practical reasons.
- The small or manageable size of the minority allows the majority to maintain both democracy and to keep ethnic ascendancy.¹¹⁵

The first three factors are fully relevant to Latvia, while the last one is only partly relevant. Similar to Estonia, the size of non-core groups in Latvia is large and hardly manageable (actually Latvia has the largest share of minorities among the Baltic states).

In discussing the issue of ‘threats’, it is reasonable to mention such powerful factors as a core nation’s memories of any injustices committed by the non-core kin-state.¹¹⁶

While the number of non-core citizens is relatively high, the lack of ethnic mobilization of Russian speakers (including citizens of Latvia) is an additional factor facilitating the emergence of ethnic democracy. The limited ethnic mobilization of minorities has been explained with reference to ethnic diversity and the weak ethnic identity of Russian speakers, the diversity of political preferences, lack of influential parties representing the ethnic interests of Russians or other minorities, economic benefits of living in Latvia, and a weak civil society.¹¹⁷

5. CONDITIONS OF STABILITY OF ETHNIC DEMOCRACY

5.1 A Clear and Continued Numerical and Political Majority for the Ethnic Nation

A clear and continued numerical majority for the ethnic nation has not been an essential condition for the stability of ethnic democracy in Latvia. Rather, the threat of numerical minoritization and ‘an unclear majority’ have created such a condition. However, there is a trend of gradual growth in the percentage of ethnic Latvians in the total population due to the emigration of non-ethnic Latvians, repatriation of ethnic Latvians and higher birth rates among ethnic Latvians compared with non-core groups.¹¹⁸ Mass emigration of both ethnic Latvians and non-core groups and a significant change in the ethnic proportions of the population, particularly in the largest cities, is not expected in the years to come.

¹¹⁵ Smooha, *op.cit.*

¹¹⁶ Will Kymlicka points out that the problem which many countries in Central and Eastern Europe face is “the historical fact that the minority collaborated with the kin-state in oppressing the majority group”, which is absent in most Western countries. “Virtually the only reference to justice comes in the form of insisting that minorities pay for the historic injustices that the majority has suffered” Kymlicka, *op.cit.*, pp. 66–68).

¹¹⁷ See Antane and Cilēvičs, *op.cit.*; Jekaterina Dorodnova, *EU Concerns in Estonia and Latvia: Implications of Enlargement for Russia's Behaviour Towards the Russian-Speaking Minorities*. EUI Working Paper, RSC No. 40/2000 (Florence: Robert Schuman Centre for Advanced Studies, European University Institute, 2000).

¹¹⁸ The number of ethnic Latvians has grown by around six per cent between 1989 and 2002.

Since the number of naturalized citizens has gradually increased and the enlarged EU is likely to motivate more non-citizens, especially young people, to apply for citizenship, the percentage of ethnic Latvians in the citizenry is likely to be reduced. However, in the long term the core nation will constitute a clear political majority. Yet, naturalization is on the decline as compared to the period of increase after the liberalization of the Citizenship Law. In a survey conducted in 2000, 40 per cent of non-citizens (predominantly the elderly) claimed that they do not want to acquire any citizenship.¹¹⁹ Additionally, given the current trend of minority public representation, accentuated by the fact that non-citizens do not have the right to vote in municipal elections, ethnic Latvians are likely to constitute the majority in most decision-making and state bodies for a long time to come, particularly if no special measures to promote naturalization and minority participation are implemented.¹²⁰

To conclude, the small numerical majority and a clear and continued political majority for the core ethnic nation are important conditions for the stability of ethnic democracy in Latvia. However, the role of ethnic principles in policies is likely to depend to a large extent also on the domestic distribution of power.¹²¹

5.2 Majority Perception of a Continued Threat

The threat of losing the core Latvian state identity, the potential disloyalty of non-core groups and the possible intervention of Russia are further conditions necessary for the stability of ethnic democracy.

The threats to the survival of the Latvian language and to the dominance of Latvian culture are likely to exist for a long time, taking into consideration the numerical majority of minorities in large cities, the slow state language acquisition process and the slow expansion of state language training. However, these threats may diminish in the long term given the ongoing improvement of language proficiency among young people.

The decrease in the number of non-citizens, ongoing naturalization and Latvia's integration into the EU and NATO are likely to diminish the threat of political insecurity and potential disloyalty. Additionally, the internalization of European standards of liberal democracy can reduce nationalist manifestations.

¹¹⁹ BISS and NB, *op.cit.*, p. 9. The Naturalization Board estimated that only about 12–15,000 non-citizens, mainly the young and active, will chose Latvian citizenship in the years ahead, while there will remain about 450,000 non-citizens when Latvia joins the EU (*Telegraf*, 20 February 2002).

¹²⁰ It is not clear whether the EU will demand that non-citizens be granted the right to vote in municipal elections.

¹²¹ As Muižnieks and Brands Kehris concluded, the existence of a small internationally oriented domestic political elite (ethnic Latvian), together with international actors, was a necessary condition for liberalizing minority-related legislation to meet the EU standards despite strong opposition by many nationalist politicians. See Muižnieks and Brands Kehris, *op.cit.*

5.3 Non-Interference of the 'External Homeland'

The impact of the spectre of Russian 'interference' has been controversial, particularly since Russia's claims about human rights violations in Estonia and Latvia have been, at least partly, geopolitically motivated¹²² and have provoked the opposite of the intended effect by strengthening the threat of potential disloyalty of Russian speakers among the titular nations. Non-interference on the part of Russia seems to be a precondition for a move away from ethnic democracy.¹²³ The further development of ethnic policies in Latvia will be dependent on the general context of the relations between Latvia, the EU and Russia.

5.4 Non-Intervention or Even the Extension of Legitimacy and Support by the International Community

Despite the West's acceptance of the legal continuity of the Latvian state and its support for the basic lines of the state's minority-related policies, the international community has generally played an important and positive role in liberalizing these policies, promoting dialogue on minority issues and minimizing the potential for conflict.¹²⁴ Moreover, the key integration activities have been supported and funded primarily by international donors. At the same time, the practical impact on these activities on integration and minority rights has been limited by the conflicting values and interests of the Latvian political elite and society;¹²⁵ as well as by the fact that some controversial minority issues in Latvia, such as citizenship and education, have given rise to a broad range of opinions in society regarding their compliance with minority rights standards. While the impact of the international community in the future is unclear, the comprehensive monitoring of integration and minority rights by foreign states and human rights NGOs, including the EU, seems to be an important condition for the development of civic democracy. Thus, this condition for the stability of ethnic democracy is partly relevant to Latvia.

6. CONCLUSIONS

The application of the model of ethnic democracy by Smootha shows that all of the main features of ethnic democracy are at least partly relevant to the current situation in Latvia. The state prioritizes ethnic, cultural and political interests of the indigenous groups—ethnic Latvians (the core nation) and the Livs minority—but does not identify itself by legal

¹²² Pettai, *op.cit.*; Dorodnova, *op.cit.*; Jubulis, *op.cit.*; Atis Lejiņš, *Pirmie desmit gadi. Cīņa par Latvijas drošību pasaules lielajā politikā* (The first ten years: Struggle for Latvia's security in big world policy) (Rīga: Latvijas Arpolitikas Institūts, "Zinātne", 2002).

¹²³ Pettai also draws the same conclusion, see Pettai, *op.cit.*, p. 30.

¹²⁴ For analyses of this impact, see Muižnieks and Brands Kehris, *op.cit.*; Dorodnova, *op.cit.*; Poleshchuk, *op.cit.* (2001); and EUMAP, *op.cit.*

¹²⁵ Dorodnova, *op.cit.*, p. 6.

means with only these communities and does not guarantee their preservation explicitly. Yet, although the citizenry is ethnically diverse, minority-related policies are developed primarily to secure the interests of the core nation and the Latvian language. The crucial institutionalized distinction the state has made between the prewar citizens and the Soviet-era immigrants does not employ 'ethnic criteria', but has led to considerable and predictably ethnically biased outcomes. At the same time, regarding the 'full membership' of minorities in the core nation and in the state, their exclusion is not systematically based on ethnicity, for proficiency in the state language and loyalty to the Latvian nation-state are much more important conditions for inclusion than ethnicity. Citizenship is also not considered by the political elite as a sufficient condition for integration.

While the state has made certain steps to harmonize its legislation with international standards and promote naturalization, the large number of non-citizens illustrates the inequality of rights between the core nation and minorities in Latvia (the major control mechanism). On the one hand, there are opportunities for non-citizens to naturalize. On the other hand, non-citizens either have insufficient motivation or are faced with formidable obstacles to naturalization. Thus, the facilitation of naturalization and the elimination of the remaining unjustified differences between the rights of citizens and non-citizens seem to be one of the basic preconditions for the stabilization of democracy in Latvia.

The idea of a renewed Latvian democratic nation-state and the reversal of the ethnic and language hierarchies inherited from the Soviet period—perceived as the only way to secure the core nations' survival and state stability—provide the main explanation for the emergence of elements of ethnic democracy in Latvia. Latvia and Estonia are countries where political dominance of the core nation was established without the so-called ethnic principles, formally in compliance with democratic rule and international practice.¹²⁶ What factors do make democracy in Latvia ethnic or diminished today? The main features seem to be the following: favouring of the interests of the two (out of at least eight) ethnic communities; considerations of ethnic survival and political dominance of the core nation prevent the state from granting a broader scope of minority rights; and a weak political will to facilitate the resolution of the citizenship problem.

At the same time, certain conditions do exist in Latvia today which may advance the development of civic democracy: legal equality of individual citizen's rights; incentives of the state to promote various ethnic and cultural identities and communities; increasing state support and the effort of some state bodies and civil society to facilitate naturalization and civic participation. A relatively high level of tolerance of ethnic Latvians to minorities (particularly among the younger generations) and a high level of interethnic contacts on an 'unofficial level' contribute to democratic development.

The analysis of the role of ethnic factors in policies should be viewed in a broader context of democratic development in Latvia, characterized largely by a closed decision-making process and low civic and political participation.¹²⁷ It is not surprising that the quality

¹²⁶ Järve, *op.cit.*, p. 32.

¹²⁷ See more on the problems of public policy development in Latvia in United Nations Development Programme, *Public Policy Process and Human Development*, The 2000/2001 Latvian Human Development Report (Riga: UNDP, 2000/2001).

of decision-making in the field of ethnic policies is diminished as well, accentuated by the fact that the standards of multiculturalism and minority rights have not been internalized by most representatives of the political elite. Even minority rights experts have no shared opinions on various issues and on how to balance minority rights with nation-building. In addition, the interests of political parties often serve as a motive for nationalistic manifestations which influence public opinion. This context is a favourable condition for sustaining ethnic democracy. Yet, the liberalization of one minority-related issue has provoked an incentive to adopt 'compensatory' measures. It is impossible to predict the role of nationalistic feelings in the future given the instability of the party system and the changing political preferences of voters.

Still, the main conditions for stability of ethnic democracy in Latvia are the small numerical majority and a continued political majority of the ethnic nation, a continued threat perceived by the core nation to its cultural and linguistic dominance, the threat of potential disloyalty of non-core groups, the threat of Russia's intervention, as well as the limited impact of the international community on specific minority issues. The decrease in the number of non-citizens, domestic distribution of power with liberally oriented political actors, Latvia's accession to the EU and NATO, the increase in Latvian language proficiency among non-core groups, and the continuation of the mediating role of the international community are likely to facilitate the development of civic democracy in Latvia. However, the essential conditions for ethnic democracy, such as a potential disloyalty of non-citizens and perceived threats to the Latvian culture and language are likely to prevail in the long term. At the same time, the integration of Latvia into European structures can diminish the threat of potential disloyalty.

The model of ethnic democracy concerns a dilemma that haunts many Eastern and Central European states: How to harmonize the formation of the new state identity based on the majority culture with minority rights?

Some issues can promote further discussions on the model of ethnic democracy:

- Does implementation of the internationally acknowledged right of nations to self-determination and building of a nation-state always signal the emergence of ethnic democracy? Will the state inevitably shape its identity around a certain culture and language, particularly in a multicultural society?
- Does the existence of a 'core nation' always exclude full civic equality?
- What minority rights (collective rights as defined by Smootha) should be sufficient, 'equal', and 'complete', given that the practices of treating minorities in civic democracies also vary?
- Integration and nation-building is a two-way process and involves the state, the 'core nation' and 'non-core groups'. In a democratizing state, aside from the policies of exclusion, there can be several other factors adding to the alienation of non-core groups from the state, such as a slow change of state identity, lack of democratic skills and a lack of motivation to integrate. The assessment of mutual relationships between the state, the core nation and non-core-groups, and the role of non-core groups in democratization also seems to be important.

Georgia's Ethnic Democracy: Source of Instability

Natalie Sabanadze

This chapter addresses the issue of stability in ethnic democracy through the case study of post-communist Georgia. It argues that Georgia represents an exemplary albeit puzzling case of ethnic democracy. The puzzle consists of Georgia's continuous instability, even though it satisfies all the conditions outlined by Smootha as necessary for the sustained stability of an ethnodemocratic regime. The purpose of this chapter, therefore, is to explain the existing volatility of Georgia's ethnic democracy when theoretical conditions of stability appear to be present.

The basic argument is that the main source of Georgia's instability is the combination of its weak statehood with the regime of ethnic democracy. The model of ethnic democracy as developed by Smootha and others assumes, without making it explicit, the existence of a strong and well-functioning state when discussing the necessary preconditions for the stability, sustainability and efficiency of an ethnodemocratic regime. Authors of the model in its current form do not mention the importance of strong statehood, especially in terms of its coercive power and enforcement capabilities, as necessary preconditions for the stability of ethnic democracy. The Georgian example, however, shows that the combination of weak statehood with ethnic democracy can result in a highly volatile and unpredictable situation. Ethnic democracy is likely to be perceived as an unjust regime, because it is biased in favour of a core ethnic group. To frame the question in terms of the famous order vs. justice dichotomy, one might ask whether an unjust order can be sustained and kept stable. The answer probably is yes, provided that there is enough force and power to back it up and resist challenges that may arise sooner or later. Weak states with limited coercive power and enforcement capabilities are likely to face greater difficulties in sustaining order that is perceived as unjust even by a small portion of its population.

One can try and dismiss weak states as irrelevant for the study of the model since they are unstable by definition. Instability in this case stems from their weakness and not from the nature of the state regime, be it ethnic or liberal. However, authors of the model often refer to ethnic democracy as a transitory stage from no democracy to better democracy, which is particularly characteristic of weak and democratizing states in transition. According to Smootha, therefore:

Ethnic democracy is especially attractive to ethnic states that are democratizing. The transition from a non-democracy to a liberal, multicultural, or consociational democracy is too big a jump to make for some of these ethnic states, discovering ethnic democracy as a compromise that allows them to retain ethnic dominance

and ethnic nationalism along with democracy. Some of the independent states of the former Soviet Union, especially Estonia, Latvia, Georgia and the Muslim states, are moving in this direction.¹

Similarly, Priit Järve has pointed out that it would be more accurate to place ethnic democracy “in the context of regime change from authoritarian to democratic. Ethnic democracy should not be considered as an end station, at which a country has arrived, but rather as a part of its eternal journey towards a more democratic society”.² In this respect, ethnic democracy emerges as a characteristic regime of democratizing states that also tend to be weak due to the novelty and fragility of their democratic institutions. This makes weak states particularly relevant for the discussion of ethnic democracies, which the authors of the model themselves acknowledge. The Georgian experience highlights some of the shortcomings of ethnic democracy by pointing to its potential instability and associated risks that tend to be aggravated in the environment of multiethnicity and weak statehood. Institutionalization of ethnic bias soon after the declaration of Georgia’s independence resulted in the dramatic deterioration of majority-minority relations, the eruption of two unresolved ethnopolitical conflicts and a virtual territorial disintegration of the country. The structural weakness of a democratizing and multiethnic state such as Georgia, in combination with an unjust regime of ethnic democracy, not only destabilized the state but also undermined its territorial integrity and viability. Of course ethnic democracy can hardly be blamed for all the problems Georgia now faces, but it certainly made its contribution. Its use of exclusive ethnic nationalism legitimized minority claims and ethnicized their political and economic concerns. Ethnic democracy therefore becomes the source of instability in two main ways: first, it alienates minorities and by doing so undermines their loyalty to the state and legitimizes their claims which disrupts state security and stability; second, it ethnicizes mundane political and socio-economic grievances and by doing so removes them from the sphere of normal political bargaining and transforms them into an uncompromising struggle over nonnegotiable categories, such as ethnic identity, national pride and recognition.

In presenting the above argument this chapter relies on Smootha’s definition of basic terms and concepts used in his model of ethnic democracy. Therefore, from a very broad range of definitions of democracy Smootha accepts the minimal and procedural definition, according to which “democracy is a regime that is characterized by free elections, universal suffrage, change of governments and respect of civil rights”.³ This definition in his words includes many different countries in the democratic camp and recognizes numerous and novel versions of democracy.⁴ For the purpose of differentiation, Smootha introduces the concept of ‘quality of

¹ Sammy Smootha, *The Model of Ethnic Democracy*, ECMI Working Paper No.13 (Flensburg: European Centre for Minority Issues, 2001), p. 85.

² Priit Järve, *Ethnic Democracy and Estonia: Application of Smootha’s Model*, ECMI Working Paper No.7 (Flensburg: European Centre for Minority Issues, 2000), p. 29.

³ Smootha, *op.cit.*, p. 9.

⁴ *Ibid.*

democracy' and distinguishes between the high and low quality democracies. Ethnic democracy, in this respect, falls under the category of low quality or diminished type of democracy.

The ethnic component of the model is less clearly defined, but from general usage it emerges as an expression of an ethnically biased society in favour of the core group or the majority. Such an ethnocentric regime involves clear politicization of ethnicity and encourages political identification of both core and non-core groups along the lines of ethnicity. Ethnic nationalism under these conditions appears as a dominant ideology employed both by the majority and minority groups to legitimize their claims and grievances. The presence of opposing ethnonationalisms or counternationalisms in a single society creates a heightened sense of insecurity and perpetuates mutual antagonism and mistrust. It also results in the elevation of ethnicity over other forms of personal identification and the domination of political processes by the labels of collective belonging.

Societies that combine low quality democracy with politicized ethnicity can be described as ethnic democracies. According to Smooha, "this is democracy that contains the non-democratic institutionalization of dominance of one ethnic group".⁵ The state is designed to serve the interests not of all its citizens, but of the members of the majority group. Membership in groups cannot be acquired; it is given and is defined in terms of ethnicity, blood and descent. In spite of its low quality and non-democratic elements, ethnic democracy in Smooha's view, also exhibits some positive characteristics, among which stability of the regime and a greater recognition of collective rights than in traditional liberal democracies appear to be the most important.

In this view, despite all its shortcomings ethnic democracy is superior to liberal types of democracy in openly recognizing its non-assimilating minorities and granting them certain collective rights albeit of a limited scope. Liberal democracies, on the other hand, while formally advertising their ethnonational neutrality, informally continue to be shaped in accordance with the customs, needs and demands of the majority group. In addition, ethnic democracy is a viable and stable political regime where "destabilizing factors are counterbalanced by stabilizing forces".⁶ The stabilizing power of ethnic democracy consists in its flexibility and in the ability of the system to restore stability by making limited concessions to minority groups; and in its acknowledgement of collective rights and admittance of non-violent struggle for change, which in turn softens minority radicalism and increases their pragmatism and compliance to the existing rules. In addition, the sharp power imbalance between core and non-core groups characteristic to ethnic democracy serves as an effective deterrence perpetuating the status quo; finally, the machinery of control also stifles the opposition.⁷

The above arguments raise several normative and practical questions. From the normative standpoint, it is unclear why the recognition of collective rights at the detriment of basic human rights is a value in itself. Even in comparison with other models, the normative value of ethnic democracy appears questionable. For example, Smooha argues that ethnic

⁵ Smooha, *op.cit.*, p. 24.

⁶ Smooha, *op.cit.*, p. 48.

⁷ *Ibid.*

democracy is better than its liberal counterpart because instead of neglecting minority rights it officially recognizes them. However, it requires further substantiation to argue that 'recognition as exclusion' is necessarily better than 'neglect as inclusion'. The main point of granting minorities recognition is to ensure the just distribution of power and resources among the majority and minority groups within the multiethnic state. Since interethnic justice is not a concern of ethnic democracy, which Smootha admits is inherently unjust, then why is the institutionalization of collective identities an *a priori* positive phenomenon?

In addition, defining collective rights primarily in terms of ethnicity and granting them greater recognition than those of an individual raises age-old questions with regard to freedom of personal choices and an individual's self-determination that often go beyond collectively imposed values, duties and identities. It is easy to subordinate the individual to the will of a collective and discount him or her as an independent social actor. As Liah Greenfeld has observed, the celebration of ascriptive characteristics such as ethnicity "denies the individual the freedom of choice and the rights to self-determination, and make an accident of birth, if not a census category, a destiny".⁸ Since it is practically impossible to give equal recognition both to individual and collective rights, a state has to make a cautious choice in either entrenching collectivistic identities such as ethnicity or promoting civic identities and encouraging popular commitment to pluralism. In other words, the group-differentiating approach and the recognition of collective rights at the expense of those of an individual is not as unproblematic as it is often presented.

Another positive and more pragmatic value of ethnic democracy according to Smootha is its viability and stability as a regime. In his words, the stability of ethnic democracy is a function of certain conditions (to be discussed later), resulting in disintegration when they weaken or disappear.⁹ The case of Georgia, however, shows that the presence of the determining conditions is not always sufficient for the stability of ethnic democracy, which in combination with weak statehood may display not only destabilizing but also disintegrative tendencies. Therefore, the case could be made for Israel as a stable ethnic democracy; but for the democratizing states that have little coercive power and a very limited 'machinery of control', the model of ethnic democracy holds the prospect of ethnic and political turmoil rather than that of stability and prosperity.

This chapter explores the example of Georgia—why and how ethnic democracy can develop into a source of instability. It begins by providing background information on Georgia and continues with the discussion of its ethnic ascendancy, perceived threats and the nature of its diminished democracy. The final section describes the rise of ethnic democracy in Georgia by highlighting some of the major factors conducive to its emergence and concludes with the analysis of proposed conditions of stability and why these prove to be insufficient in the Georgian case.

⁸ Liah Greenfeld, "Democracy, Ethnic Diversity, and Nationalism", in *Nationalism and Internationalism in the Post-Cold-War Era*, Kjell Goldmann, Ulf Hannerz and Charles Westin, eds. (London: Routledge, 2000), p. 26.

⁹ Smootha, *op.cit.*

1. BACKGROUND

Georgia is a small, multiethnic state situated in the Southern Caucasus and covering a territory of 69,700 km². In its recent history Georgia was first incorporated into the Russian Empire and later into the Soviet Union. It was primarily in opposition to Russian rule that the idea of a unified Georgian nation was first developed and propagated by nineteenth-century Georgian intellectuals and later Marxists. During Soviet times, Georgian national identity was finally formed and acquired its current characteristics. The Soviet legacy played a very important, if not the decisive, role in the development of post-communist nationalism in Georgia and in its transition from communist authoritarianism to flagging ethnic democracy. According to Ronald Grigor Suny:

By the 20th century Georgians were a self-conscious nationality with an articulate political leadership the Mensheviks, who briefly held power in an independent state. But remarkably, and against all expectations of many observers, the most complete consolidation of the Georgians as a nation came in the seven decades of Soviet power. Although the thrust of Marxism had seemed opposed to the creation of a coherent and separate Georgian nation, the actual evolution of Soviet Georgia resulted in the emergence of a conscious nation with its own national intelligentsia and political elite.¹⁰

Georgians today comprise more than two thirds of the total population, constituting an absolute majority in the central-western, western and easternmost districts of the country. In western Georgia approximately 81.4 per cent of the total population is Georgian, while in east Georgia it is 61.6 per cent.¹¹ The cities tend to be more multiethnic in their composition with the notable exception of Kutaisi—the second largest city in Georgia that is 90 per cent Georgian. The capital city Tbilisi was a cosmopolitan centre of the nineteenth-century South Caucasus dominated by the Russian and Armenian bourgeoisies. During the twentieth century, with the increase of the Georgian population and its ethnic consolidation under Soviet rule, Tbilisi was transformed into a largely Georgian city, becoming in Suny's words, the capital of the national state in its full ethnic sense.¹²

By the mid-1970s, Georgians amounted to 70 per cent of the total population, comprising a clear numerical majority. The remaining 30 per cent represented nine major minorities and about 100 different nationalities residing throughout the country. These minorities live both in territorially concentrated and dispersed communities. According to the 1989 census, the largest minority living in Georgia was Armenian, amounting to eight per cent of the total population, followed by the Azeris, Russians, Ossets, Abkhaz, Greeks, Jews, Kurds and

¹⁰ Ronald Grigor Suny, *The Making of the Georgian Nation*, 2nd ed. (Bloomington, Ind.: Indiana University Press, 1994), p. 334.

¹¹ Revaz Givievich Gachechiladze, *The New Georgia: Space, Society, Politics* (London: UCL Press, 1995), p. 75.

¹² Ronald Grigor Suny, "Transcaucasia: Cultural Cohesion and Ethnic Revival in a Multinational Society", in *The Nationalities Factor in Soviet Politics and Society*, Lubomyr Hajda and Mark Beissinger, eds. (Boulder, Colo.: Westview Press, 1990), p. 239.

Meskhethian Turks. According to unofficial results of the latest 2002 census, the number of Georgians further increased from 82 to 83 per cent, while the total population declined. Reportedly, many Greeks, Russians and Jews have emigrated from Georgia due to deteriorating socioeconomic conditions in the country.¹³

As Stephen Jones has pointed out, “Georgian–minority relations, although characterized by mutual prejudice and national stereotypes, have on the whole been peaceful. Notable exceptions to this occurred between 1918 and 1921, when Georgia was independent; in the 1970s when Moscow’s economic and political control declined in the republic; and again today, when Georgia is fighting for political and economic survival”.¹⁴ The most dramatic deterioration of relations occurred in the early 1990s, when Georgia made its bid for national independence and embarked on what Brubaker would characterize as the nationalizing policies of state-building. Georgia’s nationalism was countered by the minority nationalisms of the autonomous regions, which with Russia’s support tried to secede from Georgia and declared independence. This confrontation culminated in the eruption of two ethnopolitical conflicts on Georgian territory, first in South Ossetia and then in Abkhazia.

The Abkhaz and Ossets were by far not the most numerous of Georgia’s minorities; however, they were the ones who enjoyed the status of autonomy under Soviet rule.¹⁵ As nationalists succeeded communists in Georgia, the issues of power-sharing, degrees of independence and adequate status guarantees within the newly independent Georgia became the major bones of contention—with neither side willing to compromise. Georgians were particularly angry with the Abkhaz and Ossets for their opposition to Georgia’s independence and accused them of disloyalty and support of the flagging Soviet Union. The Abkhaz and Ossets, on the other hand, acted arguably in self-defence, fearing the aggressively nationalistic stance of the new Georgian government, which was trying to ‘regain Georgia for Georgians’. The early and rather unskilled attempts at nationalizing the newly independent Georgian state left ethnic minorities alienated and confrontational, while Russia’s political and material support encouraged autonomous entities to actively confront Georgia and undermine its territorial integrity and viability.

Georgia’s relations at the time with its other minorities were on the whole peaceful; however, there is a certain fear that seeds of tension planted in the early days of independence may create the potential for conflict, especially among the highly concentrated communities of Armenians and Azeris. Among the territorially dispersed groups living in Georgia the

¹³ The only official demographic data available for Georgia is from the 1989 census. In January 2002, the State Department of Statistics conducted another census, but its results have not been officially publicized. The latest census did not include the breakaway regions of Abkhazia and South Ossetia. According to media reports, Georgia’s total population currently amounts to 4.4 million, which is one million less than in 1989. Georgians comprise more than 80 per cent of the total population, while the largest minorities remain Armenian and Azeri minority groups. Available at <http://www.civil.ge>.

¹⁴ Stephen Jones, “Georgia: The Trauma of Statehood”, in *New States, New Politics*, Ian Bremmer and Ray Taras, eds. (Cambridge: Cambridge University Press, 1997), p. 508.

¹⁵ Soviet Georgia comprised two autonomous republics and one autonomous region. South Ossetia was the autonomous region, while Abkhazia and Ajara (populated by Muslim Georgians) were granted the status of autonomous republics.

largest was the Russian minority. The majority of Russians settled in Georgia during the Soviet period and inhabited urban areas such as Rustavi, Tbilisi and the cities of Abkhazia. There has been a clear tendency of increasing emigration of Russians from Georgia over the past few years, along with Jews and Greeks. Therefore, it is difficult to assess how significant these minorities remain today.¹⁶

The largest minority living in Georgia is Armenian. In 1989 they numbered 437,200 (8.1 per cent) and lived primarily in the capital city Tbilisi and the southern region of Javakheti. Up until the early 1990s, about 150,000 Armenians lived in Tbilisi, comprising over 12 per cent of the city's population. Before the war in Abkhazia, about 100,000 Armenians also resided in the cities of Abkhazia, such as Gagra and Sukhumi. Now, a large part of the urban Armenian community has emigrated from Georgia. According to a report from Minority Rights Group International, about 350,000 Armenians remain and are largely concentrated in the rural areas of Javakheti and in the remote southern region of Georgia bordering Turkey and Armenia.¹⁷ Armenians in Javakheti constitute about 95 per cent of the region's population and are mostly descendants of those who arrived in Georgia fleeing Ottoman persecution. To the present day, the perception of the 'Turkish threat' in the region is very strong. Anti-Turkish feelings, along with close ties with Armenia proper and a strong sense of a cohesive, distinct community are among the main defining features of the Armenian population in Javakheti.

The Azeris are currently the second largest minority in Georgia, concentrated mainly in the rural areas of the Kvemo Kartli province bordering with Azerbaijan. In 1989 they numbered 307,500, comprising 5.7 per cent of the total population. Eighteen thousand Azeris also resided in the capital city Tbilisi. There are also small Azeri neighbourhoods in other regions of Eastern Georgia, mainly adjacent to Azerbaijan. Updated demographic data is not yet available; however, in the last census Azeris represented the fastest growing minority in Georgia with the least tendency to emigrate. The majority of ethnic Azeris living in Georgia are Shiite Muslim and a small number of them are Sunni Muslim. Azeris are mostly engaged in agricultural production, contributing significantly to Georgia's overall agricultural output and traditionally supplying agricultural products to the capital. Unlike the Armenians of Javakheti, the Azeri minority seldom attract the attention of the public or the media. In the early days of independence, however, occasional ethnic skirmishes occurred between the members of Azeri and Georgian ethnic groups, and some Azeri activists articulated the idea of autonomous status within Georgia. Currently the Azeri population appears as a passive supporter of Georgia's incumbent regime and is characterized by the highly closed and secluded nature of the community and weak participation in public and political life.

The characteristic feature of majority-minority relations in Georgia is the striking isolation of the minority communities from the country's mainstream politics. Aggressive ethnonationalism has lost much of its earlier sway and appeal in Georgia; however, very

¹⁶ The data is cited from the website of the Parliament of Georgia. See the webpage http://www.parliament.ge/GENERAL/C_D/ethnic.html.

¹⁷ Anna Matveeva, *The South Caucasus: Nationalism, Conflict and Minorities*, MRGI Report (London: Minority Rights Group International, 2002), p. 18.

little has been done to counter its legacies and remedy the damage inflicted. The minority populated regions of Georgia are poorly integrated and badly represented in the central government. For example, out of 235 MPs, the Azeri minority has only six, most of who do not speak proper Georgian and cannot actively participate in the political debates and legislative activities. Independent media does not cover the remote areas where minority ethnic groups have no access to information and have limited knowledge of the ongoing processes in their own state of residence. This information vacuum is often filled with rumours and alternative sources of information from neighbouring countries, further alienating minorities from Georgia and undermining their loyalty to the state. The language is a fundamental problem in this respect. The Georgian state requires knowledge of Georgian and yet does very little to promote its learning among the non-Georgian population. As a result most members of minority groups do not have a working knowledge of Georgian and see themselves discriminated against in the workplace and public life in general.

2. ETHNIC ASCENDANCY

Georgia's post-independence history can be divided into two main stages. The first is the stage of ethnic ascendancy characterized by the large-scale national mobilization, the rise of exclusive ethnonationalism and the establishment of hard-line ethnic democracy. The second stage is that of ethnic demoralization following the failure of the nationalist regime, defeat in Abkhazia and the return to power of the former Communist bosses. In this second stage of its post-independence history Georgia was more successful in terms of consolidating power and acquiring international recognition. Its nationalistic fervour had also abated and the new regime seemed more sensitive to minority issues. Nevertheless, Georgia's traditional ethnic bias was never openly confronted and continued to exist as Georgia developed into a relatively moderate, standard ethnic democracy.¹⁸

Georgia began its independent existence with comparatively free elections that brought to power the nationalistic regime of Zviad Gamsakhurdia. Gamsakhurdia was the son of a famous Georgian writer and a former dissident, who due to his anti-communist past and charismatic qualities gained quick popularity and was elected the first president of independent Georgia with the support of 87 per cent of the electorate. Under his leadership Georgia embarked upon its aggressive nationalizing policies of reconstructing and glorifying the pre-communist Georgian past and promoting the idea of Georgia as a land belonging primarily, if not solely, to the Georgian people. Gamsakhurdia and his followers propagated the vision of independent Georgia in which Orthodox Christianity, age-old Georgian customs and traditions, Georgian language and an unquestionable dominance by the core Georgian nation would have been institutionalized and remained intact. As a result, ethnic nationalism became the dominant ideology, single-handedly replacing its communist predecessor.

¹⁸ For the distinction between the hard-line and standard ethnic democracy, see Smooha, *op.cit.*, p. 41.

In the nationalistic vision of Georgia there was very limited room for minorities, who in the best case were regarded as guests. The new Georgian government based much of its ethnic policies on the distinction between so-called indigenes and settlers. For example, the abolition of the South Ossetian autonomous region in December 1990,¹⁹ which provoked open confrontation with the Ossets, was justified on the grounds that the Ossets were relatively recent settlers in Georgia, and as Stephen Jones describes “they were illegally granted an autonomous region by the Bolsheviks in 1922 as a reward for their anti-Georgian activity during the civil war of 1918–21”.²⁰

The nationalizing policies of Gamsakhurdia's regime were aimed at ethnic consolidation and the establishment of Georgian hegemony in the country, which not only alienated the entire minority population, but also legitimized their counter-nationalistic claims—which in the case of Abkhazia and South Ossetia resulted in bitter wars. Ossetian feelings were first inflamed in November 1988 when nationalist parties managed to pressure the then Communist regime and approve the law on strengthening the Georgian language. In the same year an unofficial nationalist organization was founded in the Armenian-populated Javakheti, which according to a report by the Caucasus Institute for Peace, Democracy and Development (CIPDD), countered the rising Georgian nationalism with an Armenian analogue.²¹ Its initial claim was to protect Armenian culture and language, but around 1992 to 1994 they were demanding autonomy for Javakheti and actively opposing the creation of the Samtskhe-Javakheti administrative province. Similarly, in Azeri-populated regions the idea of a special autonomous arrangement for Azeri ethnic enclaves gained certain prominence in response to Georgia's nationalizing policies. In sum, Gamsakhurdia's uncompromising nationalism transformed Georgia's multinational character, once the source of its pride and development, into a factor for risk and instability.

Georgian nationalists soon began to demonstrate their poor grasp of political and economic affairs and soon lost the popularity they had enjoyed in the heyday of the national independence movement. Gamsakhurdia himself, faced with increasing difficulties, appeared at a loss and started to display authoritarian tendencies—further igniting not only the minority but also the majority opposition to his regime. By the end of Gamsakhurdia's first year in office, the state had practically disintegrated, and the armed opposition, who was gaining momentum, managed to forcefully eject him both out of the office and out of the country.

The collapse of the short-lived nationalist regime was followed by the return of former Communist Party leader Edward Shevardnadze. In 1992 relatively free and fair elections confirmed Shevardnadze as the head of state, and he was then elected two more times as president. He tried to temper the exclusivist nationalistic rhetoric and introduce more

¹⁹ Later Shevardnadze acknowledged that the abolition of South Ossetia's autonomy was the gravest mistake made by Georgian government since independence. Currently, the final status of the region remains open due to unresolved issues in the territorial organization of the country. The restoration of autonomy is not being questioned; it is the scope and the distribution of power between the centre and the autonomous regions that is being discussed.

²⁰ Stephen Jones, *op.cit.*, p. 513.

²¹ Caucasus Institute for Peace, Democracy and Development (CIPDD), *Ethnic-Confessional Groups and Challenges to Civic Integration in Georgia*, Report (Tbilisi: CIPDD, 2002), p. 30.

inclusive minority-friendly policies. The conflict in South Ossetia was contained, but the outbreak of the war and a subsequent defeat in Abkhazia became imminent.

The failure of Gamsakhurdia's regime along with the humiliating loss of Abkhazia to a certain extent undermined the legitimacy of ethnocentric rule in Georgia. Nationalistic ideology lost its appeal, while the defeat in Abkhazia forced Georgians to rethink once again the kind of country they wanted to build. According to Suny, "whereas Armenia's victory in the Karabakh war led to a more intransigent stance, Georgia's defeat has resulted in a serious questioning of paths it had taken".²²

Shevardnadze's return was followed by the prolonged effort to devise a new constitution and mend the country's fragmentation into warring ethnicities and social groups. According to Article 38 of the new Constitution, all citizens in Georgia are equal irrespective of their national, ethnic, religious or language origin. Every citizen is allowed to hold any official state position as long as he/she satisfies the established requirements (Article 29). The Georgian state follows the universally recognized principles and norms of international law and grants all its citizens "the right to develop their culture freely without any discrimination and interference. They may use their language in private and public life" (Article 38). The official state language is Georgian with the exception of Abkhazia, where Abkhazian is also a state language (Article 8). Proficiency in Georgian, however, is essential for gaining access to work and fully participating in public life. The Education Law grants the representatives of national minorities the right to receive education in their native language. The Public Association Law allows for various cultural and ethnic societies to function. The Political Parties Law, on the other hand, bans political parties and organizations created solely on ethnic or territorial principles. That is why, for example, most of the Javakheti politicians compete in elections under the umbrella of Tbilisi-based national parties, while in reality their affiliations lie with local unofficial parties such as 'Javakh'.²³

Georgia also adopted a relatively liberal citizenship law and signed a number of international treaties and conventions on the protection of human rights and minority rights including the European Convention on Human Rights and Fundamental Freedoms and the Vienna Convention on the Protection of Ethnic Minorities. In 1999 the Council of Europe (CoE) accepted Georgian membership when Georgia adopted a law on ethnic minorities and agreed to repatriate Meskhethian Turks deported by Stalin from Georgia to Central Asia. A separate Parliamentary Committee for Human Rights and Ethnic Minorities was set up to monitor the implementation of the basic principles of minority protection as envisaged by the law and international documents accepted and signed by Georgia. More specifically, Georgia undertook to guarantee the protection and development of minority cultures; to ensure fair and adequate representation of ethnic minorities in the structures of state governance; and to guarantee the publication and dissemination of press as well as educational materials in the native language of minorities.

²² Ronald Grigor Suny, "Provisional Stabilities: The Politics of Identities in Post-Soviet Eurasia", *ACLS CRN Working Papers* (March 2001), p. 11. Available at http://www.dartmouth.edu/~crn/crn_papers/Suny.pdf.

²³ Javakh was a nationalist Armenian party in Javakheti later transformed into a more moderate, cultural organization called Virk. Virk tried to compete in the elections but was denied registration due to its ethnonational as opposed to political character. See CIPDD, *op.cit.*, p. 30.

Georgia's disillusionment with ethnic nationalism, the legislative changes associated with the return of Shevardnadze and the new regime's stated desire to overcome Georgia's ethnic divisions and build an inclusive, civic nation-state gave many observers a reason to be optimistic. It appeared as if Georgia was turning away from its ethnocentric approach to nation-building towards a more liberal and civic one. However, developing civic nationalism in a country where ethnocentric traditions prevail is an ambitious project that requires great effort and determination and cannot be restricted to constitutional provisions made under international pressure. The Georgian government was either unable or unwilling to deliver on its promises and implement the legal obligations in practice. It failed to come up with a coherent ideology that would counter the legacies of ethnic nationalism. It never engaged in open public debate on how it was going to follow through on its promises and build an inclusive, civic nation-state for all the citizens of Georgia. As Ghia Nodia noted, "how and on what terms should minority groups integrate into Georgian society ... has hardly ever become a subject of serious public discussion".²⁴

Minorities may have acquired some constitutional guarantees, but there is a suspicion that the overwhelming majority of minority populations are simply unaware of them. The laws are not translated into other languages (with the exception of English which does not help many rural Azeris and Armenians), and the minorities know nothing about new legislative acts issued by Parliament or executive agencies. Such ignorance of rights and entitlements among the population is conducive to the abuse of power on both local and regional levels of government. The media coverage is highly restricted in Georgian, let alone in the native languages, thus contributing to the estrangement of non-Georgian ethnic groups from the rest of society. In addition, minorities are underrepresented both in the central government and in the local administration, and their concerns are largely absent from the state's official political agenda. For example, as a rule non-Azeri citizens are assigned to key positions in the local government of Azeri-populated areas on the basis that Azeris normally do not speak Georgian. The most senior position occupied by an ethnic Azeri in Georgia is the office of the Deputy Minister for Energy. It is practically inconceivable for a non-Georgian to reach the highest echelons of power despite the existence of the necessary constitutional provisions. However, many would argue that the problem is not only with government jobs. Ethnic Georgians, minorities claim, have an advantage over other ethnic groups in gaining employment of many types. Georgia, in sum, may have eliminated its ethnic bias on paper, but in practice it remains a clear case of ethnically biased, low quality democracy.

Since 1989, therefore, Georgia underwent two significant political transformations: first, when the communist regime collapsed, and was replaced by that of the nationalists and, second, when the nationalist regime collapsed and was replaced by that of Shevardnadze. The characteristic feature of the latter regime when it comes to the treatment of minorities is the striking discrepancy between the rules written and the rules practiced, as was outlined above. Even though the Georgian government devised the relatively liberal Constitution and boasts of its proclaimed equality, it has done nothing to confront the deeply entrenched feelings of Georgian superiority and is likely to face further difficulties in maintaining state cohesion and

²⁴ Ghia Nodia, "Introduction", in *Ethnic-Confessional Groups and Challenges to Civic Integration in Georgia*, Report (Tbilisi: Caucasus Institute for Peace, Democracy and Development, CIPDD, 2002), p. 5.

stability. In addition, there is a danger that aggressive Georgian nationalism, although slightly modified with religious rather than ethnic overtones, is again on the rise and the government is succumbing to its pressures.

In recent years nationalism has been re-entering Georgia's political scene. The new version of contemporary Georgian nationalism puts special emphasis on religion, elevating Orthodox Christianity as the main locus of Georgian national identity. It is highly intolerant of non-traditional religious minorities and seems to be gaining political prominence as demonstrated by the government's endorsement of the highly controversial concordat on 14 October 2002. The international community has voiced concerns over the document, which in the words of the Commission on Security and Cooperation in Europe (CSCE) creates "an unbalanced playing field against other religious minorities".²⁵ The CSCE has also expressed concern over the circulating draft law on religious minorities, which may significantly restrict religious freedom in the country. The popular support for such actions, however, is increasing as parliamentarians such as Sharadze rally people and make inflammatory statements about the so-called dangers of non-Georgian Orthodox and other religious groups to Georgian society and nationhood.

Many observers were quick to note that the ongoing reactivation of religious motives signalled the return of Georgian ethnic nationalism in a different dress. Orthodox Christianity, due to Georgia's historical specificities, is increasingly referred to as a 'national ideology' and is assigned the role and function of previously discredited ethnic nationalism. The return of ethnic nationalism in alliance with religious intolerance may undermine Georgia's already shaky international reputation and encourage its fragmentation—not only along ethnic but also along confessional lines. Similar to the predominant perception of ethnic minorities, non-Orthodox religious groups and their adherents are seen as foreign elements plotting anti-Georgian conspiracies and are characterized as dangerous and threatening to the Georgian state and society. The traditional perception of minorities as threats typical of ethnic democracies is what partially explains the susceptibility of Georgian society to intolerance and non-democratic tendencies.

3. PERCEIVED THREATS

There is widespread suspicion that minorities are disloyal to the Georgian state. The majority of which refuse to serve in the Georgian army, they foster close ties with their ethnic kin-states and in cases of crisis they are likely to side with their neighbouring states rather than with Georgia. Some of them fought against Georgia in Abkhazia and South Ossetia.²⁶ They appear

²⁵ Commission on Security and Cooperation in Europe (CSCE) "Commission Staff Meet with Georgian Officials while Religious Persecution Persists", *CSCE Digest* 35 (2002), 20, p. 2. Available at http://www.csce.gov/digest_text.cfm?digest_id=42.

²⁶ Reportedly, many Armenians and Russians living in Abkhazia supported the Abkhaz against Georgia. An Armenian battalion was formed and fought against Georgians in Abkhazia, provoking anti-Armenian feelings in the rest of the country and especially among the Georgian refugees from Abkhazia.

more susceptible to manipulations from outside making Georgia more vulnerable and open to foreign intervention. More specifically, minorities in Georgia are associated with threats of separatism, territorial disintegration, opposition to Georgia's perceived or real national interests such as independence, territorial-administrative arrangement, choice of regional and international political alignments, and with Georgia's relative vulnerability *vis-à-vis* Russia. Minorities, in sum, appear to be threatening to Georgia's national security interests. As Ursula Doroszewska has observed, "the two examples of Abkhazia and Nagorno-Karabakh demonstrate that the question of national minorities in the former USSR is much more directly tied to national security concerns than is the case in Western Europe and Canada".²⁷ This further complicates majority-minority relations in the post-communist countries. It induced Georgians to act from a position of insecurity and encouraged them to endorse nationalistic policies aimed at the defence of majority as opposed to minority rights.

Georgia's relations with its minorities are therefore determined by two main factors: first, is the association of minorities with threats to national security and strategic interests; and, second, is the sense of insecurity deeply entrenched within the core Georgian group and arguably stimulated by the history of foreign invasion, attempted Russification and a weak demographic representation in the country's borderline periphery.²⁸

In the wake of Soviet dissolution, minorities openly opposed Georgia's bid for independence. Those with autonomous status, namely Abkhazia and South Ossetia, stated their preference to remain in the Soviet Union as either union republics or declare their own independence and secede from Georgia. Even though Abkhaz and Ossets together barely made up five per cent of the republic's total population, they developed strong secessionist movements while, according to Jonathan Aves, autonomous arrangements gave a territorial coherence to their claims.²⁹ The confrontation escalated into open warfare and led to *de facto* territorial disintegration of the Georgian state. The breakaway republics received significant political and military support from Russia, which took advantage of ethno-political conflicts in the South Caucasus in order to exert pressure and force the newly independent states into accepting Russian dominance of the region. According to Neil MacFarlane, "the classic example here was the manipulation of Georgia's conflicts to secure Georgia's accession to the CIS and long-term leases on military facilities in Georgia".³⁰

The implications of Georgia's humiliating defeat for its relations with minorities were twofold. First, it delegitimized, in the eyes of Georgians, any fears and aspirations minorities might have had as artificial and inspired by Moscow. According to Alexander Kukhianidze, the Georgian public suspected that the Kremlin was using the national minorities as a 'fifth

²⁷ Ursula Doroszewska, "Rethinking the State, Minorities, and National Security", in *Can Liberal Pluralism be Exported*, Will Kymlicka and Magda Opalski, eds. (Oxford: Oxford University Press, 2001), p. 130.

²⁸ Stephen Jones, *op.cit.*, p. 511.

²⁹ Jonathan Aves, "The Rise and Fall of the Georgian Nationalist Movement, 1987–91", in *The Road to Post-Communism: Independent Political Movements in the Soviet Union, 1985–91*, Geoffrey A. Hosking, Jonathan Aves and Peter J.S. Duncan, eds. (London and New York: Pinter Publishers, 1992), p. 160.

³⁰ Neil MacFarlane, *Western Engagement in the Caucasus and Central Asia* (London: Royal Institute of International Affairs, 1999), p. 53.

column', or as time bombs ready to be reactivated at Moscow's will.³¹ Second, it created lasting fear of autonomous arrangements as mere intermediary steps towards secession. As Neil MacFarlane observed on the example of the South Caucasus, there exists a certain connection between the Soviet institutionalization of minority identities in autonomous political formations and the instance of ethnopolitical conflict. Three out of five autonomous jurisdictions in this region became involved in civil wars following the collapse of the Soviet Union. According to MacFarlane, in cases of larger minority groups such as Armenians or Azeris in Georgia that "did not enjoy autonomous political structures in the Soviet era, and where their elites did not develop the same degree of entrenched status, war has been avoided despite the existence of substantial inter-ethnic tension".³² Similarly, Svante Cornell concluded on the example of Georgia's autonomous units that there is "considerable reason to argue that the institution of territorial autonomy may be conducive not to interethnic peace and cooperation but rather may foster ethnic mobilization, increased secessionism, and even armed conflict".³³

Georgia's current relations with its Armenian and Azeri minorities are still very much driven by the fear that movements for autonomy may develop and ignite yet another ethno-political conflict. There are also fears that the potential for conflict may be activated by the potential rise of ethnonationalistic sentiments from both sides. The situation is particularly complex in the case of the Javakheti Armenians, where a Russian military base represents an additional risk factor. The military base is the main employer in this poor and underdeveloped region and Armenians see it not only as the major source of income, but also as the guarantor of their security on the border with hostile Turkey. Georgians, on the other hand, have repeatedly demanded the withdrawal of the Russian military presence from their territory and are inhibited in the pursuit of their demands by the Armenian minority. In case of withdrawal there is also a danger that the Russians will arm the group of local militant Armenian nationalists and thus make conflict practically unavoidable. According to Svante Cornell, "Tbilisi is in a way held hostage by the Russian military presence forced to accept its continued existence for fear of the armament of forces hostile to the government—this is the case in Abkhazia, as well as Javakheti".³⁴

Any potential conflict in Javakheti is likely to involve the entire region and call into question the communication and energy projects in the South Caucasus, damaging Georgia's vital interests and undermining regional security. Contrary to many predictions, the situation in Javakheti has remained peaceful, but Georgia fears the influence of Armenia proper and the

³¹ Alexander Kukhianidze, "The Armenian and Azeri Communities in Georgia: On Georgia's Nationalities and Foreign Policies", in *Commonwealth and Independence in Post-Soviet Eurasia*, Bruno Coppieters, Alexey Zverev and Dmitry Trenin, eds. (London: Frank Cass, 1998), p. 120.

³² Neil MacFarlane, "Democratization, Nationalism and Regional Security in the Southern Caucasus", *Government and Opposition* 32 (1997), 3, pp. 399–420, at p. 410.

³³ Svante E. Cornell, "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective", *World Politics* 54 (January 2002), pp. 245–276, at p. 247.

³⁴ Svante E. Cornell, *Small Nations and Great Powers: A Study of Ethnopolitical Conflict in the Caucasus* (Richmond: Curzon Press, 2001), p. 179.

close links Javakheti Armenians have with their kin-state. Despite strong cultural and religious ties between Georgia and Armenia, political interests have often led the two countries in opposing directions. Both in the beginning of the century and today, energy-dependent Georgia has given priority to its relations with Azerbaijan. Today, Georgia is practically in alliance with Turkey and Azerbaijan promoting US oil interests in the region, while Armenia maintains its close ties with Russia. Georgia's pro-Western stance has not been exactly appreciated in Russian political circles, and some Russian military analysts have explicitly recommended that the Russian government encourage the annexation of Javakheti by Armenia if Georgia supports NATO's involvement in the South Caucasus.³⁵

The central authorities in Armenia see no interest in promoting separatism in Javakheti and have maintained good relations with Georgia. In the spring of 1996 a Yerevan court reportedly suspended the daily Armenian newspaper for three months for having published an article advocating the annexation by Armenia of the Armenian populated regions of Southern Georgia.³⁶ Armenia at the moment cannot afford another conflict with neighbouring Georgia and is aware that Georgia offers the only transit route to Russia and Europe for the landlocked and isolated country. In 2001 Shevardnadze paid an official visit to Yerevan, and a new bilateral treaty of friendship, mutual security and cooperation was signed. Similarly, the Azerbaijani government gave no support to early Azeri demands for autonomy. Later, the Shevardnadze–Aliiev alliance further diffused tensions and fostered so-called indirect loyalty, which increases when “the social, civil and political activity of the community depends mostly on the relationship between the country of residence and the country of ethnic origin”.³⁷ In the case of the Azeri minority, this indirect loyalty has also been expressed in almost unanimous support of the incumbent Georgian government and wariness to get involved in the internal political affairs of the country.

It follows that the majority-minority relations in Georgia are closely intertwined with regional political dynamics and Georgia's relations with its neighbours. Georgia's internal stability therefore largely depends on its external affairs, which further intensifies its sense of insecurity. Up until now, the three South Caucasian states have played off each other's mutual vulnerabilities well. Armenia depends on Georgia for transit and communication, and thus discourages the dissatisfied Armenian minority from openly voicing their concerns; while Azerbaijan is allied with Georgia and hosts about 15,000 ethnic Georgians in its own territory, it has a clear stake in promoting interethnic peace. However, should the existing regional dynamics be altered through the involvement of strong regional powers such as Russia or Turkey, the internal vulnerability of Georgia may easily become obvious and leave it open to foreign penetration and internal disruption.

³⁵ See *Nezavisimaya Gazeta*, 27 March 1997, also cited in *ECMI Brief*, No. 6.

³⁶ Darchiashvili, *op.cit.*, p. 123.

³⁷ CIPDD, *op.cit.*, p. 11.

4. DIMINISHED DEMOCRACY

The political system in Georgia functions as a diminished democracy both for its majority and minority groups. In this sense it is unlike a typical ethnic democracy such as Israel, which is a diminished democracy specifically for the Arab minority and not for the Jewish majority. The general characteristics of Georgia's low quality democracy affect all its citizens equally. However, a case can be made that minorities suffer more since they are largely isolated from the ongoing democratic processes in the country and predominantly inhabit remote provinces where the level of democratic participation is lower than average and the abuse of power more blatant.

Three main features stand out as characteristics of Georgia's diminished democracy. First is the international pressure to democratize; second is the striking discrepancy between the law and practice; and third is the significant difference in degrees of democratization between the regions and the capital city. The interplay of the above tendencies along with the central position of Edward Shevardnadze as the head of state largely determines the current condition of Georgia's democracy which is of a low quality for all its citizens. However, Georgians in general have a better chance of making their grievances heard and attracting media attention than minorities whose concerns rarely make it to the news headlines to become subjects of open public debate.

International pressure has played an important role in laying the foundations of democracy in Georgia and in ensuring that the basic principles of democracy are protected by the Constitution and state laws. However, the low standard of democratic practice and the poor implementation of democratic norms and procedures have in recent years attracted greater criticism from Western donors and international agencies. Georgia's initial success in introducing the basics of democracy was stimulated to an extent by its need to attract greater Western support and engagement in order to counter Russia's traditional influence. By declaring its pro-Western orientation, Georgia further alienated Russia and found itself in ever greater need of international backing. As a result, Georgia was encouraged to harmonize its legislature with international requirements in order to ensure its accession to the Council of Europe (CoE) and the World Trade Organization. The Minorities Law, for example, was a precondition for CoE membership and was drafted and ratified rather unwillingly by the Georgian Parliament. After its accession, however, Georgia's human rights record and the overall standard of its democracy did not improve. Some local human rights defenders argue that the incentive has disappeared and the government has become less sensitive to the opinion of the international community.³⁸

In its earlier search for international recognition, Georgia significantly democratized its legislature, reformed its governmental structures, conducted internationally recognized 'free and fair elections' and endorsed democratic principles of freedom of speech and assembly. The media officially became free and independent, comprising several independent TV companies and approximately 200 newspapers in circulation. However, a closer look at Georgia's democratic transition suggests a much bleaker picture, with the standards of democratic practices deteriorating over time.

³⁸ Matveeva, *op.cit.*, p. 25.

The worrying practice of descent rules has become one of the main characteristics of Georgia's democracy and one of the main determinants of its low quality. For example, despite the existence of a multiparty political system there is little evidence of effective party development in the country. The central government exercises no authority over the breakaway regions of Abkhazia and South Ossetia, which remain outside the electoral process. The last presidential elections held in April 2000 were marred by numerous irregularities especially in the provinces. In addition, power is highly concentrated around President Shevardnadze, even though significant political divisions exist. According to Neil MacFarlane, "observers generally agree that, despite the emergence of a more effective and representative parliament, power is exercised through a network of patron-client relations centred upon Edward Shevardnadze and in a personalistic fashion".³⁹

Even though the Constitution provides for an independent judiciary, it is often subject to executive pressure and evidence exists of repeated political interference in judicial matters. Similarly, the Constitution and the law provide for freedom of the press; however, although in general the press is free, there have been several instances of intimidation of journalists by the security forces. The Human Rights Report issued by the U.S. Department of State states that journalists usually practice self-censorship but some of them are able to publish and broadcast extremely critical views of the officials and their conduct. According to the same report, the police on several occasions restricted freedom of assembly, also provided by the Constitution, and law enforcement authorities dispersed several peaceful gatherings. Even though the government generally respects the right of religious freedom, it has also tolerated discrimination and harassment of some religious minorities by Orthodox extremists.⁴⁰

Another striking feature of Georgia's democratic transition is that the degrees of democratization vary significantly from the capital city to the regions. This is partially to do with the fact that independent TV stations and newspapers that are uninhibited in their criticism of the government, and perhaps represent the main pillars of Georgia's democratic regime, have a limited coverage and are largely restricted to the capital and its vicinity. The regional governors, therefore, seem much less concerned with adhering to democratic rules than the central authorities in Tbilisi. Most of the electoral violations, such as vote rigging and false registering, therefore tend to occur primarily in the regions.

Ethnic minorities living in Georgia are particularly affected by this last characteristic of Georgia's diminished democracy since they are concentrated in the peripheral regions of the country. The further one goes from the capital the less of an impact democratic reforms appear to have made. This means that minorities are left with very limited democratic mechanisms for voicing their concerns and making their opinions heard. The lack of independent media coverage in the regions further complicates the situation and breaks down the communication between the centre and the periphery. There is practically no democratically mediated dialogue between the state and its minorities, which inhibits mutual understanding and further escalates the sense of fear and distrust. As noted in the CIPDD report, being informed about events in the country is a necessary precondition for participating in them.

³⁹ MacFarlane, "Democratization ...", *op.cit.*, p. 406.

⁴⁰ United States Department of State, "Georgia: Country Reports on Human Rights Practices" (Washington, D.C.: U.S. Department of State, 2001), available at <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8256.htm>.

It therefore constitutes one of the basic political rights minorities in Georgia are deprived of. Lack of information also creates conditions for spreading distorted views about the situation in the country and can result in ethnicizing social and economic grievances that equally concern both majority and minority groups.⁴¹

In sum, the fundamentals of a democratic regime can be said to exist in Georgia, but its quality is very low. Participation of minorities in democratic political processes is particularly limited. There is a clear lack of open public dialogue and exchange of concerns between the core and non-core groups of the country. As a result, the level of mutual suspicion is very high and any relatively insignificant problem has the potential to escalate into major interethnic confrontation.

5. FACTORS CONDUCIVE TO EMERGENCE OF ETHNIC DEMOCRACY

Three main factors have been conducive to the emergence of ethnic democracy in Georgia after the collapse of the Soviet Union: legacies of the Communist regime; perception of threats emanating from the minorities and justifying non-democratic discourses and practices; and a specific type of defensive nationalism developed in response to these threats. Since the role and nature of perceived threats has already been discussed, this section will focus on the nature of Georgian nationalism and on the Communist legacies as major influences on Georgia's democratic transition.

It is possible to argue that the emergence of ethnic democracy in Georgia to a certain extent was a logical continuation of a historical trend leading from Soviet communism to post-Soviet nationalism. Even though ethnic democracy was not an unavoidable choice for Georgia, it certainly was a predictable one given the Soviet legacy and its impact on the formation of the Georgian national identity and nationalism. In addition, the type of ethnonationalism that developed in Georgia did not create a strong discontinuity with its Communist predecessor; on the contrary, it represented a striking continuation of Communist politics both in real and ideal terms. Georgian ethnonationalism shared with communism a non-compromising black-and-white rhetoric, suppression of an individual by the principles of 'collectivistic' doctrine and a utopian vision of the harmonious future state. As Valery Tishkov pointed out, "it is a grandiose utopia to seek to build a society with full social equality, just as it is to build a state with a culturally homogeneous population or with total inter-ethnic harmony".⁴²

Georgian ethnonationalism combined with the Communist legacy of authoritarianism—with its ethnocentric approach to the study and policy on nationalities, in addition to the absence of democratic political culture—practically ensured Georgia's transition into ethnic democracy. It is impossible, therefore, to single out two largely overlapping and mutually reinforcing factors that contributed to the emergence of ethnic democracy in Georgia. The

⁴¹ CIPDD, *op.cit.*, p. 19.

⁴² Valery Tishkov, *Mind Aflame: Ethnicity, Nationalism and Conflict in and after the Soviet Union* (London: SAGE, 1997), p. 273.

first is the Communist legacy and the second is Georgian ethnonationalism, which developed in response to internal and external threats and acquired a specifically defensive character.

The ethnic nation in Georgia, as in classical ethnic democracy, preceded the establishment of the ethnic state. It is important to note that Georgian nationalism developed when Georgia was not an independent state, but rather a subordinate province first in the Russian Empire and then in the Soviet Union. The character of Georgian nationalism, therefore, was largely defensive and ethnocentric. It was targeted against the pressures of Russification and aimed at the national and cultural survival of the Georgian nation. As a result, Georgian nationalism emphasized ethnic and cultural characteristics that appeared to be at risk and required special protection. Civic understanding of the nation and consequently the tradition of civic inclusiveness never had a chance to take root in Georgia. Even the Communist regime, which institutionalized Georgian nationhood, was seen as foreign and threatening to Georgian culture, and a certain type of hidden ethnonationalism was developed and existed alongside Communist internationalism.

Ronald Grigor Suny has argued that by the 1960s and 1970s three forms of nationalism emerged in Georgia and the rest of Transcaucasia. The first was the pervasive 'official nationalism', which characterized the Party and republican bureaucracy and which was supported by the public and intelligentsia; the second was 'unorthodox' or 'dissident' nationalism expressed by a few human rights activists; and the third was the counternationalisms of the minority groups that felt discriminated against by the ethnic majority.⁴³ After the collapse of communism a certain fusion of the first two nationalisms occurred and was strongly resisted by minority counternationalisms. Georgian nationalism responded to the perceived dangers of Russification and to threats emanating from the minorities, including their potentially separatist agendas. Minorities, on the other hand, perceived the Georgian nation as exclusionary and discriminatory, which if independent would be unable to protect their cultural and political interests.

Another characteristic feature of both majority and minority nationalisms in Georgia was the popular acceptance of, and belief in, primordialism. The nation was conceived of as the most natural of human associations, a type of extended family, which was organic and continuous and which required sovereign statehood for its protection and development. There was surprisingly little debate about the different possible approaches to the understanding of the nation and little questioning of the primordial views propagated by the nationalist leaders. In that sense post-communist nationalism appears to be a faithful follower of the Soviet approach to ethnicity and nationhood, which treated the ethnic nation as an organic given. As Magda Opalski has pointed out, "primordialism which has been in decline in the West for some time, continues to dominate post-Soviet social and political sciences, and is deeply ingrained in the political culture".⁴⁴

It is surprising that the Soviet sociology did not capitalize on the existence of instrumentalist and constructivist views of nation formation when trying to construct and propagate the idea of a new Soviet nation. Instead, the Soviet approach to ethnicity and nationhood

⁴³ Suny, "Transcaucasia", *op.cit.*, p. 241.

⁴⁴ Magda Opalski, "Can Will Kymlicka Be Exported to Russia?", in *Can Liberal Pluralism Be Exported?*, Will Kymlicka and Magda Opalski, eds. (Oxford: Oxford University Press 2001), p. 312.

remained strikingly organic, with some socio-biological overtones⁴⁵ ready to be mishandled and manipulated by nationalist entrepreneurs. According to Tishkov, with the rise of ethnic politics all over the Soviet Union, “ethnographic primordialism ceased to be merely a marginal and empirical approach and suddenly revealed its potential for being enthusiastically applied in the quest for new identities, as well as in nationalist political discourse”.⁴⁶

The contradictory approaches of Soviet nationality policies have significantly influenced the development of Georgian nationalism. On the one hand, the Soviet Union was propagating the idea of a new Soviet Nation, and on the other, developing organic scientific approaches to the idea of ethnicity and nationhood, which undermined any new nation-building attempts and implicitly dismissed them as artificial. Similarly, the Soviet institutionalization of ethnicity and nationhood further encouraged national consolidation both among the republics and their minorities and created national elites ready to contest Soviet domination of their respective national republics. At the same time, the drive for homogenization of the Soviet Union was conceived of as a Soviet version of the Tsarist policy of Russification and added additional defensive character to the budding republican nationalisms such as Georgian.

The Soviet legacy, therefore, with its contradictory nationality policies, as well as with its dominating collectivistic ideology and authoritarianism, has largely determined the nature of the nationalistic regime that succeeded communism in Georgia. While the perception of threats, both from within such as minorities and from without such as Russia, served as major justification for non-democratic attitudes and policies.

6. CONDITIONS OF STABILITY OF ETHNIC DEMOCRACY

According to Sammy Smooha, the stability of ethnodemocratic regime depends on several conditions which include: a clear and continued numerical and political majority of the ethnic nation; a significant number of ethnic minorities; a continued threat perceived by the majority; non-interference of the ‘external homelands’; and legitimation of the regime by the international community. In addition, the stability of ethnic democracy can further be sustained if the core nation has a commitment to democracy; if it is an indigenous group, while non-core groups are immigrant; and if the non-core population is divided into more than one ethnic group.⁴⁷

Georgia exhibits most of the conditions necessary for a stable ethnic democracy. Its core national group represents a solid numerical and political majority, while the non-core population constitutes a significant minority. The non-core population is divided into more than one ethnic group of both indigenous (such as the Abkhaz) and immigrant origins (such

⁴⁵ One of the most influential works written on ethnicity and the stages of its development in the Soviet Union was by Lev Gumilev, the son of the famous Russian poets Anna Akhmatova and Nikolai Gumilev. It was a highly original and perhaps more literary rather than scholarly study. Gumilev’s work gained even greater popularity after the demise of the Soviet Union. It argued that different ethnoses, depending on landscape, energy resources and internal character or ‘passionism’, live through various stages and eventually die out.

⁴⁶ Tishkov, *op.cit.*, p. 7.

⁴⁷ Smooha, *op.cit.*, pp. 37–38.

as Armenians, Azeris, Russians, etc.) and continues to be perceived as an important threat to the national interests of the country. Even though the exact ethnogenesis of the Georgian nation is unclear, Georgians are believed to be autochthonous to their territory. The 'external homelands' of Georgia's minorities as a rule take a very cautious position and tend not to intervene on behalf of their kin-groups. However, intervention from Russia was on several occasions sanctioned by Russia's alleged concerns over the rights and conditions of minorities in Georgia. At the same time, Georgian authorities have underlined their commitment to democracy, and the regime has been recognized and legitimized by the international community. In sum, most of the conditions of stability appear to be present with the notable exception of Russia's interference.

The situation in Georgia, however, can hardly be characterized as stable. It is rift by internal conflicts and political confrontations; it has two frozen ethnopolitical conflicts with very bleak prospects of resolution in the near future; and its potential for conflict in other minority populated areas is quite high. It is possible to argue that today Georgia exists as an independent state mainly thanks to the international support and the fragile political balance within the region, rather than due to its own strength and cohesion. The balance, however, can be easily upset and international support diminished, in which case the viability of the Georgian state would be seriously threatened. Returning to the question raised in the introduction, this section explains Georgia's internal instability by analyzing the combination of ethnic democracy with weak statehood.

A weak state in itself could arguably be a sufficient source of instability. Georgia is weak; therefore, it is unstable. Ethnic democracy has little to do with its current misfortunes. However, not all weak states are unstable, or at least as unstable as Georgia. A good example is Armenia, which is also a weak democratizing post-communist state neighbouring Georgia, but which has been able to establish and maintain relative stability over the past few years. The main difference between Georgia and Armenia is that the latter is practically a monoethnic country while Georgia is, and has traditionally been, a multiethnic one.

Today, Georgia is a hostage of its own ethnocentric regime. First of all, such a regime promotes alternative loyalties among the minority groups and legitimizes their potentially anti-Georgian claims and actions. Minorities in Georgia live in highly isolated, closed ethnic communities and have restricted connection with the rest of the country. Their kin-states exercise greater cultural and political influence than the authorities in Tbilisi. At best, they feel an indirect loyalty towards Georgia mainly because their kin-states happen to be on good terms with the Georgian government, or have no interest in upsetting the status quo in the region.⁴⁸ Due to the language problems, most of the young people from Georgia's ethnic minorities seek higher education in the universities of the neighbouring states rather than in Georgia proper. This further alienates them from the country of their residence and fosters even closer links with the country of their ethnic origin.

⁴⁸ For example, according to the CIPDD report, "Azeri residents claim that they are advised by Baku to support the Georgian government ... and abstain from raising problems that may irritate Georgian society. When asked to comment on the people's attitude towards the replacement of Azeri topographical names with Georgian ones in the Bolnisi district in the early 1990s, one of the dwellers answered simple-mindedly that Baku had not instructed them on the issue yet", CIPDD, *op.cit.*, p. 11.

Second, a regime such as ethnic democracy encourages ethnicization of everyday socioeconomic difficulties that Georgia has in abundance. Once such ethnicization occurs and mundane problems develop into ethnic confrontation, the chances of their resolution decline exponentially. For example, every citizen of Georgia faces corruption problems at almost every level of government, and especially among the law enforcement bodies. Ethnic minorities, however, feel particularly discriminated against because most of the law enforcers are ethnic Georgians. Similarly, corruption among the customs officers complicates the situation on the border. Even though the problem affects everyone equally, minorities perceive it as ethnic discrimination because there are few members of the minority communities among the customs officials. This particularly concerns the Azeri community since trade and economic contact with neighbouring Azerbaijan are of vital importance in their life, and they are interested in keeping the border traffic free and easy. Similarly, the Armenian minority in Javakheti sees lack of employment and economic hardship, which is characteristic of Georgia on the whole, as specifically targeted against them. According to the CIPDD report, some Armenians have even claimed that the Georgian government keeps Javakheti in misery and underdevelopment in order to encourage emigration and practically drive them away. It is, in their view, ethnic cleansing by highly sophisticated means. According to the recent survey conducted in Javakheti, most of the respondents viewed almost every unresolved economic problem in the light of ethnic discrimination.⁴⁹

Ignoring obvious moral considerations, one can argue from the mere pragmatic standpoint that Georgia is simply too weak to afford such alienation of its own minorities. Its weakness is manifested in its inability to contain threats posed by minorities and impose control mechanisms on their activities. Any external power can easily rally dissatisfied minorities and unleash mass anti-Georgian sentiments, which the Georgian state will be unable to contain. The case in point is Javakheti's Russian base. Tbilisi has no control over its military or economic activities. There is some evidence that illegal weapons are frequently smuggled out of the base and distributed around the region. Reportedly, Armenian nationalistic groups have close contacts with the base and view it as their ally for plans of autonomy or even outright secession.⁵⁰ Currently, Georgia relies mainly on Armenia for containment of the Javakheti problem. The situation, however, may be offset. Armenian authorities are increasingly concerned with growing Georgian-Turkish relations and oppose the development of transportation projects that involve both Georgia and Turkey. In September 2001 an Armenian representative also raised issue with the CoE about ethnic discrimination in Georgia. The risk factors are therefore quite high, and the weak Georgian state is susceptible to disruption and trouble.

In addition, poor economic performance and an inhibited approach to reform deprive Georgia of bargaining power *vis-à-vis* its own minorities. The Georgian state has nothing to offer in terms of social protection, nor in terms of economic opportunities. The reforms process in recent years has been stifled, which means that future prospects also look bleak for the members of both core and non-core national groups. The situation is different, for

⁴⁹ CIPDD, *op.cit.*, p. 67.

⁵⁰ CIPDD, *op.cit.*, p. 36.

example, in Estonia where the Russian minority is arguably willing to cope with Estonia's ethnocentric regime since the Estonian state, notwithstanding all its shortcomings, holds the prospect of EU membership for all its citizens in the near future. In the case of Georgia, however, the presence of dissatisfied minorities in the weak and economically unpromising state is simply a source of instability.

Most people in Georgia do realize the dangers associated with ethnic democracy. However, the predominant view is not to meddle with highly sensitive issues such as ethnicity given the disastrous experiences of the early 1990s. In that sense Georgia is an ethnic democracy more by accident than by deliberate choice. Unwillingness to face up to and confront the problems, however, is a self-defeating position—again, also stemming from Georgia's internal weakness and insecurity. There are two main options open for Georgia's future development. One is to become a strong regional power with the determination to maintain an ethnically biased society and military capabilities to back it up in case such a need arises. The second is to integrate minorities into society and become a civic democracy equally open and acceptable for all its citizens. The second option seems both more plausible and less costly. Georgia has a tradition of peaceful multiethnic coexistence on which it used to pride itself. Such a tradition can still be evoked and put to good use. As Stephen Jones pointed out;

Georgia needs to develop a new type of nationalism based on Georgians' own self-perceived traditions of multiethnic statehood and inclusiveness. This might be hard for Georgia's Greeks, Armenians and Azerbaijanis to take seriously, but Georgians' multiethnic tradition, their disillusion with radicalism, and their desire to be more like the West could create the basis for a nationalism conducive to democratic reform.^{51, 52}

⁵¹ Stephen Jones, "Georgia: The Trauma of Statehood", *op.cit.*

⁵² After this article has been written important changes occurred in Georgia's political scene. The so-called 'rose revolution' brought down Shevardnadze's regime and the head of National Movement Michail Saakashvili was elected as the new president. It is too early to speak of any detectable changes in terms of Georgia's ethnic democracy. However, the new elite, including the president Saakashvili, has been using a more inclusive and minority sensitive discourse. Reportedly, a predominant majority of ethnic minorities living in Georgia supported Saakashvili's candidacy for the president. Time will show whether the regime change in Georgia will also result in Georgia's change from ethnic democracy to an inclusive, multinational democracy.

From Ethnic Privileging to Power-Sharing: Ethnic Dominance and Democracy in Macedonia

Graham Holliday

As the Communist regimes of Eastern Europe crumbled in 1989, some hailed the dawn of a new era: “Democracy has won” claimed Zbigniew Brzezinski, while Francis Fukuyama famously prophesied the ‘end of history’ with the triumph of Western liberal democracy as “the final form of government”.¹ Events since 1989, however, have reminded us that diversity and division are as much a part of Europe’s post-Cold War order as they are its past. Instead of the triumph of liberal democracy, a complex and multidimensional process of state-building, regime change and institutional reengineering was set in motion in the various states of Eastern Europe and the former Soviet Union, which have developed along a path that can only be described as lying somewhere ‘between authoritarianism and democracy’. Attempting to capture the common element uniting these various paths of transition, political scientists have employed a number of terms to qualify or highlight particular elements of perceived commonality. Consequently, the states of Eastern Europe have variously been described as ‘quasi’, ‘semi’, ‘pseudo’, ‘proto’ and other “democracies with descriptive adjectives”.²

Such studies, however, have largely neglected the sub-state and ethnic dimensions of regime change in a multiethnic environment. Despite the different paths of state formation and state-building that the countries of Eastern Europe have undertaken in the past decade, even the most successful of consolidated democracies, such as Estonia and Latvia, have tended to engage in some form of ‘nationalizing project’ which has sought to recast the state in the mould of the dominant ethnic group.³ This tendency towards ethnic privileging has often demonstrated a marked preference for homogenization over multiethnicity in the state-building process, tacitly endorsing discriminatory policies towards minority groups, and more often than not, leading to the gradual entrenchment of structural favouritism. The result has been the emergence of varying degrees of interethnic conflict in Eastern Europe, some of which have boiled over into violence and some of which have been successfully managed by various strategies of accommodation.

¹ Francis Fukuyama, “The End of History”, *The National Interest* 16 (Summer 1989), pp. 3–18, at p. 5.

² David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research”, *World Politics* 49 (1997), 3, pp. 430–451.

³ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

One theory that seeks to account for these dual developments is that of 'ethnic democracy'. Most comprehensively conceptualized in the writings of Sammy Smooha, this notion identifies the development of a certain type of regime which combines accommodative strategies of promoting democracy for all with the installation of a new privileging regime for the dominant ethnic group. Furthermore, it is argued, this theory is particularly valid for analyzing the particular circumstances which prevail amongst the democratizing states of Eastern Europe, some of which Smooha contends are "strongly disposed" to the evolution of this kind of regime.⁴

Macedonia's significant ethnic and regional diversity coupled with the challenges it faces in undertaking the simultaneous processes of post-communist democratization and marketization as well as managing conflict potential make it an obvious choice for testing the applicability of this theory. Faced with the considerable challenges of establishing central state capacity, Macedonia is also currently confronted with the equally urgent need to accommodate the sub-state ethnic and regional demands of its minority communities. Despite a legacy of comparative ethnic coexistence, its recent history has been characterized by a growth in ethnic division, which has drawn attention to the existence of a number of discriminatory practices at the heart of this otherwise outwardly civic and multiethnic state. Over the past decades, however, systematic privileging of the dominant ethnic Macedonian community has evolved in response to, and as a consequence of, numerous 'threats' that the country has been exposed to, most prominently in connection with its largest minority, ethnic Albanians, as well as the insecurities that have arisen as a result of Macedonia's adjustment to the new post-communist environment.

On the surface Macedonia therefore appears to be the prime example of an ethnic democracy, conforming with most of the key criteria set out by Smooha in his "mini-model".⁵ To examine this contention more closely, however, this chapter will seek to test the theoretical insights Smooha provides with an analysis of his model as it applies to Macedonia. The first section provides an overview of the historical, political and socioeconomic legacies and institutions of the region in order to determine the relative factors that have both shaped and contributed to the development of the present regime. This includes an analysis of the sources of instability that Macedonia has confronted throughout its recent history—external as well as internal—and how these have translated into perceptions of threat, and the relative impact they have had on the type of democracy that has evolved. Given that Macedonia is now emerging from a period of violent conflict that gave rise to greater external involvement in its internal affairs, the second section looks at the consequences this has had for recent democratic development in the country and its prospects for stability. A third section then examines the factors that could promote, inhibit or even reverse the emergence of a fully fledged ethnic democracy in Macedonia, paying particular attention to the existence of countervailing domestic institutions and the role of external actors. To conclude, the chapter draws on the ensuing discussion to engage critically with Smooha's

⁴ Sammy Smooha, *The Model of Ethnic Democracy*, ECMI Working Paper No.13 (Flensburg: European Centre for Minority Issues, 2001), p. 5.

⁵ Sammy Smooha, in this volume, pp. 32–41.

model. In the case of Macedonia, it is argued, conditions of weak statehood, traditionally hostile neighbours and regional interdependencies have all combined to intensify domestic efforts at state- and nation-building. Furthermore, Macedonia's strategic position at the heart of an otherwise turbulent environment has intensified international interest in its domestic developments and stability. This has often led to varying degrees of external involvement and intrusion in Macedonia's domestic affairs. Thus, the causes and dynamics of regime change and conflict potential in Macedonia have resulted from the interaction of a number of endogenous and exogenous factors, which should consequently inform any account of Macedonia's development towards or away from democracy.

1. RISING ETHNIC ASSERTION, PERCEIVED THREATS AND THEIR IMPACT ON DEMOCRATIZATION

The term 'Macedonia' refers to a territory whose borders have historically been matters of dispute.⁶ As a result of a complex history of division, regional ambitions and manipulation by outsiders, the region that modern-day Macedonia now occupies has been subjected to repeated and competing territorial claims and become home to a multiplicity of ethnic, linguistic and religious groups. A very young state, present-day Macedonia has only existed as a separate administrative entity since 1946, when it was established as one of the six constituent republics of the Yugoslav Federation, and as a sovereign entity since it chose independence in 1991. This relative lack of 'history' has in itself often given rise to insecurities and tensions in Macedonia and influenced the historical mythologies around which its constituent ethnic groups have mobilized.

Despite a deeply rooted tradition of ethnic coexistence, which was largely institutionalized under the multinational ideology of Tito's Socialist Federal Republic of Yugoslavia, mutual suspicion between the two main ethnic communities of Albanians and Macedonians has characterized the country's short lifetime. While the postwar period saw some far-reaching improvements in the status of minority communities in Macedonia with the extension of group rights and greater cultural autonomy, it nevertheless also witnessed a series of human rights abuses perpetrated against minority communities and the introduction of a number of discriminatory policies, especially in public employment and education, that favoured the majority population of ethnic Macedonians. Continued failure to address these grievances on the part of the authorities consequently evoked the familiar response of ethnic groups in conditions of competition, seeing a rise in antagonistic relations between the majority Macedonian community and the largest minority group of ethnic Albanians. This has led to repeated demands from the disgruntled Albanian elite for equal treatment, by turns either through applying pressure for greater inclusion in the political process or threatening

⁶ The name by which the present-day state of Macedonia is officially recognized by the United Nations and other international organizations is 'The Former Yugoslav Republic of Macedonia' (FYROM). While it designates itself 'The Republic of Macedonia', the issue of Macedonia's name remains disputed and, at the time of writing (July 2003), unresolved. The term 'Macedonia' will here be used for the sake of convenience.

to withdraw through moves towards greater autonomy or even secession. In response, from its position of political control, the ethnic Macedonian authorities have frequently sought to install a number of privileging regimes and policies to forestall or check such efforts, in particular through the promulgation of one-sided laws on citizenship, residency, language, education and voting rights.

In the case of Macedonia, however, escalating interethnic tension has not merely been a function of domestic competition. Geographic proximity to Kosovo and a legacy of shared dependencies and grievances on the part of both ethnic Albanian communities has also served to heighten suspicion of Albanian revisionist sentiments amongst the Macedonian elite. Such fears are not without grounds. Influenced by growing Albanian nationalism and mobilization in neighbouring Kosovo, demonstrations took place in Macedonia as early as December 1968, which raised demands for the unification of all Albanian territories in Yugoslavia into a seventh republic of the federation.⁷ The spectre of irredentism and ethnic mobilization raised historic fears amongst the Yugoslav elites at the time that minority issues could potentially disrupt relations between the Eastern European states, as they had done before 1940. In response, the authorities sought to introduce a series of accommodative initiatives, extending greater rights of autonomy and self-rule to minority communities, particularly in the economic and social spheres, which culminated in the high point of minority protection in Yugoslavia—the 1974 Constitution. Nevertheless, against the continued hegemony of the Soviet Union in Eastern Europe and Tito's split from Moscow, the Communist strategy for managing the demands of nationalities in Yugoslavia became one of increased federalization, preserving nominal state centralization while dispersing ever greater powers to the constituent republics. The upshot of this was that, while maintaining an outward façade of 'Brotherhood and Unity', the national-federal structures concurrently began to take on and reinforce the importance of nations, especially amongst the dominant groups, such that by the end of the 1970s, as Ramet has argued, this had led to the creation of six relatively autonomous dictatorial entities of varying political, economic and national persuasions.⁸ These institutional legacies later had a fundamental impact on the successor states of the former Yugoslavia.

Two forces that had nevertheless served to preserve the unity of the federal state structures throughout this period were the continued power of the Communist Party and the figure of Tito. With Tito's death in 1980 and growing popular disillusionment with the Communist regime in Yugoslavia, not least because of the deepening economic crisis, the system of control that had functioned so successfully over the previous decades to quell potential conflict was suddenly removed. With the loosening of the control structure and the interethnic situation in neighbouring Kosovo deteriorating, the Macedonian authorities began to encounter and provoke increased opposition from the Albanian community. After a couple of decades of relative interethnic harmony, the Macedonian authorities consequently shifted their attitude in the face of perceived rising Albanian nationalism, imposing various mechanisms of control

⁷ Hugh Poulton, *Who are the Macedonians?* (London: Hurst & Co, 2000), p. 122.

⁸ Pedro Ramet, *Nationalism and Federalism in Yugoslavia, 1963–1983* (Bloomington: Indiana University Press, 1984).

which, taken together, resembled the introduction of a policy of 'internal colonialism'.⁹ Thus, while a number of residual initiatives were at first made to assuage Albanian grievances, developments nevertheless took an increasingly sinister turn with the state increasingly introducing a series of repressive policies aimed at countering the perceived "penetration of Albanian nationalistic, irredentist and counterrevolutionary tendencies".¹⁰ In other words, while the post-Tito order of things otherwise remained largely intact in Macedonia, in their behaviour towards minority communities the Macedonian authorities increasingly adopted a more nationally assertive process of nation- and state-building that combined elements of both repression and assimilation.

The Macedonian authorities took up this homogenizing project in the early 1980s through a series of policies aimed at 'standardizing' national identity and gradually eroding the institutional foundations sustaining ethnic diversity. In this way, for example, while the 1974 Constitution had explicitly guaranteed the linguistic equality of the Albanian language with that of Macedonian, official use of Albanian was gradually stifled, to such an extent that by 1983 the use of Macedonian in school records and public notices had been made obligatory. Education also became a target, with educational opportunities for Albanians increasingly being diminished to the study of Macedonian culture, through the introduction of restrictive education policies, and the translation of existing Macedonian textbooks into Albanian. Teachers who did not comply with these new regulations were subsequently dismissed. In December 1986, administrative hurdles were also put in place to obstruct the registration of Albanian names. These kinds of bully tactics were soon extended to curbing the traditionally large Albanian family through a package of policies aimed at restraining the Albanian community's high birth rate, with a law being adopted in July 1987 that imposed the 'ideal' of the four-member nuclear family. These were soon followed by a number of additional legal restrictions on property ownership, religious teaching and secondary education in Albanian, while thousands of Kosovars who had fled a more repressive regime in the north were denied the right of permanent residence. Nor were these discriminatory policies exclusively directed against the Albanian community. Besides the Turks, the Roma were perhaps considered most suspect of harbouring pro-Albanian loyalties, since as Hugh Poulton points out, "even while many had declared themselves to be either Macedonians or Turks, the former Communist authorities [had] alleged over a long period that the Roma, especially the Muslims ... were being subjected to Albanianization".¹¹

The situation of growing interethnic competition eventually came to a head in late 1988 when demonstrations in Kumanovo and Gostivar (both areas of Albanian concentration) turned violent in protest at the restrictions placed on Albanian education. The response of the authorities was harsh and marked the beginning of a series of judicial, police and political campaigns of harassment towards the Albanian community that were to last throughout the 1990s. By the end of the decade, there was little evidence left that the notion of 'Brotherhood and Unity' was still taken seriously in Macedonia. The final proof of this came, however, in

⁹ Ian S. Lustick, "Stability in Deeply Divided Societies: Consociationalism versus Control", *World Politics* 31 (1979), 3, pp. 325–344, at p. 342.

¹⁰ Poulton, *op.cit.*, p. 127.

¹¹ Poulton, *op.cit.*, p. 141.

1989 when the new Constitution of the Socialist Republic of Macedonia was subsequently amended such that the Republic of Macedonia would henceforth be “the national state of the Macedonian people”, conveniently omitting the phrase “and of the Albanian and Turkish nationality” from previous constitutions.

The wider breakdown of the established order in Yugoslavia at the beginning of the 1990s naturally also served to heighten domestic tensions. While the Albanian minority in Macedonia had often looked to its ethnic kin in Kosovo for orientation throughout the postwar period, the ethnic Macedonian elites by contrast looked to Belgrade as their main point of reference. Macedonia had long been one of the most loyal supporters of the Yugoslav federation. Its pro-Yugoslav orientation, however, was founded less on ethnic affinity than economic dependence. The realization that any weakening of the Yugoslav federation would not only have grave consequences for the already precarious Macedonian economy, but also remove an important security guarantee obviously influenced Skopje’s relations with Belgrade. In 1990 Macedonia was amongst the poorest parts of Yugoslavia, strapped by an outdated industrial sector, an inward-looking local market and heavily dependent on the vagaries of external trade and regional transfers.¹² At the same time, Macedonia’s security was heavily dependent on the continued presence of the increasingly Serb-dominated Yugoslav National Army (JNA). Given the uncertainty of its future viability and precarious geographic position, Macedonia’s decision to opt for independence in 1991 came less by design than default.

Once independence came, however, it reinforced a symbolic link between the majority population and state identity. From an ethnic Macedonian point of view, the territorial integrity of the independent state henceforth became directly linked to the preservation and consolidation of their newly constructed national identity, mobilizing national sentiment around issues of history, language, religion and culture as a means of affirming their existence. Ethnic Albanians for their part tended to view their loyalty to the new state as contingent on the degree to which they were treated as a constituent people of ethnic equals in Macedonia. This in turn has determined the extent to which they have been willing to work within the state structures or reject them. In this way, while the organization of an unofficial referendum on autonomy in 1991 met with overwhelming support from the Albanian community, it also raised questions amongst the ethnic Macedonian community as to how seriously ethnic Albanians were willing to integrate into the new state structures.

It should be noted, however, that the Albanian political elite has been much more attuned to negotiating an institutional basis for their status throughout the period following independence than advancing a nationalist cause. The ethnic Macedonian elites, on the other hand, have tended to view the state-building project of post-independence Macedonia in terms of a more fundamental ethnocultural struggle. As a consequence, after 1991 sovereignty became competitive in Macedonia, both externally and internally, revolving around issues of legitimate ownership and identity of the ‘Macedonian’ nation-state, and particularly the extent to which a civic definition of the state outweighed an ethnic one.¹³

¹² Jens Reuter, “Policy and Economy in Macedonia”, in *The New Macedonian Question*, James Pettifer, ed. (Houndmills: Palgrave, 2001), pp. 28–46.

¹³ Maria-Eleni Koppa, “Ethnic Albanians in the Former Yugoslav Republic of Macedonia: Between Nationality and Citizenship”, *Nationalism and Ethnic Politics* 7 (2001), 4, pp. 37–65, at p. 43.

Depending on one's perception, the subsequent Albanian boycott of the referendum on independence in 1991 and their non-participation in the census of the same year can be seen as either a protest at growing regional repression and the failure of the Macedonian political elite to safeguard the status of the Albanian community, or as a sign of disloyalty. Suspecting disloyalty, the majority ethnic Macedonians adopted a new constitution in 1991 that sought to codify their predominance over other ethnic communities. Asserting from the outset that the point of departure for the new Macedonia state was "the historical, cultural, spiritual and statehood heritage of the Macedonian people", the preamble laid claim to the historic continuity of the Macedonian people as a means of justifying their newly won independence in terms of a "struggle over centuries for national and social freedom as well as the creation of their own state". Implicitly privileging the status of the majority population, the 1991 Constitution went on to assert that "Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities living in the Republic of Macedonia".

This kind of 'constitutional nationalism' only served to alienate the Albanian elites further, who consequently refused to ratify the constitutional amendments. But more was to come with the additional promulgation of a number of privileging laws. The most controversial of these was the 1992 Citizenship Law. Following a long and vigorous debate, Parliament adopted a new Citizenship Law in July 1992, restricting naturalization only to those people who could prove that they had been resident in Macedonia for at least fifteen years. Clearly aimed at precluding ethnic Albanian refugees from Kosovo from establishing Albanian predominance, the law also proved highly exclusionary in several other ways. First, it failed to make provision for many long-time residents in Macedonia who had been born in other parts of the former Yugoslavia. Second, it discriminated more broadly against minority groups, such as Turks and Roma, who were often unable to meet the fifteen-year residency requirement owing to the necessity of their having to work abroad. Third, and most tendentiously, Article 11 of the Citizenship Law provided immediate citizenship to persons of Macedonian ethnic origin regardless of their place of residence, while restrictions were imposed on members of other ethnic groups.¹⁴ Not having citizenship, many minority communities and particularly ethnic Albanians remained excluded from the mainstream political and social processes, devoid of representation and debarred from ownership of land.

Effective representation was also restricted to some extent by the introduction of the Local Self-Government Law in 1995. Like other post-communist states in Eastern Europe, Macedonia has tended to opt for a form of post-independence state-building which extends socialist institutions of centralization and central-state rigidity. Fearing the dilution of central state control and the creation of alternative regional power bases, the Macedonian elites consequently adopted a policy which sought to disperse limited power and competences to municipal city councils while retaining overall central control. Thus, while the 1995 Local Self-Government Law granted important rights to the ethnic Albanian community, such as the right to bilingual administration and the official use of Albanian in

¹⁴ International Crisis Group, *Macedonia's Ethnic Albanians: Bridging the Gulf* (Brussels: ICG, 2000), p. 20.

areas of sizeable concentration, it failed to delineate the exact limits of their competences. Given the disproportionately large number of constituencies that were established in relation to the size of the country—in the order of 130 for a population of two million—the relative gains in rights were offset by a weakening of Albanian constituencies through a reduction of the ethnic Albanian majority.¹⁵

Unsurprisingly, the introduction of a number of discriminatory policies which sought to challenge fundamental issues of identity and representation has proved the most divisive. One issue that served to increase tension between the two main ethnic communities revolved around the use of national symbols. In the so-called flag crisis of 1993, the flying of the Albanian flag on municipal buildings in the majority Albanian areas of Tetovo and Gostivar resulted in the arrest of a number of prominent Albanian leaders on charges of preparing a revolt against Skopje. The draconian prison sentences that were imposed the following year further contributed to the radicalization of interethnic relations. Most controversial, however, have been the interrelated issues of state policy towards education and the status of the Albanian language. As a marker of state identity, power and commerce in Macedonia, the relative place of the Albanian language has been a key concern of Albanian political activism. Although the situation improved somewhat after 1991, the use of Albanian in official communication and interaction with the state structures has long been restrictive. Considering that Albanian had been codified as an official language of Macedonia in the 1974 Constitution, the Albanian community has therefore regarded any progressive reforms on language merely as recouping privileges they had already been warranted. The issue of language also ultimately equates with issues of effective access and representation. Owing to partisan employment policies in the 1970s, most public positions are filled by ethnic Macedonians, few of whom are able or willing to speak Albanian.

Language has therefore also tended to determine ethnic opportunities, especially through education. For a long time, tertiary education and occasionally secondary education in Macedonia has been conducted exclusively in Macedonian. The main source of higher education for Albanians in the region was the University of Prishtina, until its closure by Belgrade in 1991. In Skopje fears that an Albanian-language university in Macedonia would prove to be a hotbed of Albanian nationalism similar to the University of Prishtina led to a deliberate policy of suppression. In the early 1990s the Macedonian government discontinued Albanian language instruction at the Pedagogical Faculty of Skopje University. Left with no other means of gaining higher education, Albanians opened a private university in Tetovo, which was declared unconstitutional by the Macedonian authorities, who subsequently adopted measures to prevent its operation. Sparking demonstrations and harsh reprisals, the vexed issue of Tetovo University has become a barometer of interethnic relations in Macedonia, as well as a test case of Albanian loyalty to the state, which has consequently roused much international attention and involvement. Nevertheless, even while the mediation of the OSCE High Commissioner on National Minorities, Max van der Stoep, managed to win important concessions in 2000 with the passing of a law allowing Albanian in private universities in Macedonia, official recognition of Tetovo University was only achieved as late

¹⁵ International Crisis Group, *Macedonia Report: The Politics of Ethnicity and Conflict* (Brussels: ICG, 1997), p. 13.

as mid-2003.¹⁶ A legacy of imposed compulsory education in Macedonian and a history of obstruction to reform by Macedonian nationalists have therefore left a whole generation of Albanians underqualified.

Heightened national aspirations in the early 1990s resulting from newly acquired sovereignty, a dire economic situation, as well as growing regional and domestic ethnic tension also had the effect of bringing to power a number of nationalist-oriented political parties. The right-wing Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO–DPMNE) was established relatively early. Through inclusion of the acronym VMRO in its title, VMRO–DPMNE sought to draw a direct lineage with the succession of ‘national-revolutionary’ organizations that had appeared under the same name prior to the Communist takeover. The appearance of the VMRO–DPMNE as a xenophobic right-wing party, which was decidedly anti-Albanian and played on Macedonians’ traditional fears of Albanians, stood for the preservation of Macedonia as a Slavic state, espousing the creation of a Greater Macedonia through annexation of the northern territories of Greece. Nevertheless, while the VMRO–DPMNE front man, Ljubco Georgievski, famously remarked with regard to ethnic Albanian influence, “We will let the eagle fly, but we will cut off its talons first”,¹⁷ the lines of competition between the political parties did not run as deep as the rhetoric suggests. Instead, the political landscape of post-independence Macedonia has been marked more by informal coalitions that brought together post-communist reformers and moderate Albanians. After boycotting the second round of elections in 1994, VMRO–DPMNE became far more pragmatic, forming a coalition with Albanian political parties in Tetovo in mid-1995. Increasingly, the party presented itself as a centre-right party, opposing the government for its close ties to Milošević’s regime in Serbia and its cronyism and corruption than its ethnic policies. In the difficult economic circumstances that Macedonia faced in the mid-1990s, this message found broad support amongst the electorate.

Voices amongst the Albanian community also became increasingly dominant throughout the 1990s, agitating for greater recognition of the Albanian community as a political subject in its own right. Initially, the most popular party amongst the Albanian voters was the Party of Democratic Prosperity (PDP), but disillusion within the party regarding the extent to which it was adequately advancing the interests of Albanians in Macedonia eventually led to the emergence of a radical faction which was itself to become the nucleus of a new party, the Democratic Party of Albanians (DPA), centring on the figure of Arben Xhaferi. Despite the growing radicalization of Albanian parties, however, what they share is a commitment to equalizing the status of the Albanian and Macedonian communities rather than a shift towards ethnic extremism.

Nevertheless, against the backdrop of rising interethnic tensions in the period 1994 to 1998, the political parties were not averse to engaging in nationalist rhetoric for political

¹⁶ Ulrich Büchsenschütz, “The Tetovo University Question Returns”, *RFE/RL Balkans Report* 7 (11 July 2003), 21, available at <http://www.rferl.org/reports/balkan-report/2003/07/21-110703.asp>.

¹⁷ Cited in Keith S. Brown, “In the Realm of the Double-Headed Eagle: Parapolitics in Macedonia 1994–99”, in *Macedonia: The Politics of Identity and Difference*, Jane K. Cowan, ed. (London: Pluto Press, 2000), pp. 122–139, at p. 133.

gain. After the elections in 1994, for example, the Social Democratic Alliance of Macedonia (SDSM) was subjected to constant criticism from its main rival, VMRO–DPMNE, for making concessions to the Albanians which purportedly harmed the national interest. Added to heightened radicalization and factionalization amongst the Albanian political elites, this may have gone some way to polarizing their respective communities, but was more likely regarded as merely the stuff of politics, drawing much needed attention away from more important matters of public policy reform. This helps explain the otherwise extraordinary turn of events in Macedonian politics that came about as the result of the 1998 elections. Characterized by a willingness to seek consensus across ethnic and party lines, the election pointed to a more pragmatic recognition of shared concerns between the different communities.

After concluding a pre-election agreement with a new smaller centrist party, the Democratic Alternative (DA), under the leadership of Vasil Turpurkovski, the nationalist VMRO–DPMNE went on to outperform its respective rivals. Despite a convincing victory, a post-election pact between the Macedonian side and the DPA—both of which had staked out seemingly irreconcilable positions before the election—nevertheless came as a surprise to the wider electorate as well as international observers. One result of this was the inclusion of a number of Albanian politicians in key positions, including high-ranking positions such as the Ministry of Justice and the Ministry of the Interior; another was the almost complete eradication of nationalist rhetoric on the side of the Macedonian parties. As a consequence of this voluntary collaboration, several important changes were later introduced to deal with some of the long-standing problems of interethnic tension. Belying earlier suspicions of disloyalty to the state, this was proof, if any was needed, that ethnic Albanians were willing to work within the system and shared a common investment in the state. This was demonstrated most clearly by the large turnout of Albanian voters in the final round of the presidential elections in 1999. Threatened by the likely victory of the SDSM presidential candidate on a platform which sought to mobilize anti-Albanian resentment, Albanians in turn mobilized to vote for the rival nationalist VMRO–DPMNE candidate.

In contrast to developments in the early 1990s, the latter part of the decade saw a greater politicization of the Albanian community, demonstrating a change in approach that showed greater willingness to achieve reform through engagement in the political process. In this way, Alben Xhaferi could claim in September 2000 that the main task of his party in office was to build democracy through ‘consociationalism’. Given continued under-representation of Albanians in state institutions and public administration and persistent discrimination in other areas of public life, it could have been expected that the Albanian political platform prior to the conflict would have set out a distinctly ethnonationalist agenda. Instead, the main goals were civic in nature, seeking to establish Albanians as a constituent element of the state, introducing the Albanian language in state administration, decentralizing the state and employing Albanians on a proportional basis in accordance with their population and numbers.

1.1 Perceived Threats and Sources of Instability

Against this background, it is not surprising that the nation- and state-building projects that the Macedonian elites have undertaken over the past decades have had an adverse effect on the

country's internal stability and prospects for democratic development. This process, however, has not simply been the result of elite-led internal policies, but rather a number of interrelated factors, endogenous and exogenous, which when taken together have constituted a significant threat potential—both real and apparent—and source of instability for the country.

Arguably, the greatest source of instability to Macedonia is the unstable environment in which it finds itself, and in which it retains the status of a provisionally recognized international entity. The very name 'Macedonia' is a source of contention and the name by which it is internationally recognized, 'The Former Yugoslav Republic of Macedonia', is both an indication of its continued contingency and a persistent reminder of its previous affiliation.¹⁸ For much of its recent history, Macedonia has been surrounded by hostile neighbours who have, in one way or another, challenged the country's right to exist. After Macedonia's declaration of independence in 1991, for example, Bulgaria recognized the new state, but not the nation and language of its majority population. Serbia refused to ratify their common border, while the Serbian Orthodox Church denied the existence and legitimacy of its counterpart, the Macedonian Orthodox Church. Albania's relations and motives towards its ethnic kin in Macedonia also frequently have formed the basis for suspicion, though not always borne out by its policies, which was heightened in 1997 at the time of domestic turbulence in Albania with accusations of cross-border arms trafficking and the alleged organization of confrontations with the Macedonian police along the border region. Disputes with Greece have also been long-running, centring on proprietorial issues of symbols and names, with the initial attempt to appropriate the Star of Vergina as the national emblem (representing the burial place of Philip of Macedon in Greece) and the adoption of the name 'Macedonia' being interpreted as evidence of extraterritorial ambitions. More recently, the conflict in Kosovo fuelled ethnic Albanian grievances, both domestically and regionally, prompting heightened ethnic mobilization across all communities, not least because of the massive influx of Albanian refugees in 1999, which threatened to disrupt the fragile social fabric.¹⁹ Thus, while the external threat to Macedonia's territorial integrity has receded over time, by asserting a shared history its neighbours have laid claim to aspects of Macedonian identity itself, which from the point of view of Macedonia's elites has consequently led to an acutely felt need to be more assertive towards protecting the country's internal state integrity. This in turn has impacted on Macedonia's domestic attitude and policies towards its minorities.

One of the most potent sources of instability in Macedonia has been the perceived threat of separatism arising from the presence of a territorially concentrated and dissatisfied significant minority of ethnic Albanians. Coupled with demographic changes which favour the eventual numerical dominance of the ethnic Albanian minority, this trend has created an atmosphere of insecurity which threatens the fragile interethnic balance in Macedonia, and additionally underlines the perception that time is not on the side of the ethnic Macedonian majority. According to the latest census statistics of 1994,²⁰ which are contested by ethnic

¹⁸ Jane K. Cowan, ed., *Macedonia: The Politics of Identity and Difference* (London: Pluto Press, 2000), p. 4.

¹⁹ Jenny Engström, "The Power of Perception: The Impact of the Macedonian Question on Inter-ethnic Relations in the Republic of Macedonia", *The Global Review of Ethnopolitics* 1 (March 2002), 3, pp. 3–17.

²⁰ While a more recent census was conducted in the last quarter of 2002, the official results had not been released at the time of writing (June 2003). Initially scheduled for May 2001, then subsequently postponed to October 2001, the politically sensitive census finally took place in the last quarter of 2002.

Albanians and Turks, the largest minority community in Macedonia consists of 23 per cent ethnic Albanians, with four per cent Turks, 2.25 per cent Roma, two per cent Serbs, 0.44 per cent Vlachs and two per cent 'other' ethnic groups. As a result of an ageing population and emigration, the majority ethnic Macedonian share of the population is in decline and lies around 67 per cent of the nearly two million inhabitants of Macedonia. The ethnic Albanian birth rate, by contrast, is one of the highest in Europe, leading to the distinct possibility and even greater perception that the ethnic Albanian community will constitute the majority population within a couple of generations.

Table 5.1
Census Results for the Different Ethnic Populations Populating Macedonia
for the Years 1953–94

	1953	1961	1971	1981	1991	1994
Total	1,304,514	1,406,003	1,647,308	1,909,136	2,033,964	1,945,932
Macedonian	860,699	1,000,854	1,142,375	1,279,323	1,328,187	1,295,964
Albanian	162,524	183,108	279,871	377,208	441,987	441,104
Vlach	8,668	8,046	7,190	6,384	7,764	8,601
Roma ²¹	20,462	20,606	24,505	43,125	52,103	43,707
Turkish	203,938	131,484	108,552	86,591	77,080	78,019
Serbian	35,112	42,728	46,465	44,468	42,775	40,228

SOURCE: Statistical Office of the Republic of Macedonia.

Estimates of the ethnic Albanian population in Macedonia are, however, notoriously difficult and deeply politicized. The current official statistic of around 23 per cent is held to be much higher by the ethnic Albanian elites who conjecture that the true mark is as high as 40 per cent. While the evidence for such propositions is fragile and population figures in a context of interethnic competition are notoriously strong on assumption, a number of factors nevertheless point to a significant change in the ethnic balance in favour of the ethnic Albanian community. Apart from the differential birth rates and the growing emigration of educated Macedonians who increasingly see fewer opportunities for self-advancement in Macedonia, the 1994 census figures were obviously influenced by the fifteen-year residency provision that had been included in the 1992 Citizenship Law. According to Albanian claims, this has effectively excluded between 120,000 and 145,000 ethnic Albanians from the electoral register who had sought refugee status in Macedonia after fleeing Kosovo and other parts of the former Yugoslavia—some of whom had been living in Macedonia for more than a decade.²² Speculation that the Albanian political parties had been motivated to demand

²¹ Needless to say, the accuracy of these figures should be treated with due caution. This is particularly the case with respect to the true proportion of Roma in Macedonia, whose numbers have been traditionally, and often self-intentionally, underrepresented.

²² ECOMM (European Controlling and Monitoring Mission), *Report*, 12 May 1995.

postponement of the census in 2001 until after the government had readdressed naturalization issues can also be seen in this light, particularly as a rise in the proportion of the Albanian population would translate into an increased number of Albanian MPs.²³

This process is adding to the demographic pressure on the ethnic Macedonian majority also in geographic terms, especially in the more rural parts of the country, which have witnessed a progressive 'Albanianization' as a legacy of exclusionary policies in public sector recruitment. While there has been some Albanian penetration into the cities, especially Skopje, with the exception of Ohrid and Struga, ethnic Albanians dominate the border region of western Macedonia in absolute terms, which in turn heightens the fear of separatism amongst ethnic Macedonians. As noted above, calls for partition or territorial autonomy have been common amongst Albanian activists and have regained currency as the slow pace of implementing reforms as part of the recent peace process has afforded more militant politicians the opportunity for gaining populist support.²⁴ They also raise fears amongst the Macedonian community of the introduction of parallel institutions in key areas of public administration, raising the spectre of similar historical developments in Kosovo. According to James Pettifer, a form of territorial partition is nevertheless already underway as local populations are voluntarily exchanging houses and coming to other personal property arrangements such that the concentration of ethnic Albanians who live in the east and ethnic Macedonians who live in the west is constantly diminishing.²⁵

More plausible grounds for disquiet, however, have arisen from the collapse of the Yugoslav state socialist economy with its policies of industrialization and self-management. One of the least developed parts of the former Yugoslavia and heavily dependent on federal transfers and regional trade links, Macedonia has suffered badly from the break-up of Yugoslavia, the trade embargos imposed on the Federal Republic of Yugoslavia during the Yugoslav wars of succession and the severing of trade links to Greece arising from the name dispute. The concurrent processes of de-industrialization and rationalization of public administration that have accompanied the collapse of state socialism have exacerbated Macedonia's economic woes and the already high unemployment rates, which have in turn seen a drop in living standards across all ethnic communities since the 1980s. However, as the prime beneficiaries of industrial development and state sector employment, ethnic Macedonians are losing out disproportionately from economic readjustment while ethnic Albanians ironically have fared better. Through exclusion from state employment and the state benefits that accrued from this, the ethnic Albanian community has customarily sought economic advantage through other means, mainly through taking advantage of the relaxed constraints on private enterprise introduced in the 1970s and through labour migration. Diaspora funds importantly have guaranteed a steady flow of income into the

²³ Ulrich Büchsenschütz, "Population Census in Macedonia to be Postponed?" *RFE/RL Balkans Report*, 5 (20 April 2001), 29, available at <http://www.rferl.org/reports/balkan-report/2001/04/29-200401.asp>.

²⁴ Ulrich Büchsenschütz, "A Major Blow to the Peace Process in Macedonia", *RFE/RL Balkans Report*, 7 (25 April 2003), 12, available at <http://www.rferl.org/reports/balkan-report/2003/04/12-250403.asp>.

²⁵ James Pettifer, *FYROM after Ohrid*, CSRC Occasional Papers G106 (Camberley, Surrey: Conflict Studies Research Centre, 2002), p. 2.

ethnic Albanian community, which to some extent has acted as a safety valve, mitigating the potential for economic grievances translating into heightened ethnic mobilization. Nevertheless, continued exclusion from state benefits and opportunities for advancement have heightened resentment amongst the Albanian community, and additional exclusion from educational opportunities has served to magnify this grievance. In a downward spiral of economic decline, ethnic Macedonians, for their part understandably are anxious to retain their source of livelihood and thus experience growing Albanian demands for more equitable access to jobs and public resources as an additional threat to their precarious position.²⁶

Ethnic and socioeconomic differences in Macedonia are strengthened by religious and linguistic divides. While Macedonia is a largely secular state, religion has nevertheless become a growing source of reactive identity as the Macedonian Orthodox Church gained greater constitutional recognition throughout the 1990s. Codification of the dominant role of the Macedonian Orthodox Church in Article 19 of the 1991 Constitution was regarded by other minority groups as yet another instance of their diminishing status as no mention was made of other religious denominations. For a long time, the Macedonian authorities have also feared the assimilation of the small Muslim minorities (Muslim Slavs, Turks, Muslim Roma) by the Albanians.²⁷ So far, however, religion has not constituted a primary source of conflict. Debates on language, however, have proved more divisive. Only codified after 1945, Macedonian is a distinctive marker of Macedonian identity, which differentiates the people of the republic mainly from the Bulgarians, who for a long time regarded Macedonian as merely a dialect of their own tongue. Sensitized to external encroachment on their identity, Macedonians consequently have found it difficult to accept Albanian as a second official language. As has been seen, the right to use Albanian in official channels, such as government, local community bodies and in the public administration has turned into a prime issue of political contention since the mid-1990s.

As a result of the large number of cleavages between the two main ethnic communities, society has become increasingly segregated in Macedonia with major tensions running through the formation of new political identities and institutions across ethnic lines. If Smootha's criteria for defining an ethnic democracy are applied to this state affairs, it can be seen that there is a large degree of salience in his contention that the regime that has developed in Macedonia is one that has been characterized by "demographic increase and preponderance (swamping), excessive accumulation of political power, unfair economic competition, downgrading of the national culture, dilution of the 'pure ethnic stock,' and national security risk ... unrest and instability".²⁸

But this is only part of the picture. A little over a decade after independence, Macedonia is still in the process of forging its identity as an independent state, a process that is bound to challenge not only sub-state national identities but also the extent to which Macedonia sees

²⁶ European Stability Initiative, *The Other Macedonian Conflict*, ESI Discussion Paper (Berlin: ESI, 20 February 2002).

²⁷ Aydin Babuna, "The Albanians of Kosovo and Macedonia: Ethnic Identity Superseding Religion", *Nationalities Papers* 28 (2000), 1, pp. 67–92, at p. 84.

²⁸ Smootha, *op.cit.*, p. 28.

itself as a subject of international relations. Macedonia's diverse and complex ethnic composition means that managing interethnic relations is a critical issue upon which the country's stability and democratic consolidation depends. At the same time, democracies are defined primarily by where they are going as much as where they have been, which is determined not only by the constraints of institutional legacies, but also by the capacity of the elites to manage the simultaneous tasks of state-building, breaking with the authoritarian past and constructing democratic institutions.

1.2 Derivative, Diminished and Diverging: the Democratization Process in Macedonia

Since the 1980s, Macedonia has been confronted with the multiple challenges of state and identity formation, territorial definition, the building of central state capacity and a struggle for international recognition. Taken together, these challenges have served not only to heighten ethnic mobilization and perceptions of threat but also, crucially, to structure and constrain the path of state-building that Macedonia has subsequently undertaken. With the substantial loosening of the political and economic, domestic and international environment in which Macedonia found itself after the death of Tito and later after independence, new opportunities opened up for Macedonia's elites to pursue a path of regime change to suit the interests of the hegemonic group, i.e., the ethnic Macedonian majority.

At the same time, the dismantling of the inherited structures for managing multiethnicity, and the de-privileging of those minority groups who had benefited under the previous regime heightened a reactive mobilization in Macedonia, which saw an increase in political activism amongst the strongest minority population, the ethnic Albanians, and an increase in ethnic rhetoric on both sides. In the initial stages of transition from state socialism, the processes of state- and nation-building in Macedonia encompassed a simultaneous process of dismantling the inherited institutions of the Yugoslav state-socialist system with the imposition of new institutions, involving the discarding or recycling of some elements of the old system in response to the perceived needs and threats to the ruling elite. In this way, efforts to assert a new regime have tended to combine instruments of democratization with the reaffirmation of a more traditional regime of control, similar to the model outlined by Smooha.²⁹ Consequently, Macedonia has demonstrated both an observable preference for homogenization, which has been effected through the introduction of assimilatory policies towards its minority communities, and a parallel development towards greater minority accommodation through the increasing extension of group rights and the introduction of formal and informal means of power-sharing.

At the same time, proximity to other regions of interethnic conflict, historical affinities and regional interests have created a number of security imperatives and national interests that have had a considerable influence on domestic developments in Macedonia. The rise and fall in levels of ethnic mobilization and the reactive responses of political participation

²⁹ Smooha, *op.cit.*

and threats of abrogation on behalf of the Albanian elites have demonstrated how dormant ethnic sentiment can be politically mobilized by the perception of a whole variety of external and internal threats.

By and large, however, and in contrast to Kosovo Albanians, the Albanian community in Macedonia has been characterized by its willingness to work within the existing political system. In political, economic, cultural and educational terms, Albanians in Macedonia have been better off than their fellow nationals in Kosovo and have enjoyed greater minority rights and protection. The central questions around which regime development has therefore revolved are those of defining the nature and ownership of the state.

Nevertheless, the fact that Albanians and Macedonians have improved collaboration at the political level over the past decade has not changed the general feeling of mistrust between the communities. The political parties remain ethnically distinct and the main characteristic of Macedonian society is one of growing segregation. Political and cultural dialogue is largely divided along distinct ethnic lines that rarely intersect or react with each other. This is reflected in the various media outlets that mainly represent and address only their own ethnic group and not the Macedonian public as a whole. More importantly, however, there has been a continued tendency to institutionalize segregation at the state level in which the Macedonia authorities, in the words of Smooha, have often “trie[d] hard to limit citizenship to members of the core ethnic group”.³⁰ In this way, the 1992 Citizenship Law has been a prime obstacle to achieving broad-based inclusion. Given the number of people who remain stateless in Macedonia, Macedonia’s failure to ratify the UN Convention on the Reduction of Statelessness and the European Convention on Nationality and the fact that this area of legislation has been consistently neglected, the question arises of whether Macedonian authorities are indeed utilizing the law to control and preserve ethnic Macedonian dominance.³¹

By the end of the twentieth century, with the rift between the two main ethnic communities deepening, neither had become entirely “converted to the belief in a ‘civic’ settlement that would strengthen democracy by improving minority conditions without weakening the integrity of the state”.³² Consequently, the outbreak of conflict in Kosovo in 1998–99 not only served to heighten perceptions of difference in Macedonia but also provided a salient example of how one group could successfully challenge the status quo, thus raising expectations of potential success for similar emulative acts. The nation- and state-building processes in Macedonia and the eventual outbreak of conflict in 2001 therefore should be seen in their wider context in which transnational regional factors not only played a significant role in mobilizing domestic political activity, but also in which the international context had provided a new legitimacy for international intervention in the domestic affairs of states to regulate conflict.

³⁰ Smooha, *op.cit.*, p. 25.

³¹ Norwegian Helsinki Committee, *Divided Communities: A Study of Inter-Ethnic Relations and Minority Rights in Macedonia* (Oslo: Den norske Helsingforskomité, 2001), available at <http://www.nhc.no/rapporter/landrapporter/makedonia.pdf>.

³² Koppa, *op.cit.*, p. 56.

2. EXTERNAL INVOLVEMENT AND ITS CONSEQUENCES FOR DEMOCRATIZATION

For the time being, international intervention in Macedonia has succeeded in averting the recurrence of violent interethnic conflict that broke out in early 2001 and has set the terms for the future path of democratic development in the country. Under the leadership of the European Union (EU) and initially backed by the military presence of the North Atlantic Treaty Organization, the international community and local party elites succeeded in negotiating a framework which ended conflict and established the parameters for future interethnic relations. As a result of protracted political negotiations taking place under intense international pressure, an agreement was signed in Ohrid on 13 August 2001, usually referred to as the 'Framework Agreement', which effectively renegotiated the division of state powers between the ethnic Albanian and Macedonian communities.

Critically shaped by the expediency of ending armed conflict, the overall aim of the Framework Agreement was to "[secure] the future of Macedonia's democracy" by explicitly linking it to "the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community". Rejecting the "use of violence for political aims" and reaffirming the territorial integrity of the state, the Framework Agreement sought the "complete voluntary disarmament and ... disbandment of all ethnic Albanian armed groups"—although these groups were absent from the negotiating table—and the preservation of the "multi-ethnic character of Macedonia". To realize this, a series of policy measures and constitutional amendments were hammered out with the explicit objective of eliminating structural, institutional and actual discrimination of ethnic Albanians in both the public and political spheres. This was to be achieved through the establishment of a number of power-sharing arrangements and the promotion of 'group-specific rights' across a range of traditionally contentious policy areas, and ensured through the continued presence of the international community, which was explicitly 'invited' to facilitate and monitor implementation.³³

At the heart of the Framework Agreement is a multilateral and interdependent pact between the ethnic Macedonian majority, the Albanian minority and the international community, which has effectively established the EU as a form of 'nanny' organization, monitoring and evaluating the implementation of the agreement and issuing positive and negative sanctions to reward progress or punish the lack of progress.³⁴ The new arrangement attempts to impose a Western model of 'civic' democratic practices on Macedonia with consociational-like elements, extending various group rights to ensure greater proportional allocation of resources, limited autonomy and restricted veto powers through the mechanism of a 'double majority' in decision-making. As the objective of the Framework Agreement was primarily to instigate a peace process, however, it was focused mainly on mitigating conflict between the two antagonistic parties, thus concentrating on redressing the grievances of the ethnic

³³ The English version of the text can be accessed at <http://www.assembly.gov.mk/Eng/rule.htm#1>.

³⁴ Frank Schimmelfennig, "Introduction: The Impact of International Organizations on the Central and Eastern European States—Conceptual and Theoretical Issues", in *Norms and Nannies: The Impact of International Organizations on the Central and Eastern European States*, Ronald H. Linden, ed. (Lanham, Md.: Rowman & Littlefield Publishers, 2002), pp. 1–29.

Albanian community to the exclusion of smaller, often more vulnerable, minority groups. Although claimed at the time as “probably the closest you can get to the ideal of a civic democracy in a deeply divided society”,³⁵ this failure to redress the power asymmetry across all ethnic communities in Macedonia from the outset invalidated the agreement’s aspiration towards achieving a truly ‘civic’ model. More fundamentally, however, the Framework Agreement rests on a central false assumption, which arises from its attempt to transplant a liberal-oriented civic model of democracy onto the country without paying due regard to the existence of ethnic institutions, which in the case of Macedonia are invariably imbued with the interests of the majority culture. Thus, even while trying to impose a civic framework, the agreement nevertheless, in Smootha’s words, serves to “legitimize the inequality of [the state] between the core ethnic nation and the non-core groups”.³⁶

The process of amending the most contentious part of the former Macedonian constitution illustrates this point well. Under the Framework Agreement, and in accord with the preferences of the international negotiators, the offending passages of the 1991 preamble to the Macedonian Constitution were to be amended so as to remove any reference to ethnicity or group affiliation. Instead, a formulation referring to the “citizens of the Republic of Macedonia” and their common “cultural inheritance and coexistence” was to be adopted. However, the formulation that had originally been agreed at Ohrid failed to win the approval of the majority ethnic Macedonian Parliament and was the subject of heated debate which, at the time, threatened to reignite ethnic tensions. As a consequence of this institutional imbalance, the version of the preamble that was finally adopted reintroduced ethnic affiliation, effectively privileging the majority ethnic Macedonian nation while making explicit reference to other communities. In this way, the text refers to: “The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others”. Thus, while elevating the status of the Albanian minority *vis-à-vis* the preamble of 1991, which merely acknowledged the willingness of the ethnic Macedonian majority to coexist with the Albanians, the preamble falls short of the ideal form of a civic polity favoured by the international community.

Given the promotion in status of the ethnic Albanian community and the almost exclusive attention that has been paid by the international community to redressing their grievances, some authors argue that post-conflict Macedonia has consequently seen the development of a *de facto* binational state.³⁷ While this may be true in many ways, particularly in terms of rectifying some of the long-term institutional imbalances between the two main communities, the notion of ‘binationalism’ implies a false equality of opportunities between ethnic Albanians and ethnic Macedonians which does not really exist. In this way, Smootha

³⁵ Nicholas Whyte, “The Macedonian Framework Agreement and European Standards”, *Europa South-East Monitor* 26 (Brussels: Centre for European Policy Studies, 2001), p. 2.

³⁶ Sammy Smootha, *The Model of Ethnic Democracy*, ECMI Working Paper No. 13. (Flensburg: European Centre for Minority Issues, 2001), p. 29.

³⁷ Jenny Engström, “Multi-Ethnicity or Bi-Nationalism? The Framework Agreement and the Future of the Macedonian State”, *Journal on Ethnopolitics and Minority Issues in Europe* 1 (2002), available at <http://www.ecmi.de/jemie/download/Focus1-2002Engstrom.pdf>.

identifies an important characteristic in the political development of Macedonia by highlighting that, despite the extension of group rights and greater participation, the communities of Macedonia may “be separate but they are not equal”.³⁸

The Framework Agreement further seeks to redress a number of other long-standing issues of contention between the two main communities. One such issue is the introduction of a new Local Self-Government Law aimed at decentralizing one of the most centralized states in Europe. The choice of labels here is not unimportant. Given the sensitivities to potential state-dilution or secession that have been prevalent amongst the Macedonian elites, deliberate fudging of the formulation was perhaps inevitable. With a view to dispersing power more equitably to the regions, a broad range of decision-making powers and financial control will be devolved to local communities, many of which are dominated by either ethnic Macedonians or Albanians.

From the Macedonian point of view, however, the new law threatens to undermine the basic principles of the Framework Agreement itself, that is, to maintain Macedonia’s territorial integrity, contradicting the stipulation that there would be “no territorial solutions to ethnic issues”. As has been seen, this fear has a strong resonance in Macedonia, given the insecurity over its borders and the fear that devolving power regionally would constitute the first step towards establishing Kosovo-like parallel structures. But given the lack of common ground between the two communities in present-day Macedonia, territorial decentralization is also likely to strengthen the already asymmetrical balance of power. Albanian claims that the Local Self-Government Law does not go far enough also add to this impression.³⁹

Although the facilitating Local Self-Government Law has now been adopted, it provides a range of opportunities for further heightening tension as none of the 250 laws required to decentralize specific sectoral competences to the municipalities has so far been drafted.⁴⁰ This will in turn necessitate continued international intrusion into the policymaking process to keep the process on track. To some extent this has already been set in train. In addition to the specific laws on local self-government, three related laws and their priorities for adoption have since been chosen by the International Monetary Fund (IMF) and other members of the donor community that are consequently setting the agenda for reform. The first of these is the Territorial Division Law, followed by the Local Finance Law and the City of Skopje Law. All of these crucially depend on the redrawing of municipal boundaries, which in turn depends on the release and recognition of the latest census data.

The Territorial Division Law will also affect another central question of identity that has proved highly contentious—the use of minority languages and particularly Albanian as an official language. On the municipal level, any community which makes up 20 per cent of the population may use its own language in dealing with the administration, which effec-

³⁸ Smooha, *op.cit.*, p. 26.

³⁹ Ulrich Büchschütz, “Macedonia Has a New Law on Local Self-Government, but ...”, *RFE/RL Balkans Report*, 6 (1 February 2002), 7, available at <http://www.rferl.org/reports/balkan-report/2002/02/7-010202.asp>.

⁴⁰ Brenda Pearson, *Putting Peace into Practice: Can Macedonia’s New Government Meet the Challenge?* USIP Special Report, No. 96 (Washington: United States Institute of Peace, 2002), p. 8.

tively only applies to Albanian; other minorities have recourse to a democratic vote on their use in public bodies, which given the weighting against them is unlikely to happen. So far some concessions have been made on the use of Albanian on passports and with regard to chairing parliamentary sessions,⁴¹ but in reality very few Albanians will be able to make use of this when dealing with local administrations. Owing to the history of privileging ethnic Macedonian access to public sector employment, few of the local officials speak Albanian and will therefore be at a further disadvantage in the new job market.

The upshot of this is that the process of transition to democracy in Macedonia since the outbreak of conflict has been put on a new track, which has been framed by international proponents of a 'civic' form of plural democracy and integration which is concerned primarily to combine both genuine group autonomy and individual liberties. The problem with this, as has been outlined above, is that identity in Macedonia is deeply fragmented between ethnic groups, while at the same time rooted in consolidating the Macedonian state as a unitary entity. The central question as to what form of democracy Macedonia will consequently take therefore depends on who defines the ultimate nature of the state. Whereas ethnic Macedonian views of state formation fall into either assimilationist or hegemonic camps, ethnic Albanian views on the other hand tend to advocate integration or partition. This fundamental divide in elite outlooks is compounded by socioeconomic, historical and cultural divides amongst the general population. Against this, Western ideals on promoting democratic reform are based on counterposing a perceived 'ethnization' of Macedonian politics through the inculcation of a harmonizing 'civic' national identity, attempting to eliminate the 'ethnic' marker from Macedonian politics altogether. Thus, the future direction of democratic development in Macedonia will depend on the success of developing sufficiently consolidated and widely accepted institutions of multiethnic bargaining that can mediate these competing claims.

3. FACTORS PROMOTING AND INHIBITING DEMOCRATIZATION

As important as formal institutions and perceptions of threat and instability are for shaping the process of regime change, the chances of success will be crucially determined by the context in which these processes are applied. In the case of Macedonia, continuing legacies of the state-socialist structures and the existence of informal institutions will have a significant bearing on the ease or difficulty of implementing reform. Moreover, an exclusive focus on active and reactive processes of ethnic mobilization would be a wholly insufficient explanation for any development in the transition process, given the crucial role played by political actors and personalities in post-communist politics.

As has been outlined above, Macedonian politics throughout the post-independence period has been characterized by the preponderance of informal power-sharing arrangements between the two main ethnic communities. This has blurred the line between the old ethno-

⁴¹ RFE/RL Newline, "Compromise Reached over Language Issue in Macedonia", *RFE/RL Newline* 7 (14 March 2003), 9, available at <http://www.rferl.org/newline/2003/03/140303.asp#4-see>.

federal institutions of the former Yugoslavia and the new arrangements for managing multi-ethnicity in independent Macedonia. The willingness of the Macedonian elites to countenance broad-based political inclusion in the face of growing Albanian political mobilization was no doubt a legacy of these institutional endowments and has arguably been a factor contributing to the relative stability between the Albanian minority and the state throughout most of the post-independent period. In turn, broad political participation in all governing coalitions has provided the Albanian community with political opportunities to search for compromise on some of the more sensitive issues that have aggravated ethnic tensions in Macedonia.

In addition to the official institutions of power, modern Macedonia is nevertheless also deeply permeated by 'shadow' institutions. Like many post-communist countries in the process of transition, Macedonia has been plagued by endemic black market activity and corruption. The level of corruption in Macedonia is, however, relatively excessive.⁴² This in turn has perpetuated an unofficial culture of favours, clientelism and criminality, which in times of strife has often been employed as a convenient excuse for furthering ethnic stereotypes and purported ethnic inclinations to criminality. However, owing to the weakness of state structures and their inability to extend control beyond their immediate centre of authority, many informal networks have grown and have come to substitute for many of the official tasks of the state. Because of their potential to deflect political power and economic resources, these unofficial institutions pose a significant impediment to the prospects for political development in post-conflict Macedonia. Lack of confidence in the state structures and formal legal system has also added to the re-emergence of ethnic institutions, such as the traditional 'peace councils' which adjudicate disputes in local Albanian villages.⁴³

Institutional endowments from the Yugoslav system have also perpetuated cleavages in the socioeconomic sphere of modern Macedonia. As a result of urbanization policies in the 1970s, the share of the ethnic Macedonian population residing in the country has steadily declined as more and more people have sought out economic advantage in the cities. The concomitant effect has been the progressive territorial 'Albanianization' of the countryside, particularly the arable areas of western Macedonia adjoining the Albanian border. Traditionally, more than half of the ethnic Albanian population in Macedonia has been employed in agriculture. With the onset of the Yugoslav economic crisis in the early 1980s, rural areas experienced conditions of severe poverty and rising unemployment. Although the economic decline affected all rural communities, the Albanian community bore a greater share of the burden. Ethnic Macedonians, on the other hand, prospered disproportionately by taking up white-collar jobs in the large urban centres. As a consequence, infrastructure and public services have been developed specifically to service urban areas and socially owned enterprises, while rural areas were left to fend largely for themselves.⁴⁴ Seen in this light, discrimination of the ethnic Albanian community has not solely been the result of deliberate policies of

⁴² International Crisis Group, *Macedonia's Public Secret: How Corruption Drags the Country Down* (Skopje and Brussels: ICG, 2002).

⁴³ European Stability Initiative, *Ahmeti's Village: The Political Economy of Interethnic Relations in Macedonia* (Berlin and Skopje: ESI, 1 October 2002), p. 25.

⁴⁴ *Ibid.*

ethnic privileging, but has equally been a side effect of institutional legacies deriving from the Yugoslav federal system.

While this proved beneficial to ethnic Macedonians under conditions of prosperity, the subsequent collapse of the socialist industrial sector and public administration has increased economic insecurity amongst the ethnic Macedonian population. Following independence, unemployment and regional poverty have become gradually more acute. At present, although there has been a slight upturn in the economy, job security and fear of unemployment across all communities remains a primary concern, heightening the potential for destabilization and creating opportunities for those willing to exploit ethnic divisions.⁴⁵

In the case of Macedonia, just like Kosovo, wider diasporas have also had a significant impact on the nation- and state-building process and the course of homeland minority politics. Besides exclusion from state employment, the disparity between population growth and economic opportunities has meant that many ethnic Albanians have sought employment abroad. This has generated a large Albanian diaspora in Western Europe and Turkey, which has managed to supplement the domestic economy of ethnic Albanians through a steady source of remittances from abroad. But it has also increased transnational economic trading patterns, which has contributed to the widely held perception amongst ethnic Macedonians that Albanian wealth has resulted largely through smuggling or other criminal activity. The Macedonian diaspora for its part has tended to take root in places as far flung as Australia and Canada from which its members have indulged in a characteristically expatriate zeal for nationalism and fierce defence of Macedonian identity.⁴⁶ For the ethnic Macedonian community, the loss of privileged access to public sector employment associated with the collapse of the socialist system has proved to be a bitter experience, even more so with the knowledge that the demands of the Albanian community for greater proportional representation in the state administration can only be fulfilled at their expense. Not surprisingly, this is a source of considerable resentment amongst the Macedonian population which undermines their support for the Framework Agreement.⁴⁷

Diverging patterns of economic and social development resulting from systemic changes have therefore contributed both directly and indirectly to interethnic tensions in Macedonia and subsequently influenced the course of political developments in the region. A history of socialist planning where infrastructure development and employment creation was centred on the needs of the urban population, together with systematic exclusion from public service employment, has left many Albanians feeling that the state has little to offer them. Widespread corruption, fears of an uncertain future and perceptions of far-reaching concessions or privileges accruing to rival ethnic groups has also resulted in an acute crisis of

⁴⁵ United Nations Development Programme, *Early Warning Report No. 1/2003* (Skopje: United Nations Development Programme/Kapital—Centre for Development Research, 2003).

⁴⁶ Loring Danforth, *The Macedonian Conflict: Ethnic Nationalism in a Transnational World* (Princeton, N.J.: Princeton University Press, 1995).

⁴⁷ Ulf Brunnbauer, "The Implementation of the Ohrid Agreement: Ethnic Macedonian Resentments", *Journal on Ethnopolitics and Minority Issues in Europe* 1 (2002), available at <http://www.ecmi.de/jemie/download/Focus1-2002Brunnbauer.pdf>.

legitimacy in the political process. Disillusionment and feelings of disenfranchisement have consequently led to a gradual polarization of the two main ethnic communities, which bodes ill for the prospect of generating the core of moderate support needed to make the envisaged power-sharing arrangements workable.

This has naturally had consequences for the political landscape of Macedonia, which has seen the emergence of new actors who better reflect the diverging wishes of the two communities. The old Albanian elite, represented by the two largest parties, the DPA and the Party for Democratic Prosperity (PDP), for example, has ultimately proved unable to adequately address the problems of the Albanian community. As a result, their loss of legitimacy amongst the Albanian community has created the opportunity for new more radical political actors, such as Ali Ahmeti and members of the officially disbanded National Liberation Army (NLA), to demonstrate that Albanian interests can be better pursued through more aggressive representation. Ethnic Macedonians, for their part, also appear to have become disillusioned with the old political contest between Prime Minister Ljubco Georgievski's nationalist VMRO-DPMNE and Branko Crvenkovski's social-democratic SDSM, which initially saw the emergence of hard-liners, such as interior minister, Ljube Boskovski, as one of the most prominent figures in the government, and the reintroduction of hard-line anti-Albanian rhetoric. The 2002 elections nevertheless saw a significant change in the party system with the foundation of a new Albanian political force, the Democratic Union for Integration (DUI), whose party platform bears a close resemblance to the demands of the NLA and the formation of a broad coalition "Together for Macedonia" led by the Social Democratic Union. The lack of nationalist rhetoric and focus on cross-ethnic democratic development that characterized the election campaign is perhaps evidence of a growing recognition amongst political elites that public confidence in Macedonian politics is at an all-time low and proof of Horowitz's contention that parties in divided societies tend to moderate if they have to in order to win office.⁴⁸

Macedonian party politics, like many other developments in the region, nevertheless still tend to be focused on personalities and leadership styles, which can often be more influential than the formal rules of the game. Although Macedonia's Constitution formalizes the country as a parliamentary democracy, owing to the prominent role of its first president Kiro Gligorov, the state has largely been run as a *de facto* presidential system.⁴⁹ In many ways, this conjures up the legacy of Tito, who is widely regarded as playing the crucial role in initiating the formative period of Macedonian nation-building. But, while eventually coming to stand as a symbol of the exclusivist path Macedonian state-building had taken in the post-independence period,⁵⁰ Gligorov's departure from office in 1999 also signalled a departure from

⁴⁸ Donald Horowitz, "Making Moderation Pay: The Comparative Politics of Ethnic Conflict Management", in *Conflict and Peacemaking in Multiethnic Societies*, Joseph V. Montville, ed. (New York: Lexington Books, 1990), pp. 451–475.

⁴⁹ Duncan M. Perry, "The Republic of Macedonia: Finding its Way", in *Politics, Power, and the Struggle for Democracy in South-East Europe*, Karen Dawisha and Bruce Parrott, eds. (Cambridge: Cambridge University Press, 1997), pp. 226–281, at p. 246. For the classic argument that presidentialism hinders democratic transition, see Juan Linz, "The Perils of Presidentialism", *Journal of Democracy* 1 (Winter 1990), 1, pp. 51–69.

⁵⁰ Brown, *op.cit.*, p. 127.

the ideal of the unifying figurehead around which ethnic differences could gel. With the rise of prominent figures, such as Georgievski and Ahmeti, personality politics in Macedonia has also gradually taken on an ethnic slant that further entrenches perceived divisions and perpetuates difference.

Against the backdrop of a discredited political process, contemporary politics in Macedonia has therefore tended to shift more and more to a form of clientelism and government-by-network. The formal institutional arrangements in Macedonia now matter less than do informal connections and personal services. Coupled with divergent ethnic, cultural and economic cleavages, these developments further serve to undercut the basis for cohesion that is required for an integrated and pluralist political order to take root. The primary trend between the two main ethnic communities in Macedonia is one of divergence and separation rather than integration.

4. CONCLUSION: MODELLING ETHNICITY AND DEMOCRACY IN MACEDONIA

This brief discussion demonstrates that ethnic diversity has shaped the political trajectory of Macedonia throughout its short history, and vice versa. The ethnofederal structures of the former Socialist Federal Republic of Yugoslavia, of which Macedonia was a constituent part, initially provided an institutional mechanism for managing ethnic diversity, but also crucially laid the foundations for Macedonia's subsequent path of nation- and state-building. With the collapse of state socialism in the early 1980s, issues of ethnicity gradually took on greater domestic salience as the relaxation of institutional control increased the scope for the mobilization of ethnic identities, as well as ethnic stereotypes. Inexperienced in managing ethnic demands and confronted with the threat of increased sub-state competition, the ethnic Macedonian elites resorted to the gradual adoption of pre-institutionalized mechanisms of control as part of a drive to redistribute power in their favour and assert their ethnic hegemony. This saw the introduction of a number of privileging policies that not only resulted in intensifying minority discontent but also sowed the seeds for further conflict. With the assumption of independence in 1991, other nation-building constraints were lifted and hegemonic control in Macedonia subsequently became equated with the promotion of a distinctly 'Macedonian' state identity and the preservation of state integrity. In conditions of institutional weakness, territorial contention and the absence of a historical tradition of statehood, the reaffirmation of ethnic Macedonian dominance consequently became associated with containing a perceived threat of separatism or state dilution purportedly arising from the presence of a significant minority of 'disloyal' ethnic Albanians which eventually spilled over into conflict.

In short, the trend towards ethnic privileging and assertion that was evident in Macedonia prior to the conflict in 2001 was inextricably linked to the overall processes of transition and institutional readjustment, which were not merely a function of 'democratization', even of a problematic kind. This is not to say that the process of democratization, especially conditions of compressed democratization as exist in post-independence Macedonia, did not intensify the 'nationalizing project' of the Macedonian elites. The question is rather whether the process of democratization was the primary agent of ethnic privileging in Macedonia, or merely an

additional mobilizing factor. On historical balance, the impact of the transitional regime type in Macedonia, whether authoritarian or democratic, federal or unitary, does not seem to have been significantly correlated with the imposition of hegemonic privileging regimes, that have been a common feature, if to varying degrees, throughout the transition period.

In the case of Macedonia, the presence of institutional legacies and informal mechanisms of power-sharing have also helped mitigate the lack of formal minority rights guarantees. This has been most evident on the political level, where the permanent inclusion of minority parties in governmental coalitions, the formation of cross-ethnic elite pacts and the allocation of ministerial portfolios to minority representatives in the post-independence period has often gone beyond mere grudging concessions on behalf of the ethnic Macedonian elite. Consequently, it is important to consider how strong the countervailing effect of an overarching identity or loyalty to the state has been on regime transformation in Macedonia. As outlined above, interethnic competition has more often than not revolved around questions of equality of representation and access, especially amongst the ethnic Albanian minority, as well as the more fundamental question of what character the state should ultimately assume—be it majoritarian or proportional, ethnic or civic. Nor has this merely been a process of domestic competition as transnational linkages to ethnic kin and diasporas have also played a salient role in shaping the direction of domestic state formation.

Nevertheless, while there have been intermittent calls for partition or territorial autonomy over the past decades, the prevailing attitude amongst the majority of Macedonians has constantly been one of securing the unity of the state, through preferential strategies of nation- and state-building over democratization. To a large extent, this has been a consequence of the external security imperatives and territorial challenges that Macedonia has faced from its 'new' neighbours. Equally important, however, has been the impact that regional interdependencies of neighbouring territories have had on domestic conflict potential and ethnic mobilization. The gaining of external sovereignty in 1991 can therefore be seen as an important juncture in Macedonian state-building, which not only created an entity that had never before been united within one independent state but also brought with it the legitimacy conferred by international recognition and the right to participate in the international system.

Yet it could also be argued that the state of Macedonia has only survived until now partly because of its 'voluntary dependence on external actors'.⁵¹ UN forces were deployed on its territory in a preventive mission in 1993, the IMF and the World Bank were largely responsible for maintaining its economic viability throughout the initial period of independence and the OSCE and other European agencies have, for a long time, maintained offices in Skopje. Moreover, in the aftermath of conflict in 2001, the extent of international involvement in Macedonia's internal affairs has now become highly intrusive. With the signing of the Framework Agreement in August 2001, a direct link was established between securing peace and democratic development in the country and its gradual inclusion within the

⁵¹ Kyril Drezov, "Bulgaria and Macedonia: Voluntary Dependence on External Actors", in *Democratic Consolidation in Eastern Europe, Volume 2: International and Transnational Factors*, Jan Zielonka and Alex Pravda, eds. (Oxford: Oxford University Press, 2001), pp. 413–436.

Euro-Atlantic structures, particularly the EU. Future democratic development in Macedonia will therefore crucially take place within an international context of intervention that has not only acquired a new legitimacy in regulating conflict, but also in propagating new norms of democratic legitimacy. However, as can be seen from the debates surrounding the wording and subsequent amendment of the Constitution, this newly gained legitimacy is not always matched with an adequate capacity for enforcement. In this way, despite the depth of involvement of the EU in Macedonian affairs, the underlying norms and countervailing disincentives propagated by the international community do not currently appear to offer sufficient leverage to counterbalance the existing institutions of privilege. The international attempt to resolve conflict through promoting a constitutionally embedded strategy of civic accommodation has therefore sought to exercise a levelling effect between ethnic groups who are developing in fundamentally different directions and who have few points of common contact. However, through its enduring commitment to Macedonia, not least through its conclusion of a Stabilization and Associate Agreement (SAA) towards integration, the EU has effectively placed itself as an external prop to the success of this process. The prospects for long-term stability through democratic consolidation will crucially depend on finding broad strategies of accommodation that pay due attention to the contextual and structural factors—both formal and informal—that pose a risk to renewed conflict or institutionalized division. In this respect, the concept of ethnic democracy that Smooha develops offers a crucial insight into the underlying conditions of institutionalized inequality that characterize ethnic groups in the process of democratization. Without establishing tools to identify and address these imbalances, there is little prospect for establishing the basis of equality of status and representation on which effective liberal democracies are built.

However, the central criterion of any effective model is its closeness of ‘fit’ and its ability to explain change. From the above, it can be seen that the period following the independence of Macedonia and up until the crisis of 2001 most closely resembles that of a standard ethnic democracy. In this period, there was a distinct growth in ethnic mobilization with the promotion of a single homogenizing ethnic Macedonian culture, which at times laid claim to the exclusive ownership of the state. This was enacted through the adoption of certain privileging policies, especially in citizenship, language and education, which often revealed marked efforts to demarcate the privileged core ethnic group. Many of these policies were, in turn, framed as a result of various perceived threats to the privileged position of the hegemonic community, which not only resulted in the prioritizing of nation- and state-building projects over the installation of democratic processes but also led to the institutionalization of structural discrimination. In this way, the decade between Macedonia’s independence and the outbreak of conflict proves that a weak multiethnic state coupled with a new form of authoritarian regime can limp on for quite a long time. However, the stability purchased in Macedonia critically rested on the constraining effects of international involvement to guarantee external security, which nevertheless proved insufficient to stop escalating domestic grievances from eventually spilling over into conflict. Macedonia’s experience also underlines the difficulty of sustaining such a regime, especially when demographic expansion amongst the significant minority becomes no longer conducive to control and when the evolving international environment in which states operate no longer condones ethnic discrimination as a norm of good governance.

Methodologically, therefore, Smootha's approach appears to be shaped by the unwarranted assumption that most post-communist successor states have experienced conflict only in the course of democratization. In the case of Macedonia, however, heightened ethnic competition and policies of ethnic privileging commenced prior to the onset of democratization when the socialist federal republic still retained vestiges of authoritarianism and control. The model therefore neglects the fact that an institutional architecture that was designed to manage cases of multiethnicity was already in place when Yugoslavia collapsed and Macedonia began its state-building process in earnest in the period after independence. Moreover, as can be seen from the above, some of these institutional legacies endowed Macedonia with the capacity to deal quite effectively with managing multiethnic competition through formal and informal mechanisms of power-sharing. Smootha's conceptualization of ethnic democracy as a mechanism of conflict regulation therefore needs to consider the dynamics of transition when evaluating the scope of its efficacy for mitigating conflict. In some cases, this may also involve taking account of pre-existing structural and non-structural institutions that mitigate conflict potential. In the specific case of Macedonia, Smootha's model also reveals a further deficiency in its neglect of regional interdependencies, which are not always equivalent to kin-state relations, on the causes and dynamics of conflict. Thus, while Albania has remained relatively restrained in its relation with its ethnic kin in Macedonia, developments in Kosovo have had a more radicalizing impact on political mobilization and conflict potential. As a consequence, Smootha's model needs to be extended both vertically within the state, as well as horizontally across states to trace elite pacts, institutional choices and contingencies at the local, regional and international levels.

Serbia in the 1990s: The Case of an Ethnic Semi-Democracy

Florian Bieber

For more than a decade, Serbia¹—and the Federal Republic of Yugoslavia—constituted a particular type of political regime, which ended with the fall of Milošević on 5 October 2000. As a hybrid regime between authoritarianism and semi-democracy and between post-socialism and nationalism, it has been notoriously hard to classify. Most scholars have tended to emphasize the authoritarian over the democratic and the nationalist over the socialist components of the particular regime. Whereas these two aspects doubtlessly dominated the nature of the political system during the period from 1988 to 2000, it is necessary to examine alternative approaches to understanding the system of government and its longevity.

In exploring the applicability of Sammy Smooha's model of ethnic democracy to Serbia, two directions can be pursued. First, the model reveals the distinctions between the diminished quality of democracy for the majority and minority populations, resulting in a multi-tiered system of inclusion and exclusion. Second, the interrelationship between democracy and ethnicity in the case of Yugoslavia might shed light on some of the (possible) inherent instability of an ethnic democracy. As will be demonstrated in this chapter, Serbia under Milošević was not a clear-cut ethnic democracy, but the application of this model sheds light on Serbia as a specific case, as well as on the theoretical underpinnings of ethnic democracy. The first part of this chapter will determine the factors that contributed to the rise of what will be termed an ethnic semi-democracy, focusing on the ethnonationalist mobilization, the perceived fear of other nations and minorities, and finally the interrelationship between ethnonationalism and democracy in the case of Serbia. The second section of the chapter will explore the reasons for the instability of the regime, examining both internal and external contributing factors. Finally, the chapter will draw theoretical conclusions from the case of Serbia for the model of ethnic democracy.

¹ This chapter focuses on Serbia, as the Federal Republic of Yugoslavia was only constituted in 1992 and from 1997 onwards Montenegro pursued a different policy than the one of the Yugoslav authorities.

1. THE NATURE OF ETHNIC DEMOCRACY IN SERBIA AND ITS RISE

1.1 Ethnic Ascendancy

The emergence of ethnicity as a primary aspect of political life in the late 1980s in Serbia was the result of both the institutional arrangement of communist Yugoslavia and the legacy of pre-communist nationalism. As such, it could be argued that the roots of the national movement were both communist and anti-communist. In order to understand the ascendancy of ethnic dominance, we thus need to examine both the development of national identity in Serbia and its institutional origins in the communist era.

Serbian national identity, not unlike most other nationalisms in the Balkans, is the product of an emancipatory national movement directed against the big empires governing most of the Balkans until the late nineteenth and early twentieth centuries. As such, national identity drew on three key markers: religion, language and historical memories. The existence of the Serbian Orthodox Church for a part of the Ottoman rule of Serbia provided the Serbian nations with a 'national' institution under Ottoman rule, which led to the close ties between church and national identity. The religion also constituted a major difference in relation to the two other nations speaking essentially the same language, Croats and Muslims. Language provided for the second important marker of national identity. The key language reformer Vuk Stefanović Karadžić was thus also a key early figure in the national movement. Whereas the language did not constitute a border to other nations, it allowed the formation of an 'imaginary community' through literary production and newspapers.² Finally, the historical memories, or rather myths, of the pre-Ottoman Serbian empires contributed to the rise of Serbian national identity in the early nineteenth century. These empires provided a symbolic model for the recreation of the Serbian state, while the myths about the Serbian battles—above all the Kosovo Battle of 1389—provided motivation for the anti-Ottoman national movement.³ The national movement thus gave rise to a Serbian state which emerged in its first semi-independent form in 1814, expanding continuously both in terms of territory and in terms of internal self-governance until 1878 when it was granted independence from the Ottoman Empire at the Congress of Berlin. Unlike the other nations of former Yugoslavia, Serbs achieved statehood before the twentieth century. The national movement thus oscillated between the concept of creating a Serbian state on the territories where Serbs lived (notwithstanding their minority or majority situation) and the idea of Serbia serving as the Piedmont of South Slav unification in the form of Yugoslavia. Although Yugoslavia did emerge in 1918, it was not based on the dominance of Yugoslavism as a national (or supra-national) ideology in Serbia. The prevalence of ethnonationalist markers in the twentieth century are symbolized by the name chosen for the first Yugoslavia (until 1929): Kingdom

² Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2nd ed. (London and New York: Verso, 1991).

³ Wolf Dietrich Behschnitt, *Nationalismus bei Serben und Kroaten: 1830–1914* (München: Oldenbourg Verlag, 1980).

of Serbs, Croats and Slovenes. It was thus not the kingdom of territories, but of ethnically defined peoples. Until the end of the First World War, the Serb, as well as other national movements in the region, were primarily directed against the larger empires, rather than against other national movements. The collapse of the Ottoman and Austro-Hungarian Empires and the absence of consensus over the structure of the new Yugoslav state transformed interethnic relations from cooperation into competition and even hostility, paving the way for the interethnic conflicts during the Second World War. The Second World War was the traumatic event that contributed significantly to nationalist mobilization in Serbia in the late 1980s. The dismantlement of Yugoslavia by the Third Reich and the creation of the quisling 'Independent State of Croatia' set the scene for mass murder at the hands of the fascist Ustaša regime in Croatia and the extreme nationalist Serbian Četnik movement. While only the Communist partisans offered a vision of Yugoslavia that would be open to all citizens, the movement also committed substantial war crimes against its opponents. Whereas the ethnically motivated mass murder resulted in defeat, the incomplete process of addressing the past by communist Yugoslavia (i.e., only in an ideologized format) allowed for the mobilization of ethnicity and fear in the late 1980s based on the recollection of wartime atrocities.⁴

Before turning to the institutional origins of the 'ethnification' of the Serbian political space, the short historical survey of the development of Serbian national identity suggests that although Serb national identity emerged in opposition to a larger empire, it was largely shaped in the emerging Serbian state, which served as the core of the first Yugoslavia. The Serbian state was explicitly an ethnic state, and in its last decade possibly an 'ethnic democracy'.⁵ The late Yugoslav period was thus shaped by two considerations of the Serbian national movement, as propagated by intellectuals and political elites. First, Serbia was at the core of Yugoslavia and should leave in the case that Yugoslavia is a sub-optimal state solution for Serbs. Secondly, Serbia has a historical legacy pre-dating Yugoslavia as the state of Serbs.⁶ The ethnic character of the new Serbia was thus a logical continuation of the historical legacies as presented in nationalist interpretation of Serbian and Yugoslav history.

The institutional arrangement of late-communist Yugoslavia provided the structure for new Serbian elites in which to implement the historical legacies as outlined above. As has been noted in theoretical literature on the sources of ethnic conflict, in addition to historical legacies, the institutional framework can figure prominently in avoiding or exacerbating conflict.⁷

Although the Communist Party of Yugoslavia had a clear theoretical view of nationalism, in reality the implementation of a policy on the national question was far less obvious

⁴ Richard Hayden, "Recounting the Dead: The Rediscovery and Redefinition of Wartime Massacres in Late- and Post-Communist Yugoslavia", in *Memory, History, and Opposition under State Socialism*, Rubie S. Watson, ed. (Santa Fe, N. Mex.: School of American Research Press, 1994), pp. 167–184, at pp. 178–179.

⁵ Olga Popović-Obradović, *Parlamentarizam u Srbiji: 1903–1914* (Belgrade: Službeni list, 1998).

⁶ Florian Bieber, *Nationalismus in Serbien vom Tod Titos zum Ende der Ära Milošević*, (Münster: Lit Verlag, 2005).

⁷ Beverly Crawford, "The Causes of Cultural Conflict: An Institutional Approach", in *The Myth of "Ethnic Conflict": Politics, Economics and "Cultural" Violence*, Beverly Crawford and Ronnie D. Lipschutz, eds. (Berkeley, Calif.: University of California University Press, 1998), pp. 3–42.

and became less clear throughout the decades. Part of this phenomena is due to the fact that the League of Communists had to realize that the national question would not disappear with the establishment of their rule, contrary to its own theory, as suggested in Edvard Kardelj's characterization of nations: "A specific community of peoples arising on the basis of the social division of labour in the epoch of capitalism, in a compact territory and within the framework of a common language and close ethnic and cultural similarity in general".⁸ Instead, the ruling elite realized that, despite all efforts to the contrary, it remained a major force not only in society, but also among the Communist Party leadership. Not only did the Communist Party have to realize the continuing presence of nationalism on the political and social scene of Yugoslavia, the Party itself helped some nationalisms for its own political advantage. The promotion of Macedonian nationalism after the war as a way to block any Bulgarian claims on Macedonia, as well as the promotion of Bosnian Muslim nationhood from the 1960s onward are prominent examples. Furthermore, the expression of Slovenian national grievances was encouraged in respect to unresolved border disputes with Italy and Austria during the immediate postwar period, and later on, towards the situation of the respective Slovenian minorities. The first phase of communist policy on nationalism in postwar Yugoslavia was characterized by the promotion of Yugoslav identity. Whether this identity was supposed to take the form of an integral national concept, or merely supplement and thus defuse nationalisms within the common state (as Edvard Kardelj understood this concept), was never fully settled.⁹

After the attempt to stamp out nationalism through centralist policies and the forging of Yugoslav identity, decentralization remained at the centre of communist policy not only to combat nationalism, but also to tackle the other arising problems. It is exactly this devolution, as had been observed by Western analysts already in its early phases, which reinforced the continued presence of the national question on the Yugoslav agenda:

It seems that the socialist system itself has kept the national question alive. The decentralization of economic management and the devolution of governmental power, together with the liberalization of the political system begun in 1953, have given the people, Communists and non-Communists, freedom to vent pent-up national feelings without fear of persecution.¹⁰

By the mid-1970s the Yugoslav system had evolved into an ethnic confederalism that was largely held together by the personality of Tito, the League of Communists and the army. The confederal arrangement of late Yugoslavia was based on the six republics, which all (with the exception of Bosnia) had one dominant nation, whose 'nation-state' was *de facto* the

⁸ Quoted in Paul Shoup, *Communism and the Yugoslav National Question* (New York and London: Columbia University Press, 1968), p. 203.

⁹ Viktor Meier, "Yugoslavia's National Question", *Problems of Communism* 32 (1983), 2, pp. 47–60, at pp. 49–52.

¹⁰ Wayne S. Vucinich, "Nationalism and Communism", in *Contemporary Yugoslavia: Twenty Years of Socialist Experiment*, Wayne S. Vucinich, ed. (Berkeley and Los Angeles, Calif.: University of California Press, 1969), pp. 236–284, at p. 260.

republic. In this system, shaped by interrepublican competition, democracy was replaced by territorial competition over resources and power.¹¹ The weakness of the centre, coupled with the ethnic aspect of the republics and their competition, thus arguably laid the seeds for the disintegration of Yugoslavia and provided republic elites with the institutional structures for ethnic mobilization.¹² Furthermore, a strong group-rights emphasis (in the absence of democratic individual rights), in combination with a folkloristic promotion of national *differences*, facilitated the politicization of ethnicity and made ethnicity a latent yet permanent political issue.¹³

Serbia during the 1980s saw the revival of a strong national movement, with ideas based on historical legacies supported by nationalist intellectuals and promoted by political elites who rose in the communist institutional system, including Slobodan Milošević. Due to the high degree of centralization, the two Serbian provinces, Vojvodina and Kosovo, were outside the realm of Serbia in most administrative spheres. In narrow Serbia, as it was known at the time, Serbs constituted an overwhelming majority with no large minorities beyond Roma and Muslims. Primary nationalist mobilization was thus directed against Albanians in Kosovo, who were perceived as seeking to separate Kosovo from Serbia and even from Yugoslavia; whereas in Vojvodina in addition to minorities, 'separatist' Serb elites were the target of nationalist mobilization. Later, the ethnic mobilization was directed primarily against other republics, first Slovenia, later Croatia, followed by Bosnia. The internal minorities (see Table 6.1)—with the exception of the continued suppression of Albanians in Kosovo—were suffering repression and marginalization more as a function of the conflicts with other republics and as a consequence of increased ethnonationalist mobilization, rather than as primary targets of the mobilization. This is largely a consequence of the fact that most minorities in Serbia, again with the exception of Albanians, were not perceived as the same level of threat as the other republics, as will be discussed below.

¹¹ Sabrina Petra Ramet, *Nationalism and Federalism in Yugoslavia: 1962–1991* (Bloomington, Ind.: University of Indiana Press, 1992)

¹² Vojin Dimitrijević, *The 1974 Constitution and Constitutional Process as a Factor in the Collapse of Yugoslavia or as a Sign of Decaying Totalitarianism*, EUI Working Paper, RSC No. 9/1994 (Florence: Robert Schuman Centre for Advanced Studies, European University Institute, 1994).

¹³ Vanessa Pupavac, "Socialist Federal Republic of Yugoslavia's Multiethnic Rights Approach and the Politicization of Ethnicity", *Human Rights Law Review* 5(2000), 2, pp. 3–8.

Table 6.1
Ethnic Structure of the Population of Serbia (without Kosovo), 1991¹⁴

Nation	Number	Percentage
Serbs	6,446,595	65.9
Albanians	1,674,353	17.1
Hungarians	343,942	3.5
Yugoslavs	323,555	3.3
Muslims	246,411	2.5
Roma	140,237	1.4
Montenegrins	139,290	1.4
Croats	105,406	1.1
Others	359,202	3.8
Total	9,778,991	100.0

1.2 Perceived Threat

An ethnic democracy requires ethnicity to remain mobilized in order to secure support from the majority population for a somewhat diminished democracy. It could be argued that the more the quality of democracy is sacrificed for maintaining ethnic confrontation, the higher the required degree of ethno-political mobilization. Whereas ethno-political mobilization is a highly complex phenomenon, it arguably includes the key component of fear and perceived threat, as outlined comprehensively in the scholarship on ethnicity.¹⁵ In Serbia the primary perceived threat to the Serbian nation was at first located in Kosovo and later extended to Croatia and Bosnia as well. Although some nationalist politicians and intellectuals argued in favour of an offensive nationalism, the majority of the elite of the national movement interpreted Serbian nationalism as a defensive movement. The defensive nature of the nationalist mobilization did not only reflect the state propaganda, but also constituted a key aspect of the ethnonationalist movement in Serbia in the late 1980s and 1990s. The feeling of inequality and the perception of threat did exist, however, even earlier and facilitated the rise of Slobodan Milošević and other political elites in former Yugoslavia who sought to exploit widespread feelings of fear and threats extending well beyond the area of ethnic identity itself. A report published by Radio Free Europe on the day after Tito's death already clearly warns of the threat of nationalism and describes the feeling of injustice felt by Serbs and Croats in Yugoslavia: "Difficulties and feelings of injustice remain ... and, together with other problems

¹⁴ Census 1991. For further analysis, see also Srđan Bogosavljević, "Statistical Picture of Serbia, Montenegro and Parts of the Former Yugoslavia with a Serbian Majority", in *Serbia between Past and Future*, Dušan Janjić, ed. (Belgrade: Institute for Social Sciences, Forum for Ethnic Relations, 1997), pp. 57–75.

¹⁵ David A. Lake and Donald Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict", in *Nationalism and Ethnic Conflict*, Michael E. Brown *et al.*, eds., (Cambridge, Mass. and London: MIT Press, 1997), pp. 97–132; Badredine Arfi, "Ethnic Fear: The Social Construction of Insecurity", *Security Studies* 8 (Autumn 1998), 1, pp. 151–203, especially pp. 202–203.

and pressures, could provide an element of future instability”.¹⁶ Once the discussions of the economic and social reforms of the Communist Party in the 1980s did not yield the desired results, Milošević and other politicians offered simple solutions for the complex challenges facing the country; protecting Serbs from other nations by reestablishing Serbian unity and ensuring the equality of Serbia with the other nations and republics in Yugoslavia.¹⁷ At the same time, he mobilized the perception of threat in Serbia by talking of a constant (often unnamed) threat against Serbia and utilized a military vocabulary to describe the struggle between Serbs and their enemies.¹⁸ The portrayed threat was multifaceted, arising Albanian separatists, internal enemies and autonomists in the provinces and anti-Serbian coalitions in the other republics. The resolution of the economic and political crisis through nationalist mobilization was simultaneously the defensive struggle of Serbs against their enemies. As will be discussed later, the Milošević regime allowed the formation of other parties, while at the same time determining which opposition parties constituted a danger to the country through the mobilization of a perception of threat. A threat to the governing party thus coincided with a threat to the nation. The government-controlled daily *Politika* accordingly proclaimed on the penultimate day of the Milošević era: “They do not attack Serbia because of Milošević, but because of Serbia they attack Milošević”.¹⁹ The consequences of the fear mobilized by the government have been aptly described by the independent journalist Biserka Matić: “You may be extremely mature but when fear takes over control of your reason, it dictates your behaviour... There is enormous fear which is multiplying [sic] and growing which is extremely convenient for manipulation. If there are mechanisms for ruling by means of fear, you cannot blame only the people. I am convinced that all the elections in Serbia since 1990 were won by fear, which were intentionally induced, stimulated, and intensified”.²⁰ The regime mobilized the perception of threat to maintain power. The threats and fears could take many different forms, ranging from fear of impoverishment to fear of civil war and foreign powers. Most effective was, however, the mobilization of fear of other nations.

The threat of other nations in Serbia was multifaceted and changed throughout the period under consideration. In the early phases of the Milošević regime the key perceived threats arose from the Albanian population in Kosovo and the danger of the secession of Kosovo. The threats arising from Slovenia and Croatia were primarily attributed to the economic exploitation and political disadvantage of Serbia.²¹ In the late 1980s a rising perception

¹⁶ Patrick Moore, “Tito and the National Question, The Tito Era in Yugoslavia”, *RFE Background Report*, 5 May 1980.

¹⁷ Nebojša Popov, “Le Populisme Serbe (suite)”, *Les Temps Modernes* 49 (1994), 574, pp. 22–84, especially pp. 43–44.

¹⁸ Slobodan Milošević, *Les années décisives* (Lausanne: L’Age d’Homme, 1990).

¹⁹ *Politika*, 3 October 2000.

²⁰ Biserka Matić, “People in Serbia: Living in Fear”, *AIM*, 18 October 1999, see <http://www.aimpress.ch>.

²¹ A key source of such perceived threats is the long-time unofficial Memorandum of the Serbian Academy of Sciences and Arts that formulated key grievances of national intellectuals. See Kosta Mihailović and Vasilije Krestić, *Memorandum of the Serbian Academy of Sciences and Arts: Answers and Criticisms* (Belgrade: Serbian Academy of Sciences and Arts, SANU, 1995), pp. 95–140.

of threat was the possible disintegration of Yugoslavia along republican lines, which transformed the status of Serbs in Croatia and Bosnia to a minority, separated from the kin-state Serbia by an international boundary.²² Thus the perception of threats was originally mobilized in the Serbian periphery, in Kosovo, Croatia and Bosnia. In Serbia proper the mobilization of threats was supplemented with the call for national solidarity in support of threatened members of the nation in the periphery. Among the internal minorities in Serbia, besides Albanians, only Muslims were often perceived as a threat. Other minorities did not figure prominently in the rhetoric and realities of threats; minorities as such, however, did.²³

The continuous crises of the country did not only reinforce the perceptions of threat, but also allowed the regime to marginalize potential threats and alternatives.²⁴ The *de facto* state of emergency during the wars in Croatia, Bosnia and Kosovo left the opposition little alternative between aiding the war policy or removing themselves from the 'acceptable' frame of political participation by criticizing the policy of the government. Furthermore, the demand for national unity (by both government and opposition) allowed the regime to portray wartime criticism as betrayal. The external perception of threat thus translated into the reduction of political pluralism internally: "To accuse someone of 'shattering the unity of the Serb people' became one of the worst insults a politician could utter in the new-old value system".²⁵ This rendered the critique of governmental policies by the opposition particularly difficult, and often the opposition sought to criticize the regime from the ethnonationalist perspective. It could thus be argued that the perception of a threat in Serbia had a direct impact on the diminished quality of democracy in Serbia.

1.3 Diminished Type of Democracy

Whereas Yugoslavia fulfils the aforementioned criteria of an ethnic democracy, the question whether the system of governance could be described in any way as democratic is highly problematic. At the state and federation level, the system failed to satisfy some of the basic procedural definitions of democracy, most notably the absence of a change of government. With the change of government in October 2000, brought about by the combination of electoral victory, massive protests and collapse of the previous regime, the system of ethnic 'semi-democracy' itself collapsed. While other country studies of ethnic democracy will have to focus on areas in which democracy is diminished, the case of Yugoslavia necessitates the examination of the aspects of democracy in the country.

²² Susan L. Woodward, "Diaspora, or the Dangers of Disunification? Putting the 'Serbian Model' into Perspective", in *The New European Diasporas: National Minorities and Conflict in Eastern Europe*, Michael Mandelbaum, ed. (New York: Council of Foreign Relations Press, 2000), pp. 159–213.

²³ Jan Briza, *et al.*, *Minorities in Serbia* (Belgrade: Helsinki Committee for Human Rights in Serbia, 2000), see pp. 18–153.

²⁴ Eric D. Gordy, *The Culture of Power in Serbia: Nationalism and the Destruction of Alternatives* (University Park, Pa.: Pennsylvania State University Press, 1999), see pp. 199–208.

²⁵ Srbobran Branković, *Serbia at War with Itself* (Belgrade: Sociological Society of Serbia, 1995), see p. 44.

The ascendancy of the Milošević regime in the late 1980s claimed to reflect the 'will of the people' by organizing mass demonstrations which sought to underpin the inter-bureaucratic power struggle against elites in the provinces (Vojvodina and Kosovo) and other republics (especially Montenegro, Bosnia and Slovenia). With high numbers of participants in protests in most towns and cities in Serbia in 1988–89, reaching up to one million in the largest rallies, the resemblance of 'vox populi' was given²⁶ and echoed in the media.²⁷ The protests were, however, well organized but did not usher in democratic reform, as did the mass protests in other countries of Central and Eastern Europe a year later.

The collapse of the communist one-party regimes in the region, the political and economic crisis of Yugoslavia and the end of the League of Communists of Yugoslavia accelerated the process of holding free multiparty elections in the different republics of Yugoslavia. No Yugoslav-wide elections were held, but throughout 1990 the citizens of all republics went to the polls in the first multiparty elections since before World War Two. The conditions of the elections varied, with Serbia and Montenegro having had the least free elections, shaped by limited media coverage of the opposition and electoral rules that clearly favoured the governing Socialist Party of Serbia, the successor to the League of Communists of Serbia. Throughout Yugoslavia the national agenda dominated amidst the political competition in the newly emerging multiparty systems, and democratization and economic reform figured lower on the agenda in most republics, with the partial exception of Slovenia.²⁸ The League of Communists (renamed the Socialist Party of Serbia in the summer of 1990) endorsed political pluralism later than in the other republics. It first promoted the concept of a socialist non-party pluralism with plebiscitary elements as a tool to maintain control over the political process.²⁹ Only under pressure from the emerging opposition parties and the overall political atmosphere in the region did the ruling party endorse the holding of multiparty elections. In July 1990, half a year prior to the election, a referendum was held on the new Serbian Constitution, which gave far-reaching powers to the president and helped create an institutional system, which both diminished the role of the autonomous provinces and enhanced the power of the ruling party.

The first multiparty elections in December 1990 were the exception to the regional trend, in which opposition parties gained power. In Serbia the Socialist Party secured over 40 per cent of the votes, which translated into an overwhelming majority of nearly 80 per cent of the seats in Parliament due to an electoral system designed to favour the strongest party (see Table 6.2).

²⁶ Ivan Djurić, *Glossaire de l'espace yougoslave* (Paris: L'Esprit des Péninsules, 1999), see pp. 20–22.

²⁷ Aljoša Mimica and Radina Vučetić, *Vreme kada je narod govorio. Politika—Odjeci i reagovanja (juli 1988–mart 1991)*, CD-ROM (Belgrade: Fond za Humanitarno Pravo, 2001).

²⁸ Dušan Janjić, 1995. "Resurgence of Ethnic Conflict in Yugoslavia: The Demise of Communism and the Rise of the 'New Elites' of Nationalism", in *Yugoslavia. The Former and Future: Reflections by Scholars from the Region*, Payam Akhavan and Robert Howse, eds. (Washington, D.C. and Geneva: Brookings Institution and UNRISD, 1995), pp. 29–44, see esp. pp. 39–42.

²⁹ Vladimir Goati, "Političke elita, građanski rat i raspad SFRJ", *Republika* (September 1996), pp. 1–15.

Table 6.2
Results of the Serbian and Yugoslav Parliamentary Elections, Percentage of Votes,
Percentage of Seats, 1990–2000

	SPS–Socialist Party of Serbia	SRS–Serb Radical Party	SPO–Serb Renewal Movement	DS–Democratic Party	DSS– Democratic Party of Serbia
Serbian Elections, December 1990	46.1; 77.6		15.8; 7.6	7.4; 2.8	—
Yugoslav Elections, May 1992 ³⁰	43; 69	30; 28	—	—	—
Yugoslav Elections, December 1992 ³¹	31.5; 43.5	21.8; 27.8	17.2; 18.5	6.0; 4.6	see SPO
Serbian Elections, December 1992	28.8; 40.4	22.6; 29.2	16.9; 20.0	4.2; 2.4	see SPO
Serbian Elections, December 1993 ³²	36.7; 49.2	13.8; 15.6	16.6; 18	11.6; 11.6	5.1; 2.8
Yugoslav Elections, November 1996 ³³	45.41; 59.26	18.78; 14.81		23.8; 20.37 (Zajedno)	
Serbian Elections, September 1997 ³⁴	34.2; 44	28.1; 32.8	19.1; 18	—	
Yugoslav Elections, September 2000	32.2; 40.7	8.6; 5.6	4.7; 0	42.9; 53.7 (DOS)	
Serbia Elections, December 2000	13.5; 14.8	8.5; 9.2	3.7; 0	64.4; 70.4 (DOS)	

SOURCE: Vladimir Goati, *Izbori u SRJ od 1990 do 1998. Volja građana ili izborna manipulacija* (Belgrade: CeSID, 1999), pp. 285–299; Goati, *Elections in FRY from 1990 to 1998. Addendum: Elections 2000* (Belgrade: CeSID, 2001), pp. 269–271.

Throughout the 1990s elections were held at regular four-year intervals, with early elections for the Yugoslav Parliament in December 1992 and for the Serbian Parliament in December 1992 and December 1993. While the Socialist Party remained in government throughout the period 1990–2000 at both the republican level, and after the founding of the Federal Republic of Yugoslavia, also at the federal level, it held only a majority of seats in the first parliament of 1990–92 and was forced to form coalitions in the subsequent eight years.

³⁰ Results shown only for the Serbian members of the House of Citizens, the lower chamber of the Parliament.

³¹ In 1992, SPO and DSS both participated together with the Civic Alliance in DEPOS.

³² In 1993, SPO (re)formed DEPOS with the Civic Alliance and New Democracy.

³³ In 1996, DS, DSS, SPO and Civic Alliance formed *Zajedno*. In 1996, SPS ran in coalition with JUL and New Democracy.

³⁴ SPS ran in coalition with JUL and New Democracy in the 1997 elections. Both the Democratic Party and the Democratic Party of Serbia boycotted the elections.

When analyzing the nature of the political system in the 1990s, it can be described as being structured in concentric circles of legitimacy (see Figure 6.1).

Figure 6.1
Circles of Legitimacy of the Political Parties in Serbia, 1990–2000



The dominance of the Socialist Party translated into different degrees of legitimacy for the different political parties, as perceived by the government, administration and the state-run media. At the core of the system stood the Socialist Party, whose right to rule was not framed in earlier rhetoric of historical inevitability, but rather in the claim to represent the ‘will of the people’, a claim that will have to be further investigated later in this chapter. The second circle constitutes the coalition partners of the Socialist Party after 1992. Their programmatic position can vary dramatically: from the neo-communist programme and Wild West capitalist bearings of the Yugoslav Left (JUL) of Slobodan Milošević’s wife Mira Marković (1995–2000), to the extreme right-wing Serb Radical Party (1992–93, 1998–2000) and the pro-European market reform New Democracy (1994–98). The third circle constitutes the ‘loyal opposition’ parties, which criticized the rule of the Socialist Party, but like the others did not differ on the political platform of the ruling party, or they otherwise advocated the maintenance of the political system. These parties constituted the reservoir for coalition partners. In the rhetoric of the regime the border between these parties and the remainder of the Serbian opposition, circle four, was firm, while in practice parties moved back and forth, including the Radical Party, New Democracy, the Serb Renewal Movement and the Democratic Party, as well as the Democratic Party of Serbia. In fact, all major opposition parties at some point were considered as being loyal opposition. The Serbian opposition was constituted by parties who opposed the rule of the Socialist Party and advocated radical change, mostly focusing on democratization and occasionally on issues pertaining to nationalism. Often these parties founded coalitions, which sought to win elections against the Socialist Party, with DOS being the last and only successful example. The parties could move towards the loyal opposition, or even to being a coalition party, as happened throughout the 1990s.

The next circle is constituted by minority parties, especially the parties of the Hungarian minority and the Muslim/Bosniak community from Sandžak. Both groups had political parties that competed in elections and mostly received representation in the federal and republican parliaments. In addition, some Albanian parties from southern Serbia participated in elections and entered Parliament on occasion. The representation of the minorities in Parliament has generally been considerably lower than the share of the group in the overall population (see Tables 6.1 and 6.2). More significant was, however, the exclusion from political life of minorities and their parties. Belonging to the outer circle of the model, minority parties were not only excluded by the regime but most Serbian opposition parties did not cooperate with minority parties (and at times vice-versa) for the fear of undermining their credibility among the majority population. Only in 1997 did the Social Democratic Union (SDU) of Žarko Korać begin cooperating with Hungarian and Bosniak minority parties. The SDU lacked, however, significant support among the majority population.

The Kosovo Albanian parties were on the outermost circle of legitimacy of the Serbian political system, the most prominent of which was the Democratic League of Kosovo (LDK) led by Ibrahim Rugova, the unrecognized president of Kosovo for most of the 1990s. The Kosovo Albanian parties had consistently not participated in any Serbian or Yugoslav election since 1990. From the angle of the regime and the opposition, the parties were regarded as illegitimate and supporters of secessionism. While most of the parties' activities were not disturbed, the degree of any dialogue, not to mention cooperation, with Serbian opposition parties was minimal.³⁵

To summarize, one can talk of at least three different spheres of political activity. The first circle included the parties that were considered legitimate participants by the regime in the political process. The next circle also included the opposition parties and later some of the minority parties that participated in the political life of Serbia; whereas the outermost sphere encompassed the Kosovo Albanian parties, representing the largest minority that did not participate in the political life of Serbia. Before examining the different mechanisms in which minorities were excluded from decision-making at the national and local level, we shall assess the degree or lack of democracy in the period under consideration here.

In the Freedom House rankings for political rights and civil liberties, Yugoslavia ranked on the lower end of the 1–7 scale throughout the 1990s, ranging from 5 to 6 (out of 7) for political rights and 4 to 6 (out of 7) for civil liberties. This assessment placed the country in the bottom end of the category of transitional governments, together with countries such as Azerbaijan and Tajikistan—hardly a group of democratic regimes.³⁶ Yugoslavia under Milošević failed in some aspects of even minimal procedural democracy, which includes free elections, universal suffrage, change of government and respect for civil rights.³⁷ As mentioned earlier, numerous elections were held in Serbia throughout the 1990s. In all elections, several

³⁵ *Srpsko-Albanski dijalog*. Beograd, 21–22. novembar 1998 (Belgrade: Helsinški odbor za ljudska prava, 1999); Shelzen Maliqi, *Kosova: Separate World. Reflections and Analysis, 1989–1998* (Prishtina: MM Society Prishtina and Dukagjini Publishing House, 1998), pp. 249–255.

³⁶ Karatnycky, *et al.*, *op.cit.*, p. 19.

³⁷ Smootha, in this volume, p. 35.

parties participated, and with the exception of the May 1992 federal elections, major opposition parties ran in all elections. Despite the participation of opposition parties the boycotting of elections was a reoccurring issue, and in addition to the May 1992 elections, some of the opposition parties boycotted several elections, most notably the Serbian parliamentary elections in 1997 that were boycotted by the Democratic Party, the Democratic Party of Serbia and the Civic Alliance. The freedom and fairness of elections in Serbia has been put in doubt by both opposition parties and domestic observers,³⁸ as well as by international observers.³⁹ If international observers—where permitted at all—were able to do so, elections would merit closer scrutiny. The Serbian political scientist, Vladimir Goati, emphasized the need to examine the fairness and freedom of elections in three phases: (1) during the pre-election period; (2) during the elections themselves; and (3) in the post-election phase.⁴⁰ Most of the irregularities stemmed from the pre-election phase in elections held in the 1990s. Due to the governmental control of most media and other spheres of public life (control of public enterprises, etc.), the governing parties were able to reach citizens with much greater ease than any opposition party. The media was also used to denounce the opposition parties for not being sufficiently patriotic (especially 1992 to 1993) or for being irresponsible war-mongers (in 1990 and 1996).⁴¹ In addition to the pre-election manipulations, irregularities were a common aspect of the elections themselves. Gerrymandering and the misuse of voter registers were commonly observed as instruments used to boost the votes for the governing party. Manipulation was especially common in Kosovo, where the overwhelming majority of Albanians boycotted all elections. Consequently, small numbers of (Serbian) votes could secure a significant number of seats in Parliament. As a consequence, official turn-out figures for Kosovo were generally higher than would be expected considering the boycott.⁴² Finally, turning to the post-election period—closely related with the second criteria for procedural democracy, change of government—one can note that in the three cases where the governing party was bound to lose significant posts through elections, it was reluctant to recognize the results. Firstly, the local elections of 1996, which resulted in an electoral victory of the opposition coalition Zajedno, were disputed by the regime and were recognized in early 1997 only after intense international pressure and several month-long protests across Serbia. In 1997 the second round of the presidential elections of Serbia brought about a victory for the Radical Party candidate, Vojislav Šešelj. The voting was, however, annulled due to (supposedly) insufficient turnout. Finally, the electoral victory of Vojislav Koštunica in September 2000 was not recognized until massive protests brought about a regime change.

³⁸ Z. Lučić, "Izbori: pogled iznutra", *Republika*, 1 March 1997.

³⁹ Felipe Gonzáles, "Report by Mr. Felipe Gonzáles on Serbia", *Helsinki Monitor* 8 (1997), 2.

⁴⁰ Goati, *Elections in FRY from 1990 to 1998*, *op.cit.*, p. 21.

⁴¹ Zoran Slavujević, "Borba za vlast u Srbiji kroz prizmu izbornih kampanja", in *Izborne borbe u Jugoslaviji (1990–1992)*, Vladimir Goati, Zoran Slavujević and Ognjen Pribičević, eds. (Belgrade: Institut Društvenih Nauka, 1993), pp. 57–168; Zoran Slavujević, "The Issues: Dimensions of Electoral Confrontation", in *Elections to the Federal and Republican Parliaments of Yugoslavia (Serbia and Montenegro) 1990–1996*, Vladimir Goati, ed. (Berlin: Sigma, 1998), pp. 86–108.

⁴² Office of Democratic Institutions and Human Rights (OSCE ODIHR), *Republic of Serbia. Rerun of the Presidential Elections 7 December and 21 December 1997* (Warsaw: ODIHR, 1997), pp. 14–15, available at http://www.osce.org/documents/odihr/1998/01/1315_en.pdf.

Altogether these and numerous other irregularities during the electoral process limited the freedom and fairness of Serbian and Yugoslav elections in the 1990s.⁴³ In spite of these, admittedly serious, limitations to free elections, it could be asserted that the results of the votes broadly reflected public opinion in Serbia.⁴⁴ In fact, the degree of manipulation increased in the second half of the 1990s when the popularity of the regime was on the decline. The failure of the opposition to win an election until 1996 was less conditioned by the manipulations of the regime and more by its lack of broad appeal and popularity. Even between 1996 and 1999, the Socialist Party was arguably the most popular party, as most surveys suggest.

Among the other elements of procedural democracy, universal suffrage was not a primary concern. However, had Albanians from Kosovo participated in the electoral process this might have led to a serious difficulty as the regime consistently denied that many Albanians from Kosovo were legitimate citizens of Yugoslavia. This component would again be relevant for the 'ethnic character' of the political system. Finally, civil rights as a minimal precondition for democracy were only partly assured. Whereas human rights violations were commonplace in Serbia during the 1990s, it would be misleading to assume that basic civil liberties were suspended. Throughout the period under consideration, with a few exceptional periods—especially during the Kosovo War in the last months of the regime—freedom of expression was not curtailed. The limitation of opposition to and criticism of the regime were achieved more successfully through marginalization of independent media and dominance over the state media. In fact, the dominance of the ruling party was largely the result of the marginalization of alternatives, rather than their suppression.⁴⁵

A cursory glance at the democratic record of the Milošević era reveals that Serbia during the 1990s did not fulfil the minimal criteria of procedural democracy. In fact, the system of governance could be described—in the words of Leonard Cohen—as “dominating pluralism” or “managed multi-partyism”.⁴⁶ The semi-democratic state is nevertheless relevant for an understanding of ethnic democracy as it did contain a comparable distinction between the degree of democratic participation open to members of the majority and minorities. The mechanisms of the three-tiered system of legitimacy in Milošević's Serbia can shed light on other ethnic democracies. The regime employed five different policies to exclude minorities from effective participation in political life:

1. Centralization
2. Ethnonationalist discourse
3. Procedural engineering and manipulation
4. Criminal prosecution
5. 'Constitutional nationalism'

⁴³ Center for Free Elections and Democracy (CeSID), *A Guide through Electoral Controversies in Serbia* (Belgrade: CeSID, 2000); Goati, *Elections in FRY from 1990 to 1998*, *op.cit.*, pp. 192–196.

⁴⁴ Srbobran Branković, “O fenomenu podrške neuspešnoj vlasti”, *Srpska Politička Misao* 1994, 1–4, pp. 197–215.

⁴⁵ Gordy, *op.cit.*

⁴⁶ Leonard J. Cohen, *Serpent in the Bosom: The Rise and Fall of Slobodan Milošević* (Boulder, Colo.: Westview, 2001), p. 118.

These five factors constituted a pattern of exclusion that sought both to consolidate the rule of the Socialist Party, as full political participation would have weakened its hold on power, and to grant the system of rule a degree of legitimacy with the majority population in a climate of high ethnonational mobilization. Whereas some tools employed were clearly in the realm of illegality, others constituted subtle and not so subtle political pressure against minorities and their political representatives, thus resulting in their marginalization.

1.3.1 *Centralization*

Serbia under Milošević was constitutionally centralized and equally centralized in terms of power relations. In fact, centralization was one of the key demands that led to the rise of the Milošević regime in the late 1980s. The high degree of autonomy exercised by the two autonomous provinces of Vojvodina and Kosovo was widely perceived in Serbia as unfairly disadvantaging Serbs and empowering minorities. While the autonomy of Kosovo directly benefited a single minority community, namely Albanians, the autonomy of Vojvodina was not primarily ethnic as Serbs constitute a slight majority in the province. Hungarians and the many smaller minorities did, however, enjoy easier access to political institutions in Vojvodina than would be possible in Serbia as a whole. As communist Yugoslavia employed territorial autonomy/federalism as a key mechanism for managing ethnic diversity, its dissolution not only constituted a change of the system of government, but also diminished the means of political participation for minorities. As such, the abolition of the autonomies was explicitly directed against minorities. The abolition of the two provinces' autonomy in 1989 and 1990 was thus followed with a curtailment of minority rights in the two territories.⁴⁷

Centralization extended beyond the abolition of the autonomies to the creation of a Serbian constitution that vested little power in local government and foresaw no intermediary layers of governance. As no minority except for Albanians constituted more than five per cent of the Serbian population, the centralization facilitated the marginalization of minorities from political life.

1.3.2 *Ethnonationalist Discourse*

The second powerful tool for the exclusion of minorities from political life was the ethnonationalist discourse propagated by the regime and the parties in government. The ethnonationalist discourse of the majority had a dual effect on minority political parties. Firstly, it increased the nationalist reaction of minority parties, further increasing the political gap between majority and minorities. In fact, few parties succeeded in securing both majority and minority votes. The elites of many new minority parties, especially Bosniaks and essentially all Albanian parties in Kosovo, focused on territorial autonomy and/or secession and devoted only minimal attention to the democratization of the state and the political

⁴⁷ Tibor Varady, "Minorities, Majorities, Law, and Ethnicity: Reflections of the Yugoslav Case", *Human Rights Quarterly* 19 (1997), 1, pp. 9–54, see especially pp. 23–28; Joseph Marko, *Autonomie und Integration. Rechtsinstrumente des Nationalitätenrechts im funktionalen Vergleich* (Vienna, Cologne and Graz: Böhlau, 1995), pp. 494–499.

alternatives among the majority. Secondly, the majority opposition parties were mostly unable or unwilling to form coalitions with minority parties as they deemed this would diminish their chances with the majority voters. Furthermore, a number of majority opposition parties were proposing more radical nationalist policies than the regime (e.g., Vuk Drašković), making them essentially incompatible with minorities.⁴⁸

1.3.3 Procedural Engineering and Manipulation

The regime utilized a broad range of illegal and semi-legal methods to exclude not only opposition parties, but even more so, minority parties from power at the local level. The techniques employed included gerrymandering in Vojvodina to maximize the gains of the ruling party and undermine the success of minority parties.⁴⁹ In some cases, the regime excluded winning minority parties after the elections, most notably in Novi Pazar. Here the Bosniak “List for Sandžak” was dismissed by the government from the town’s administration after an electoral victory in 1996 for supposed violations of the constitutional order. The city government was replaced in 1997 with members loyal to the Socialist Party and its ally, JUL.⁵⁰ Less successful was the attempt of the regime to set up loyal minority organizations to divert votes from the legitimate minority representatives and provide the government with minority interlocutors. The degree of regime loyalty manifested by these ‘minority parties’ made them distinctly unappealing to voters from the Albanian, Muslim/Bosniak and Hungarian minority.⁵¹ In the case of Kosovo, many of these ‘loyal Albanians’ fell victim to the war and were killed by the Kosovo Liberation Army before, during and after the war.

1.3.4 Criminal Prosecution

In addition to manipulations of the electoral and party system, some minority parties were threatened with criminal prosecution, usually for pursuing secessionist policies. One of the most prominent cases involved charges brought forth by the regime in 1993 against the president of the Sandžak-based Bosniak Party for Democratic Action, Sulejman Ugljanin. Ugljanin subsequently left Yugoslavia to live in exile in Turkey until his return in 1996, which was permitted by the regime in an attempt to split the Bosniak vote between him and his rival Rasim Ljajić.⁵² The threat of criminal prosecution levied by the regime and its proxies—

⁴⁸ Shelzen Maliqi, “Demand for a New Status: The Albanian Movement in Kosovo”, in *Serbia between Past and Future*, Dušan Janjić, ed. (Belgrade: Institute for Social Sciences, Forum for Ethnic Relations, 1997), pp. 276–294, see especially pp. 291–292.

⁴⁹ CeSID, *op.cit.*, p. 34.

⁵⁰ Safeta Biševac, “Bosniaks in Sandzak and Interethnic Tolerance in Novi Pazar”, in *Managing Multiethnic Communities in the Countries of the Former Yugoslavia*, Nenad Dimitrijević, ed. (Budapest: Local Government and Public Service Reform Initiative, OSI–Budapest, 2000), pp. 387–398, see pp. 393–394.

⁵¹ Janusz Bugajski, *Political Parties of Eastern Europe: A Guide to Politics in the Post-Communist Era* (Armonk and London: M. E. Sharpe, 2002), pp. 423–424.

⁵² Biševac, *op.cit.*, pp. 392–393.

especially of Vojislav Šešelj—was part of the standard repertoire of intimidation. Due to the boycott of Albanian parties, the parties themselves were not under pressure of criminal investigation (as a boycott did not threaten the predominance of the regime), but party offices were searched and the operation of the Kosovo Albanian parties and their institutions rendered their work difficult, especially in the year leading up to the war.

1.3.5 'Constitutional Nationalism'

The final tool employed by the regime to marginalize minorities was shaping the institutional and constitutional set-up of Serbia and Yugoslavia within a nationalist framework. Although the Serbian Constitution did not make as strong a reference to the dominant nation and its historical aspirations as other post-Yugoslav constitutions (e.g., Croatia and Macedonia), Serbia considered itself a nation-state as evidenced by the constitutional preamble: "Determined to create a democratic State of the Serbian people in which members of other nations and national minorities will be able to exercise their national rights ...".⁵³ As such, "the Serbian constitution has afforded scope for the establishment of a nationalist regime fully as oppressive of minorities as those of any of the other former Yugoslav republics".⁵⁴ While the Constitution and institutions otherwise did not overtly extend an advantage to the dominant nation, numerous legal provisions were discriminatory against minorities.⁵⁵ In addition, the legal system failed to adequately operationalize minority rights, leaving minorities largely unprotected from state-initiated discrimination and marginalization.

2. THE INSTABILITY OF THE YUGOSLAV ETHNIC SEMI-DEMOCRACY

During the Milošević era, the state was both weak and strong. This seeming contradiction is frequently encountered in conflict-ridden societies, where the capacity of the state and its institutions are sufficiently strong to exert control and to use the instruments of repression available to the state; simultaneously, the state is unable to adequately plan, lead and implement policy.⁵⁶ The longevity of the regime, of over 12 years, indicates a degree of stability which few other regimes in the region mastered during this period of profound crisis and democratic changes. On the other hand, the complete collapse of the regime and significant parts of its legacy with the October 2000 'revolution' point to inability of the authorities to construct a permanent system of government—i.e., an uncontested ethnic democracy which preserves its main characteristics after a change of government. After discussing criteria identified by Smootha as being conducive to the stability of ethnic democracies, we shall turn to additional factors that contributed to the instability of the Milošević regime.

⁵³ Constitution of the Republic of Serbia, 28 September 1990.

⁵⁴ Hayden, *op.cit.*, p. 73.

⁵⁵ Varady, *op.cit.*, pp. 40–44.

⁵⁶ Tobias Debiel, "Haben Krisenregionen eine Chance auf tragfähigen Frieden? Zur schwierigen Transformation von Gewaltstrukturen", in *Der zerbrechliche Frieden. Krisenregionen zwischen Staatsversagen, Gewalt und Entwicklung*, Tobias Debiel, ed. (Bonn: J. H. W. Dietz, 2002), p. 25.

Smootha first identifies demographic factors as crucial in stabilizing ethnic democracies, i.e., the solid majority of the core ethnic nation and the share of the population constituting the minorities. He points out that a minority amounting to 10–25 per cent of the population constitutes the size most conducive to stability in ethnic democracies, as smaller minorities do not require ethnic mechanisms of marginalization and larger groups tend not to be controlled with the same ease.⁵⁷ In the case of Serbia, the majority constituted nearly two thirds of the 1991 population, increasing throughout the 1990s due to refugee flows from Bosnia and Croatia and considerable emigration by some minorities, especially Bosniaks and Hungarians. Of all the minority communities, only Albanians constitute a significant minority with approximately 17.5 per cent of the population. As such, only Albanians would constitute a group meriting the organization of an ethnic democracy, whereas other minorities numbering less than five per cent could be controlled through alternative mechanisms in liberal democracies. It was, however, particularly in regard to Albanians that the ethnic democracy eventually failed. First, as outlined above, the Albanian minority was the main group widely perceived as a threat by the population and doubtlessly the one with the highest degree of ‘ethnic distance’ towards Serbs. As such, repressive measures against Albanians were consistently supported by a clear majority of the population (see Table 6.3).

Table 6.3
Preferred Solution for Kosovo Conflict in the Serbian Population
According to Opinion Polls (in per cent)⁵⁸

Solution	1993	1994	1996	1997 (1)	1997 (2)	2000 (1)	2000 (2)
Expulsion and emigration of Albanians					42		
Kosovo under Serbian control, if necessary with use of force						21	18
Cultural autonomy					27		
Abolition of autonomy	35	30	23	21			
Status quo	32	33	36	38	20		
Greater autonomy, status of 1974	5	9	7	6		23	28
Confederation, Kosovo as a Yugoslav Republic	0	2	1	6		8	5
Partition	5	4	5	7		28	21
Independence	5	5	6	2		1	1

⁵⁷ Smootha, in this volume, p. 31.

⁵⁸ The polls were only conducted in Serbia without Kosovo. The results for 1993, 1994, 1996 and 1997 (1) are taken from Srećko Mihailović, “Virtuelna legitimacija treće Jugoslavije”, in *Dva ogleđa o legitimitetu. Javno mnjenje o legitimitetu treće Jugoslavije*, Zoran Đ. Slavujević, Srećko Mihailović, eds. (Belgrade: Institut Društvenih Nauka and Friedrich Ebert Stiftung, 1999), at p. 157. The dates for 1997 (2) are from the Helsinki Committee for Human Rights in Serbia, *Readiness of Serbia's Citizens to Solve Ethnic Conflicts* (Belgrade: Helsinki Committee for Human Rights in Serbia, 1997). The polls for 2000 (1) were conducted in the sum-

In addition to this majority support of repressive measures, the Albanian community itself opted out of the political system of Serbia, facilitating the marginalization of the community. A key limitation to the stability of the system was, however, the geographic concentration of the minority. While it might have been conceivable for an ethnic democracy to develop in the case of a dispersed minority, the fact that Albanians constitute an overwhelming majority of over 80 per cent in Kosovo diminished the likelihood of success. The non-participation of Albanians in conjunction with the establishment of a parallel administration meant *de facto* that government control was not fully established in Kosovo, with the exception of the security sector up to 1996–97. In addition to the numerical factor, the legacy of autonomy before 1990 rendered the control of the authorities more difficult. It could be argued that, as result, an ethnic democracy, or a semi-democracy in the case of Yugoslavia, can only achieve stability if the minority is not concentrated in a particular territory where it constitutes a majority. Furthermore, the existence of autonomy arrangements in the period before the establishment of the dominance of the majority needs to be taken into account in order to assess the potential for stability.

The demographics of Serbia played another role in the instability of the regime. Once Kosovo *de facto* ceased to be part of Serbia with the end of the Kosovo War and the beginning of the international administration of the province, majority-minority relations shifted within Serbia considerably. Without Kosovo, Serbs constitute approximately 80 per cent of the population of Serbia, with minorities numbering five per cent or less. The loss of Kosovo thus arguably changed the agenda of Serbian politics and reduced the need for mechanisms for marginalizing minorities, subsequently helping the electoral victory of the Democratic Opposition of Serbia whose campaign did not focus on the ‘national question’.

This demographic shift is closely connected with the changing perception of threat. As Smootha explores in his definition of ethnic democracy, the perception of threat by the majority population is a crucial component of the longevity of ethnic democracies.⁵⁹ While fear became a key feature of Serbian society during the 1990s, the perception of threat from other nations within the borders subsided after the Kosovo War, mostly as the ‘fear became reality’, and furthermore as the decline in the quality of life shifted concerns to the immediate personal sphere. In a survey half a year after the end of the Kosovo War, 92 per cent feared a decline in living standards, 89 per cent feared inflation and 86 per cent were afraid of not finding a job.⁶⁰ The increase of other fears and the inability of the ethnocracy to reduce the fears of the citizens were thus key contributing factors to the decline of the system.

Finally, the stability of Serbia’s system of ethnic semi-democracy cannot be assessed without reference to the regional and international context. Whereas the kin-states of the minorities in Serbia played only a secondary role, the region in which Yugoslavia is embedded had a considerable impact on the development of the political system in the country. In the first half of the 1990s, before the consolidation of democracies in the region, Serbia was

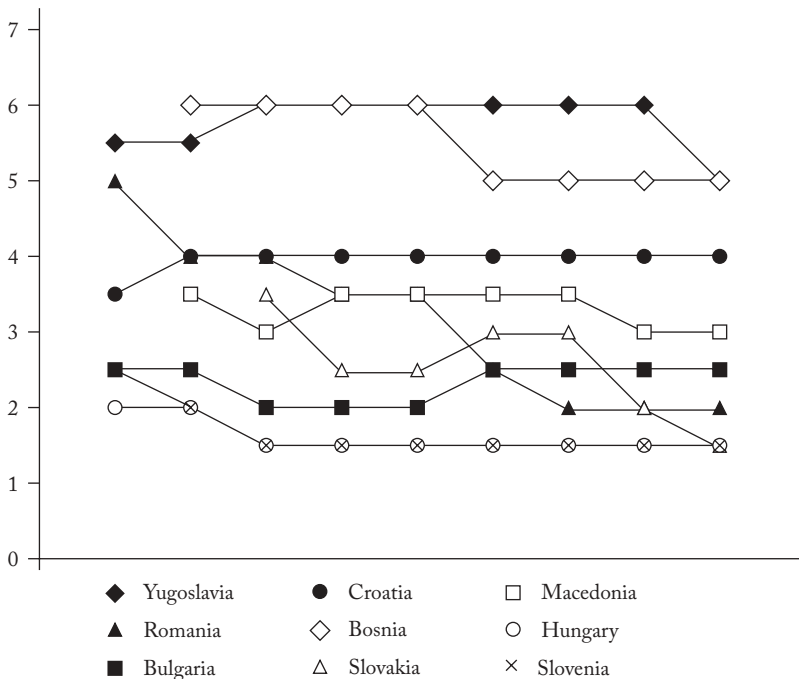
mer of 2000; see Mirjana Vasović, “Vrednosne i ideološke osnove aktivizma”, Srećko Mihailović *et al.* *Politička nerazpoloženja građana Srbije* (Belgrade: CPA/CPS, 2000), p. 20. The polls for 2000 (2) were carried out after the fall of Milošević, and the results published in *Vreme*, 16 November 2000.

⁵⁹ Smootha, in this volume, p. 28.

⁶⁰ Vesna Bjekić, “What the Citizens of Serbia Fear”, *AIM*, 8 October 1999.

the only ethnic semi-democracy in the region. In addition to Croatia under Tudman, political leaders with nationalist and authoritarian tendencies also governed Romania, Albania and Slovakia. Furthermore, Bosnia was at war and Macedonia marred by internal fragility. In this regional context, the regime of Milošević appeared nastier than most of its neighbours, especially in regard to its instigating wars in Bosnia and Croatia, but it was not exceptional. In the second half of the 1990s, the regime of Slobodan Milošević appeared, however, increasingly anachronistic. On one side, the regime adopted increasingly authoritarian measures, such as the university and media laws in 1998; on the other side, most semi-democratic regimes in the region moved towards democratization, noticeable particularly in Slovakia and Romania (see Figure 6.2).

Figure 6.2
Trends of Political Rights and Civil Liberties in Yugoslavia and the Neighbouring Countries, 1991–2000⁶¹



⁶¹ Each country's number is the average of civil liberties and political rights of the Freedom in the World ratings of Freedom House (data for Macedonia and Bosnia are only from 1992–93). See Adrian Karatnycky, *et al.*, *Nations in Transit 1999–2000: Civil Society, Democracy, and Markets in East Central Europe and the Newly Independent States* (Washington D.C. and New Brunswick, N.J.: Freedom House and Transaction Publishers, 2001).

	1991–92	1992–93	1993–94	1994–95	1995–96	1996–97	1997–98	1998–99	1999–2000
Yugoslavia	5.5	5.5	6.0	6.0	6.0	6.0	6.0	6.0	5.0
Bulgaria	2.5	2.5	2.0	2.0	2.0	2.5	2.5	2.5	2.5
Romania	5.0	4.0	4.0	3.5	3.5	2.5	2.0	2.0	2.0
Macedonia	—	3.5	3.0	3.5	3.5	3.5	3.5	3.0	3.0
Croatia	3.5	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Bosnia	—	6.0	6.0	6.0	6.0	5.0	5.0	5.0	5.0
Slovakia	—	—	3.5	2.5	2.5	3.0	3.0	2.0	1.5
Hungary	2.0	2.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Slovenia	2.5	2.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5

The growing gap between trends towards democratization in the region and increased authoritarianism in Serbia left the country increasingly marginalized—symbolized most powerfully during the launch of the Stability Pact in Sarajevo in July 1999 when all countries of the region, excluding Serbia, as well as major European countries and international organizations were represented. The international isolation of Serbia, however, did not primarily spring from its internal repression but rather from its policies in Croatia, Bosnia and Kosovo. Thus, the intensive international support in 1999 and 2000 for the Serbian opposition, which eventually brought about the fall of the regime, has to be viewed in light of the ethnonationalist politics of Milošević towards neighbouring countries and Kosovo.

When considering the influence of external and regional context on the stability of ethnic (semi-)democracies, we need to distinguish between regional trends that are likely to impact domestic developments from foreign policies of countries that pressure the ethnic semi-democracy to change. As ethnicity in such flawed ethnic democracies is merely one aspect, international attention is likely to focus on other considerations as well, especially on the diminished quality of democracy for the majority citizens. In the case of Serbia, the external sources of instability can be located in the policy of major European countries and the United States towards Serbia (sanctions, isolation) and in the regional trends towards democratization that left Serbia seeming like an oddity.⁶²

3. CONCLUSION: SERBIA AND ETHNIC DEMOCRACY

Serbia under the Milošević regime constituted a semi-authoritarian regime whose legitimacy in part rested on ethnopolitical mobilization. One can categorize regimes according to two axes of relevance—democracy and the importance of ethnicity. When constructing a taxonomy of regimes based on these two criteria, one can distinguish roughly four alternative approaches to democracy and ethnicity: ranging from authoritarianism to democracy

⁶² In fact, the Serbian opposition campaign was considerably informed by similar processes in Croatia and Slovakia.

and from ethnic exclusion to ethnicity as a marginal factor in political life (see Table 6.4). In an exclusionary system, minorities are prevented from participating in the political system and thus enjoy only limited rights in the given society. Usually, this includes open breaches of the human rights of the particular minority. In the case of marginalizing regimes, some ethnic groups are marginalized or controlled by the state, often through specific laws, such as citizenship laws, etc. Furthermore, minorities tend to be marginalized as a consequence of a nation-state, which leaves little political space for non-dominant groups due to strong majority nationalism. The third category describes states with one (or several) dominant groups. Here, the degree of open discrimination is less than in the previous categories, but dominance is based on the nation-state in conjunction with a nation-building project. The final group describes states where ethnic belonging does not play a primary role in the political sphere. This does not suggest that ethnicity is altogether irrelevant, but unlike in the previous systems, ethnic hierarchies do not define the political system. This might be due to the absence of significant minorities, a result of a civic state, or in the case of authoritarian regime, merely a dictatorship that does not distinguish on the basis of ethnicity.

Table 6.4
Taxonomy of Ethnic and Democratic Regimes (including select examples)

	Authoritarian	Authoritarian with Democratic Features	Democratic with Authoritarian Features	Democracy
Exclusion	Germany (1933–1945)	Serbia (in Kosovo, 1990–2000)	South Africa (–1994)	N/A
Marginalization		Serbia (–2000), Croatia (–2000)	Turkey	Estonia, Israel
Dominance	Azerbaijan	Georgia (–2004)	Macedonia, Bosnia, Slovakia	Czech Republic, Slovenia
Little Ethnic Bias	Kazakhstan, Belarus	Ukraine		Spain

On the basis of this model, one could distinguish between ethnic democracies in the narrow sense, i.e., democracies (fully fledged or with some authoritarian streaks), with mechanisms for ensuring ethnic dominance and marginalization of minorities or systems that tend to lean towards greater ethnic exclusion or towards greater authoritarianism. Thus, Serbia would figure in this second tier of ethnic democracies, which—in the case of diminished democracy—could be called ethnic semi-democracies. As has been argued in this chapter, Serbia did not fulfil some of the basic procedural definitions of a democracy during the 1990s. At the same time, the consent of a broad range of political parties (including opposition) regarding the exclusion of minorities, especially Albanians, suggests that Serbia is nevertheless relevant. In fact, the very absence of a fully fledged democracy in Serbia could be considered an important consideration for other ethnically organized political regimes. As ethnic democracies per definition are not fully fledged democracies, but rather weak democracies, there is an inherent degree of instability imbued in the system. The weakness of democratic processes in ethnic democracies reveals that most frequently ethnic democracies are likely to be transitory regimes, in the process of either moving towards greater democratization or

towards authoritarianism. Only exceptional situations—such as settler societies like Apartheid South Africa or those engaged in a protracted conflict with neighbouring countries as in the case of Israel—allow for the maintenance of the significant discrepancy between democracy within the majority and society-wide democracy, including minorities. In the case of Serbia, the regime moved increasingly towards authoritarianism until it was overthrown in October 2000, whereas countries such as Estonia have moved towards democratization in a gradual manner. A key reason for this development is the fact that permanent ethnic mobilization, required for the maintenance of an ethnic democracy, tends to limit political competition to issues pertaining to ethnopolitics. When the agenda moves away from ethnopolitics, either the system slowly moves towards democratization and overcomes some of its ethnic features, or the regime will seek more repressive measures to shore up its waning legitimacy.

The concept of ethnic democracy is thus a useful category for partially democratizing countries in societies with a high degree of ethnonationalist mobilization. The very nature of an ethnic democracy lends itself to the analysis and categorization of transitional political regimes in polarized, diverse societies.

A Model in the Making: The Case of Kosovo

Robert Curis

Ethnic democracy is the formation of a democratic state that is identified with and subservient to a single ethnic nation. This model of democratic organization and democratic application has recently been defined and articulated by Sammy Smooha as a political regime which combines the extension of civil and political rights for all permanent residents with an institutionalized ethnic ascendancy of the majority group. A core ethnic nation controls the state whilst non-core groups are accorded basic individual and collective rights, but treated as second-class citizens and placed under control.¹ As distasteful or indeed undemocratic as this model may seem, certain democratic nation-states and states are applying democracy in an undemocratic fashion. Using criteria developed by Smooha, this paper examines the potential for the development of an ethnic democracy in Kosovo.

The predominant ethnic group in Kosovo is Albanian (over 90 per cent) with minority Slav, Roma and Turkish groups also present. Over the centuries the land of Kosovo has been ruled by Albanians, Slavs, Turks and Serbs—with only limited Albanian autonomy under the Yugoslav Communist system, no autonomy under Serb totalitarian rule and finally as an international protectorate with general autonomy for the indigenous population established by United Nations Security Council Resolution 1244 in 1999. For most of the twentieth century, the Albanians in Kosovo were subjects of various forms of ethnic Slav-dominated states. Under Nazi-Italian occupation during World War Two, the Albanian regions of the Balkans were united under a foreign-controlled Albanian zone. After the Second World War, however, the territory of Kosovo was administered as occupied territory of Yugoslavia. The Albanians were considered full citizens of Communist Yugoslavia, but the region of Kosovo was not recognized as a constituent republic within Yugoslavia. In 1974 a new Yugoslav Constitution provided for substantial autonomy for Kosovo although republic status remained elusive. In the late 1980s Serbian strongman Slobodan Milošević made all the right political moves to swiftly dismantle Kosovo's autonomy. The largest popular opposition to these changes emerged from below! In November 1988 the miners of Kosovo's Trepca mine complex led an effective coalition of protestors culminating in a 30-mile march from Mitrovica to Prishtina, and Radio Television Belgrade reported an estimated 100,000 marchers. Nevertheless, popular sentiment in Kosovo did little to deter Belgrade's calculated

¹ Sammy Smooha, *The Model of Ethnic Democracy*, ECMI Working Paper No. 13 (Flensburg: European Centre for Minority Issues, 2001).

manoeuvres. Autonomous Kosovo became a province ruled by Belgrade and the civil rights of the majority Albanian population were erased.

In the early 1990s Albanian political leaders, primarily from the Democratic League of Kosova (LDK), attempted to organize an 'actively' passive resistance campaign. The LDK openly called for Kosovo's independence. The LDK's nominal objective in this campaign was independence, but in practice its aims were simpler and more immediate: engage the authorities in Belgrade and convince them to stop apartheid in Kosovo. Despite popular support among Kosovo's 'elite', the passive resistance movement did little to attract Belgrade's attention—never mind the outside world. The representatives of the Albanian population of Kosovo met illegally in Kacanik in September 1990, and proceeding from the widely recognized right to self-determination, the Kosovo assembly declared itself an equal subject among the constituents of the Yugoslav Federation and proclaimed the Republic of Kosovo. In May 1991 Ibrahim Rugova was elected President of the Republic of Kosova, a pseudo-state organized by the LDK political elite, which effectively organized parallel government and administrative structures primarily for education and healthcare. Finally, the Republic of Kosovo seceded from the Socialist Yugoslav Federation, declaring independence on 30 September 1991.

For all of the 1990s there were two states functioning in Kosovo: the Serb-led official regime which established an apartheid system and the shadow Albanian government structures which purported to be a democratic institution with free elections of representatives and transparent appointment of officials. Both 'governments' virtually ignored the other and the divide between ethnicities grew exponentially. The failure of the LDK passive resistance movement to capture the attention of the outside world, especially apparent when the issue of Kosovo was shelved at Dayton 1995, inspired more Albanians in Kosovo to drift toward militant formations that had emerged between 1992 and 1993. These militant formations were loosely supported by key military officers from the army of the Republic of Albania who had been working covertly with Kosovar contacts since approximately 1990. After the failure of Trepca protestors and the outright inability of the LDK to achieve even the smallest concession from Belgrade, more and more villagers (65 per cent of Kosovo's population in 1990 resided in villages) began seeking more active ways to effect regime change. Still it was not until the breakdown of law and order in neighbouring Albania that the Kosovo Liberation Army (KLA) would be able to find the weaponry needed to put itself on the map. A plethora of weaponry was made available to the KLA in 1997 from neighbouring Albania. Arms and munitions had been looted from weapon depots by regular citizens during the anarchy and civil unrest in Albania which ensued after the collapse of several huge pyramid investment schemes. These weapons quickly found their way to market and gave the KLA a chance to broaden its war—and that is exactly what they did. Between 1998 and 1999 low-level guerrilla warfare continuously sputtered in the Kosovo countryside. Heavy reprisals against civilians by Serbian police and Yugoslavia Army units for every casualty suffered slowly got the attention of international media and foreign governments. Repeated and intensive mediation failed to stop KLA action, and the subsequent reaction by Serbian Security, Yugoslavian Army and paramilitary forces. Massacres and deportations became monthly occurrences. With over 300,000 Albanians internally displaced and occasional civilian massacres splashing across TV screens, the humanitarian crisis pushed diplomacy into military action. The North Atlantic

Treaty Organisation (NATO) initiated a bombing campaign, whilst Milošević ordered his forces to carry out mass deportation of more than half of Kosovo's Albanian population. After 78 days of sustained air warfare Milošević bowed to undoubtedly strong internal military pressure and asked for a halt to the bombing. Milošević agreed to allow a NATO-led security force to enter Kosovo, which would be followed by a United Nations civilian administration that would operate under Security Council Resolution 1244. In two years time, over 15,000 Kosovo Albanians lost their lives and over 80 per cent of the population experienced significant property damage. The refugees returned with great speed and in record numbers.

1. Ethnic Ascendancy

If the central idea of ethnic democracy is the existence of an ethnic nationalism that declares a certain population an ethnic nation, sharing common descent, language and culture, then according to these criteria the Albanians of Kosovo cannot be considered a unique grouping of people inhabiting what is considered to be the Albanian homeland. Indeed for Albanians, Kosovo is part of the Albanian homeland, but only part of it. Over several centuries war and greater powers have continuously prohibited Albanians from Kosovo and other regions from establishing an ethnic Albanian nation-state. In its current form as a protectorate of the United Nations, Kosovo is a long way away from being able to establish ethnic democracy within its borders. It may, however, despite the best efforts of international caretakers, exhibit at the central and municipal levels *de facto* operational tendencies which are ethnic democratic in character. Over time, due to significantly lower Kosovo Serb birth rates, Serb emigration over security concerns and especially poor economic prospects for all communities, Kosovo may develop into a democratic ethnic state.

The vast majority of people living within the borders of the Kosovo province are Albanian. They make up over 90 per cent of the current population which is estimated to be two million. Although there exists a strong ethnic identity among the ethnic Albanian nation, the Albanians of Kosovo only represent approximately 30 per cent of the total number of ethnic Albanians in the world. Estimates of the current world population of Albanians are the following: 3.3 million in Albania, 1.9 million in Kosovo, 600,000 in the Former Yugoslav Republic of Macedonia (FYR Macedonia), 80,000 in Montenegro, over 350,000 in Greece (non-citizens and permanent minority), 350,000 in Italy (including 10,000 seventeenth-century emigrants) and an 800,000-strong diaspora in North America and Western Europe. Because of unfavourable immigration laws and unwelcoming attitudes, the Albanians in Western Europe tend to remain guest workers in their respective countries. The Albanian diaspora in North America, on the other hand, maintain strong economic ties to their homelands, but tend to become full citizens of either Canada or the United States. The modest Kosovar Albanian share of the total world Albanian population inhibits a Kosovar Albanian ascendancy, which could purport a claim to a unique hold on the Albanian identity.

There is common agreement among all Albanians regarding their heritage and hereditary homeland. This borderless homeland is best visualized in the former territories comprising the Ottoman Empire's four Rumelian *vilayets* (Ottoman administrative regions) of Shkodra—which included the Dukagjini Plateau (the Mediterranean region of

Kosovo), Monastir (presently Bitola in central FYR Macedonia), Janina (in north-western Greece) and Shkup (Skopje, FYR Macedonia which included continental Kosovo).² These administrative zones were divided between local pashas loyal to the Porte (the plenipotentiary prime minister's office in the Ottoman Empire). The *vilayets* of Shkup and Shkodra were located in the north and Monastir and Janina in the south, and these separate administrative and commercial centres mirrored the subtle cultural shades and linguistic dialects of Geg (Northern Albanian) and Tosk (Southern Albanian). In the waning years of the Ottoman Empire the Albanian national movement took concrete form through the 1878 Albanian League (of Prizren), which set out to unify all Albanians in the still borderless Balkans. However, the Great Powers were engaged in matters of greater weight for the Balkans. The proposed Treaty of San Stefano and the Treaty of Berlin in 1878 both acknowledged and inspired territorial changes, which would overshadow and ignore any Albanian aspirations. Nevertheless, the treaty on paper did little to alter the situation on the ground, and the Ottomans remained suzerain over most of the Albanian regions. In 1912 the Albanians of Vlora (Albania) and Prizren (Kosovo) simultaneously coordinated a declaration of an Albanian state by hoisting the pan-Albanian flag—the flag of the fifteenth-century Albanian, Gjergji Kastrioti (Skenderbeg), who severed his service as general to the sultan and established a 20-year principality in present-day Albania. The symbolic flag-raising was lost in the turbulent wars that raged across Albanian territories in the following years. Following the Balkan Wars, the Treaty of London of 30 May 1913 formally recognized an independent Albania, but the issue of determining final borders was postponed. The First World War and the Paris Peace Conference revalidated the 'Florence' line of border demarcation, rendering useless the Albanian aspirations for a pan-Albanian state. The administrative borders of the current state of Albania, established in 1912, left more ethnic Albanians outside of the Republic of Albania than actually lived within it.

The Albanians of the Republic of Albania have been dominated by Tosk (a cultural subgroup of the Albanian ethnicity—Tosks are generally found south of the Shkumbi river in Albania and use a dialect that is different than that of the Gegis, who reside north of the Shkumbi river) politicians since the fall of Ahmet Zogu in 1939 and the rise of Marxist-Stalinist megalomaniac Enver Hoxha in 1944. Hoxha's politics included massive spy networks that supported a terror state that allowed no alternative form of political expression. There was a strong drive for complete secularization (Albania in 1967 becomes the first country to declare itself officially atheist) and an undercurrent of Tosk cultural assimilation. Geg towns and villages in the northern regions of Albania were kept in complete isolation from one another. If we equate roads with civilization, then Enver Hoxha's refusal to improve the transportation infrastructure was a deliberate attempt to prevent modern civilization from ever reaching the northern regions.

The Albanians in post-World War Two Yugoslavia—Kosovo province, Montenegro and Macedonia—were unable to form an ethnic political movement to alter internal Yugoslav administrative boundaries. Indeed, Albanians found themselves divided by new administra-

² Sofia S. Juka, *Kosovo: The Albanians in Yugoslavia in Light of Historical Documents*, An Essay (New York: Private publication, 1984).

tive borders (e.g., the one which separates Preshevo from Kosovo in 1947), which hindered their ability to unify. Moreover, the Yugoslav Communist Party apparatus had aspirations to create a Balkan federation of Yugoslavia, Albania, Bulgaria and Greece. From Hoxha's perspective, this seemed an elaborate attempt by Yugoslavia to incorporate the Socialist Republic of Albania into Yugoslavia or at least to encourage the creation of a docile puppet state that would be subservient to Tito. Tensions and accusations resulted, and relations between Hoxha and Tito soured. Hoxha looked to Stalin to prevent Tito's plan for a Yugoslav-dominated Balkan Federation, and Stalin was more than happy to interfere. Eventually, Tito and Hoxha's distrust of one another turned into open diplomatic hostility. This led to vicious repressions of Yugophiles or Albanophiles on both sides of the Albanian inhabited borderlands between communist Yugoslavia and communist Albania. Enver Hoxha's Tosk-led Communist Party actively persecuted anyone with personal relations outside of Albania's administrative border. Marriages between Albanians from Albania and Albanians from Kosovo, Montenegro or Macedonia were discouraged, and when they did occur, both spouses suffered in attempting to improve their personal lot within the system. Likewise, on the Yugoslav side of Albanian lands, by simply uttering the name of Enver Hoxha, Albanians risked jail time or other forms of social persecution. These kinds of paranoid policies, which lasted for more than 45 years, significantly weakened links between Albanians on either side of the Yugoslav-Albanian border. Although the Kosovo or Macedonian towns (Gjakova, Prizren, Peja, Struga, Debar) served as market towns for regions of northern Albania (Kukes, Bajram Curri, Tropoja, Peshkopija), there was no significant contact between these populations for over half a century.

Postwar Kosovo (since 1999) has seen the reopening of the traditional trade and market routes between southern Kosovo and Albania's north. This regional integration is inevitable because of easier access between towns in northern Albania and Kosovo. The laws of the market are once again determining where Albanians from the north of Albania shop. Similarly, in Kosovo's postwar construction boom, many Albanians from northern regions of Albania have found employment in Kosovo as day labourers. These contacts between a once divided people are still in their initial stages. The years of isolation have kept Albanians on both sides of the border cautious and more inclined to point out differences rather than similarities.

Economic integration is necessary for these poor backwaters, and the political parties in Kosovo all share a similar platform toward improving trade relations with Albania. Still, the desire to reduce tariffs and improve efficiency on both sides of the border is driven by economic, rather than ethnic forces. In fact, the theorem that 'price' knows no ethnicity is proven when examining current trading patterns of Kosovar Albanian businessmen since 1999. The largest trading partner has been, and will continue to be, Serbia. More goods move across the administrative boundary that separates Serbia from Kosovo than are imported from Albania, the FYR of Macedonia or Montenegro.

In the Republic of Albania there are no significant political parties advocating the unification of Albanian lands. Likewise, today there is rational understanding among mainstream Albanian political movements in the FYR of Macedonia, Kosovo and Montenegro that the current strategy in European politics will prevent any unification of Albanian inhabited territory. Nevertheless, ethnic Albanians have been unified in their recognition of the need to establish democratic conditions in regions outside of the Republic of Albania. Albanians in

Kosovo began active resistance to Yugoslav communism in 1981 (Trepca miners strike), and following the removal of constitutional autonomy from Kosovo in 1989, Kosovar Albanians formed active and passive resistance organizations. Most recently, organized Albanian resistance has risen up violently in Kosovo (1998–99), the Preshevo valley in southern Serbia (2000–01) and the FYR of Macedonia (2001) in attempts to transform political realities. In all cases it is undeniable that organized Albanian violence succeeded in bringing about changes in the international pressure used to create the will to negotiate with Albanians on the part of the Serbian and Macedonian Slavs. The international interest and mediation in all three cases were direct responses to violence on the ground.

If there is an ethnic nation developing within the Kosovo Albanian psyche it will be based upon the shared experiences of the twentieth century, particularly the past 20 years. Moving from substantial autonomy (not a democracy in any form, but a socialist one-party state) into a period where Albanian human rights were violated and indeed removed, the Kosovar Albanian feels that he or she has earned the right to administer an independent state within the territory of Kosovo. The Kosovar Albanian does not consider Kosovo his or her exclusive homeland. Albanians have traditionally lived harmoniously with their Slav and Greek neighbours in the Balkans. In fact, Albanians have mastered their neighbours' languages and share their neighbours' religions, and intermarriage has become acceptable. However, recent history has widened the ethnic divide between Albanians and their neighbours, and has especially solidified a common Kosovar Albanian identity. The Kosovo War and the anarchy that followed revealed the deeply seeded distrust between Albanians and non-Albanians in Kosovo. Albanians are willing to repeat the mantra of multiculturalism for their international schoolmasters, but they are only willing to do so if the other ethnicities in Kosovo, namely the Serbs, are willing to recognize and accept the 'new reality'. This new reality is clearly becoming the Albanian response to international demands that Kosovo remain a multiethnic society.

Kosovar Albanian nationalism is preoccupied with feelings of inferiority, abandonment and the need for security. Post-1999 Kosovar nationalism aims to build a viable nation-state. The international protectorate and administrators of Kosovo aim to discourage non-Albanian, primarily Serb, flight from Kosovo by promoting a multiethnic democracy using a consociational constitutional framework. For the long term, the majority of Albanians are expecting to create a liberal democracy in Kosovo, although they recognize that the international community, i.e., membership in the European Union, requires a minimum of multicultural democracy for Kosovo. Still, Albanian politicians have demographics on their side and are willing to accept temporary consociational arrangements if these further their aims to eventually create an independent state.

Kosovar Albanians are working hard to develop the institutions necessary for running an independent state. There is concern, however, that the international administration, United Nations Mission in Kosovo (UNMIK) and Kosovo Force (KFOR), and the international community continue to demonstrate an unwillingness to take the steps that will begin full integration of the remaining Serb (approximately 100,000) communities in Kosovo. Parallel Serb structures that paradoxically mirror the Albanian structures of the 1990s have taken form. These structures are designed to meet the Serb community's needs in health, education and infrastructure, and to foster the development of independent 'cantons', which would look

not to Prishtina, but to Belgrade for support and guidance. Serbs consider the parallel system as a key to their very survival in Kosovo, whereas the Albanians consider it an attempt at cantonization or partition for Kosovo.

The Kosovar Albanian ethnic ascendancy is apparent in the reacceptance of the Albanian language as an official language in Kosovo, as well as in the establishment of Albanian national symbols and monuments, and the renaming of regions and streets.³ The international community, however, has made a concerted effort to prevent the Albanian majority from creating a Kosovar Albanian nation-state. There are no officially promulgated Kosovo symbols. The constitutional framework states that all promulgated laws shall be published in the Albanian, Bosniak, English, Serbian and Turkish languages.⁴ Municipalities with minority populations have been allowed to fly their national flags in the city halls. Communities have the right to separate schools in their own languages and have protected the use of their languages in the public sphere. However, in everyday life the Albanian flag, the Albanian anthem and monuments to Albanian heroes past and present, have sprung up throughout cities and towns.

At this time, the Serb minority in Kosovo has not been accorded official autonomy, although this will be one of the bargaining positions that Belgrade and Kosovar Serbs will employ when discussions of Kosovo's final status commence. Regardless of the form of final status, it is too early to determine whether the current decentralization programme of the Special Representative of the Secretary General of the United Nations (SRSG), Michael Steiner, will create a loose confederation of 30 municipalities with Prishtina as a weak centre, or whether Prishtina's ascendancy as capital of Kosovo will mean a stronger central government for Kosovo.

Privatization is only just under way in Kosovo. The Kosovo Trust Agency (KTA) has been created to begin the long awaited process of privatization. The KTA's board consists of international and local representation including Albanian and Serb participants. This is meant to ensure equitable decision-making and to move this important process away from ethnic politics. The Serb role in Kosovo's privatization process could be one of the spoiler, as Belgrade's willingness to let go of some key socially owned enterprises remains in doubt. Nevertheless, with over one third of the 300 plus socially owned enterprises reported as being defunct and another one third requiring significant capital investment or complete overhaul, a nebulous land ownership law, and a weak legal framework the *de facto* privatization will be slow and ineffective. Because of the risks involved and related security implications, the

³ There has even been a revival of a previous (1974) and supposedly settled debate regarding the official dialect of the Albanian language with the Geg-speaking Kosovars taking umbrage with previous 'institution' decisions made in Albania recognizing Tosk as the standard dialect of Albanian.

⁴ Constitutional Framework for Provisional Self-Government, Chapter 9, Article 1(5), available at <http://www.usofficepristina.rpo.at/doc2.htm>. Further, the Constitutional Framework, Chapter 9, paragraph 1.49: Languages of the Assembly, reads: "Meetings of the Assembly and its Committees shall be conducted in both the Albanian and Serbian languages. All official documents of the Assembly shall be printed in both the Albanian and Serbian languages. The Assembly shall endeavour to make official documents which concern a specific Community available in the language of that Community" (*op.cit.*). See also the Appendix to this chapter.

majority of investors will be indigenous Kosovar Albanians or Kosovar Albanians of the diaspora.

Official Albanian positions welcome the Serbs of Kosovo to accept the 'new realities' and take part in building an independent Kosovo. As long as the protectorate exists, Albanians will not be able to implement laws and policies excluding Serbs or other minorities from participation in state-building. Under international tutelage the Albanian majority will be unable to build a monoethnic nation-state. The question remains whether after final status is resolved, an autonomous or fully independent Kosovo will build a multicultural democracy or some form of liberal democracy. It would appear that, similar to post-communist Poland's ability 'to afford' liberal democracy, Kosovo's majority will push for some form of liberal democracy, while the Serb minority and international community's conscience will require a multicultural democracy with minimal consociational arrangements.

Because Kosovo's constitutional framework was written primarily by international legal specialists trying to establish an autonomous province within the legalities imposed by Security Council Resolution 1244 (1999), there is no ambiguous ethnic language or ethnic posturing to be found in the framework. Kosovo is described as an "entity under interim international administration which, with its people, has unique historical, legal, cultural and linguistic attributes".⁵ There is clearly an effort to avoid recognizing that Albanians compose Kosovo's majority ethnic nation, and yet there is recognition of the unique identity of its people.

Under the current protectorate, Kosovar Albanians have been compelled to accept a consociational democracy.⁶ The constitutional framework has binding institutional arrangements of proportional representation for the assembly, mandatory ethnic participation in the ministries and minority veto rights on sensitive legislation. This veto right extends to legislation that any community recognizes as being discriminatory. The veto initiates an investigative process by a review committee including the SRSG. Although for the first time in centuries the Albanians of Kosovo are practicing democracy, they are displaying discomfort with consociational arrangements and the lack of real legislative power in determining their future.

The largest Albanian party, the Democratic League of Kosova (LDK), had been more willing to accept the consociational arrangements in the constitutional framework; however, after the October election, the party ran into trouble as it tried to elect a president and form a government. With 48 per cent of the vote, the LDK was unable to find a coalition partner who would provide it with the votes it needed to form a government. This was because the

⁵ See Constitutional Framework, *op.cit.*, Chapter 1: Basic Provisions.

⁶ In spring 2001 the SRSG, Hans Haekkerupp, enjoined the leadership of Kosovo in negotiating a Constitutional Framework for Kosovo. The Albanian leadership was hesitant to accept various clauses and conditions of the framework and negotiations nearly broke down. The primary stumbling blocks included many of the consociational elements of the framework. There was also strong objection to the number of reserved powers for the SRSG and the lack of real power for the Kosovo Assembly. Only through political pressure by the United States on certain recalcitrant Albanian negotiators was an agreement reached between the internationals and the Albanian political leadership. Nevertheless, as the framework is being tested, it is clear that the majority Albanians are uncomfortable with the consociational elements in the framework.

Serb coalition 'Return' (Povratak) received a disproportionate number of seats in the assembly (instead of 12 they were rewarded a reverse discriminatory 22). Because the Serbs received 22 of the 120-seat assembly, the LDK was unable to form a coalition government with their 48 seats. They were forced to attempt negotiations with the smaller parties; however, they could not find enough votes to achieve a majority (60 plus). In a non-consociational democracy, a party with 48 per cent of the vote should very easily find one willing partner for government. However, in Kosovo this was not the case. Unfortunately, the consociational arrangement may not do much to improve the Kosovar Albanian willingness to accept a long-term constitutional arrangement where the formerly oppressive minority continues to hamper Albanian aspirations for effective governance. Because the LDK is traditionally seen to be a moderate Kosovar Albanian party, the fact that their leadership position has been stifled by consociational arrangements does not bode well for the consociational arrangements in the framework.

2. PERCEIVED THREATS OR FEARS

In this section the word threat and fear are used interchangeably with the understanding that a fear of threat is legitimate even if that fear is unjustifiable or unsubstantiated. Because of Kosovo's unsettled final status and the long the incubation period of the threat or fear that the Albanian majority will not be able to achieve their aim of an independent state, the greater weight this fear will have in upsetting the balance of the evolving democracy in Kosovo.

The Kosovar Albanians identify two major threats posed by the uncertainty of their final status and the presence of the Serb minority in Kosovo. The first and foremost danger is to Kosovo's territorial integrity. Kosovo is not an independent state, and it relies on international administration and an international security force of over 40,000 troops. Kosovo's final status is still uncertain. Currently, it is being administered under Security Council Resolution 1244 (1999), but this mandate does not prescribe the manner in which final status shall be resolved. Kosovo is a fertile region with both continental and Mediterranean climate zones. There are some mineral resources in Kosovo located primarily in the northern municipalities. The Serb minority in the northern municipalities of Mitrovica, Zvecan, Zubin Potok and Leposavic reside in a region that borders Serbia. These regions were incorporated into Kosovo in 1947 at the same time that the Preshevo valley municipalities of Presheva, Bujanoc and Medvegje were carved out of eastern Kosovo. Kosovo has been under Slav rule for almost all of the twentieth century. As noted above, a brief protectorate existed during World War Two in which the majority of Albanian lands in the Balkans were under Nazi-Italian occupation. Geographically, the province of Kosovo is landlocked. Militarily, there is no army in Kosovo that can provide security if and when the KFOR presence is significantly diminished.

Even as the international community supports a new plan through the SRSG's office on fully integrating the northern municipalities into Kosovo, the majority Albanian reaction remains one of caution and uncertainty. They fear that efforts to decentralize Kosovo will make it more difficult to establish a strong central administration needed for eventual statehood. Although the President of Kosovo supported the letter of Steiner's seven-point plan promulgated in October 2002, interviews with Rugova's own party members have revealed

discomfort and uncertainty with the long-term intentions of the international administration.

The second threat is the majority Albanians' fear that the international community will not support their dreams for an independent state. Despite the reference in Security Council Resolution 1244 to the Rambouillet Accords, which cite the need to take into account the will of the Kosovar people in determining final status, Albanians in Kosovo have little bargaining power and no strong regional or even international ally. The Albanians feel squeezed between a more powerful Serbian state that has made clear its unwillingness to relinquish its dominion over Kosovo and the powerful diplomacy of European politics that has expressed distaste and has used its political and economic bargaining power, in the case of Montenegro, to prevent the formation of any new nations or border changes in its sphere of influence. This fear is compounded by the alternative to statehood: some kind of final arrangement where Serbia and Belgrade continue to pull strings and hold sway over Kosovo's affairs.

The Serb minority of Kosovo poses a threat to the aim of independence for the Kosovar Albanian majority. In some cases the Serb minority has refused to support the newly created institutions of government. They are used to running the province and do not accept Albanians as their political equals. Moreover, the ultimate goal of the Serbs, both inside and outside Kosovo, is to maintain Serbia's legal control over Kosovo and to place Kosovo under some form of Serbian ethnic democracy. At the very least, the Serbs are negotiating the creation of a binational state and a fully fledged consociational democracy within Kosovo. At this point several arrangements of consociational democracy exist within the constitutional framework: power-sharing; proportional share of resources; veto power; and politics of negotiation and compromise. As early inhabitants in a land that contains certain patrimonial sites and a non-assimilating minority, ethnic Serbs see these demands as minimal requests, and they receive the backing of Serbia.

Albanians do not have recourse to any legal mechanisms to avert these threats or even allay these fears. In early 2002 the Assembly of Kosovo tried to pass a resolution annulling a 2001 border agreement between Yugoslavia and the Former Yugoslav Republic (FYR) of Macedonia. The small patch of hilltop rests between Macedonia and Kosovo and was ceded to Macedonia in 2001 in what can only be described as Belgrade's desire to test the international legal waters. Although the border in question is Kosovo's border with Macedonia, Yugoslavia exercised its legal right to make an agreement, effecting a territorial loss to Kosovo. The SRSG and the Security Council decisively backed the Yugoslav-Macedonian border agreement by firmly rebuking the assembly for its attempt to delve into matters that are beyond its purview.

The Albanian majority is being corralled into agreeing that Kosovo will remain a multiethnic Kosovo. They are perhaps biding their time, and together with the international presence, building durable Kosovar institutions that will not need outside support, namely from Belgrade. Outside the realm of politics, the Albanian majority has done little to extend the hand of integration to the Serbs of Kosovo. The predominant attitude seems to be that the Serbs should first accept the new reality—therefore, they will want to participate at the municipal level since they have been given the opportunity. If Serbs refuse to participate, then the Albanians will try to move ahead on their own. In early 2002, in the mixed municipality of Shterpce, the Serbs refused to participate in the municipal assembly. Since the mayor's office

was on the Serb side of town, the local Serbs were surprised into protest when the Albanian elected mayor wanted to enter the town hall and begin conducting municipal business.

On the eve of the third election in a 24-month period, the Albanians are becoming more discriminating in their interest to see *who* and *how* the Serb minority participates. Previous elections (October 2000 and November 2001) were widely anticipated by the majority population. The majority's concern then was inter-Albanian politics and determining which parties would lead Kosovo on the fastest track to independence. The international community—through the country missions, the Organization for Security and Cooperation in Europe (OSCE) and UNMIK administration—worked tirelessly to secure Serbian participation in the November 2001 assembly elections. They negotiated with Serb leaders from within Kosovo and in Belgrade because it was perceived that positive Serb participation would lend full legitimacy to the soon to be formed Kosovo institutions.

On 26 October 2002 the OSCE and UNMIK held the third Kosovo-wide elections in only a 24-month period. These municipal elections were intended to set the stage for a planned 'decentralization' of Kosovo. Despite what should be a novelty for the region, participating in 'free and fair' elections, the turnout for the population of Kosovo was only 58 per cent, and from amongst the internally displaced persons (IDPs) in Serbia proper a dismal 14 per cent. Reasons for the low turnout include: voter confusion (three elections in three years—what are we voting for?); apathy; and normalization of the participation in democratic processes.

Despite the lower turnout, the results of the local elections mirrored the results of the prior elections in UNMIK-run Kosovo, with the Democratic League of Kosovo (LDK) winning the majority of municipalities—18 of 30, but losing a foothold in those regions where the war (1998–99) was hottest. The Democratic Party of Kosovo (PDK) captured 7 of 30 municipalities, not only picking up some in former war zones, but also making significant inroads in traditional LDK strongholds, especially by attracting younger voters in these municipalities. The Alliance for the Future of Kosovo (AAK) won one municipality, and four municipalities will be governed by Serb coalitions.

3. DIMINISHED DEMOCRACY

The current political system in Kosovo is that of an international protectorate. The international civil presence has the responsibility of "organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement".⁷ The constitutional framework has provided a foundation from which to form governments and establish Kosovo's institutions. The SRSG has full executive powers, including veto authority over the assembly. In April 2002 the assembly of Kosovo convened for the first time.

⁷ United Nations Security Council Resolution 1244 (1999), Article 11(c), available at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf>. See the Appendix to this chapter.

The reserved powers of the SRSG are broad and deep. Kosovo is developing the necessary tools for building a democracy under the tutelage of the international civil administration. However, Kosovo is not a democracy. At the institutional level, principal international officers have a role in deciding whether ministries are properly carrying out their mandate. Even at the municipal level, there are UNMIK administrators that have the final say and can exercise veto authority over town council decisions.

Within the framework of the protectorate, the international administration has created a consociational democracy for Kosovo. Although some argue that consociational democracy is not appropriate for societies with severe ethnic differences and conflicts, the stabilizing presence of the international administrators and security forces has helped sustain the consociational arrangement. It is still early to predict whether the consociational arrangements will outlast the departure of the international civil and security presence.

4. FACTORS CONDUCIVE TO THE EMERGENCE OF ETHNIC DEMOCRACY

In Kosovo the potential exists for an emerging ethnic democracy once the Albanian majority exercises full autonomy. Whether Kosovo develops into an ethnic democracy in the long run, however, depends more upon the criteria for admission into the European Union than upon any other factors. For the foreseeable future, the international administration through UNMIK will continue to oversee the establishment of provisional institutions of self-government in Kosovo. This period of international administration will continue to provide the time and space for other factors—conducive or non-conducive to ethnic democracy—to arise and gain momentum. The Kosovar Albanians will use their demographic advantage in Kosovo to push for a form of liberal democracy while the international community will use its leverage, especially regarding Kosovo's final status, to ensure that at a minimum Kosovo develops into a multicultural democracy. Despite the demographic advantage, it is still indeterminate whether Kosovo's Albanians will achieve individual liberal democracy.

Using Smootha's mini-model of factors conducive to ethnic democracy, it is possible to recognize the Kosovar Albanian potential for setting up an ethnic democracy. Even so, Kosovo's current borders, which do not encompass the remaining ethnic Albanian population in the Balkans, would hinder any psychological attempts by Kosovar Albanians to co-opt the 'Albanian-ness' of Albanians outside of Albania. Furthermore, recent successes for the Albanians in the FYR of Macedonia, beginning with the Ohrid Agreement and now the victory of the Democratic Union for Integration, led by former rebel leader turned politician, Ali Ahmeti, point to a different future in which the Albanians outside of the Republic of Albania commit to integration within current state structures. The Kosovar Albanian cannot separate himself from the Macedonian Albanian or Montenegrin Albanian either linguistically or culturally. However, the current politics in play in Europe are demanding that states recognize the need for a more multicultural and even consociational approach to local politics. If Ahmeti can be wooed to participate actively in building the FYR of Macedonia, then surely Albanians in Kosovo can be wooed, as can the Serb minority, to accept the advantages of consociational democracy.

On the other hand, the small numbers of the Serb minority that remain in Kosovo and the poor economic prospects for long-term sustainable economic development leads one to

conclude that Serb emigration from Kosovo will continue at rates slightly higher than those experienced in the 1960s and 1970s. This will leave Kosovo with a small manageable minority, which will allow Kosovar Albanians to practice even a hybrid consociational multicultural democracy and still maintain ethnic ascendancy.

The role of the international community in forging Kosovo's democracy should not be underestimated. The waning influence of UNMIK and the OSCE mission in Kosovo affairs will be followed by the waxing of the European Union and its particular leverage in coaxing Kosovo toward a multiethnic future. The first step for Kosovo as a potentially independent state will be membership in the Stability Pact for South East Europe. This membership will be contingent upon Kosovo satisfying specific conditions that will maintain certain consociational arrangements in respect to its Serb minority.

5. CONDITIONS OF STABILITY OF ETHNIC DEMOCRACY

Whether ethnic democracy will emerge in the territory of Kosovo remains to be seen. Much depends on the length of international involvement in building the institutions of Kosovo's federal and local government. These institutions need to develop with limited consociational arrangements that do not threaten the majority Albanians with the fear of a return to officially sanctioned unequal treatment of the minority Serb population. Already there has been grumbling among the Albanians over suggestions that the Serbs of Kosovo be waived fees when applying for the new 'KS' vehicle license plates. If this type of favourable treatment is implemented, and indeed other 'privileges' accorded the Serb minority, there will probably be a long-term (read: post-international) backlash against consociational governance.

The other factor that would stabilize ethnic democracy in Kosovo is the expression and degree of continued interest by Serbs from Serbia for Kosovar Serbs. Belgrade has been sending inconsistent messages to the Serbs of Kosovo. Mixed messages have been largely a result of internal power struggles between the Kostunica-led Federal Republic of Yugoslavia bureaucrats and the Republic of Serbia camp which was led by the late Zoran Đinđić. Recently, Yugoslav and Serbian policy has been harmonized through Serbian Deputy Prime Minister, Nebojsa Čović, Head of the Coordinating Centre for Kosovo. Nevertheless, there are many internal Kosovar Serb power struggles reflecting the Kosovar Serb fear of what the future may bring. In general, Kosovar Serb integration and participation in the newly developing institutions of Kosovo has been the demand of both the international community and the majority Albanians. Of course, "what kind of integration and participation" is defined differently by the majority, minority and international administrators. "What kind of integration and participation" in Kosovar institutions is debatable and negotiable by the three parties. "What kind of integration and participation" is the crucible in which the shape of any future democratic system for Kosovo will be determined.

Based upon Smootha's conditions, it would not seem likely that ethnic democracy would incubate in Kosovo. There will continue to be a clear numerical and political majority of the Albanian ethnic nation. And there will be continued threats and fears perceived by the majority. Nevertheless, it is more than likely that there will continue to be a large degree of interference from the Kosovar Serbs' 'external homeland'. Compounded to this, the inter-

national community is mandated to participate in determining a final status for Kosovo. Thus, it is unlikely that any mechanism of ethnic democracy will creep into Kosovo's eventual democratic system of governance. What we will witness are the Albanians in Kosovo pushing for a form of civil democracy. They will probably favour a multicultural model, which respects but does not legislate collective rights. The Serbs of Kosovo, as well as their external interlocutors, will push to retain sovereignty over Kosovo, and therefore they will accept autonomy for Serbs within Kosovo and seek to promote autonomy for the Kosovar Albanians within Serbia. The international community, regardless of final status, will demand a system with strong consociational arrangements attempting to allay fears and keep the peace between majorities and minorities.

APPENDICES

Excerpts from the Constitutional Framework and UNSCR 1244

**CONSTITUTIONAL FRAMEWORK
FOR PROVISIONAL SELF-GOVERNMENT
UNMIK/REG/2001/9, 15 May 2001⁸**

Chapter 1. Basic Provisions

- 1.1 Kosovo is an entity under interim international administration which, with its people, has unique historical, legal, cultural and linguistic attributes.
- 1.2 Kosovo is an undivided territory throughout which the Provisional Institutions of Self-Government established by this Constitutional Framework for Provisional Self-Government (Constitutional Framework) shall exercise their responsibilities.
- 1.3 Kosovo is composed of municipalities, which are the basic territorial units of local self-government with responsibilities as set forth in UNMIK legislation in force on local self-government and municipalities in Kosovo.
- 1.4 Kosovo shall be governed democratically through legislative, executive, and judicial bodies and institutions in accordance with this Constitutional Framework and UNSCR 1244(1999).

[...]

Chapter 4. Rights of Communities and Their Members

General Provisions

- 4.1 Communities of inhabitants belonging to the same ethnic or religious or linguistic group (Communities) shall have the rights set forth in this Chapter in order to preserve, protect and express their ethnic, cultural, religious, and linguistic identities.
- 4.2 No person shall be obliged to declare to which Community he belongs, or to declare himself a member of any Community. No disadvantage shall result from an individual's exercise of the right to declare or not declare himself a member of a Community.
- 4.3 The Provisional Institutions of Self-Government shall be guided in their policy and practice by the need to promote coexistence and support reconciliation between Communities and to create appropriate conditions enabling Communities to preserve, protect and develop their identities. The Institutions also shall promote the preservation of Kosovo's cultural heritage of all Communities without discrimination.

⁸ For the full official text, see <http://www.usofficepristina.rpo.at/doc2.htm>.

Rights of Communities and Their Members

- 4.4 Communities and their members shall have the right to:
- (a) Use their language and alphabets freely, including before the courts, agencies, and other public bodies in Kosovo;
 - (b) Receive education in their own language;
 - (c) Enjoy access to information in their own language;
 - (d) Enjoy equal opportunity with respect to employment in public bodies at all levels and with respect to access to public services at all levels;
 - (e) Enjoy unhindered contacts among themselves and with members of their respective Communities within and outside of Kosovo;
 - (f) Use and display Community symbols, subject to the law;
 - (g) Establish associations to promote the interests of their Community;
 - (h) Enjoy unhindered contacts with, and participate in, local, regional and international non-governmental organizations in accordance with the procedures of such organizations;
 - (i) Provide information in the language and alphabet of their Community, including by establishing and maintaining their own media;
 - (j) Provide for education and establish educational institutions, in particular for schooling in their own language and alphabet and in Community culture and history, for which financial assistance may be provided, including from public funds in accordance with applicable law; provided that, curricula shall respect the applicable law and shall reflect a spirit of tolerance among Communities and respect for human rights and the cultural traditions of all Communities;
 - (k) Promote respect for Community traditions;
 - (l) Preserve sites of religious, historical, or cultural importance to the Community, in cooperation with relevant public authorities;
 - (m) Receive and provide public health and social services, on a non-discriminatory basis, in accordance with applicable standards;
 - (n) Operate religious institutions;
 - (o) Be guaranteed access to, and representation in, public broadcast media, as well as programming in relevant languages; and
 - (p) Finance their activities by collecting voluntary contributions from their members or from organizations outside Kosovo, or by receiving such funding as may be provided by the Provisional Institutions of Self-Government or by local public authorities, so long as such financing is conducted in a fully transparent manner.

Protection of Rights of Communities and Their Members

- 4.5 The Provisional Institutions of Self-Government shall ensure that all Communities and their members may exercise the rights specified above. The Provisional Institutions also shall ensure fair representation of Communities in employment in public bodies at all levels.

- 4.6 Based on his direct responsibilities under UNSCR 1244(1999) to protect and promote human rights and to support peace-building activities, the SRSG will retain the authority to intervene as necessary in the exercise of self-government for the purpose of protecting the rights of Communities and their members.

[...]

Chapter 9. Provisional Institutions of Self-Government

[...]

Languages of the Assembly

- 9.1.49 Meetings of the Assembly and its Committees shall be conducted in both the Albanian and Serbian languages. All official documents of the Assembly shall be printed in both the Albanian and Serbian languages. The Assembly shall endeavour to make official documents which concern a specific Community available in the language of that Community.
- 9.1.50 Assembly members from Communities other than the Kosovo Albanian and Kosovo Serb Communities shall be permitted to address the Assembly or its Committees in their own language and to submit documents for consideration by the Assembly in their own language. In such cases, interpretation or translation into the Albanian and Serbian languages shall be provided for the other members of the Assembly or Committee.
- 9.1.51 All promulgated laws shall be published in the Albanian, Bosniak, English, Serbian and Turkish languages.

[...]

Composition of the Government

- 9.3.4 The Government shall consist of the Prime Minister and Ministers.
- 9.3.5 At all times, at least two Ministers shall be from Communities other than the Community having a majority representation in the Assembly.
- (a) At least one of these Ministers shall be from the Kosovo Serb Community and one from another Community.
 - (b) In the event that there are more than twelve Ministers, a third Minister shall be from a non-majority Community.
 - (c) The selection of these Ministers and their responsibilities shall be determined after consultation with parties, coalitions or groups representing non-majority Communities.
- 9.3.6 The Prime Minister and Ministers may be members of the Assembly, or qualified persons from outside the membership of the Assembly. Ministers from Communities, other than the one having the majority among the members of the Assembly, shall,

if appointed from outside the Assembly, require the formal endorsement of the members of the Assembly from the Community concerned.

[...]

SECURITY COUNCIL RESOLUTION, ARTICLE 11, OUTLINING THE MAIN RESPONSIBILITIES OF THE CIVIL PRESENCE

UN SECURITY COUNCIL RESOLUTION 1244 (1999)

Adopted by the Security Council at its 4011th meeting, on 10 June 1999⁹

[...]

11. *Decides* that the main responsibilities of the international civil presence will include:
- (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
 - (b) Performing basic civilian administrative functions where and as long as required;
 - (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
 - (d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
 - (e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);
 - (f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
 - (g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
 - (h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
 - (i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
 - (j) Protecting and promoting human rights;
 - (k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

[...]

⁹ For the full and official text, see <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf>

Ethnic Democracy in Bosnia and Herzegovina: Containing the Spectre?

Valery Perry

In their attempts to come to terms with the expansion and evolution of democracy in the twentieth century, theoreticians and students of political science and international relations have sought to evolve and expand the typology of democracy to account for democratization patterns in multiethnic or ethnically divided states. The notion that democracies can be defined along a spectrum of normative and practical characteristics, with nuances reflecting varying cultural, historical, demographic and regional specificities, has highlighted the need for models that account for variations in political systems, different structures of elite rule and civic participation, and varying emphases on individual and group rights. Sammy Smooha's model of 'ethnic democracy' is one such proposal that seeks to build a theory on the basis of the chimerae of democratic statehood that have emerged in the past several decades.

Smooha's model examines the rise of a "form of democratic state that is identified and subservient to a single ethnic nation".¹ The model has been applied to a number of states—including Israel, Estonia, Slovakia and the numerous others included in this volume—to begin to explore the applicability of Smooha's theoretical propositions in the 'real world'. The application of the model of ethnic democracy to post-Dayton Bosnia and Herzegovina (BiH) presents unique challenges as there is no single dominant nation, but *three* nations jockeying for power and influence in a system of delicately balanced, internationally supervised power-sharing. Elements of multiethnicity and power played a role both in the war and in the peace in BiH, and while this analysis will be different from the others in this volume, it could provide a different lens through which to consider the strengths and weaknesses of Smooha's model.

From the outset it can be said that according to a strict application of Smooha's model, the state of BiH is *not* an ethnic democracy. BiH lacks the single most important element of ethnic democracy as *there is no single core ethnic nation* that plays a dominant and primary role in the affairs of the state. BiH has three constituent peoples—the Bosnian Muslims (Bosniaks), Bosnian Croats and Bosnian Serbs—who are constitutionally equal in the eyes of the state. In postwar BiH, ethnic democracy is exactly what the three groups want to avoid, illustrated by the oft-quoted maxim, "Why should I be a minority in your state when you can be a minority in mine?" Status as a constituent people prevents the emergence of potential minority status. The three factions are all constantly 'on guard' against such manifestations by the others as they attempt to ensure and secure their own rights.

However, even though BiH lacks this significant feature, an analysis of the country using the framework of ethnic democracy is useful both for understanding Smooha's model,

¹ Sammy Smooha, *The Model of Ethnic Democracy*, ECMI Working Papers No.13 (Flensburg: European Centre for Minority Issues, 2001), p. 5, http://www.ecmi.de/doc/public_papers.

as well as for understanding the situation in BiH politics today. While no core nation is installed as the dominant player at the state level, there has been regional fractionalization within BiH that often illustrates some of the features of ethnic democracy. Whether due to formal legal norms or the reality of day-to-day life, in postwar BiH it has often been—or been perceived to be—better to live in an area where ‘your people’ and ‘your nation’ is dominant. Consideration of the features and causes of ethnic democracy can help to reveal the tension points and challenges in the current political system in BiH. The model can also serve as a cautionary tale of what could emerge if a strong, ‘non-diminished’ democracy is not firmly established before the significant international peacekeeping and state-building presence withdraws.

This analysis will focus on the essential elements as included in Smootha’s self-titled ‘mini-model’: the relevant features of ethnic democracy, the factors conducive to the emergence of such a system and the conditions of stability of this system. Due to BiH’s peculiar political structure, the model will be considered not solely at the state-level, but at the various *regional* levels of state, Entity and canton.

The study will explore the following three questions: First, to what extent do elements of ethnic democracy exist in BiH, at the state or regional levels? Second, what has the role of the international community been in either inadvertently creating or seeking to eradicate potential elements of ethnic democracy? Finally, if BiH is not an ethnic democracy, how can one adequately describe politics and society in BiH?

This question was much easier to consider in mid-2002 at the beginning stages of this project, when there were still many normative examples of ethnic democracy at a regional level and many overt examples of ethnic democracy in practice. However, two factors have had a considerable impact on the normative, and to some extent real life environment, making this a difficult chapter to keep current. First, constitutional reforms mandated in spring 2002 have begun to be implemented, particularly in the wake of the October 2002 general elections. Second, High Representative Paddy Ashdown, seen by many to be the last truly empowered civilian administrator of the peace process, has begun to play a strong and active role in forcing changes aimed at strengthening the role of state institutions and preparing BiH for future entry into Europe. Theories and premises that seemed valid in mid-2002 did not always seem valid when considered in mid-2003. Therefore, a distinction will be made throughout this study between the pre-reform and post-reform environments. Additionally, the difference between the ideal of normative frameworks and the reality of real life implementation will be emphasized as the gap between theory and practice in BiH politics is often significant.

1. A BRIEF DESCRIPTION OF BIH’S POLITICAL LANDSCAPE

Post-Dayton BiH is a state unlike any other in terms of its internal administration, multi-national population, foreign intervention and constitutional provisions. Its structure includes several safeguards against the emergence of ethnic democracy, including the consociational elements of the Dayton Peace Agreement (DPA)² and the presence of the international com-

² The agreement is generally referred to as the Dayton Peace Agreement, though its formal title is the General Framework Agreement for Peace (GFAP).

munity as a tripwire capable of spotting potentially destabilizing laws or practices that could weaken the country or stall the peace-building process. This section briefly introduces four key issues that must be kept in mind when thinking about the relevance of ethnic democracy in BiH.

1.1 Basic Structure

The state of BiH was created in the aftermath of the wars of Yugoslav succession that devastated the region in the 1990s. After a brief war in Slovenia in 1991, and a somewhat longer war in Croatia, war in BiH raged for three and a half years, from the spring of 1992 until the internationally brokered peace agreement signed in December 1995. Generally speaking, the war was fought among the Bosniaks (Muslims), the Bosnian Croats (Catholics) and Bosnian Serbs (Orthodox Christians),³ as political and military leaders fought for an independent BiH, the creation of 'ethnically pure' mini-states, or the annexation to neighbouring Croatia or Yugoslavia (Serbia and Montenegro). It is estimated that 150,000–200,000 people were killed in the fighting and half of the population of approximately four million displaced from their homes.

While the borders of internationally recognized, modern, independent BiH roughly resemble the shape of the country as it coalesced in the twelfth century, the peace deal that dictated the structure of the state was new. The DPA designed BiH to be one state, with two Entities (see below) and three peoples. BiH's governing structure and internal boundaries were formalized in the peace accords and are based on political imperatives rather than administrative logic, consisting of a gerrymandered melange of state, Entity, cantonal and municipal levels of government, crafted to appease the varying national factions and to ensure agreement at the Dayton peace talks. The state of BiH created at Dayton was intentionally weak, with limited scope and mandate, minimal resources and often merely symbolic structures. The presidency of BiH consists of a tripartite presidency in which one member must be a Bosniak, one a Croat and one a Serb, with the members directly elected in each Entity.⁴ The BiH Parliamentary Assembly consists of two chambers, the House of Peoples (42 members, with 28 from the Federation of Bosnia and Herzegovina, or FBiH, and 14 from the Republic Srpska, or RS) and the House of Representatives (15 members, with five representing each of the three constituent peoples).

BiH consists of two highly autonomous Entities that hold the real decision-making and operational power. The FBiH, often referred to as the "Muslim-Croat Federation", was initially created during the war in 1994 to end the fighting between the Bosniaks and Bosnian Croats, and comprises 51 per cent of the territory of BiH. The RS, also a political construct

³ Technically, the terms "Bosnian Croats" and "Bosnian Serbs" are not legal terms in BiH, as these peoples are referred to in legal texts simply as Croats or Serbs. However, to ensure clarity in this chapter and to emphasize the distinction from Croatians in Croatia or Serbs in Serbia, these terms will be used.

⁴ Constitution of BiH, Article 5. It should be noted that because the state presidency is elected *through* the Entities, BiH does not have a single election in which *all* citizens participate and vote on the same slate of candidates.

forged in the recent war and formally recognized in the DPA, comprises 49 per cent of the territory of BiH. The names of the Entities indicate their ethnic orientation in the aftermath of the war. The Entities are structured in very different ways, as the RS is highly centralized and the FBiH is highly decentralized with powers devolved to ten cantons. Five of these cantons have large Bosniak majorities,⁵ three have large Bosnian Croat majorities⁶ and two are very mixed.⁷

In addition to this cumbersome system, BiH is broken down into over 140 municipalities. There is also one special administrative district in Brčko (in northeast BiH), which belongs to both Entities in condominium. Even before the recent wave of reforms began, it was evident that this system was duplicative, inefficient, expensive and ineffective. However, as long as its terms were enshrined in Dayton, change was possible only through agreement of all of the parties (a near impossibility) or through international community *diktat*.

1.2 Constituent Peoples

There is no single 'titular nation' in Bosnia and there is no dominant majority. Before the war, Bosnia had a population of approximately 4.4 million people, which was about 45 per cent Bosniak, 35 per cent Serb and 18 per cent Croat. Rough estimates in 2000 suggest the breakdown is now 48 per cent Bosniak, 39 per cent Serb and 12 per cent Croat.⁸ In the absence of a titular nationality, the Bosniaks, Bosnian Croats and Bosnian Serbs are each considered a 'constituent people', enjoying equal rights throughout the country. The concept of 'constituent peoples' has been used to codify the distinction between a 'nation' and a 'national minority', and to address the issues of belonging, identity and ownership in a country made up of several nations. This notion of groups of nations enjoying equal rights as citizens throughout a territorial construct is not new to the region, as it was used in the Kingdom of Serbs, Croats and Slovenes in the 1920s, which despite its name recognized the rights of all citizens.⁹

The post-World War Two Socialist Republic of Yugoslavia was similarly constituted as a federation of sovereign peoples, as President Josip Broz Tito sought to minimize the potential for internal political divisions by ensuring equality among nations. The issue of constituent peoples was a key organizing principle in Tito's Yugoslavia, and to address the issue of the 'nationality' of the Bosnian Muslims, he progressively improved and formalized

⁵ Una Sana/Bihać, Tuzla Podrinje, Zenica-Doboj, Goražde and Sarajevo.

⁶ Posavina, West Herzegovina and Livno.

⁷ Middle Bosnia and Herzegovina-Neretva.

⁸ Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (London: Hurst and Company, 2002), p. 45. Data also often reflects significant numbers of people identifying themselves as "Yugoslavs" in the prewar period. It is important to note that there has not been a census since 1991, and therefore all postwar statistics represent unofficial estimates.

⁹ The concept of constituent peoples, meant today to guarantee national rights, was ironically utilized by Joseph Stalin in the Soviet Union to attempt to affirm the equality of all peoples in the expanding Communist state, as well as to reduce the spectre of nationalist divisions in the workers' state. The author would like to thank Robert Donia for his assistance in clarifying this complex and often convoluted concept.

the status of this group. While this evolution in the government's recognition of identity was greeted favourably by the Bosnian Muslims, it led to fear or resentment among others: "In Bosnia-Herzegovina itself, recognition of the Muslims as a nationality, and the growing share of the Muslims in the republic population, raised the possibility that they would lay claim to the role of the 'Constitutive' or titular nationality, arousing unease among the Serbs".¹⁰ In BiH today the three constituent peoples are clearly not national minorities,¹¹ and the system ensures that they enjoy some of the benefits of consociationalism, such as a national interest veto and proportional representation in many government bodies.

1.3 Foreign Intervention

On January 1, 2005, the European Union assumed control of the military peacekeeping mission from NATO, ending the SFOR mission. While it is not a full-fledged protectorate like Kosovo to the southeast, BiH has maintained (some would say has been maintained by) a significant international presence since the signing of the peace agreement. Since December 1995, the North Atlantic Treaty Organization (NATO) peacekeeping troops (IFOR, or Implementation Force, followed by SFOR, or Stabilization Force), provided military peacekeeping support in BiH, and on January 2005 a European Union force (EUFOR) assumed these peacekeeping duties. The aim of all of these efforts has been to provide a military presence that serves as a deterrent to any resumption of hostilities, and have a mandate to ensure a safe and secure environment in which other international and non-governmental organizations (NGOs) can work. Annex 10 of the DPA created the position of High Representative of BiH, the chief civilian implementer of the peace agreement.¹² While initially virtually resourceless and powerless, the High Representative has increasingly gained powers, resources and political and diplomatic clout.¹³ Most importantly, the High Representative has the power to impose legislation, and to remove government officials (either elected or appointed) who obstruct the peace process. In addition, a myriad of international organizations, including the Organization for Security and Cooperation in Europe (OSCE), Council of Europe (CoE), European Commission (EC), various United Nations (UN) offices and an army of NGOs have played diverse roles in the peace-building process, with varying levels of coordination and cooperation.

The international community has grown increasingly impatient with the pace of progress and reform in BiH, and as other global 'hotspots' emerge (Iraq, Afghanistan, etc.),

¹⁰ Steven L. Burg and Paul S. Shoup, *The War in Bosnia and Herzegovina: Ethnic Conflict and International Intervention* (London: M. E. Sharpe, 2000), pp. 43–44.

¹¹ BiH's 'real' national minorities include: Albanians, Czechs, Hungarians, Jews, Macedonians, Roma, Slovenes, Ukrainians and Others. They are referred to as "Others" in legal texts.

¹² There have been four High Representatives: Carl Bildt, Carlos Westendorp, Wolfgang Petritsch and Paddy Ashdown.

¹³ The May 1997 Ministerial Meeting of the Peace Implementation Council Steering Board in Sintra and the December 1997 Peace Implementation Conference in Bonn resulted in decisions that significantly increased the powers of the High Representative.

donors are diverting financial and human resources away from the Balkans to other parts of the world. NATO progressively reduced its presence in BiH from approximately 50,000 in 1996 to 8,000 in 2004, and the EU force that assumed command of the peacekeeping mission in BiH is comprised of approximately 7,000 troops. High Representative Ashdown's aggressive approach reflects the civilian community's impatience as he appears to be under orders to make changes and get out quickly. There is a clear sentiment that the time for change and progress is now and the pressure is on, not just to get the international community out of BiH, but to get BiH into Europe in order to ensure a future framework for stability and growth.

1.4 Constitutional Reform

In 2000 the cornerstone was laid for significant and substantive constitutional and ultimately practical changes in BiH; changes that would (if fully and properly implemented) guarantee, protect and ensure the equality of all peoples throughout the entire territory of BiH. After Dayton, while the three constituent peoples were in theory equal, formal and informal forms of discrimination permeated all sectors of society—employment, education, justice, etc. Subtleties of the Entity constitutions prevented full legal equality of all peoples, a necessary (though not sufficient) precursor of real, absolute equality of all constituent peoples throughout BiH. In July 2000, in response to a case filed in 1998 by Alija Izetbegović,¹⁴ the Constitutional Court of BiH ruled that the two Entities must amend their constitutions to ensure equal treatment of all constituent peoples.¹⁵ In April 2002, after long consultations and much arm-twisting by the international community, a political deal was negotiated among BiH authorities and the needed reforms were ultimately imposed by High Representative Wolfgang Petritsch. Quite simply, the reforms were intended to eliminate internal territory-based ethnic preferences and privileges and to ensure equality in theory and practice. The reforms mandated fair quota-based representation in government bodies and called for the revision of discriminatory or exclusive phrasing in governmental constitutions at all levels. A safety-valve veto designed to safeguard 'vital national interests' was included to address lingering concerns of the constituent peoples.

If fully implemented throughout BiH, this reform could have significant consequences, and full implementation of the ruling is expected to greatly alter the normative and real-life landscapes of the country. However, as of this writing, the extent and success of implementation has yet to be fully realized. The clearest signs of change can be seen in the language of the revised Entity constitutions and the impact of mandatory quota representation in state and Entity governing bodies. Several of the most important changes will be discussed below.

¹⁴ The leader of the Bosnian Muslim nationalist Party for Democratic Action (SDA) and former member of the state presidency.

¹⁵ For a brief introduction to the issues concerning the decision to mandate constitutional reform, see Valery Perry, *Constitutional Reform and the 'Spirit' of Bosnia and Herzegovina*, ECMI Briefs No.7 (Flensburg: European Centre for Minority Issues, 2002).

These four characteristics of BiH share one thing in common: they are all safeguards built into the system to ensure that no one group emerges as a core nation. If such measures were taken to prevent the emergence of a system resembling ethnic democracy, there were clearly reasons for BiH and international community authorities to think that such an emergence was a possibility. The following section will explore the relevance of Smootha's noted features—ethnic ascendancy, perceived threat and the diminished type of democracy—to consider each element's significance to BiH, and therefore, the potential applicability of the ethnic democracy model to BiH.

2. RELEVANCE OF THE FEATURES OF ETHNIC DEMOCRACY IN BIH

2.1 Ethnic Ascendancy

The central idea of ethnic democracy is the existence of an ideology or a movement of ethnic nationalism that declares a certain population as an *ethnic nation* sharing a common *descent* (blood ties), a common *language*, and a common *culture*. This ethnic nation owns a certain territory that is considered as its *exclusive homeland*. It also owns a state in which it exercises its rights to *self-determination*. The ethnic nation, not the citizenry, shapes the *symbols*, laws and policies of the state for the benefit of the ethnic majority ... *Citizenship* is separate from nationality, neither a necessary nor a sufficient condition for membership in the ethnic nation.¹⁶

This section will review these features to facilitate an assessment of the presence of ethnic democracy in BiH. Seven terms have been highlighted for attention to ensure a thorough review in a limited space. As was already noted, it will become immediately clear that there is no core nation in BiH. However, this and six other issues will be considered to determine the relevance of ethnic democracy characteristics and to understand the tensions in the system in this 'predemocratic' country.

2.1.1 Installation of Core Ethnic Nation in the State

Smootha's point of departure on which much of the model is based is that an ethnic democracy consists of a core ethnic nation. Formal installation of a core ethnic nation in the state may be enshrined within the constitution of a state, as the preambles or articles of constitutions may include specific reference to a titular nation or constitutive people. This is the case for several of the states Smootha considers in his own case studies (such as Slovakia and Estonia). The countries from former Yugoslavia exhibit various tendencies in this regard, and some states, such as the Former Yugoslav Republic of Macedonia, are continuing to struggle with this

¹⁶ Smootha, *op.cit.*, p. 39, emphasis added.

issue. The Constitution of the Republic of Croatia includes more than a page of references to historical Croatian nationhood and specifically notes that Croatia is “established as the national state of the Croatian people and the state of members of other nations and minorities who are its citizens”.¹⁷ The Constitution of the former Federal Republic of Yugoslavia, while in flux due to the changing relationship between Serbia and Montenegro and the undecided final status of Kosovo, is officially constituted as a republic of citizens, though this view might be disputed by those who view Serbia and the Serbs as the dominant figure and nation in the state.

BiH has no single core nation or ‘titular majority’ that could establish a core ethnic nation at the state level. The Constitution of BiH specifically notes in the preamble that: “Bosniaks, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows”.¹⁸ As noted above, the very concept of constituent peoples was utilized to overcome or find a compromise solution to the impossibility of the establishment of titular majority status on any one nation in the postwar country.

However, prior to the mandated constitutional reform, there was a strong element of ‘core ethnicity’ in the Entity constitutions. The Constitution of the Federation of BiH referred to, “Bosniaks and Croats as constituent peoples, along with Others, and citizens of Bosnia and Herzegovina from the territories of the Federation of Bosnia and Herzegovina ...”.¹⁹ The Constitution of the RS stated, “Republika Srpska shall be the State of the Serb people and of all its citizens”.²⁰ The wording in both constitutions guaranteed an in-group and an out-group, members and non-members, by codifying distinctions of otherness.

After reform, the FBiH Constitution now refers to, “Bosniaks, Croats and Serbs as constituent peoples, along with Others, and citizens of the Federation of BiH, shall equally organize the Federation of Bosnia and Herzegovina”. The RS Constitution similarly states that, “The Serbs, Bosniaks, Croats, as constituent people, Others and citizens shall participate in executing the functions of authority in the Republic equally and without discrimination”. Additionally, neither preamble includes any specific reference to any one group.²¹ The rights of all three constituent peoples in BiH as a whole are now enshrined in law.

Within the Federation, the ten cantonal constitutions followed a similar pattern after the war. Nine of the ten²² included an article referring to, “Bosniaks and Croats as constitu-

¹⁷ Constitution of the Republic of Croatia.

¹⁸ Preamble of the State Constitution of BiH.

¹⁹ Constitution of the Federation of BiH, Article 1 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97).

²⁰ Constitution of the RS.

²¹ Unofficial consolidated translations of the revised constitutions of the Federation of BiH and the RS, 2003, obtained through the Office of the High Representative in April 2003.

²² Only the Constitution of the Sarajevo Canton fails to mention any specific constituent groups due to its status as the capital of not only the canton, but of the Federation and the state. The ultimate status of Sarajevo had been the object of significant contention in the crafting of the GFAP, and establishing Sarajevo as a special district that would belong to neither Entity and would therefore not be ‘owned’ by any one group had been considered.

tive nations, together with Others and citizens”, or a similarly worded phrase. Bosnian Serbs are not explicitly mentioned, but instead are implicitly considered ‘others and citizens’. The process of harmonizing the cantonal constitutions has also led to more inclusive language reflecting the presence of Serbs as constituent peoples and Others.

This progress in ensuring normative equality is an essential first step in paving the way towards practical equality and towards ending formal or informal discriminatory practices. Minority Bosnian Serbs in the Federation, or Bosniaks or Bosnian Croats in the RS, now have a constitutional basis on which to challenge unfair practices. While the Entities remain distinct, distinctions among peoples within the Entities are no longer legal.

Assessment: The character of the ‘constituent peoples’ status in BiH makes it impossible for a single core ethnic nation to be installed in the state. Until the constitutional reform, there was an implicit preference for certain groups in the Entity and cantonal constitutions. However, the reformed constitutions ensure that no ‘core’ nations are formally installed at any level. This feature of ethnic democracy is therefore not relevant in BiH.

2.1.2 Right to Self-Determination

Smootha writes that a key part of an ethnic democracy is the existence of a core nation that “owns a state in which it exercises its rights to self-determination”.²³ It has already been demonstrated that BiH does not have a core nation that ‘owns’ the state. However, after the war defending the right to self-determination was the driving factor in the development of the structures of government in BiH as power was devolved among the Entities and cantons to allow maximum self-determination, autonomy and self-rule among local populations. Such devolution would ensure a minimal role for the state so, that Bosnian Serbs in the RS could look to Banja Luka for political direction and the Bosniaks and Bosnian Croats could look to ‘their’ cantons. At these levels, government was not for the citizens, but for the various nations.

The BiH State Constitution gives the state responsibility for a limited and defined set of tasks: “All governmental functions and powers not expressly assigned in this constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities”.²⁴ Defence policy, a policy typically identified with a state, is not noted at the state level but is specifically emphasized in the Entity constitutions. The Federation Constitution notes that the Federation Entity is responsible for defence, including a joint command of all military forces in the Federation.²⁵ In the RS Constitution, Section VII defines the “defence and protection of the territory and constitutional order” of the RS, and specifically notes that the RS shall

²³ Smootha, *op.cit.*, p. 39.

²⁴ State Constitution of BiH, Article 3. The institutions of the state of BiH are responsible for foreign policy, foreign trade policy, customs policy, monetary policy, financing of international obligations, immigration policy, international and inter-Entity criminal enforcement, establishment of international communications facilities, regulation of inter-Entity transportation and air-traffic control.

²⁵ Constitution of the Federation of BiH, Part III, Article 1 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97).

have its own army, consisting of standing units and reserve units, commanded by the president of the RS.

The Federation Constitution further notes the division of responsibilities among the Federation and the cantons, with several functions being shared by both levels of government (including human rights, health, environmental policy, social welfare, natural resources and tourism).²⁶ Within the cantons responsibilities include the police force, educational policy, cultural policies, housing policies, securing of public services, land usage, business regulations, radio and television policies, social services, cantonal tourism and cantonal tax collection. Placing policing, education, culture and tax collection at the cantonal level was a way to ensure (or at least allow) ethnic preferences to benefit and cater to a particular group in these important social issues. Having some issues shared by Entity and canton, rather than enhancing the cohesiveness of the Federation, has simply provided a recipe for unaccountability and inefficiency. While mismanagement has been rife in both Entities, the additional layer of cantonal bureaucracy in the FBiH has in many ways made it less efficient than the centralized RS structure.

These examples of devolution were aimed at ensuring maximum expressions of self-determination among what were, in the immediate postwar aftermath, relatively homogenous communities of Bosniaks, Bosnian Croats or Bosnian Serbs. However, the increasing rates of minority return²⁷ and an international community committed to strengthening state-level institutions and supporting harmonized Entity legislation, have begun to gradually decrease the amount of local level self-determination that had been present after the war.

First, increasing rates of return have begun to change the demographic structure of many areas. Municipalities with a Bosnian Croat majority, which may have had Croat support for a system in which non-Croats played a minimal role, may increasingly appreciate a system of more equitable power-sharing if and when increasing return shifts the balance to one in which they are now in the minority. Similarly, while the RS was approximately 96 per cent Bosnian Serb in 1997, as return increases, the numbers of non-Serbs there are bound to increasingly demand broader participation.²⁸

Second, the constitutional reforms have had an impact on the methods of self-determination. The most visible manifestations can be seen at the level of Entity government. Both Entities are now obliged to ensure that a certain number of ministerial positions go to all three constituent peoples. This has ensured the presence of different voices, and in comparison with the institutions from 2000–02, the government is strikingly different. During that time, the Federation ministries were headed by ten Bosniaks, seven Bosnian Croats and no Bosnian Serbs; while in the RS 18 ministerial positions were held by Bosnian Serbs, one by a Bosniak and zero by the Bosnian Croats. Today, in the Federation eight seats are held by

²⁶ Constitution of the Federation of BiH, Part III, Article 2 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97).

²⁷ Minority return refers to people returning to a prewar home currently dominated by another constituent people. According to data from the UN High Commissioner for Refugees in BiH, the rate of minority return between 1999 and 2002 is as follows: 41,007 persons in 1999; 67,445 persons in 2000; 92,061 persons in 2001; and 102,111 persons in 2002. See <http://www.unhcr.ba>.

²⁸ Ethnic breakdown of the population of the RS as included in the Constituent Peoples' Decision of the Constitutional Court of Bosnia and Herzegovina, 14 September 2000.

Bosniaks, five by Bosnian Croats and three by Bosnian Serbs. In the RS, eight are held by Bosnian Serbs, five by Bosniaks and three by Bosnian Croats.

An additional change is clear in the parliamentary chambers of both Entities. The Federation House of Representatives has 98 members, with a Bosniak chair and Bosnian Croat and Bosnian Serb deputies. The Federation House of Peoples, which previously consisted of 30 Bosniaks, 30 Bosnian Croats and 20 others, now has 17 Bosniaks, 17 Bosnian Croats, 17 Bosnian Serbs and 7 others. The RS, which previously had a single 83-member National Assembly elected proportionally by party, now has a dual chamber Parliament. The National Assembly is still proportionally elected by party, but a new Council of Peoples consists of eight each of Bosnian Serb, Bosniak and Bosnian Croat representatives, and four Others. As a final example, whereas before the reforms the FBiH had one president and one deputy (from 2000–02, a Bosniak and Bosnian Croat, respectively) and the RS had a president and deputy (from 2000–02, both Bosnian Serbs), in the new post-reform government each Entity now has a president and two deputies, representing each of the three constituent peoples. Self-determination now has a much more inclusive, consociationalist face.

The government formed after the October 2002 elections was the first to demonstrate this reform in practice. This was a particularly sensitive process since the nationalist parties returned to power after a two-year mandate of non-nationalist government. In addition to being a long and drawn-out process of political bargaining, the quota system has resulted in some strange bedfellows, such as Serb ministers representing the SDA or HDZ²⁹ in the Federation ministries. Substantive assessments of the effectiveness of these governing bodies will have to wait until the four-year mandate can demonstrate results or stagnation.

There are other signs of change. In autumn 2003 a state-level law on defence was adopted. Under this law, a state-level Ministry of Defence will be created, significantly increasing the centralization of BiH's defence and security policy. Entity armies will remain, but will primarily fulfil administrative tasks, while policy direction and substantive command responsibility will lie with the state. Another example of recent limitations on devolved power concerns the administration of the country's civil service workers. A state-level Civil Service Agency was established in 2002 to oversee state-level civil service staff and standards. The agency also seeks to ensure that positions are filled according to the 1991 census in order to maintain an ethnic balance. In the Federation civil service there will be one Entity agency, rather than ten cantonal agencies. These steps are aimed at ensuring ethnic balance, reducing nepotism and discrimination, and increasing the quality of government employees throughout BiH.

Finally, the city of Mostar will be another interesting case of changing approaches to self-determination. Mostar has been divided since the brutal war that tore the heart of the centuries-old city. The European Union administered the city from July 1994 through January 1997, and the self-governing structures that followed represented the pinnacle of a divided community. Government bodies were duplicated, municipal boundary lines gerrymandered and a wasteful system was set up to separate and segregate the Bosniak and Bosnian Croat populations (few Bosnian Serbs returned until 2001). In autumn 2003 an effort to reform and normalize the city by reducing the city's divisions and increasing its efficiency was initiated as a commission drafted recommendations for legislative and

²⁹ The Croatian Democratic Community, the Croatian nationalist party.

structural reforms needed. These recommendations formed the basis for the High Representative's decision to impose a comprehensive set of reforms on the city, to unify its six separate "city municipalities" into one single municipality. As of this writing, these reforms are slowly being implemented, and the real impact of these changes will only be seen in the years to come.³⁰

Assessment: In the years immediately after the war, self-determination among highly devolved regional authorities, through either the Entities or cantons, enabled self-determination by the core national groups dominant in a certain region. However, as a result of constitutional reforms, the introduction of quotas to guarantee political participation and increased refugee return, self-determination according to group preference is slowly beginning to give way to self-determination by civic participation and greater centralization of competencies traditionally associated with state-level governance.

2.1.3 *Distinction between Citizenship and Nationality*

There is a separation between nationality and citizenship in BiH.³¹ In ethnic democracies, the distinction is at the heart of the core nation status. A Russian may have Estonian citizenship, but as a Russian does not benefit from the advantages enjoyed by Estonians as the core nation. In BiH the distinction results not so much in a preferential status internally, but in a preferential status externally.

In postwar BiH citizenship is regulated by Article I (7) of the BiH State Constitution, which notes that "All citizens of either Entity are thereby citizens of Bosnia and Herzegovina". Citizens of BiH may hold dual citizenship provided that there is a bilateral agreement with that state (Article I (7)(d)).³² Passports are issued by the Entity, though there is a central state register (Article I (7)(e)). At the Entity level, the Federation Constitution addresses issues of citizenship in a general way, noting that no person can be deprived of citizenship, and therefore become stateless, and that all citizens of the Federation are citizens of BiH.³³ Article 5

³⁰ For more information on the Mostar reform process, see The Commission for Reforming the City of Mostar: Report of the Chairman at [http://www.ohr.int/archive/report-mostar/pdf/Reforming%20Mostar-Report%20\(EN\).pdf](http://www.ohr.int/archive/report-mostar/pdf/Reforming%20Mostar-Report%20(EN).pdf).

³¹ A basic characteristic of prewar Yugoslavia was the duality of citizenship. Citizens of the former Yugoslavia held two citizenships: one stemming from one of the six republics and federal citizenship derived from republican citizenship. See http://www.soros.org/fmp2/html/citizens_i.html.

³² The BiH Citizenship Law, which came into effect on 1 January 1998, allowed for a five-year transitional period during which time individuals who had acquired citizenship after this law came into effect could carry both citizenships. However, after this transitional period, the individual would have to choose one citizenship or the other. On 31 December 2002 the High Representative imposed the *Decision Enacting the Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina*, extending the period of time for dual citizenship evaluation until January 2013. The key point that remains to be negotiated in this time period has a regional dimension and is closely related to policy in Croatia, Serbia and Montenegro. The issue concerns diaspora voting rights in these countries and whether all citizens may vote, or only those who hold a permanent residence in the country in which they intend to vote.

³³ Constitution of the Federation of BiH, Part II, Article 5 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97).

of the RS Constitution notes, "Citizens of the Republic shall have citizenship of Republika Srpska", with no reference to citizenship of BiH.³⁴

As the citizenship clauses in the Constitution were written by the international framers at Dayton, there has not been a concern or problem in terms of revoking, limiting or denying BiH citizenship (as has been the case in Estonia, for example). Citizenship has not been a problem among the national minorities in BiH as the Roma, Czechs, Jews and other groups living in the region inherited BiH citizenship that they had held under the former Yugoslavia. Instead, the key issue concerning citizenship in BiH is the *meaning* of such citizenship, in both esoteric and practical terms. While it may not be possible to 'become' Estonian, Latvian or Slovak, is it possible to 'become' Bosnian, or is 'Bosnian' simply a label worn in addition to the religious/ethnic labels of Catholic (Croat), Orthodox (Serb) or Muslim (Bosniak)?

In more practical terms, the dual nationality of Bosnian citizens is another key issue, particularly in terms of dual citizenship with Croatia and Serbia. Should Croats and Serbs in Bosnia have the right to dual citizenship in Croatia and Serbia, and if so under what circumstances, and with what rights and obligations? If this is the case, then are Bosniaks, unable to hold dual citizenship with a kin-state, in some way second-class citizens? If such dual-citizenship among Bosnian Croats and Serbs is allowed, is there an implicit conflict of interest between their citizenship in BiH and the other? This issue could continue to cause intercommunal tensions if the Bosnian Croats or Bosnian Serbs, as holders of dual citizenship, are viewed as privileged, while Bosniaks, holding a single BiH citizenship, are *inter alia* disadvantaged, or possibly even more inclined to assert themselves in the only state of which they are a citizen.

Assessment: There is a separation between nationality and citizenship in BiH. However, whereas in an ethnic democracy as defined by Smooha, "citizenship is neither a necessary nor sufficient condition for membership in the ethnic nation",³⁵ in BiH all citizens from either Entity are considered citizens of BiH.

2.1.4 *Myth of Common Descent*

Smooha's notion of ethnic ascendancy includes reference to "a common descent" or "blood ties" through which a group of people share genealogical, ethnic or tribal lineage. This notion of 'blood' being inalienably related to territory was an issue that was key to the violent nationalism that drove the war in BiH and the concomitant ethnic cleansing. Nationalists seeking 'ethnically pure' states for 'their' people ravaged the heterogeneous BiH that had been home to a diverse population for centuries. The issue of descent and its role in defining identity and ethnic ascendancy is therefore very important in the case of BiH.

The term "ethnic cleansing", unfortunately coined during the war in BiH and now an accepted part of the political lexicon, is itself a misnomer as it implies that the groups being 'cleansed' are in fact ethnically different. However, there was no real *ethnic* difference among the three main warring parties in BiH, but rather differences in religion and manifestations

³⁴ This did not change after the reforms.

³⁵ Smooha, *op.cit.*, p. 39.

of culture. Noel Malcolm writes that “most scholars believe that both Serbs and Croats were Slavic tribes with Iranian ruling castes and that by the time that they moved into the region and became its dominant inhabitants in the seventh century, they joined an already large Slav population”.³⁶ Shifting political fortunes and allegiances, and gradual processes of religious adoption or conversion (to Roman Catholicism, Islam or Orthodoxy) were responsible for developing cultural variations among communities, not blood ties.

The fact that there was not a *Bosnian* ‘tribe’ has led to much manipulation among nineteenth century and contemporary nationalists seeking historical legitimacy for their current quests. This struggle for ownership of the region’s identity is most often illustrated through the question of whether the Muslims of Bosnia are *really* Croats or Serbs. Croat and Serb nationalists assert that “only the weak and cowardly converted to Islam”,³⁷ thereby insinuating the strength and ‘purity’ of today’s Croats or Serbs. Michael Sells effectively addresses the impossibility of asking these questions in quest of legitimization of ‘racial purity’ in the Balkans:

Also exposed as historically untenable are the national myths that ethnic groups are or ever were stable entities that remain fixed down through the centuries, or that Orthodox Serbs, Catholic Croats, and Muslims of Bosnia today are direct descendants through stable ethnoreligious communities of ancient Orthodox, Catholic, and Muslim ancestors. The various loyalties in Bosnia were complex and shifting, and conversions followed many patterns. Orthodox Christians converted to Catholicism, Catholics converted to Orthodox Christianity, Orthodox Christians and Catholics converted to Islam. Some Muslims converted to different forms of Christianity.³⁸

Both sides have claimed Bosnia’s Muslims as their own when it was convenient for them. Anthropologist Tone Bringa writes that when in Belgrade she was told that “The Muslims will not tell you this, but they are really Serbs”, and while on a visit to Zagreb she was told, “They claim they are Muslims, but they are really Croats”.³⁹

Collective identity among the Bosnian Muslims “was not perceived through the idiom of shared blood and a myth of common origins ... it was focused instead on a shared environment, cultural practices, a shared sentiment, and common experience”.⁴⁰ Tito sought to address this issue of nascent Bosnian Muslim identity through various legislative means. In 1943, he granted BiH the status of a republic on par with Croatia and Serbia. In the Yugoslav census of 1961, ‘Muslim’ was allowed as an ethnic but not as a national category, and in the 1971 census Muslims were recognized as a fully equal nation, a constituent nation rather than

³⁶ Noel Malcolm, *Bosnia: A Short History* (New York: New York University Press, 1994), pp. 6–8.

³⁷ Michael A. Sells, *The Bridge Betrayed: Religion and Genocide in Bosnia* (Berkeley, Calif.: University of California Press, 1996), p. 35.

³⁸ *Ibid.*

³⁹ Tone Bringa, *Being Muslim the Bosnian Way* (Princeton, N.J.: Princeton University Press, 1995), p. 30.

⁴⁰ Bringa, *op.cit.*, p. 30.

a national minority.⁴¹ In the 1974 Bosnian Constitution, the specific term ‘constituent peoples’ is not used, but it is clear that the republic is made up of three peoples who are fully equal.

Additionally, it is not just the Bosnian Muslims who suffer from an often externally imposed ‘identity crisis’ based on fluid myths of descent, as a distinction between Croats and Bosnian Croats, and Serbians and Bosnian Serbs is also discernible in the region: “In many parts of Bosnia and Dalmatia, Croatian or Serbian identity was not so deeply entrenched, even well into this century, as people would describe themselves as Catholic or Orthodox or Dalmatian before they would as Serb or Croat. National identity was to develop late in these mixed regions”.⁴² There has always been an uncertain relationship between the Croats of Zagreb and Croatia proper and the Bosnian Croats, primarily in Herzegovina. Herzegovina was cut off from Croatia during Ottoman rule, yet kept its Catholic faith alive and developed an intense sense of identity. During the war in BiH, there was a joke in Zagreb that Croatia was not trying to annex Herzegovina—Herzegovina was trying to annex Croatia. It has been noted that the Croats of western Herzegovina were rural clan-based communities, who “in their culture and habits resemble the rural Bosnian Serbs more than the urban Muslims and Croats of Bosnia”,⁴³ where people were “more Croat than the Croats”.⁴⁴ Bosnian Serbs have also been seen as ‘different’ by the Serbs in Belgrade and Serbia proper, with a certain elite opinion that the Bosnian Serbs are country-people or peasants. Descent myths, ‘blood ties’ and community identity among all of the people in BiH have had flux and fluidity as their primary unifier.

Assessment: There is no single myth of common descent based on blood ties among the people of BiH. Descent has been based more on cultural affinities that may manifest themselves on a regional level. Therefore, the notion of a single myth of a core people is not relevant to BiH.

2.1.5 Territory as an Exclusive Homeland

There are two elements to the issue of territory as homeland that make it an important consideration in the application of Smooha’s model to BiH: the relationship of the state and its component parts with the neighbouring states of Croatia and Serbia and the internal administrative divisions that characterize the state of BiH. While Croatia is the homeland of the Croatian people and Serbia is the homeland of the Serbian people, heterogeneous BiH does not have such a simple land-people relationship. The distinctive triangular shape of BiH has existed since the twelfth century and Bosnian Muslims, Bosnian Croats and Bosnian Serbs (as well as others) have dwelled on the territory for centuries. The most definitive statement

⁴¹ Steven L. Burg and Paul S. Shoup, *The War in Bosnia and Herzegovina: Ethnic Conflict and International Intervention* (London: M. E. Sharpe, 2000), pp. 41–42.

⁴² Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia* (New Haven, Conn.: Yale University Press, 1997), p. 11.

⁴³ Marcus Tanner, *Croatia: A Nation Forged in War* (New Haven, Conn.: Yale University Press, 1997), pp. 285–286.

⁴⁴ Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (New York: Penguin Books, 1996), p. 156.

that can be made in this regard is that the territory of Bosnia has been the exclusive⁴⁵ homeland of the Slavic Muslims, Catholics and Orthodox Christians who have dwelled on it.

At a regional level, certain communities have had certain historical ties to different parts of the country. Franciscans settling in the Herzegovina region formed the core of many Catholic communities. Serbs have lived in the southeast part of Herzegovina for centuries, and Muslim communities have inhabited the Sarajevo valley region and Tuzla areas for some time. Ethnic cleansing disrupted demographic patterns that had developed over generations. The Drina River Valley towns of Goražde, Foča and Višegrad had been mainly Muslim before the war, until cleansed by Serbs seeking a 'clean' border with Serbia. As a patchwork quilt until 1991, clear and defined links between land and people are impossible on anything but a village to village, or even house to house, basis.

Since Bosniaks have no kin-state to look to, one could say that all of their eggs are in one basket—BiH. Bosnian Croats and Bosnian Serbs may have spent their whole life in BiH, yet Croatia and Serbia do exist as 'homelands'. That Bosniak nationalists might seek to establish BiH as 'their' exclusive homeland, with or without the inclusion of the Bosnian Croats and Bosnian Serbs, is a fear that continues to affect political life.

Assessment: While certain communities have had historical ties to parts of BiH, none of the three constituent peoples can claim BiH as their exclusive homeland. This feature of ethnic democracy is therefore not relevant at the state level, and is only partially relevant at the regional level.

2.1.6 Language

Language has taken on a more than average political significance in the regions of post-1990s Yugoslavia. Before the war, the language spoken in BiH was called Serbo-Croatian, a term used by linguists to describe the language used in the region and represented by both the Cyrillic and Latin scripts. While typical regional differences existed, creating different variants or dialects, Serbo-Croatian was a common language.

A linguistic division has emerged among the post-Yugoslavia successor states, resulting in the 'new languages' of Croatian, Serbian and Bosnian. Franjo Tuđman's Croatia spear-headed this move at linguistic differentiation and pronounced "literary Croat as the only language of administration in Croatia", dismissing the Serb's Cyrillic script.⁴⁶ Misha Glenny also noted the political motivations for this decision, pointing out that this move was "as senseless as it was provocative", as most Serbs in Croatia already used the Croatian variant of the language and the Latin script. There was (and continues to be) an active effort by Croatian politicians and 'political linguists' to reshape the Croatian language to make it increasingly distinct from Serbian, with an emphasis on the introduction of new 'Croat' words into the

⁴⁵ Smootha's use of the term 'exclusive' can be confusing in this case, as 'exclusive' could refer to a people's *only* territory, meaning that they have no other possible kin-state, or to the perception that the land should belong to them only.

⁴⁶ Glenny, *op.cit.*, p. 12.

vocabulary rather than changes to the basic grammatical structure.⁴⁷ This creative approach to language occurred in BiH as well.⁴⁸ Grammars of the 'Bosnian' language were published during the war. Muslim nationalists in BiH will sometimes even use the term '*Bosnjak*' language, to separate further 'their tongue' from that of not only the Serbs and Croats, but from the more potentially multicultural label of 'Bosnian'.⁴⁹

The constitutional provisions concerning language reflect many of the same tendencies as noted in the discussion above on the establishment of a core nation. The BiH State Constitution does not specifically note an official language. Before constitutional reforms, the Federation Constitution specified that, "The official languages of the Federation shall be the Bosniak language and the Croatian language. The official script will be the Latin alphabet", and "other languages may be used as means of communication and instruction", or "may be designated as official by a majority vote of each House of the Legislature".⁵⁰ The pre-reform RS Constitution similarly stated in Article 6 that "The Serbian language of *iekavian* and *ekavian* dialect and the Cyrillic alphabet shall be in official use in the Republic, while the Latin alphabets shall be used as specified by the law"; language and alphabets used in "regions inhabited by groups speaking other languages" shall also be in official use as specified by the law.⁵¹ At the cantonal level, with the exception of the Sarajevo Canton, all nine cantons noted the official status of 'Croatian and Bosnian' or 'Croatian and Bosniak' languages, and the Latin script, together with others. The post-reform references to language in both Entity constitutions refer to the Bosnian language, Croat language and Serb language, with Latin and Cyrillic as official scripts, and cantonal constitutions are now similarly inclusive.

In practical terms, this implies that citizens have the right to use any of the three language variants and either alphabet. However, all of the details of reform implementation have not been determined. Must all official documents, signs, services, transactions, etc., be available in all three variants? If not, while comprehension would not be a problem, the political message could be strong. One approach that could prove to be a model relates to language and education, as educational reform efforts will ensure that students and teachers have the right to use, teach and study in one's 'own' language, while learning to be functional in all variants.

⁴⁷ Linguist Thomas F. Magner notes that the Croatian and Serbian languages are still mutually comprehensible. However, "How long that close relationship will last depends on the success of Croatian language planners in banishing Serbian-like forms and in crafting Croatian-like replacements. With sustained efforts at differentiation, Croatian and Serbian could become sometime in the twenty-first century as distinct as Slovenian and Bulgarian". See Thomas F. Magner, *Introduction to the Croatian and Serbian Language* (University Park, Pa.: Pennsylvania University Press, 1991), pp. ix–x.

⁴⁸ Active attempts at linguistic differentiation have not been as visible among the region's Serbs, possibly because it is already differentiated through its Cyrillic script.

⁴⁹ There has been a tendency for proponents of a Bosniak language to begin to replace words spelled with 'a' to 'ah', in an artificial attempt to 'Turkify' words used in the region by all people for centuries.

⁵⁰ Constitution of the Federation of BiH, Article 6 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97).

⁵¹ The *iekavian* dialect is dominant in BiH and Croatia, while the *ekavian* dialect is dominant in Serbia and parts of the eastern RS.

Assessment: While in practice all three constituent peoples speak the same language, there is no formal installation of any one version of the language in BiH or its regions, and therefore this feature of ethnic democracy is not present at either the state or regional level. However, deliberate attempts to enhance or increase the differences among the variants of a language can serve as a sign of the latent potential for emergence of ethnic democratic features on a regional level. Therefore personal and community linguistic choices and preference, unclear legislation and inconsistent implementation of linguistic policies could lead to potential discrimination if not actively monitored.

2.1.7 Symbols Shaped by the Core Ethnic Nation

The growth of symbols in post-1990s BiH was a combination of the resurrection of the old and the not-so-spontaneous development of the new. A variety of symbols exist, both officially and unofficially, at many levels of government throughout the regions of BiH. The symbols that are displayed reflect much about each community's sense of identity and their differentiation from others.

The blue and yellow BiH state flag that was imposed by the High Representative in 1998 is not surprisingly devoid of both symbolism and meaning for the citizens of BiH.⁵² The flag is flown at international organization headquarters and at central government buildings in Sarajevo. However, while increasingly visible outside Sarajevo it can at times be difficult to find the blue and yellow flag as regionally adopted symbols take precedence.

In the Croat majority parts of BiH the red and white checkerboard (*šahovnica*) is often more visible and prevalent than either the BiH state flag or the complex flag of the FBiH.⁵³ The similarity to the state flag of Croatia is obvious and the symbol evokes memories of the *Ustaše* regime in the 1940s and the crest of the republic in the Tito era. The often-tattered flags flap in the wind in many parts of Herzegovina, where it is nearly impossible to find the blue and yellow state banner. It is similarly difficult to find evidence of the BiH state flag in parts of the RS as the red, white and blue RS flag, with the seal of the four 'S's'⁵⁴ superimposed

⁵² The flag was essentially created by a committee with the time pressure of the 1998 Olympic games driving the process. It can be difficult to measure the level of acceptance of the BiH state flag among the people of BiH. One sign of growing acceptance in Sarajevo itself is that it is often the flag waved at football matches or on cars in wedding processions. However, a green and white (or occasionally, black and white) flag emblazoned with Arabic script representing the Bosnian Muslim community can also be seen at weddings. One sign of a lack of connection between BiH citizens and their country's symbols can be seen in the fact that many citizens of BiH do not know how many stars are included on the flag (seven whole and two halves), may fly it upside-down and cannot hum 'their' national anthem (there are no words).

⁵³ The Federation flag is an amalgam of three elements: the *fleur de l'isle* that represents the Bosniak component, the *šahovnica* that represents the Bosnian Croat component, and the European Union symbol, representing membership in Europe. Soldiers in the Federation army wear this patch on their uniforms, while soldiers in the RS army wear the black double-headed eagle with the four 'S's'. BiH's small number of UN military observers, who have been deployed to East Timor and Ethiopia/Eritrea, have worn their own military uniforms with the UN patch on one arm and a BiH patch on the other.

⁵⁴ The four 'S's', or four 'C's', as they would appear in Cyrillic, stands for 'Samo sloga Srbina spasa', or 'Only Unity Saves the Serbs'.

on the tri-coloured field (clearly similar to the red, white and blue flag of the now-defunct Federal Republic of Yugoslavia⁵⁵), is the dominant symbol.

Assessment: There is no ethnic nation at the state level that shapes the symbols of BiH. However, at a sub-regional level, the selective adoption of various symbols by different parts of the community represents an aspect of regional ethnic ascendancy.

2.2 Perceived Threat

In his mini-model, Smootha identifies *perceived threat* as the second essential element of an ethnic democracy:

Non-members of the ethnic nation are not only considered less desirable, but are also perceived as a serious threat to the survival and integrity of the ethnic nation. The threat can be one of a combination of biological dilution, demographic swamping, cultural downgrading, security danger, subversion and political instability. All kinds of restrictions and controls are imposed to contain the minority's threat potential.⁵⁶

There is most definitely an element of this characteristic in BiH today. However, once again, because BiH does not have a single 'core' dominant ethnic nation, BiH does not have a 'simple' two-way, us vs. them threat situation. There are two closely related real or perceived threats that pervade politics and society at various levels in BiH: a three-way internal threat⁵⁷ and a perceived threat by neighbouring kin-states.

The Bosniaks' fear is based on a perception that the parties that fought the recent war wanted to exterminate the Muslims of Europe through the ethnic cleansing campaign. They point to the massacre in Srebrenica in 1995, the siege of Sarajevo and the damage or destruction of over 1,000 mosques as proof of the desire to wipe their culture off the map. Their lack of a kin-state, and the position of their multicultural country sandwiched between two kin-states that have had historical ambitions to part or all of BiH's territory reaffirms their perception of a threat from Bosnian Croats or Bosnian Serbs.

There is continued distrust among many Bosniaks of Zagreb and Belgrade, though it is understood that to continue to curry favour and aid from the West they must engage in multilateral regional endeavours. The ability of the Entities to establish "special parallel relationships" with other states, though enshrined in Dayton, is viewed by some Bosniaks as an

⁵⁵ As the Federal Republic of Yugoslavia no longer exists and the symbols of Serbia and Montenegro have not yet been agreed upon, symbols are an emotional issue in Belgrade and Podgorica as well.

⁵⁶ Smootha, *op.cit.*, pp. 39–40.

⁵⁷ The threat among the three constituent peoples often centres on who is 'doing better' in post-Dayton BiH. In a poll conducted in the spring of 2003 by the Helsinki Parliaments from Banja Luka and Tuzla, the Forum of Citizens of Tuzla and the Centre for Civic Co-operation for Livno (of 6,000 people in 15 cities), 23 per cent of respondents think that Bosniaks have a better position than others, 10 per cent think Serbs do and nine per cent think Croats do. See *Bosnia Daily*, 24 April 2003, 1.

abrogation of state sovereignty.⁵⁸ Yugoslav President Koštunica's 2002 suggestions that the RS is still a part of Serbia, and that though "temporarily disconnected, will always be in our hearts", was viewed with alarm in BiH as an indication of Belgrade's ongoing desire for territorial or political influence.⁵⁹ Similar comments by the late Prime Minister Zoran Đinđić suggesting that the status of borders in the Balkans might not necessarily be settled were similarly disconcerting.⁶⁰

Bosniaks tend to view the current state of BiH as an imperfect solution that is still highly preferable to annexation of Croat- and Serb-majority areas to Croatia and Serbia, respectively, which would leave a tiny 'Muslim' district-state centred on Sarajevo. However, as the group closest to holding a plurality in the BiH state (approximately 46 per cent), and enjoying strong support from the West, Bosnian Croats and Bosnian Serbs view them as a force seeking political dominance.

Bosnian Croats fear domination within the FBiH as the junior partner (approximately 22 per cent of the population in the FBiH),⁶¹ as well as domination at the state level as the smallest of the three constituent peoples (approximately 12 per cent). This fear has had real, potentially destabilizing political manifestations, most notably the 'Third Entity Movement' in spring 2001.⁶² A 'siege mentality' has been fostered by the actions of the international community against Bosnian Croat hard-liners and supporters, including a raid on a bank suspected to be funding anti-Dayton and related illegal activities and the termination of many obstructionist (but often democratically elected) Bosnian Croat officials by the High Representative. This fear has increased due to the continuing decline in the interest of the affairs of the Bosnian Croats in post-Tuđman Zagreb as a Croatia interested in European Union entry has been less inclined to become involved in affairs in BiH. While still on guard,

⁵⁸ Constitution of the Federation of BiH, Part III, Article 2 (see *Official Gazette of the Federation of BiH*, 1/94, 13/97, 13/97). These 'special arrangements' implicitly meant arrangements with Croatia and Yugoslavia (Serbia and Montenegro).

⁵⁹ The remarks were made in an interview with a Belgrade publication; see *OHR Media Round Up*, 10 September 2002. However, Kostunica denied that this statement implied territorial ambitions and noted that he had supported a statement acknowledging BiH sovereignty at a Sarajevo summit in 2002. His recent comments should be considered in light of scheduled elections in Serbia and Montenegro at the time.

⁶⁰ In response to Kosovo Albanians' demands for independence, Đinđić said that in such a case, Belgrade would call for a new "Dayton conference", because, "in that case borders in the region will have to be redefined". See "Đinđić Raises Spectre of Regional Border Changes", *Tanjug*, 6 January 2003.

⁶¹ Ethnic breakdown of the population of the Federation territory, as included in the Constituent Peoples' Decision of the Constitutional Court of Bosnia and Herzegovina, 14 September 2000.

⁶² The movement was triggered in part by an OSCE-imposed change in the election rules prior to the November 2000 elections. In previous elections, Croat members of the cantonal assemblies selected the Croat members of the House of Peoples, and Bosniak members selected the Bosniak representatives. Under the new rules, members are elected by the Cantonal Assemblies *as a whole*, leading to a situation in which Bosniak members could have direct influence on the Croat members of the House of People and vice versa. This change was aimed at reducing the impact of national affiliation in the election system and caused a significant backlash, particularly by the nationalist Croat party, the HDZ. See Florian Bieber, *Croat Self-Government in Bosnia—A Challenge for Dayton?* ECMI Briefs No.5 (Flensburg: European Centre for Minority Issues, 2001).

Bosnian Croat politicians increasingly perceive that the best way to protect their interests is through strong state structures that can ensure protection of vital national interests and compliance with European norms. This is enabling reform in the Federation and could influence changes on a state level.

A key fear driving politics among the Bosnian Serbs is that the international community and FBiH will try to incrementally undermine the status of the RS, either through increasing the central government's powers or eventual dissolution of the Entity system itself. Campaign slogans such as the Party for BiH's 2000 slogan—"BiH without Entities"—simply served to confirm this fear and to rally support for RS politicians committed to preserving the political status quo.⁶³ Slogans in advance of the October 2002 general elections called for people to protect themselves by voting first as Serbs, not as concerned BiH citizens. The SDS⁶⁴ slogan was "Vote as Serbs", RS Prime Minister Mladen Ivanić's PDP (Party for Democratic Progress) asserted, "To make it European and still Serb", and the SRS (Serb Radical Party) called "For [a] Serb state, against crooks and traitors".⁶⁵

As the international community continues to work to strengthen central institutions through liberal interpretations of the Constitution and the DPA (for example, through defence, judicial and educational reform), the result has been a deeper commitment from the Bosnian Serbs to the letter of the DPA, which at least guarantees them a highly autonomous RS. Implementation of constitutional reforms extending equal rights and opportunities to all citizens across BiH, thereby eliminating the impact of administrative internal boundaries and borders, could lead to the logical question of why such internal structures (the Entities) exist. The fear that the RS could become irrelevant through these reforms serves to commit politicians in the RS more openly and strongly to an autonomous RS.⁶⁶

Assessment: The 'perceived threat' element of ethnic democracy is strongly present in BiH among the three main communities.

2.3 A Diminished Democracy?

This section will consider Smootha's third essential element of an ethnic democracy by reviewing the extent to which BiH is a 'diminished democracy' based on its ethnic imperatives. There are critics who question whether or not a truly *democratic* system exists in BiH today, pointing out the unhealthy influence of nationality based political parties, as well as the role of the semi-protectorate of the international community. As a new democracy, BiH is

⁶³ The Party for BiH (*Stranka za BiH*, or SBiH) is a predominantly Bosniak party.

⁶⁴ The Serb Democratic Party; the main nationalist Serb party, founded by Radovan Karadžić.

⁶⁵ *OHR Media Round Up*, 8 August 2002.

⁶⁶ As the debate concerning constitutional reform continues, one of the most controversial issues continues to be whether the non-Serb constituent peoples (Bosniaks and Bosnian Croats) living in the RS can ever enjoy full rights and status as citizens in an Entity called the 'Serb Republic', and there have been some challenges to the constitutionality of the name of the Entity itself.

clearly a diminished democracy or even a 'pre-democracy'. While there are regular elections, a nascent civil society, multiple political parties, power-sharing structures and minority rights protection, the spirit of democratic choice enjoyed by mature democracies is not yet evident. Voters still tend to vote based on fear rather than issues—gravitating towards nationalist parties that simultaneously promise protection and stoke fears to maintain their power within a nationalist system. The system is rife with corruption, making rule of law seem a distant reality. The role of the international community continues to be strong and even grow, either *making* the local authorities irrelevant, or *because* the local authorities are irrelevant, depending on your point of view.

More specifically related to the ethnic democracy model, Smootha notes that ethnic democracies meet the procedural minimum definition of a democracy, but "suffer from an inherent contradiction between ethnic ascendancy and civil equality". The pervasiveness of the perceived threats results in a 'defensive democracy'. BiH's government structure often struggles under the safeguards intended to ensure the rights of the three constituent peoples. Critics of the consociational system point out that vital interest vetoes, guaranteed minimal representation and mandatory seat allocations simply codify ethnic differences rather than promote universal norms of citizenship. In BiH the international community pleads with the people to look past ethnic identity in order to build peace, and yet ethnicity is built into the structures of governance and the electoral system.⁶⁷ Ethnic quotas will prove to be even more prevalent with the continued implementation of changes based on the constitutional reform, and while it could have an impact on group rights, it may come at the expense of individual rights.

To be fair, the postwar system of rule and governance has had less than ten years to develop and evolve, and BiH cannot be said to have come into its own at this stage. Other countries in transition have faced the same challenges of democratization. Assessments of the progress of democracy in BiH, and of the extent to which it remains, or possibly becomes more 'diminished', will be an important indicator of its maturity and sustainability.

Assessment: While BiH does meet the procedural minimum of democracy, the intense role of nationality and the defensive nature of systems designed to ensure stability characterizes it as a type of diminished democracy.

2.4 Overview

This review of the three essential elements of ethnic democracy—ethnic ascendancy, perceived threat and diminished democracy—confirms the assertion at the beginning of this paper that BiH is a complex case study for such an analysis. In terms of ethnic ascendancy, while there is no single core nation dominant at the state level, there are three constituent

⁶⁷ One obvious example of questionable civil rights is the ethnic requirement of the BiH state tri-presidency, which according to the BiH State Constitution, must consist of one Bosniak, one Croat and one Serb. In a system such as this, one could ask whether it would be possible for a Jewish politician, or an individual of mixed heritage, to serve as president. If this is indeed the case, and a citizen could be prevented from holding such an office due to ethnic imperatives, individual and ethnic rights clearly come into conflict.

peoples who have struggled to attain maximum sovereignty for their own group. The emergence of any dominant group and their associated linguistic variant and cultural symbols, exclusive territorial claims and right to segregation in the name of self-determination has been prevented by the initial imposition of the DPA and subsequent measures by the international community to mandate power-sharing arrangements and strengthen central authority at the expense of potentially more arbitrary local authority. The relevance of the features of ethnic ascendancy has been diminished as reforms have been imposed and practical implementation has been enforced.

However, the notion of a perceived threat that can lead to an ethnic democracy remains strong and is therefore highly relevant in this analysis. Additionally, the status of BiH's democracy as 'diminished' is both a result of the immature and new nature of the democratic system in the country, as well as a cause of mechanisms that would not be needed in a more mature system. An important question to consider is: *If ethnic ascendancy is effectively managed, will the perceived threat be reduced, thereby increasing the quality of the democracy?* The following analysis of factors conducive to the emergence of an ethnic democracy may help to shed light on this question.

3. FACTORS CONDUCIVE TO THE EMERGENCE OF ETHNIC DEMOCRACY IN BIH

Smootha's model offers four factors conducive to the emergence of an ethnic democracy to further account for and describe this political system. This section will briefly examine the relevance of Smootha's factors to determine their applicability to BiH.

3.1 Ethnic Nation Precedes Ethnic State

Smootha's first factor could be summarized as the culmination of 'a nation waiting for a state'. A generally homogenous nation, comprised of the majority population in a given region, eventually achieves statehood (possibly after a struggle) and establishes itself as the core nation in the state. This factor is not relevant to ethnic democracy in BiH because no single ethnic nation could be said to have preceded the state. The Slavs who adopted Catholicism, Orthodoxy or Islam over the course of centuries and who developed a distinct multicultural sense of identity, culture and community based on this and other regionally specific factors did not constitute a population conducive to the emergence of a single core nation on the territory of BiH.

3.2 Ethnic Nation Experiences a Threat

Smootha's second factor is exactly relevant to the BiH case if the word 'nation' is made plural. As demonstrated above, the three national groups in BiH clearly perceive a lingering threat to their sovereignty, or even to their very existence, based on the real threats that existed during the three and a half year war.

3.3 The Majority of the Population Is Committed to Democracy for Ideological or Practical Reasons

Smootha's third factor is included to demonstrate a population's continuing support for a democratic system, even if the end result might be diminished by the impact of the tenets of ethnic democracy. The vast majority of people in BiH are committed to democracy, if not for ideological reasons, then because they want to be accepted as part of Europe and the 'West'. They also desire the practical gem of European Union membership and the economic benefits that it would bring to the poor country. Unfortunately, the desire for the practical benefits of democracy and full membership in Europe is not always matched by citizens' practical choices. After the November 2000 elections, a CoE spokesperson noted "we are disappointed and mystified that people [in Bosnia] want a better life and financial support from the West, but are not prepared to vote for the parties that could make it happen".⁶⁸ New to a democratic multiparty system, often neither the voters nor the politicians appreciate the full range of responsibilities incumbent in a democracy. However, due to its geographical location in Europe's 'backyard', the enormous amount of international attention and the country's reliance on international aid, it is impossible to think of any other form of governance in BiH other than some form of democracy.

3.4 The Small or Manageable Size of the Minority Allows the Majority to Maintain Democracy and to Keep Ethnic Ascendancy

Smootha's fourth factor is not relevant to BiH due to the balance of power among the three constituent peoples and the lack of a majority-minority relationship. Power-sharing structures have been put in place in BiH to manage relations among the constituent peoples while administering a democratic form of government.

Assessment: Once again, while the *demographic* factors conducive to emergence (ethnic nation preceding ethnic state and a small and manageable minority) do not exist in BiH, the *environmental* or systemic factors (threat, democratic commitment) do. At the same time that there is a general desire for and commitment to a democratic system of governance, there also exists a pervasive fear among groups that, if unaddressed, could act as a challenge to the political system. The constant fear-driven potential for the emergence of ethnic democracy necessitates that the system has structures, safeguards and vigilance to ensure democracy for all citizens.

4. CONDITIONS OF STABILITY OF ETHNIC DEMOCRACY

The analysis to this point indicates that some elements of ethnic democracy have existed, and could continue to exist at the state or regional level, if not for foreign intervention. There

⁶⁸ Bose, *op.cit.*, p. 9.

has been much concern over BiH's long-term sustainability as the international community continues to draw down its presence and increasingly reminds BiH that it is not, and should not be viewed as, a permanent presence. With this in mind, consideration of several conditions of stable ethnic democracies suggested by Smootha could shed light on the potential for a re-emergence of ethnic democracy tendencies in BiH in the future. Smootha suggests that ethnic democracies can be evaluated on the basis of their current and future stability according to four main factors.

4.1 A Clear and Continued Numerical and Political Majority of the Ethnic Nation

This condition does not exist in BiH as there is no singular majority. Even if the Bosniak population increased to 50 per cent of the total BiH population (from the current estimated 46 per cent), the combined Bosnian Serb/Bosnian Croat population would prove a significant balancing factor in a generally consociational system based on proportional representation rather than first-past-the-post majority rule. Instead, it is reasonable to expect that the ethnic balance among the three constituent peoples will remain approximately the same in the foreseeable future,⁶⁹ barring some significant political change or military/political catastrophe.

However, demographic change will continue to affect the *internal* balance of the constituent peoples as people return to their prewar homes. As municipalities and communities that have been dominated by one ethnic group since the end of the war suddenly experience a shift due to minority return (Drvar is one such example, where a town that was predominantly Bosnian Croat after the war now has a significant Bosnian Serb population), concerns over the viability of power-sharing systems will become more important.

4.2 A Continued Threat Perceived by the Majority

Smootha's second factor suggests that the continued perception of threat will actually promote stability in an ethnic democracy as the need for continued dominance of the core state is desirable among the majority population enjoying their privileged position. In BiH enduring perceptions of threat among all three constituent peoples will ensure a continued jockeying for power at various levels of government. New quotas for representation could serve as a confidence builder, assuring groups that they will not be excluded from government bodies or processes. This political manoeuvring, combined with the potential for overzealous use of the vital national interest veto, could effectively paralyze the government if not tempered by an increasing commitment to civic democracy. However, it is not likely that these levels of perceived

⁶⁹ This assumption is based on the fact that most Bosnian Serbs or Croats who wanted to move to Croatia or Serbia have already done so and refugees of all three groups who have not yet returned to BiH are unlikely to do so at this point. There are some exceptions, notably the potential impact on return in BiH of a large-scale return of Serbs to the Krajina region of Croatia. Once again, however, it is impossible to speak about demographics with any real accuracy in the absence of an updated census.

threat will diminish in the near future, so guaranteed checks and balances will be paramount to ensure a functioning system. This condition is therefore relevant among all three groups.

4.3 Non-Interference of the 'External Homeland'

BiH's future is undoubtedly tied to that of its neighbours, and changes in policies in Zagreb or Belgrade could have beneficial or deleterious effects in BiH. It can be reasonably assumed that Croatia has passed its peak in terms of interference in the affairs of the Bosnian Croats. While close cultural ties will remain, the post-Tudman politicians recognize that their future is tied to Europe and Brussels, not to BiH and Mostar.

Serbia's future relations with the RS are more difficult to forecast, but could change significantly as the country stumbles through political change in the wake of the assassination of Prime Minister Zoran Đinđić. As Serbia seeks to clarify its long-term relationship with Montenegro, awaits the final status of the Kosovo province and seeks to clean up the crime and corruption that permeates government and society, the extra burden of the RS is not likely to be high on the list of priorities. It has been remarked that Banja Luka thinks about Belgrade more than Belgrade thinks about Banja Luka. In spite of the occasional nationalist rhetoric of Serb politicians on either side of the border (particularly before elections), it is becoming increasingly clear that Bosnian Serbs must find solutions to their problems from within BiH rather than from without.

However, there are many forms of influence by kin-states below the maximum of annexation, and the extent to which such influence is exercised will help to determine BiH's stability. In terms of Smootha's noted condition, it is clear that the stability of BiH will continue to be affected by its neighbours, in positive or negative ways, and that the development of democratic and moderate regimes in Zagreb and Belgrade would enhance BiH's own stability.

4.4 Non-Intervention/Legitimacy and Support by the International Community

Smootha's model assumes that the international community can best support the stability of existing ethnic democracies, at a minimum by not intervening, or more actively by granting the system legitimacy or outright support. In BiH, where the international community is directly involved in the governance of the country, the extent of the role of foreigners could either strengthen the features of ethnic democracy that exist or marginalize them significantly. Exiting BiH before institutions and rule of law have had time to take root could lead BiH to revert to a system in which ethnicity plays a key role and rights are not necessarily guaranteed throughout the state.

High Representative Paddy Ashdown has been quite aggressive in imposing laws, pushing for change and driving BiH politicians to adopt progressive policies needed to ensure future integration into Europe. The most visible sign of this intervention has been the increasing number, status and role of state institutions, through reforms pushed or imposed by the High Representative. While the DPA created three central ministries (Foreign

Affairs, Foreign Trade and Civil Affairs), central ministries for Human Rights and Refugees and Finance were added by Parliament in 2000; Justice, Security, and Transportation and Communications were added by High Representative Ashdown in 2003;⁷⁰ and a state-level Ministry of Defence established in 2004. These changes were justified as necessary for increased efficiency and future European integration, and have not been met with major opposition in spite of predictions of an outcry—particularly by the RS politicians who reject any lessening of RS Entity autonomy. While necessary for the international community's vision of a future BiH, the extent to which these imposed solutions are sustainable in the long term, particularly after the international community withdraws from BiH, remains to be seen.

5. A SUMMARY

The following table (Table 8.1) summarizes the relevance of the ethnic democracy model's features, emergence factors and stability conditions as applied to BiH.

It is clear that the features relevant to ethnic ascendancy merit the most extensive qualifications; simple 'yes/no' responses denoting relevance do not suffice. The changing nature of norms and practice and of state and regional characteristics results in a chart that is more descriptive than decisive.

It is interesting to look at the nature of ethnic ascendancy in comparison with all of the other features, emergence factors or stability conditions. In terms of features, while BiH does not demonstrate all of the ethnic ascendancy characteristics, it clearly exhibits a perceived threat and a diminished democracy. If the model included weighing factors, it would be interesting to see if these factors might compensate for the weaker existence of ethnic ascendancy. Similarly, the emergence factors and stability conditions demonstrate mixed results in the case of BiH. However, once again, the role of threat (real or perceived) in BiH is clearly present.

This table can be loosely summarized as follows. While BiH does not exhibit all of the features of an ethnic democracy—particularly the existence and formal installation of a core ethnic nation—many of the features do exist on a regional level, reflecting the interplay of the three constituent peoples. The existence of real or perceived threats has a significant impact on democratic development, and while the country is committed to democracy, ethnicity continues to play a role in government and social affairs to the potential detriment of individual rights. These characteristics and emergence factors are tempered by safeguards built into the BiH system to avoid any regional dimension of ethnic democracy, as well as by an international community that both prevents ethnic ascendancy and also provides a degree of security and confidence, so that BiH can in time strengthen its democratic credentials. Although not an ethnic democracy, BiH is a multicultural predemocratic state with a nascent consociational system.

⁷⁰ D. Valenta, "Bosnia: A New Sort of Government", *Institute for War and Peace Reporting—Balkan Crisis Report*, 2003.

Table 8.1
Summary Table of the Ethnic Democracy Model as Applied to BiH

	Relevance and Qualifications
I. FEATURES	
<i>A. Ethnic Ascendancy</i>	
1. Installation of a core ethnic nation	<ul style="list-style-type: none"> • No single core nation. • Before constitutional reform, some regional preferences were formalized; reforms eliminate these formalized preferences. • Continued gap in implementation; basic discrimination.
2. Myth of common descent	No simple 'blood ties'; regional community-specific heritage variations.
3. Language	Single language, regional variants deliberately reinforced.
4. Perception of territory as exclusive homeland	Weak, with signs of exclusivity on a regional basis.
5. Right to self-determination of core nation	The devolved system of postwar BiH is becoming increasingly centralized or harmonized to ensure self-determination according to centralized norms.
6. Symbols shaped by core nation	No, but regional symbolic preferences are evident.
7. Distinction between nationality and citizenship	Yes
<i>B. Perceived Threat</i>	
<i>C. Diminished Democracy</i>	
II. FACTORS CONDUCTIVE TO EMERGENCE	
<i>A. Ethnic nation precedes ethnic state</i>	No
<i>B. Ethnic nation(s) experience a threat</i>	Yes
<i>C. Commitment to democracy</i>	Yes
<i>D. Small and manageable minority</i>	No
III. CONDITIONS OF A STABLE ETHNIC DEMOCRACY	
<i>A. Clear, continued numerical and political majority</i>	No
<i>B. Continued perceived threat</i>	Yes
<i>C. Non-interference of external homeland/kin-states</i>	Continued interference, but gradually reducing.
<i>D. Role of international community</i>	Plays role as an important safeguard against formal or informal ethnic discrimination.

6. STRENGTHS AND WEAKNESSES OF THE MODEL AND THE CASE OF BIH

Because BiH is such a unique case, it would not be fair to judge the overall effectiveness or relevance of the ethnic democracy model based on it alone. However, the case of BiH does reveal some strengths and weaknesses that other 'more typical' ethnic democracy case studies might not turn up. One immediate strength is the model's acknowledgement of the role of ethnic politics in shaping a sociopolitical system and its ability to lead to a diminished quality of democracy. The model therefore accounts for both the general desire for a democratic system, as well as the desire to assert national rights and interests in a way that might not have been historically possible.

Another strength of this model is its inclusion of threat and the politics of fear. Ethnically divided states do not always act in the rational manner anticipated by rational actor models of political behaviour. The extent to which threats—either real or perceived—can shape a political system therefore is important to consider and appreciate. Outside actors in BiH are often astounded at the choices and decisions of the politicians or the electorate, particularly as the stated desire for progress and growth does not seem to correlate with nationalist voting patterns. However, once one accounts for the politics of fear, it becomes evident that self-interest plays a vital role in political choice.

A third and more general strength is the potential flexibility and adaptability of the model. The BiH case indicates that with some revision, the model can be used to examine a state with not one but three 'core' nations. A regional analysis can apply the general tenets of the model to a smaller geographic unit and account for regional variations. Possibilities for a weighing system that could begin to explore the relative importance of any one of the features of ethnic democracy could make the model an even more robust analytical tool.

One key weakness of this model becomes clear when considering the case of BiH. While the model focuses on the formal installation of a core ethnic nation and related national preferences, it can be difficult to distinguish between formalized ethnic preferences and informal discrimination. BiH's experience in some ways highlights the distinction between the formalized discrimination found in ethnic democracy and the more informal discrimination found in other democratic nation states. A country such as the Slovak Republic might simply be more honest in its installation of an ascendant nation worthy of certain rights and preferences. Other countries that purport to be states of citizens rather than states of nations often have an ascendant nation in practice, while no such admission is enshrined in law. Second and third generation immigrants to countries such as France, Sweden or Germany might not be formally disadvantaged, yet many might feel that in practice, ethnic ascendancy is indeed alive and well. As a poor, post-conflict pre-democracy, the discrimination in BiH may simply be more visible than in more established states. Ensuring that discrimination is not enshrined in the laws is a start towards a multicultural and civic democracy, but is only a first step.

7. CONCLUSIONS

Smootha notes that ethnic democracy “raises three fundamental issues: legitimacy, stability and efficiency”.⁷¹ These three issues provide an interesting point of departure for some final conclusions on the case of BiH. The *legitimacy* of the current state of BiH is clearly defined in international law, but is not so clearly evident in terms of the overall acceptance of the people. In a poll in autumn 2002 respondents were asked, “Is Bosnia your country?” Fifty-two per cent of respondents in the RS responded “no”, while 42 per cent said “yes”. In the Federation 94 per cent of respondents indicated “yes”.⁷²

The primary goal of the DPA was to end the war; a country was built as an important, yet secondary result of this primary goal. The framework for the development of the state of BiH was signed by the three warring parties, including the neighbouring states of Croatia and Yugoslavia. Outsiders had more influence in the development of the state framework than insiders, the people of BiH. Bosnian Croats have not always been completely satisfied with the arrangement, seeing the creation of the Federation as a necessary ‘marriage of convenience’ in 1994, but not a political arrangement that they intended to last indefinitely. Many Bosnian Serbs regarded Dayton’s BiH as the price to pay for the establishment of their ‘Serb Republic’. Many Bosniaks viewed it as an imperfect solution that at the very least avoided partition or the creation of a Sarajevo-centred mini-state.

As noted above, the *stability* of BiH is currently dependent upon a mix of external and internal factors including SFOR and EUFOR peacekeeping forces, the large international presence and foreign aid. Due to the weak state of the economy, many observers are concerned about what will happen when the international community leaves, as such an exit will remove an essential cash infusion, as well as eliminate the international arbiter that has brokered political decision-making processes for several years. The democracy is still sufficiently weak so that there are concerns that civil unrest or violent conflict could break out if peacekeeping troops pull out of the country, or if the economic and social system continues to decline. At best this could lead to a pause in or reversal of minority return, and at worst violence against persons and property could increase.

The High Representative has made rule of law, institution building, economic development and an anti-corruption task force the focus of his work to create the conditions for stability. However, institutions by themselves will not make BiH a stable and successful state unless the people truly want it, and there is still uncertainty regarding the extent to which they want and support a united state. In 1997, just two years after the war, polls indicated that 91 per cent of BiH Serbs and 84 per cent of BiH Croats opposed a united Bosnian state, while 98 per cent of Bosnian Muslims supported such a state.⁷³ Similar polls since that time have revealed some improvements, but there are still large numbers of Bosnian Serbs and Bosnian Croats who do not view BiH as their state.

⁷¹ Smootha, *op.cit.*, p. 42.

⁷² Bosnia Daily, “Bosnia Not ‘Homeland’ to Its Serb Population: Poll”, *Bosnia Daily*, 20 November 2002.

⁷³ Bose, *op.cit.*, p. 3.

Finally, the extreme devolution of government administration in response to the ethnically defined structure of BiH is not *efficient*. The lack of centralization results in a massive duplication of resources on many levels and reduces the opportunity for cost-saving efficiencies gained through economies of scale. A wealthy country would have difficulty sustaining this level of bureaucracy, and for a country with a weak and struggling economy and a highly porous tax collection structure, this level of support is nearly impossible.

Smootha's model suggests three changes that are necessary if BiH is to become a stable functional democracy ready for full participation in Europe. First, the sense of threat and fear felt among the three constituent peoples must be minimized. The trauma of the recent war will not go away overnight. However, truth-telling, justice and reconciliation could help the country to come to terms with its past while still taking steps towards the future. Second, the citizens of BiH must begin to develop an identity that combines their various faiths, practices and historical traditions under the shared common experience of Bosnia and Herzegovina. A renewed sense of pride and loyalty to BiH, rather than allegiances to kin-state or local governments, could help to create a sense of civic ownership of the state.⁷⁴ Third, BiH must continue to develop its democracy, both through commitment to democratic institutions and rule of law, but also through increased personal understanding among all citizens of the rights and responsibilities of citizens living in a democratic state.

The model of ethnic democracy should be used as a model of how BiH should *not* develop. To be sustainable, BiH must develop as a multicultural state with consociational safeguards and guarantors. If BiH is successful, it could serve as a model for similar post-conflict states. If it is not successful, it will send a negative message to other multiethnic states that coexistence is not politically tenable. The key challenge facing all parties, foreign and domestic, is to ensure that BiH develops into a civic democracy, in which citizenship holds primacy over ethnicity.

⁷⁴ When BiH participated in an important qualifying European championship football match in October 2003, many people commented on the refreshing unity of excitement and spirit in the days before the game. Unfortunately, BiH lost to Denmark, but the team gained the respect of people throughout the country.

The Non-Emergence of a Viable Ethnic Democracy in Post-Communist Europe

Sammy Smooha

The theoretical model of ethnic democracy was prompted by and generalized from the case of Israel. The model is an alternative to the Western types of liberal and consociational democracy.¹ As a non-Western political system, ethnic democracy is geared to deal with deep ethnic divisions and to cater to the needs of a majority that seeks to institutionalize its ethnic dominance while extending democracy to all.

In addition to its earlier schematic application to Northern Ireland,² Slovakia³ and India,⁴ the model of ethnic democracy⁵ is applied to seven additional cases in this volume: three post-Soviet republics which have become independent states (Estonia, Latvia and Georgia) and four post-Yugoslavian states (Serbia, Bosnia-Herzegovina, Macedonia and the UN protectorate of Kosovo).

None of these seven cases qualify as a stable ethnic democracy, like that found in Israel. Since the model serves as a Weberian ideal type, this disqualification should not be interpreted as a failure of the model or as evidence for its irrelevance, but rather as a test of its utility and as a fruitful strategy for its further elaboration. In this concluding chapter I will discuss the reasons why a viable ethnic democracy has not emerged in each case and present a revised version of the model.

1. ISRAEL AS AN ARCHETYPE

Israel is an archetype of ethnic democracy.⁶ Contrary to its self-image and its image internationally, it is not a liberal democracy as it is not designed to serve its citizens equally but

¹ Sammy Smooha, "Types of Democracy and Modes of Conflict-Management in Ethnically Divided Societies", *Nations and Nationalism* 8 (October 2002), 4, pp. 423–431.

² Sammy Smooha, "The Viability of Ethnic Democracy as a Mode of Conflict-Management: Comparing Israel and Northern Ireland", in *Comparing Jewish Societies*, Todd M. Endelman, ed. (Ann Arbor, Mich.: University of Michigan Press, 1997), pp. 267–312.

³ Pieter van Duin and Zuzana Polackova, "Democratic Renewal and the Hungarian Minority Question in Slovakia: From Populism to Ethnic Democracy?" *European Societies* 2 (2000), 3, pp. 335–360.

⁴ Gurharpal Singh, *Ethnic Conflict in India: A Case-Study of Punjab* (New York: St. Martin's Press, 2000).

⁵ Smooha, in this volume, pp. 20–41.

⁶ Sammy Smooha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State", *Nations and Nationalism* 8 (October 2002), 4, pp. 475–503.

rather to be the homeland of the Jewish people, promoting Jews' safety, numerical majority, language, culture, symbols, interests and well-being. Neither is Israel a consociational democracy. It is a Jewish rather than a binational state and does not provide its Palestinian-Arab minority any of the consociational mechanisms such as power-sharing, proportional allocation of resources and autonomy. Israel is a Jewish and democratic state that fails to meet the Western criteria of democracy.⁷

The Jewish majority views ethnic democracy as a necessary and useful tool for achieving its national goals and for defusing what it perceives as major threats, which include the survival of the Jewish people, the continued existence of Israel in the hostile Muslim-Arab East, and the retention of Israel as a Jewish and democratic state in spite of the defiant and dissident Palestinian-Arab minority. These ultimately Zionist and Jewish ends are promoted by an ethnic democracy. The threats to the Jewish diaspora, to the state of Israel and to its Jewish and democratic character are contained by ethnic democracy.

Despite its non-Western nature and its disfavor of the Arab minority, Israel's ethnic democracy is viable and stable. The main factors accounting for its sustainability include a firm commitment to democracy, a permanent and large majority, a highly threatened majority, a manageable minority and an international environment that is incapable or unwilling to intervene and to force a change of regime. These conditions enable Jews to impose a self-serving ethnic democracy and disable the Arab minority from undermining the regime. Israel is a strong, highly developed state that effectively curbs all threats whether external or internal.

It is presumed that the Israeli system of ethnic democracy is not unique and that the causes for its desirability, susceptibility and endurability can be found in post-communist Central and Eastern Europe. In many of these deeply divided societies, the majority is no longer hindered by a superior power (the centralist communist state) and its ethnonationalism surges and resurges. The majority takes over the state, casts it in its image and vision, draws from it strength and privilege, and harnesses it as a vehicle for alleviating its apprehensions. The new-old democracies in post-communist Europe are suspicious of their minorities and tend to be reluctant to extend full collective rights to them.⁸ The relevance of Israel to these newly democratizing states is to be expected because the political roots of Israeli democracy lie in Eastern Europe and not in the West.⁹

2. ESTONIA

Estonia is one of the best cases for testing the model of ethnic democracy. The Estonians are a tiny nation of which the public and elites both fear the multiple menaces of national and

⁷ For a contrary mainstream view that sees Israel as a Western liberal democracy, see Alexander Yakobson and Amnon Rubinstein, *Israel and the Family of Nations: Jewish Nation-State and Human Rights* (Tel Aviv: Shoken, 2003, in Hebrew); Asher Arian, David Nachmias, Doron Navot and Danielle Shani, *Auditing Israeli Democracy 2003* (Jerusalem: Israel Democracy Institute, 2003, in Hebrew).

⁸ Will Kymlicka and Magda Opalski, eds., *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2001).

⁹ Yonathan Shapira, *Israeli Democracy* (Ramat-Gan: Massada, 1977, in Hebrew).

cultural extinction. The core nation numbers one million living in the homeland, bordering with the former Russian enemy and oppressor. On 1 May 2004 it became a member of the giant EU which opens the gates to emigration and assimilation. Estonia cannot count on its diaspora of 100,000 persons who are rapidly assimilating into Western societies. Under these conditions, possession and control of the state can be an effective instrument for preserving the Estonian language, culture and people, much like Israel has done.

And much more like Israel, Estonia is propelled to establish an ethnic democracy in order to cope with its national problems, but this would require the extension of democracy to all its permanent residents. While Estonia is clearly committed to democracy, automatic conferral of full political rights to the Russian minority of about 30 per cent would no doubt undermine the ethnic nature of democracy. The reason Estonia is stuck with such a prohibitively large minority is that it failed to execute a population transfer—as Israel did in 1948—because at the time of its renewed independence in 1991, it enjoyed the benefit of a ‘singing revolution’, instead of incurring a bloody war. It decided then to use a machinery of control, in lieu of ethnic democracy, in order to contain its minority. “Hegemonic control” in Estonia takes a pseudo-democratic form of denying automatic citizenship and setting up strict procedures of naturalization to post-1940 Russian residents.¹⁰

According to Järve, Estonia is a mixed case.¹¹ It is an ethnic democracy for the minority of Russian citizens and a control system for the majority of the Russians who are non-citizens. Järve concludes that the control system and ethnic democracy are not stable for the long run, and they will eventually be replaced by liberal democracy with multicultural elements. He finds no justification for ethnic democracy in a world that cherishes diversity; in other words, a norm of fairness dictates that state protection should be granted equally to both majority and minority.

3. LATVIA

The similarities between Latvia and Estonia are striking. Both were forcibly annexed in 1940 to the Soviet Union, and in 1991 they found themselves trapped with a critical mass of Russian-speaking settlers. Like the Estonians, the Latvians are concerned with the preservation of their small ethnic nation and fearful of the Russians inside and outside their country. In both countries most Russian residents are denied automatic citizenship, and thus excluded from parliamentary politics and the national power structure. Latvians and Estonians ensure external and internal security with a ‘return’ to the West, as evident in their Western cultural orientation and accession to NATO and the EU. The West also grants legitimacy to their political system and to the ‘doctrine of legal restorationism’ (according to which the Soviet annexation of the Baltic states and any resultant occurrences during 1940–91 are illegal and void) that is the main justification for their exclusionary policy toward the Baltic Russians.

¹⁰ John McGarry, and Brendan O’Leary, “Introduction: The Macro-Political Regulation of Ethnic Conflict”, in *The Politics of Ethnic Conflict Regulation*, John McGarry and Brendan O’Leary, eds. (London and New York: Routledge, 1993), pp. 1–40, see pp. 23–26.

¹¹ Järve, in this volume, pp. 61–79.

In many ways they design and run the state in accord with the preferences and needs of their ethnic nation, accord various privileges to ethnic compatriots, and treat the Russian language and culture as foreign. Most importantly, the two countries resemble each other in the astonishing acquiescence of the Russian population. The Russian minorities are disorganized, quiet and compliant, and Russia does not intervene on their behalf. Intercession by the EU and NGOs amounts to no more than a lobby for easing naturalization procedures. Political and ethnic stability in the two countries is remarkable.

The two states differ, nevertheless, in demography and ethnic composition of citizenship. Ethnic Latvians are a smaller majority than ethnic Estonians—58 per cent versus 68 per cent. Since Russians constitute a majority in the largest seven towns in Latvia (including Riga), Latvia does not extend local political rights to non-citizen Russians while Estonia grants a right of voting but not standing for election. Russians constitute 24 per cent of the citizens in Latvia as against only 16 per cent in Estonia. These countries have the highest non-citizen rate per capita in Europe: 38 per cent in Latvia and 20 per cent in Estonia. 56 per cent of non-Latvians and 60.5 per cent of non-Estonians are non-citizens. In Latvia virtually none of the Russians are citizens of Russia as compared to 19 per cent in Estonia. The pace of naturalization in both countries is equally slow. Another significant difference is the 20 per cent intermarriage rate in Latvia as contrasted with a near zero rate in Estonia.

These figures well explain why Estonia and Latvia did not automatically naturalize all their residents when they regained their independence in 1991. Ethnic nationalism of their majorities drove them to nationalize their states and to stifle the possible blocking of this goal by denying political rights to the huge Russian minorities whose loyalty and assimilability were questionable. The formation of Israel-like ethnic democracy was not feasible because these states had very large and unmanageable minorities.

Järve's account of Estonia and Diatchkova's account of Latvia raise two issues: classification of the regime and future trends. Järve claims that Estonia can already be viewed as an ethnic democracy for the one-seventh of its Russian-speaking population who are citizens. As the proportion of non-citizens (close to one-fifth of the total population in 2000) steadily drops, Estonia as a whole will increasingly qualify as an ethnic democracy. Less critical is Diatchkova who takes it for granted that Latvia is already an ethnic democracy.¹²

The complexity of the situation in Estonia and Latvia casts a large shadow on the classification of these states as democracies. There is no doubt that they are democracies for their ethnic majorities who enjoy full rights, separation of powers, fair and free elections, change of governments, an independent judiciary and free press. The elite and the public are committed to democracy and there is a pragmatic need to maintain democracy for securing and maintaining the precious EU membership. Yet, according to Linz and Stepan, Estonia and Latvia do not measure up as democracies as long as they keep denying the vote to the Russian-speaking minorities.¹³ This assessment is based on the fact that these alien residents were citizens before 1991, at the time of their arrival they were *bona fide* migrants from one

¹² Diatchkova, in this volume, pp. 81–114.

¹³ Juan L. Linz, and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore, Md.: Johns Hopkins University Press, 1996).

part of the Soviet homeland to another, and since 1991 they have demanded full citizenship and tied their lives and future to the Baltic states. On the other hand, G. Smith classifies these countries as ethnic democracies and advances the general thesis that denial or strict regulation of citizenship is a characteristic on which ethnic democracies vary.¹⁴ The view that Estonia and Latvia are democracies of sorts is supported by the fact that the years from 1940 to 1991 were a period of illegal Soviet occupation that brought over resident aliens; Russian-speakers were citizens of the defunct Soviet Union, not of Estonia and Latvia, and hence cannot make claims to these states; throughout the time of their settlement they were regarded by locals as intruders, colonists and transients, and they did not make any effort to mix, to integrate or to assimilate; and naturalization is in principle accomplishable, though under restrictive terms.

In this controversy over classification, I tend to regard Estonia and Latvia as nation-states that are slowly developing into ethnic democracies. They do not exhibit the essential feature of ethnic democracy, namely, that permanent residents are enfranchised and able to avail themselves of democratic procedures in their fight for change. Estonia and Latvia deny automatic citizenship to Russian-speakers despite the fact that they are, and they see themselves as, a permanent part of the state and demand automatic citizenship. In contrast, Israel is an ethnic democracy because the Arab minority is extended citizenship and the non-citizen Palestinians in the West Bank and Gaza Strip are not and do not want to be part of Israel.

Estonia and Latvia are not diminished ethnic democracies for the reason that many Russian-speakers are deprived of the basic means of conducting democratic struggle. Most of them, being non-citizens, are not allowed to form political parties, to vote for Parliament, to be elected to public office, and to be employed in the civil service. Their deficient knowledge of the official language limits their access to middle- and high-ranking jobs in the labor market. They cannot take advantage of the liberal law on cultural autonomy and other laws and conventions on the protection of minority rights because these legal or international provisions apply to citizens only. Non-citizens are completely excluded from the national power structure and local government. Their powerlessness is considerable to the extent that they are devoid of the fundamental means of effecting change in democracies—holding office in the three branches of government.

Järve and Diatchkova maintain that Estonia and Latvia are shifting toward liberal or multicultural democracies. Järve concludes: “Estonian ethnic democracy together with the control system looks unsustainable in a longer perspective and will give way to liberal democracy with elements of multiculturalism”.¹⁵ Diatchkova is not less sanguine:

The decrease in the number of non-citizens, domestic distribution of power with liberally oriented political actors, Latvia’s accession to the EU and NATO, the increase in Latvian language proficiency among non-core groups, and the continuation of the mediating role of the international community are likely to facilitate the development of civic democracy in Latvia. However, the essential conditions for ethnic democracy, such as a potential disloyalty of non-citizens and perceived threats to the Latvian culture and language are likely to prevail in the long-term.

¹⁴ Graham Smith, “The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia”, *Nationalities Papers* 24 (1996), 2, pp. 199–216.

¹⁵ Järve, in this volume, p. 78.

At the same time, the integration of Latvia into European structures can diminish the threat of potential disloyalty.¹⁶

The empirical basis for these forecasts is not clear, however. To satisfy a minimum procedural definition of democracy, Estonia and Latvia must naturalize all or most of their permanent residents who opt to be citizens. To naturalize their minorities, two prior conditions should be met: Enormous diminution of the Russian population through emigration or assimilation and external or internal pressure to become liberal or multicultural democracies. Yet, if the size of the Russian minority were to drop below ten per cent and if the pressure for regime change were to be strong, ethnic democracy will become redundant domestically but there will still be need for a crypto ethnic democracy in order to preserve the titular peoples, languages and cultures.

4. GEORGIA

The gap between the will and the capacity to be a stable ethnic democracy is salient in the case of Georgia. Twenty-five hundred years of history in the present territory of Georgia has consolidated Georgians into a modern ethnic nation. They have the legacy of centuries of independence and foreign domination by Turks, Persians and Russians. Under Russian and then Soviet rule, Georgian ethnonationalism had crystallized, resurged in the 1970s and 1980s, and peaked for a short time before and after Georgia became a sovereign state in 1991. Georgian ethnonationalism is grounded not only in a long history of life on the homeland but also in a unique Georgian language, Orthodox Christianity and a distinct culture.

There is no doubt that Georgians wish to establish an ethnic democracy in Georgia. The preamble to the constitution sets up the originators of the constitution as “the people of Georgia”, namely, the ethnic nation, not the citizenry, and determines that the “Constitution [is] based upon many centuries of state tradition and the main principles of the 1921 Constitution”. It further states that “[T]he state recognizes the special importance of the Georgian Orthodox Church in Georgian history”. The Georgian language is the official language. Georgian ethnonationalism became a dominant ideology replacing communism even before the crash of the Soviet Union. The unilateral rescinding of the autonomous status of South Ossetia in 1990 marked substantial Georgian intolerance of other national entities. Nationalizing policies are also evident in the discrimination against the periphery where ethnic minorities are concentrated.

At first glance, it appears that Georgia satisfies the conditions for stable ethnic democracy. The Georgian majority is large, and in the 1990s it even grew from 70 per cent to over 80 per cent as a result of the emigration of certain minorities (Russians, Jews and others). Non-Georgians are divided into nine disunited minorities, none of which constitutes over 10 per cent of the total population; the most restive among them are tiny (Ossetians three per cent, Abkhazians two per cent, Adjarians under one per cent). Georgians feel insecure in the face of secessionist threats from South Ossetians, Abkhazians and Adjarians, the disloyalty of

¹⁶ Diatchkova, in this volume, p. 114.

other border area minorities, Russian interference and heavy EU pressures. Ethnonationalism is a strong drive, which is counterbalanced by a sufficient degree of Western orientation and commitment to democracy. This combination of factors ostensibly guarantees a stable ethnic democracy.

Yet, Georgia has failed to institute a viable ethnic democracy. Sabanadze explains that Georgia is simply a weak state whose weakness stems mostly from non-ethnic factors. Multiethnic Georgia is as weak as ethnically homogeneous Armenia. Possible causes for weakness are poor resources, political divisions within the majority, corruption, mismanagement and an undemocratic culture. Sabanadze also argues that ethnic democracy further weakens the state:

First of all, such a regime promotes alternative loyalties among the minority groups and legitimizes their potentially anti-Georgian claims and actions.

... Second, a regime such as ethnic democracy encourages ethnicization of everyday socioeconomic difficulties that Georgia has in abundance. Once such ethnicization occurs and mundane problems develop into ethnic confrontation the chances of their resolution decline exponentially.¹⁷

Sabanadze is correct in making explicit what is implicit or taken for granted in the model of ethnic democracy. Viable ethnic democracy cannot possibly be weak. If the state is weak, it cannot control its minorities and cannot guarantee their compliance through partial rewards and sanctions. If the Georgian state is almost absent in the periphery, how can it secure the loyalty of its minorities there? The secessionist attempts of South Ossetians, Abkhazians and Adjarians were not possible without Russian intermingling and the inferiority of the Georgian armed forces. Only a weak state can account for the fact that Georgia was forced into a federal governing structure and to recognize the territorial autonomy of the South Ossetians, the Abkhazians along with their language in Abkhazia, and the Adjarians—in addition to ensuring them some political representation. After the ouster of the nationalist Gamsakhurdia, President Shevardnadze had to introduce various measures for the protection of minorities and to soften the ethnic nature of the regime in response to Russian interference, European pressure and domestic unrest.

5. MACEDONIA

Macedonia is even weaker than Georgia, and its chances to consolidate the ethnic democracy it instituted in the 1990s were nil to begin with. In 2001 it was compelled to transform its regime from transitional ethnic democracy to a binational democracy whose stability is still not evident.

Macedonians' struggle to form a separate ethnic nation living on its homeland and to have it recognized scored a major victory in 1946 when Macedonia became one of the six republics of postwar Yugoslavia. They have had to contend with the large Albanian minority and other Muslim groups. Already in the 1980s the collective rights of the Albanians eroded

¹⁷ Sabanadze, in this volume, pp. 135–136.

gradually. The use of the Macedonian language was imposed in various areas such as school records and textbooks, and registration of Albanian names was restricted. A policy promoting the four-member nuclear family was advanced by the government with the intention of curbing the high Albanian birthrate. Furthermore, to quote Holliday, the authorities administered “additional legal restrictions on property ownership, religious teaching and secondary education in Albanian, while thousands of Kosovars who had fled a more repressive regime in the north were denied the right of permanent residence”.¹⁸ In 1989 the new Socialist Constitution was amended to make the Republic of Macedonia “the national state of the Macedonian people”, completely disregarding the Albanian and Turkish communities.

All these exclusionary ethnic policies were only a prelude to the establishment of an ethnic democracy in 1991 when Macedonia won independence. The new constitution asserts that Macedonia is “the historical, cultural, spiritual and statehood heritage of the Macedonian people”. It legitimates the Macedonian ethnic nation and the new Macedonian ethnic state with reference to the Macedonian people’s “struggle over centuries for national and social freedom as well as the creation of their own state”, as stated in the opening of the preamble to the post-communist constitution. The Macedonian language is official and must be taught in all schools. All state symbols are ethnically Macedonian. The state “cares for the status and rights of those persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian expatriates”. The 1992 Citizenship Law confers on every ethnic Macedonian automatic citizenship while others have to show 15 years of residence in order to qualify. Lack of secondary and post-secondary education (especially teacher training) in non-Macedonian languages best reflects the superiority of the Macedonian nation.

The new state of Macedonia and its character and policies were challenged both internationally and internally. All neighboring states expressed opposition and even antagonism. Greece objected to the simple name ‘Macedonia’, to the claim of the heritage of Macedon the Great, to the flag, and to the lurking irredenta of the Macedonian region in Northern Greece. Holliday explains:

For much of its recent history, Macedonia has been surrounded by hostile neighbours who have, in one way or another, challenged the country’s right to exist. After Macedonia’s declaration of independence in 1991, for example, Bulgaria recognized the new state, but not the nation and language of its majority population. Serbia refused to ratify their common border, while the Serbian Orthodox Church denied the existence and legitimacy of its counterpart, the Macedonian Orthodox Church. Albania’s relations and motives towards its ethnic kin in Macedonia have also frequently formed the basis for suspicion.¹⁹

Domestically, the biggest threat was the large and restless Albanian community. According to the 1994 census, Albanians constituted 23 per cent of the population but their actual proportion was over 30 per cent because many Albanians were denied citizenship and therefore were not counted. The Albanian population was on a steady increase due to its

¹⁸ Holliday, in this volume, p. 143.

¹⁹ Holliday, in this volume, p. 149.

extremely high birthrate, its assimilation of other Muslim minorities and reinforcement of its numbers by continuous influx from adjacent countries. Macedonians fear that Albanians may become a majority in the not so distant future. The Albanians are also concentrated in the western border area of Macedonia where they constitute a majority, fuelling a threat of irredentism to Kosovo. The Albanians are highly mobilized and their political parties call for the revamping of Macedonia into a binational state.

The Albanian fight for binationalism in Macedonia was advanced by the developments in nearby Kosovo. As a result of the 1998–99 debacles there, several hundred thousands of Albanian refugees escaped to Macedonia along with many paramilitaries. The violent clash between Albanians and the Macedonian authorities threatened to produce another post-Yugoslav upheaval that Europeans were resolute to avoid. In August 2001 the Framework Agreement, brokered and enforced by the EU and NATO, was reached that aims to recast Macedonia into a binational state. According to the revised constitution, Macedonia is the state of its citizens. Various consociational measures were adopted, including power-sharing, proportionality and autonomy. The survivability of the new consociational democracy is limited, however, because of lack of democratic traditions, distrust of government, corruption, clientelism, black economy, poverty and enormous segregation and discord between ethnic Macedonians and Albanians.

The downfall of ethnic democracy occurred so quickly because Macedonia simply does not fulfil the necessary conditions. The Albanian minority was too big and continued to increase alarmingly. The too feeble Macedonian state was unable to impose effective control over the Albanians—the sanctions it inflicted on them fell far short of the rewards it offered them. Its fundamental powerlessness was most striking in its inability to counteract the rejection by neighboring countries, to curb European pressure, to seal off its borders and to bar Albanian infiltrators and guerrillas. It was forced to accept restructuring in 2001. On all these points, Macedonia makes an almost perfect contrast with Israel. Israel has maintained its ethnic democracy well due to its medium-sized and manageable minority, effective machinery of control that combines punishments with rewards, and its political and military prowess that enables it to neutralize threats from the Palestinians and Arab world and to check international interference.

6. SERBIA

A Serbian ethnic nation and a Serbian ethnic state predated the formation of the Yugoslavian federation after 1918. Within this federation the Serbs were the largest and most powerful group. Tito's death in 1980 and the break-up of Yugoslavia in 1991 unleashed deep-seated ethnonationalism among all the constituent nationalities. Unlike the agreed upon and peaceful dissolution of the Soviet Union that was orchestrated by the dominant Russians, the disintegration of Yugoslavia was disputative and violent, experienced by the dominant Serbs as a series of illegitimate secessions.

After the separation of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina, former Yugoslavia was reduced to Serbia and Montenegro with a population of over ten million. The Serbian majority accounts for over 63 per cent of the ten million, the Albanians for

17 per cent, Montenegrins five per cent, Hungarians three per cent and others 12 per cent—the latter group consists mostly of Bosniaks (Muslim Bosnians), Croats and Roma. Under Milošević's authoritative and nationalist rule, in the 1990s the Serbs pursued a grand design consisting of three interrelated ethnonationalist goals: territorial expansion, the protection of the Serbian minorities in Croatia and Bosnia-Herzegovina and their possible incorporation into 'Greater Serbia', and the consolidation of Serbia as a strong ethnic state. As a result, a large-scale war was fought with Croatia and a bloody assault was launched in Bosnia-Herzegovina, causing hundreds of thousands of casualties and refugees and enormous destruction. While the Greater Serbia project and the Bosnian Serbs' irredentism failed, the Dayton Peace Agreement of 1995 provided for a federated and trinational structure of Bosnia-Herzegovina in which the Bosnian Serbs are one chief component. In 1999, in reaction to guerrilla warfare in Kosovo, regular and paramilitary Serbian forces committed ethnic cleansing against the Albanian population, triggering armed intervention by NATO against Serbia and turning Kosovo into a UN protectorate. In 2000 Milošević lost the elections and was thereafter extradited for trial by the International Criminal Tribunal in The Hague for crimes against humanity.

Serbia failed to institute a viable ethnic democracy for both exogenous and endogenous factors. Serb-dominated Yugoslavia gave partial satisfaction to the centuries-old idea of Greater Serbia, and in the aftermath of its downfall the Serbs sought an alternative way to reinstate their ethnic dominance over the region. They also encountered three major threats: vying with Croatia and Bosnia-Herzegovina for regional economic and political hegemony, persecution of the Serbian minorities in Croatia and Bosnia-Herzegovina, and Albanians' separatism from Serbia and their domination over the Serbian minority in Kosovo.

The Serbs dealt with these challenges by violent means. However, as Brubaker shows, the blame for the war with Croatia should be shared by all three parties to the conflict: Serbia as an aggressive and irredentist external homeland, the defiant Serbian minority in Croatia and the nationalizing policies of Croatia.²⁰ Ethnonationalism and Greater Serbia were for the Serbs powerful mobilizing myths, but Serbia was ultimately defeated by belligerent Croatia. In the same vein Serbia's intervention on behalf of the Serbian minority in Bosnia-Herzegovina proved counterproductive because of the consequent international intercession.

The collapse of Milošević's rule was brought about by the internal clash with Kosovo's Albanians. To quote Bieber:

It was, however, particularly in regard to Albanians that the ethnic democracy eventually failed. First, as outlined above, the Albanian minority was the main group widely perceived as a threat by the population and doubtlessly the one with the highest degree of 'ethnic distance' towards Serbs. As such, repressive measures against Albanians were consistently supported by a clear majority of the population.²¹

²⁰ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

²¹ Bieber, in this volume, p. 184.

The Albanians' defiance was very disruptive also because of their geographic concentration, high mobilization and disaffection with the suspension of their long-time territorial autonomy in 1989. Bieber argues that, in addition to the repression of the Albanians, another reason for the NATO intervention was the fact that toward the end of the 1990s Milošević's regime turned into an oddity against the background of the growing democratization of the region (Romania, Croatia, Slovakia).

The detachment of Kosovo from Serbia demonstrated the staggering and cumulative failure of Milošević's government. Paradoxically, without Kosovo's Albanians, the Serbs became a solid majority of over 80 per cent with several minorities, none of whom numbered over five per cent. Thus, the internal threat subsided and popular support for Milošević diminished, resulting in his ouster immediately thereafter.

According to Bieber, Serbia under Milošević was only "ethnic semi-democracy". It was neither democracy for the Serbian majority nor democracy for the non-Serbian minorities. To achieve its ethnonationalist Serbian ends, Serbia became semi-authoritarian and won the wide backing of the Serbs because it served them directly. At the same time, it applied five mechanisms to marginalize and exclude its minorities from effective participation in political life: "centralization of the state" (especially the dismantling of Kosovo's autonomy and the reduction of Albanian power and self-rule); "ethnonationalist discourse" (causing political polarization between majority and minorities in party politics and making minority parties ineffective); "procedural engineering and manipulation" (the use of measures to lessen the power of minority parties in local government); "criminal persecution" (criminalization of minority dissidents); and "constitutional nationalism" (basing the constitution on the principle of the Serbian nation-state while failing to enact laws that guarantee minority rights).

Serbia can develop and maintain civic democracy under several conditions. One is further official territorial partition that would enable Kosovars and Montenegrins to form their separate sovereign states. This likely step will reduce non-Serbs to several small, divided and manageable national minorities that together number about 15 per cent of the population. A second measure is to renounce the grand and infeasible vision of Greater Serbia that is a hotbed for conflicts with the surrounding states in which Serbian minorities live. And third, Serbia will turn toward the West and accede to the EU and NATO, like other post-communist states in Central and Eastern Europe. These democratizing undertakings would make redundant 'manifest ethnic democracy' in a Serbian nation-state, and subsequently 'liberal democracy' or 'crypto ethnic democracy' would be sufficient for the fulfilment of Serbian ethnonationalist needs.

7. KOSOVO

Kosovo lost its autonomy status under Milošević's nationalist policy of state centralization and marginalization of national minorities. The denial of autonomy hit the two million Albanians hard and drove them to form a resistance movement and to perpetrate guerrilla activities. The massive expulsion of Albanians in 1999 was counterchecked by international military intervention that defeated Serbia and removed Kosovo from its jurisdiction. Since June 1999 Kosovo has been administered as a UN protectorate, under the UN Interim Administration Mission in Kosovo (UNMIK), and internal security has been secured by peacekeeping troops from NATO, Russia and other states.

Although the Albanians constitute 90 per cent of the population and Serbs only five per cent, these two communities are treated by the UN as co-nations. The UN is mandated to run the protectorate as a consociational semi-democracy and to thwart the Albanian national aspiration of forming an independent Albanian nation-state and an ethnic democracy in Kosovo. The Albanian and Serbian languages are official. Along with the Albanian and Serbian co-nations, the Bosniaks and Turks are recognized minorities. Each co-nation is entitled to separate schools and to some other collective rights, as spelled out by Curis:

Under the current protectorate, Kosovar Albanians have been compelled to accept a consociational democracy. The constitutional framework has binding institutional arrangements of proportional representation for the assembly, mandatory ethnic participation in the ministries, and minority veto rights on sensitive legislation. This veto right extends to legislation that any community recognizes as being discriminatory. The veto initiates an investigative process by a review committee including the SRSG (Special Representative of the Secretary General of the UN). Although for the first time in centuries the Albanians of Kosovo are practicing democracy, they are displaying discomfort with consociational arrangements and the lack of real legislative power in determining their future.²²

The final status of Kosovo is to be determined. Despite the protection and privileged status of the Serbs in Kosovo, many of them are emigrating to Serbia because of insecurity, alienation and economic deprivation. A sharp decline in their numbers would terminate the need for ethnic democracy. The international community is also adamant to disallow ethnic democracy lest it should serve as a pretext for Serbia to meddle in Kosovo's internal affairs. The consociational mechanisms may impede the rise of ethnic democracy in Kosovo when its separation from Serbia is finalized. Stabilization of a binational democracy in Macedonia that works well for the Albanian population there will be a good example for Kosovars to follow. On the other hand, the Albanians will not so quickly renounce their desire to form a democratic ethnic nation-state in Kosovo because of their rising ethnonationalism, a history of suffering from Serbian domination and an aspiration to contribute to the national liberation of the Albanian people in the region.

8. BOSNIA-HERZEGOVINA

Bosnia-Herzegovina became independent in 1992 and soon grappled with a Serbian irredentism from inside and outside the country. Lasting for three and half years, the bloody war caused 200,000 casualties, two million refugees and extensive devastation. It ended with the Dayton Peace Agreement, signed in December 1995, which provided for one sovereign state, two political entities and three co-nations. Rather than a nation-state, an ethnic democracy or a liberal democracy, the new independent state of Bosnia-Herzegovina is a consociational democracy by design.

²² Curis, in this volume, p. 198.

Consociationalism is evident everywhere. The Bosniaks (48 per cent), Serbs (39 per cent) and Croats (12 per cent) enjoy equal status. They are constituent units of the state, having their languages and nationalities officially recognized. On the federal level, representation at the presidency, the government and the bicameral parliament is proportional and balanced. The state is divided into two entities (a joint Bosniak/Croat federation governing 51 per cent of the territory and a Bosnian Serb-led Republika Srpska governing 49 per cent) that are entrusted with the lion's share of power and authority. Consociationalism also applies to district and local governments which are obliged to grant collective rights to ethnic minorities. A veto right is granted enabling each people to protect its rights well. The Constitutional Court ruled in 2000 that each entity must remove all legislation that deviates from the rule of equality between the three peoples, and in 2002, reforms were dictated by the High Representative to this effect. The system is monitored by many foreign bodies, including the UN, NATO, OSCE, EU and various NGOs.

The current political structure of Bosnia-Herzegovina is an artificial structure imposed from the outside on the three nationalities. The conditions for ethnic or liberal democracy are not satisfied. Citizens do not have a common identity and loyalty to the state. They also lack a sense of belonging to and pride of a viable and permanent state. The Bosnian Serbs still hope to secede to Serbia while Bosniaks have not given up their dream of a united state under their control. Democratic practices are fragile, corruption is virulent and resources are wasted through the duplication of institutions.

The question is if this kind of state can prevail when the foreign forces and the lavish international aid are pulled out. Perry concludes:

The model of ethnic democracy should be used as a model of how BiH should *not* develop. To be sustainable, BiH must develop as a multicultural state with consociational safeguards and guarantors. If BiH is successful, it could serve as a model for similar post-conflict states. If it is not successful, it will send a negative message to other multiethnic states that coexistence is not politically tenable. The key challenge facing all parties, foreign and domestic, is to ensure that BiH develops into a civic democracy, in which citizenship holds primacy over ethnicity.²³

Bosnia-Herzegovina would be much more viable without the Serbian entity (Republika Srpska), but neither the Bosniaks nor the international community would accept territorial partition because they believe that (Serbia's) aggression should not be rewarded.

9. LESSONS

What can be learned from these seven case studies about the model of ethnic democracy and about the democratization of these states? With regard to the model, the pertinent question is whether the model is to be dismissed as irrelevant for the reason that none of the states under study qualifies as a viable ethnic democracy. The real test of the model lies, however, in

²³ Perry, in this volume, p. 239.

its utility for a critical analysis of regimes in divided societies, and not in whether the different regimes fit the model. It seems that on the whole the model is found useful even when it does not fully apply or is in need of revision. It proves itself as a sensitizing tool, at the hands of the investigator, for unravelling the desires, ideas, measures, constraints and institutional arrangements that install ethnic dominance and privilege into a democracy or into a democratizing regime.

The seven-country application of the model leads to some revisions. The outlines of the revised mini-model are as follows:

Part one: Features

1. Ethnic ascendancy.
2. Perceived threats.
3. Diminished democracy.

Part two: Conduciveness

1. The majority's ethnonationalist drive (precedence of the ethnic nation to the state, pre-existing domination, strong ethnonationalist sentiment, ethnonationalist goals, perceived threats).
2. The majority's felt need for democracy (due to democratic values, domestic necessity and international considerations).
3. The majority's calculated functionality (a belief that control over the state can satisfy the ethnonationalist drive, that the minority is manageable, that external forces would not intervene).

Part three: Viability

1. The state is strong (monopolizes violence, controls entire territory, enjoys internal and international legitimacy, maintains law and order, extends worthwhile services and benefits).
2. The ethnic nation has a stable numerical and political majority.
3. The minority is small and manageable.
4. The majority has a commitment to democracy.
5. The majority continues to perceive threats.
6. The external homeland does not intervene.
7. The international community does not intervene.

While the first part of the model ("features of ethnic democracy") proves to be an adequate framework for analysis yielding a valid and comprehensive profile of the regime and its regulation of ethnic divisions, the other two parts require reformulation. The second part on "conduciveness" (originally labelled "factors conducive to emergence") explicitly refers to the majority's drive to impose ethnic ascendancy, their need for democracy and their calculation that an ethnic democracy can work and can perform the expected functions. If the perceived need for democracy is weak or if it is believed that ethnic ascendancy is impossible when democracy is extended to all, then the majority will not opt for ethnic democracy. If the minority is too small or ineffective or if the majority lacks grand goals to achieve

and large-scale threats to dispel, then the majority would feel no necessity to install ethnic democracy. Ethnic democracy is undertaken when the majority deems it as both necessary and workable.

The revised third part “viability” (instead of “conditions of stability”) is extended to include conditions in addition to a clear and continued numerical and political majority of the ethnic nation, a continued threat perceived by the majority, non-interference of the “external homeland” (i.e., the foreign kin-state to which the minority belongs nationally and which it regards as an ethnic patron), and non-intervention or even extension of legitimacy and support by the international community (foreign states and NGOs engaged in the protection of human and minority rights). These factors are augmented by the majority’s commitment to democracy and minority’s manageability. Together, they epitomize the majority’s capability to establish and maintain ethnic democracy.

Viability of ethnic democracy depends, however, on the strength of the state. The model of ethnic democracy, which is based on the strong Israeli state, implicitly assumes the existence of a strong state. “Strength of the state” refers to the degree a state acquires features of a sovereign state such as permanent and defensible boundaries, completeness and functioning of state bodies, internal and international legitimacy, effective control of the entire territory, full supply of services to the population, certain redistribution of wealth, legislation of laws that are accepted by most citizens and their effective enforcement, and the like.²⁴ Strength of the state is added to “viability” in order to make sure that it is explicitly taken into account in the analysis.

Along with strength of the state, the degree of democracy is another prerequisite for a viable and stable ethnic democracy. While strength of the state is included in the “conductiveness” part of the model, degree of democracy is discussed under the heading “diminished democracy” in the “features” part of the model. “Degree of democracy” means prevalence of democratic institutions and procedures and a fair amount of protection of human, civil and political rights. To be an ethnic democracy, a state should be both strong and democratic; otherwise, it will not be able to hold dominance over a minority and to satisfy the majority’s desires through non-violent means.

This revised framework can provide improved guidelines for analyzing attempts to establish ethnic democracy or regimes of this kind.

In all the seven states under investigation the main reasons for the non-emergence of a viable ethnic democracy are quite clear. Kosovo and Bosnia-Herzegovina are under international control because the large-scale internal violence and the resultant influx of refugees threatened the wider environment and the EU. They are structured deliberately not to be ethnic democracies. In terms of the model, they do not meet the condition of non-intervention of the international community. Moreover, the Bosniaks do not have a chance to establish an ethnic democracy in Bosnia-Herzegovina—even if the international forces are withdrawn and Serbia does not intervene—because they hardly constitute a majority and

²⁴ For a detailed discussion of strength of the state in a comparative perspective and of the high ranking of Israel on this score, see Joel Migdal, *Through the Lens of Israel: Explorations in State and Society* (Albany, N.Y.: State University of New York Press, 2001).

the Serbian minority is too numerous and defiant. They stand a better chance if they let the Serbian minority secede to Serbia, a secession that would make them a solid majority. In the same vein, with its tiny and weak Serbian minority and barring intervention by the international community or Serbia, Kosovo may turn into a crypto ethnic democracy.

Serbia's policy during the 1990s was not to establish ethnic democracy but rather to launch violent irredentist conflicts with Croatia and Bosnia-Herzegovina and to use violence against its Albanian minority. Despite its popular support, Milošević's regime was clearly non-democratic. The rampant violence inside and outside Serbia invoked international intervention that ousted Milošević, created a new tripartite regime in Bosnia-Herzegovina and made Kosovo a UN protectorate. Serbia failed because it did not even try to become an ethnic democracy, because of its aggression and because it was unable to block international intervention.

Macedonia failed to consolidate its ethnic democracy because it did not have a chance from the very beginning. Its Albanian minority was too large to begin with, and during the 1990s it grew even larger. The internal war in Kosovo and the ethnic cleansing of Albanian Kosovars resulted in the relocation to Macedonia of many Albanian civilians and paramilitaries who then destabilized the country. Macedonia was too weak to win the legitimacy of its neighboring states, to close off its borders and to subdue its big Albanian minority. Fearing another state's collapse and spread of violence and turmoil, NATO and other states imposed a regime change on Macedonia.

Like Macedonia, Georgia tried and failed to establish an ethnic democracy. Although constituting only two and three per cent, respectively, the Abkhazians and South Ossetians invoked Russia's intervention and destabilization of the country after their autonomy was abolished and secession was forestalled. Georgia is too poor, powerless and undemocratic to reach and control its minorities in the periphery, so it can safely be ignored by them.

Ethnic democracy has not emerged in Estonia and Latvia because their ethnic majorities have rightly calculated that a diminished ethnic democracy cannot be sustained and a more exclusionary apparatus is required in order to secure their comprehensive dominance. Their perception of the Russian minorities as too large and unmanageable if extended full political rights is realistic and correct. Lithuania makes a very good contrast with these states. It shares with them many features as well as a historical record, but its Russian and other minorities are too small and hence there is no need to exclude them from democracy or to control them through ethnic democracy. The EU barely intervenes in Estonia and Latvia because it accepts their doctrine of legal restorationism and because the Russian minorities are acquiescent. Its view of these states as democratic and worthy members of the EU testifies to its low standards of democracy.

10. CONCLUSION

The model of ethnic democracy was originally formulated to depict and analyze Israel's political system and handling of the Palestinian-Arab citizens living within its pre-1967 borders. It was applied to other cases, including Northern Ireland, Slovakia and India. There is firm ground to expect that the countries in Central and Eastern Europe in the post-communist

era are strongly attracted to this type of regime because it enables them to democratize while securing institutionalized dominance for their titular majorities.

The application of the mini-model to seven cases in post-communist Europe in the 1990s has shown that indeed most of them were motivated to institute an ethnic democracy but none has succeeded. Many of these states failed because they lacked a strong state and a good measure of democracy. The collapse of communism and the break-up of the Soviet Union and Yugoslavia created independent states that are too weak and inexperienced in democracy. The more specific obstacles for the building of ethnic democracy are large and unmanageable minorities as well as appreciable instability and unrest that trigger foreign and international intervention. Ethnic democracy, as exemplified by Israel's archetype, requires the pre-existence of a strong and effective state that not only privileges the ethnic nation and the dominant majority but also compensates the deprived minority by political stability, rule of law, advanced services, and steady and piecemeal improvement of the minority's life conditions, rights and freedoms. Many post-communist states do not meet this fundamental requirement. They are weak states that do not enjoy the trust of and cannot much benefit their majorities and minorities. The public, bureaucratic and political practices fall much short of the constitutional democratic norms. On global comparative ratings, they score low on democracy²⁵ and transparency,²⁶ and high on corruption indexes.²⁷

The model of ethnic democracy has its own merit even when applied to states that do not qualify. It can help uncover predispositions, patterns, structures and processes that are often ignored or mislabelled as traits of liberal democracy. Ethnic democracy can also be a transitory phase in a democratizing regime, rather than a stable and viable democracy that offers an alternative to the Western liberal and consociational types of democracy. For this reason the failure of the seven cases to become viable ethnic democracies is not the end of the story. For some of them, ethnic democracy remains an open option for the future.

The post-communist states of Central and Eastern Europe are, nonetheless, fortunate to democratize in the era and milieu of the democratic, peaceful and prosperous European Union. The EU states serve as a very positive model to emulate. More importantly, the drive of the EU to integrate many of these states as full members and some as associates in the future 'Wider Europe' is a firm moderating force of the ills of ethnonationalism, ethnic domination and violation of human and minority rights. In a globalizing world, the international dimension of ethnicity is becoming increasingly potent. In this regard, Israel stands in sharp contrast to the post-communist states. It is located in an unfriendly region which is not likely to democratize, to thrive and to unite. Hence, for many years to come Israel will have to face much more difficult problems engendered by ethnonationalism and ethnonationalist divisions despite its current high resources, strength of state, stability and viable ethnic democracy.

²⁵ Freedom House, *Freedom in the World, 2004*, The Annual Survey of Political Rights and Civil Liberties (New York: Freedom House, 2004), see <http://www.freedomhouse.org/research/index.htm>.

²⁶ Transparency International, *Corruption Perceptions Index, 2003* (Berlin: Transparency International, 2003), see http://www.transparency.org/pressreleases_archive/2003/2003.10.07.cpi.en.html.

²⁷ PRS Group, *International Country Risk Guide, Corruption Index, 2004* (East Syracuse, N.Y.: The PRS Group), see <http://www.prsgroup.com/icrg/icrg.html>.

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