

States, diversity and minorities

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Equality and Diversity



Art. 2 TEU (Lisbon, 1.12.2009)

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, **including the rights of persons belonging to minorities.**

These values are common to the Member States in a society in which **pluralism**, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

States

1945: 74 independent States
(51 members of UN)

Today: 193 members of UN



Territorial Government

People



Borders



"We the people..."

Constitution United States 1778 Preamble

"We, the **People** of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Self-
determination

Territorial
integrity

Austrian Federal Constitution 1920 (article 1)

"Austria is a democratic republic.
Its law emanates from the **people**."

What *is* a **people** or a **nation** ?

“**Civic**“ concept

All persons who hold the *citizenship* of a state form the people of the State (regardless of ethnic or national origin etc.).

“**Ethnic**“ concept

based on "objective" criteria,
e.g. language, religion, history,
culture, fate
i.e. persons with the **same**
characteristics form a people or
nation: *Kulturnation*

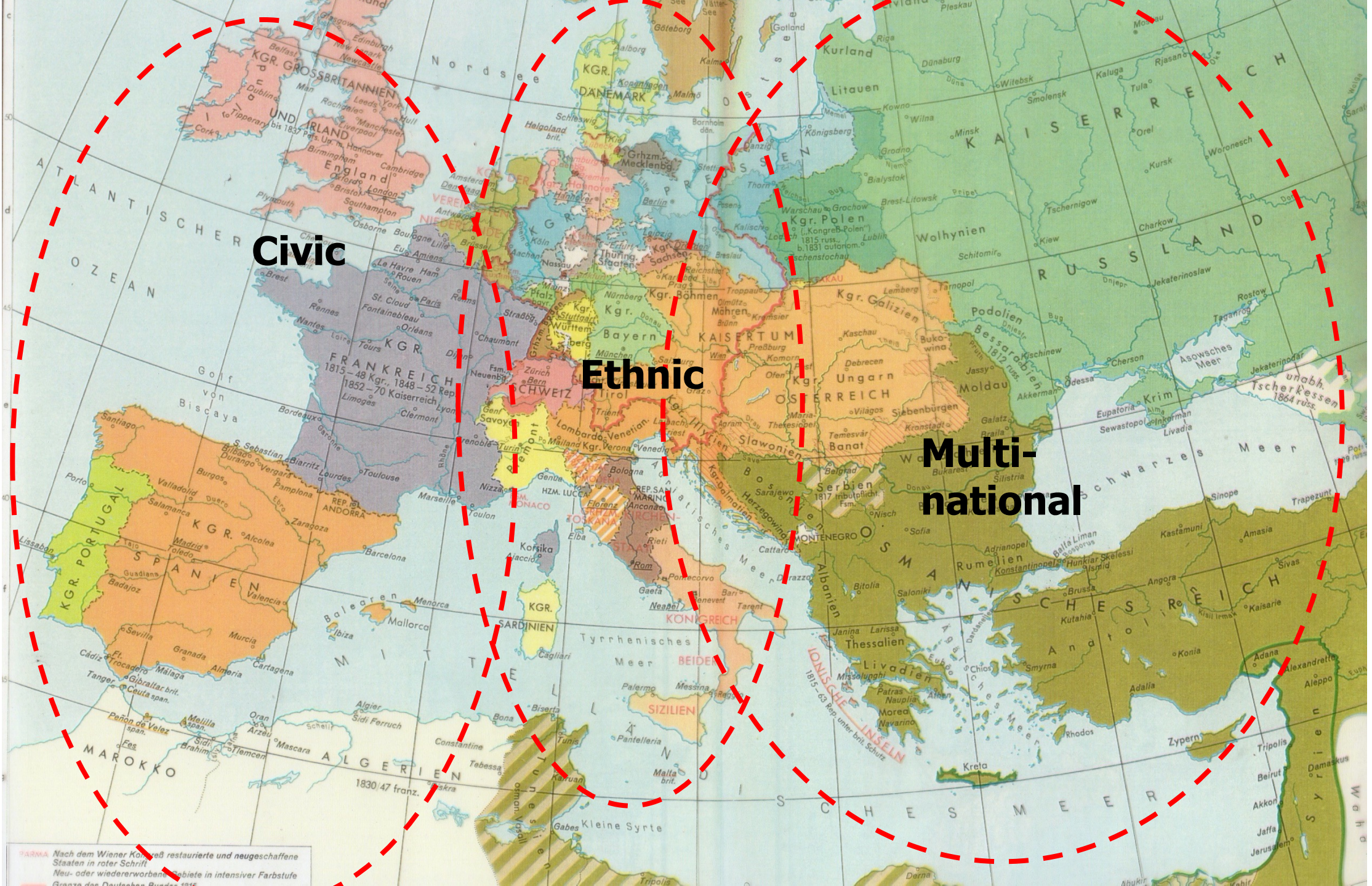
Homogeneity?

Difference = Conflict – Identity = Cooperation

Civic

Ethnic

Multi-national



Repressive (nationalist) State

Historical examples:

Nuremberg Laws

"for the defence of German blood and honour"

(III Reich; 1935)

Fascist Italy:

provvedimenti per la difesa della «razza» italiana (1938)

- **Today:** Tibetans, Uighurs, Kurds, Rohingya...
- Genocide: Ruanda, Armenia, ...
- Friend or foe!
- Racism
- Many ways for exclusion of permanent minorities
- Distinguish:
 - Legislation
 - (discriminatory) practice



The liberal agnostic model

- “Color-blind Constitution”: US, FR
 - US: three underlying assumptions
 - Inclusive concept of “Nation”
 - No new Nations can be created
 - Right of preserving national identity in private
 - FR: legacy of revolution
 - Art. 3 Const. “Sovereignty is vested with the Nation.”
 - People = Nation = State
- Individual rights
- Risk: “tyranny of majority”



The promotional approach

- Presence of a dominant majority which recognizes minority-group(s) and rights
- Recognition of the **right to be different**
- Protection and promotion of minorities = value
 - Art. 6 Const. IT and art. 4 statute T-AA/ST (“minority-protection **is** [part of] national interest”)
 - Art. 3 Const. SP: “the other Spanish languages”
- **Special rights:** *effective* guarantee of rights
 - Territorial principle for application
 - Institutionalisation (e.g. Power Sharing)
 - Effective participation in public life



Multi-national States

- Not only one Nation
- Different groups recognised as essential for the State
- Examples:
 - Switzerland (Cantons, 4 language groups, religion)
 - Canada (Quebec, RoC, Inuit, First Nations, ...)
 - Belgium
 - India
 - Bosnia and Herzegovina
 - ...



Stateless Nations,
e.g. Kurds

States and (reaction to) diversity: four models

Diversity to be eliminated...

Repressive / nationalist

- assimilation
- racism
- ethnic “cleansing”

Diversity does not matter...

Agnostic / liberal

- Civic citizenship
- Color blind
- Tyranny of majority?

Diversity is taken into account...

Promotional

- Recognition
- Guarantees
- Affirmative Actions

Diversity is the rule...

Multi-national

- civic approach
- no “minorities”
- institutional equality

R. Toniatti, Minoranze e minoranze protette (1994)

“Minority”: Wanted - a Definition

1. National/ethnic minority: no universal definition

- **Recognition:**
 - **international law** (abstract: “national minorities”) or
 - **domestic law** (concrete, often lists of groups)
- **Common criteria:**
 - **objective** (distinguishing features, numbers, non-dominance)
 - **subjective** (awareness; acknowledgement + social relevance)
- Characteristic **relation with Nation-State:**
 - Building ... Majority-population
 - Exclusion ... Minority-group



2. Indigenous Peoples (Europe: Sami)

3. “New” Minorities (i.e. migrants; still excluded; citizenship)