Ethnic Identity, Self-Determination, and Human Rights: Majoritarian Democracy Re-Examined

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T he period of decolonization has brought about the emergence of new states, but not new nations; different ethnic and cultural communities were incorporated within the state's legal and political framework. Further, the ossification of the state has led to the destruction of existing and would-be nations.[1]

In the late 1960s, many new states were shaken by sporadic communal violence inspired by ethnic and cultural conflicts against the post-modern civilization -- both modernism and traditionalism. The struggle for power, what Toffler called as the "struggle of the Third Wave," [2] was fought under the banners of nationalism, religion, and civil and political rights -- a struggle against the immense concentration of power at the level of the modern nation-state.

In the 1970s, these conflicts began to take on more organized forms along three distinct directions: (1.) the achievement of a special status for ethnic groups; (2.) regional autonomy; and ,(3.) total independence.[3] Ethnic groups claiming to be nations and states, or had the potential to be one prior to the birth of the modern state, began asserting their rights to self-determination and complete independence.

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In the last two decades, as the world's economy shifted to a higher gear in its 'modernizing project,' ethnic struggles intensified and exploded into separatism -- or into calls for secession, independence, and complete sovereignty from the state. This phenomenon debunked the 'melting pot' theory which presumed that racial, ethnic, and religious differences are destined to wither away as anachronisms, as modernization and development produce a unifying effect in terms of a new attachment and identity at a national level.

The assumption that ethnic identities and loyalties will simply wither away to a working class consciousness as viewed by the Marxists, or to the nation-state and the market as perceived by the bourgeois liberalists fails to explain the paradoxical deepening of ethnic identities and conflicts that have accelerated with the process of modernization. Ethnic identities have ossified and persisted over class solidarity. Neither did ethnic loyalties concede to the 'greater' interest of the nation nor yield to market forces.

Identities have not dissolved. What have withered away, however, are the conditions under which diverse identities can share a social space. The positive social change and increased opportunities that should have accompanied modernization involve massive dislocation and displacement of people from traditional means of livelihood. The shrinkage of social space has taken place where perceived new opportunities have produced a narrower social base.

Identity has, thus, been negativized, i.e., has been reduced to a negation of the 'other.' While it is commonly argued that for economic growth and development to take place, certain cultural identities have to be compromised and undermined for the interest of the majority, these culturally homogenizing, socially fragmenting, and atomizing processes of modernization bring in conditions of social and economic vulnerability and insecurity to ethnic groups.

The seeming economic growth and spatial shrinkage have resulted in social conflicts between the 'majority' and 'minority' peoples as they compete for scarce resources and benefits. The complex impact brought about by modernization has created new vulnerabilities and led to the rise of ethnic consciousness and new assertions.

Moreover, economic vulnerabilities, induced by global integration, have become local economic conflicts with ethnic colors:

> Developmentalism, as economism, has become a source of new economic vulnerabilities, and new inequalities. In multi-ethnic societies, where overlap has existed between religious and regional identities and economic functions, issues of economic insecurity and contradictions are very conveniently transformed by the elite into issues of ethnic, caste and religious issues.[4]

The simplistic notion that ethnic differences breed conflicts, fails to fully account for the presence of long-pestering ethnic calls of secession not only in the underdeveloped continents of Asia, Africa, and South America where states tend to be authoritarian and whose societies are characterized as mosaics of ethnic groupings, but also in the developed and more democratic countries of Europe, North America, and Australia.

Secessionist movements have, in fact, intensified in the recent decades in modern Western states, i.e., the Scots, Britons, Celtics, Wales, and Irish in the United Kingdom; the Walloons and Flanders along the borders of Belgium, France, and the Netherlands; the Basques and Catalonians in the borders of Spain and France; the Turks in Germany; the Quebecois in Canada; the Indians in the United States of America; the Aborigines in Australia; the Maoris in New Zealand; and the Ainus in Japan, to mention a few. In the United States, conflicts rose among immigrants -- between the Cubans and Haitians in Miami; Mexicans and Cubans in Los Angeles; American-born and Iranian Jews in affluent Great Neck, Long Island near the city of New York. Obviously, this is apart from what the world witnessed in the breaking up of the once Union of Soviet Socialist Republics (USSR) into several nation-states and the explosion of ethnicities in Eastern Europe in the last few years.

Evidently, it is not simply diversity that is responsible for these strifes in view of the fact that there are divergent groups that have co-existed for centuries without conflicts reaching the grandiose scale and intensity that it has attained in the post-industrial age. However, what is new in post-modernism are the

processes which have made cultural identity incompatible with diversity and made cultural identity a means to gain economic survival and power.

Ostensibly, the sharpened conflicts between ethnic groupings -- political and economic power wielders on one hand, and those marginalized who aspire to redeem their lost power on the other -- are reactions against the centralism of the state that tries to homogenize the entire polyethnic society under a single dominant culture in order to effectively respond to the imperatives of world capitalism:

> Ethnicity is a response -- including reaction -- to the excesses of the modern project of shaping the whole humanity (and its natural resource base), around the three pivots of world capitalism, the State system and a 'world culture' based on modern technology, a pervasive communications and information order and a 'universalizing' educational system. The project of modernity entails a new mode of homogenizing and of straightjacketing the whole world.[5]

There is an implied concept of 'universality' of culture which is assumed to work for all societies as opposed to the universalism of the earlier philosophical systems of thought. The homogenizing thrusts of capitalism, the nation-state, and technology endeavors to assimilate, culturally unify, and integrate diverse social formations into a global marketplace under the secular authority of the state which claims superiority over the legitimate rights of other entities to be excluded and espouse a different worldview.

Notwithstanding, ethnic identities were seldom surrendered to the imposing power of the modern state. Ethnicities have emotional, psychological, even religious depths that are not easily severed.[6] These are human ontological factors which cannot be subjected to authoritative controls; thus, no amount of coercion or repression can contain human developmental aspirations over an extended period of time.[7]

Under this context, the goal of the central government to integrate, assimilate, and transform multifarious ethnic identities into one national identity through a "downward exertion of State nationalism" would simply be a futile attempt.[8] Evidently, what has been perceived as the formula for nation-building is the homogenization of the entire society, as a way to achieve the end of modernization and development. Consequently, modernization demands a strong centralized power -- short of authoritarianism -- at the level of the nation-state.

Majoritarian Democracy in a Multi-Ethnic Society

The assimilationist policy has been manifested through the centralism of the state in the post-colonial period by means of strategies such as center-oriented allocation of resources; center-oriented administrative systems whereby the government exerts control over all parts of the country including the peripheral areas inhabited by ethnic groups; and provision of regional and local autonomy which allows peripheral areas to govern themselves and participate in decision-making at the center in accordance with the government's pre-defined rules and procedures.[9]

Such policy, however, has been seen as *inapropos* and resisted by groups who do not see themselves as part of the nation and feel strongly against the erosion of their self-identity and sense it as a gross violation of their political and economic rights. The concept of nation-building and centralization of power under the nation-state, indeed, resulted in the deprivation of ethnic communities' right to decide for themselves and the power to govern in accordance with their ideals and aspirations.

Under such circumstances, the majoritarian type of democracy in a multi-ethnic society becomes incongruent with homogenization -- acts exercised by the state in the interest of national unity and development. Obviously, the meaning of democracy is violated when a minority or several minorities (not in a political but ethnic sense) lacks any reasonable chance to take part in policy- and decision-making processes in government on a more or less permanent basis without suffering from the 'tyranny of the majority.' In other words, majority rule in deeply divided societies is likely to be profoundly undemocratic.

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Apparently, the fundamental assumptions of democracy must be re-defined. It must not only guarantee the democratic rights of the majority but assure the minority of their rights to differ without any obligation on the part of the latter to yield their rights and abide by the decisions, policies, and rules set forth by the latter when such endanger or cause the erosion of their identity and survival as ethnic groups. Otherwise, the minority would simply be persecuted by the majority.

The concept of mass or majoritarian democracy, perceptively, complements the ideals of mass production and mass consumption of post-industrialism. As economic modernization requires the homogenization of both production and consumption, the age of mass democracy is characterized by the immense concentration of power at the level of the nation-state. However, with the rising localism, resistance to globalization, and heightened ethnic and racial consciousness, democracy seems to be becoming 'de-massified.'

Mosaic Democracy vs. Mass Democracy

The persistence of a mosaic of ethnic groups which operates in accordance with their own rules and perseveres in their legitimate rights to self-governance either outside or within the realm of the state is slowly giving rise to 'mosaic democracy' as distinguished from mass democracy. Mosaic democracy appears to correspond to the mosaics in the economy and diversified or 'de-massified' peoples' needs and political demands.[10]

The intolerance borne out of political centralism has in effect engendered the resistance against the 'melting pot' and the 'ideal' of assimilation in the post-industrial society. Moreover, intolerance precipitates into conflict whenever the crisis of the economy shrinks the pie to be allocated in relation to numbers and aspirations. Thus, rather than uniformity and homogeneity, diversity and heterogeneity have been the growing clamor of ethnic groups -- the right to be and remain different:

> Diversity is the new ideal, corresponding to the heterogeneity of the new system of wealth creation ... (the melting pot) is being replaced by that of the 'salad bowl' -- a dish in which diverse ingredient keep their identity ... But the salad-bowl ideal means that governments will need new legal and social tools they now lack, if they are to referee increasingly complex, potentially violent disputes.[11]

Democracies, as well as their governmental structures, have to tolerate the widest possible diversity so long as the political system remains in equilibrium. In

a similar vein, constitutional frameworks and development strategies *apropos* in fostering cultural pluralism have to be discovered *sui generis* in each case.

In all respects, it becomes evident that building a nation in a multi-ethnic society through the centralized power of the state will simply result to internecine conflicts. Furthermore, the effort to 'melt' the indissoluble ethnic identities and abscond ethnic groups may eventually lead to the creation of a multi-nation-state out of the existing one. Nation-building, thus, requires the empowerment of diverse ethnic communities and a recognition of their right to nurture their own development as defined by their culture:

> ... the very formulae of nation-building were deeply flawed. Distrustful of devolution, incapable of co-ordinating rational administration with the extension of democracy to minorities ..., and completely insensitive to the nurturing of pluralism -- that is what the flawed principles of nation-building have been.[12]

The quest of the ethnic communities for local autonomy, self-government, and survival of their indigenous and self-sustaining culture is embodied in their struggle for self-determination.

The Right to Self-Determination and Human Rights

Forms of Self-Determination

Dov Ronan has postulated the existence of five archetypal forms in the study of self-determination: (1.) nineteenth century, e.g., German and Italian nationalism; (2.) Marxist class struggle; (3.) minorities' self-determination associated with the ideas of Woodrow Wilson and John Stuart Mill; (4.) anticolonialism; and, (5.) ethnic self-determination.[13] However, in the analysis of current events, it becomes highly doubtful if clear-cut distinctions between the said forms can be made. Recent movements for self-determination seem to indicate that Marxist class struggle *cum* national struggle, minority rights, anticolonialism, and ethno-nationalism have become intricately intertwined.

To date, two forms of self-determination have gained international recognition: (1.) internal self-determination which refers to the choice which a total people (or those who rule in the peoples' behalf) make when a form of government has been selected -- likewise known as internal sovereignty; and, (2.) external self-determination which refers to decolonization or external sovereignty. Undoubtedly, the quest for independence and the nationalist struggle against

colonialism is the high point of the principle of self-determination in international law.

The first type of self-determination applies to societies and nation-states whose populations are ruled by a minority who embodies an apartheid philosophy, while the second pertains to people of a state living under foreign domination.[14] In both types of self-determination, the overriding primacy of state sovereignty and territorial integrity as foundations of international law and system of states are underscored.[15]

Unfortunately, what has not been recognized, or at most, has won limited acceptance are the new post-colonial forms of self-determination where sub-state regional identities or regional minorities are given power and political control over the geographical areas that they occupy. Although the United Nations (UN) Charter and other UN documents contain statements on self-determination, these remain vague on the issue of whether ethnic and cultural communities are generally considered the subjects of the rights of self-determination, and for that matter, to be considered 'peoples' in the legal sense of the term. For instance, the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 declares in Article 1:

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All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.[16]

'People' vs. 'Nation'

The term 'people' refers to the total population of a state and not to ethnic, religious, or linguistic minorities living within the territorial boundaries of the state. The exclusion of ethnic minorities from exercising the right to self-

determination sprang from the major underpinning of basic human rights -- the universality of human rights. It stipulates that all human beings are equal; no matter what distinguishes them, they have the same rights. Former UN Secretary-General Javier Perez de Cuellar affirms that:

> [The] Universal Declaration of Human Rights represents a major milestone in human progress, bringing realization to the (UN) Charter principle that universal respect for human rights is the common concern of all governments and all peoples.[17]

A distinction between minority and majority rights and freedoms implies a rejection of this universality as it recognizes the specificities of different social groups. It is argued that ethnic and cultural relativism jeopardizes the concept of human rights, and thus erodes its universal application.

Notably, when the Universal Declaration of Human Rights was being drafted by the Human Rights Commission from 1946-1948, chairperson Eleonor Roosevelt, widow of the former American president, was quoted as saying: "[M]inority rights [is] a purely European matter which [has] no relevance to human rights in general."[18] This view prevailed over the objections of some states which wanted to include specific provisions on cultural rights of minorities. The 1948 Universal Declaration of Human Rights, therefore, does not deal with culture except in a very abstract way.

In spite of the fact that most of these signatory-countries of international human rights instruments are themselves mosaics of different cultures -- cultures of ethnic groups, minorities, nationalities, or nations -- the issue of diversity in terms of human rights and the right to one's own culture as a people remains to be addressed.

In the effort to give some content to the term 'people,' the International Court of Justice (ICJ) proposed the following elements as the embodiment of the term: (1.) common history; (2.) racial or ethnic ties; (3.) cultural or linguistic ties; (4.) religious or ideological ties; (5.) common territory or geographical location; (6.) common economic base; and, (7.) sufficient number of inhabitants.[19] Seemingly, the aforementioned characteristics, if not lifted, are no different from Shafer's [20] definition of a 'nation.'

If 'people' would mean 'nation,' then by implication ethnic groups, minorities, and cultural communities are unquestionably nations or potential nation-states. Cobban defines a nation as:

> Any territorial community, the members of which are conscious of
> themselves as members of a community, and wish to maintain the
> identity of their community, is a nation.[21]

Fundamentally, a nation refers to a group of people who collectively feel that they belong together.[22]

Contrary to Shafer's[23] 'objective' elements of a nation such as language, territory, ethnicity, religion, and common culture, Kohn[24] suggests that it is the 'subjective' force -- the determined will of the people to live as one people with one definite and definable goal -- that is really essential and the crux of a nation. Kohn further states that it is the "living and active corporate will" which makes a nation. It assumes a common conception of identity, purpose, and prospects of a people.

'Nations,' henceforth, are distinct territories of a common people who see themselves as 'one people' bound collectively by a common ancestry, history, society, institutions, language, territory, and often times, religion. The consciousness of being one people, distinct from the neighboring peoples, is usually articulated and self-ascribed. Hence, nations pre-date the existence of states as they date back to antiquity.

The indigenous peoples themselves have insisted that they be regarded not as 'minorities' nor 'classes' but as 'nations' with the right to self-determination. The draft Declaration of Indigenous Rights written by representatives of indigenous peoples from all parts of the world proclaims:

> In general, all indigenous peoples are entitled to self-determination
> and to recognition as nations ... Therefore, indigenous peoples are
> *not* to be considered as minorities or social classes ...(italics
> provided). [25]

Nevertheless, the UN has not appreciated nor recognized a different meaning of 'nation' apart from those defined in the post-colonial period and of 'people' other than merely as those who comprise the majority of the state's population.

International Instruments and Ethnic Rights

In fact, states wish it to remain linked with the total population of their respective political and administrative territories no matter how culturally diverse the population is.[26] Self-determination, therefore, applies only to the people in their totality, in internationally-recognized territories, i.e., the majority peoples. Apparently, the UN has not yet recognized the realities of 'internal colonialism.'[27]

Inspite of the UN's non-recognition of sub-state self-determination, it nonetheless upholds the right of ethnic minorities. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) of 1966 is the only article in all the international human rights instruments that addresses the question of cultural rights of minorities:

> In those States in which ethnic, religious or linguistic minorities exist, *persons* belonging to such minorities *shall not be denied* the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (italics provided).[28]

It is contended that the aforementioned provision endeavors to resolve the abstract treatment of individual human rights and advance the rights of minority peoples. On the contrary, the article remains inadequate in ensuring the protection of minority rights for many reasons:

First, considering that international instruments are prepared and signed by states, they automatically become state instruments serving their own national and political interests. In view of this fact, the acceptance or denial of the existence of minorities, as well as the parameters used in the definition of 'ethnic, religious, and linguistic minorities,' evidently reverts to the states. This leaves the government absolutely free to determine whether minorities do or do not exist in their country.

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Oftentimes, for political reasons, states deny the presence of minorities within their territorial borders. Citing an example:

> ... for many years Latin American states denied there were indigenous minorities in their own countries. Today, they admit that such minorities do exist. Turkey officially does not recognize the Kurds as a distinctive cultural group, calling them the 'mountain Turks'. Bulgaria has asked its own citizens of Turkish origin to

change their names, because it recognizes a Muslim but not a Turkish minority.[29]

Inasmuch as minority groups do not or seldom have a fair chance of being officially represented in international bodies because they are either treated as 'dissidents' in their respective states or lack the necessary funding support, their existence as a people is hardly felt and their demands for the recognition of their rights have been ignored by their states.

Furthermore, the recognition of minorities either by the international community or the state itself is frequently affirmed only when violence between ethnic groups and the state or between ethnic groups reach an unimaginable scale.

Secondly, Article 27 is concerned with rights of 'persons' belonging to minority groups rather than collective or group rights of people having a distinct cultural frame and characteristics. The provision indicates that the bearers of ethnic rights are individuals and not groups. In reality, the needs of indigenous peoples can only be expressed in terms of group or 'national' rights.[30]

Ethnic rights are not always reducible into individual rights. While the state is functionally a collection of individual citizens whose individual rights are constitutionally guaranteed, ethnic group affiliations are usually stronger in protecting and advancing minority citizens' individual rights than the 'persons' belonging to a minority group acting individually and separately.

Group rights are individual rights employed in collectivities. These can be exercised only through collective action of individuals who share common values. An individual can be a bearer of such rights solely by joining with other members of one's own group. Otherwise, it ceases to be a collective right.

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Kothari[31] perceives that the conception of the collective as a whole rather than a collection of individuals provides an alternative source of security and protection for ethnic groups against attempts of the state, market, and development process to reduce their identities to isolated 'selfs' and abdicate their freedom at the expense of 'others:'

> The regeneration of community, not as a collection of isolated individuals, but as interactive structures both internally and vis-a-vis each other, can become an important source of transformation by becoming the basis of collective reconstruction of the 'whole'. It can become the source of alternative people's security, where people derive protection, not from a militarized State but, through the creation of structures of mutual nurturance and protection within and across community spaces ... [i] n which the individual good derives its authenticity from a common good, and individual freedom is seen as freedom for all, not freedom at the cost of others.[32]

In fact, it is highly inconceivable for an individual to successfully sustain and nurture one's culture, religion, or language outside one's ethnic group or society. Minority rights, for obvious reasons, can be enjoyed only through the group to which the individual belongs. The denial of the group identity, consequently, means a denial of individual rights.

Corollary to collective rights is the relativity of values. As early as 1947 when the UN Commission on Human Rights was still in the process of framing the Universal Declaration, the American Anthropological Association (AAA) had already questioned the universal application of human rights in complete disregard of the right of people to live within the confines of their own cultures and traditions. In essence, human rights need to be applied with due respect to the rights of people who choose to be different.

The AAA posited that the individual realizes one's personality through one's culture. Hence, respecting a person implies respecting one's culture. Similarly, a respect of individual differences entails a respect for cultural differences. Thus, endorsing a single cultural standard for the entire humanity, where all the rights of man have to be framed invariably, poses a grave threat to the survival of other cultures whose rights are better exercised collectively rather than individually. Standards and values are relative to the culture from which they are derived so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent, detract from the applicability of any Declaration of Human Rights to mankind as a whole.[33] Conspicuously, the application of standards embodying the values of one culture over other cultures is indeed an affront to the latter.

Finally, Article 27 promotes minority rights in a negative manner and does not establish any positive affirmative right on the part of the ethnic groups to self-governance and self-determination. The Article states that persons belonging to such minorities "shall not be denied the right ...," thus, simply dissuading the states from absconding the rights of "persons belonging to such minorities" but not obligating the states to institutionalize or carry out policies that would ensure the protection of minority rights.

Evidently, the political and economic structures of modern society lead states to pursue policies designed to assimilate or integrate minorities into the model of the national culture. These tend to destroy minority rights and cultures even when there is no conscious intent to do so.

J.S. Furnivall was the first to propound the issue of ethnic resistance to integration and assimilation.[34] In his study of plural societies, he concluded that plural societies carry within them the seeds for potential communal violence as groups react to political, socio-economic, and religious pressures.

Nietschmann confirmed that majority of conflicts worldwide are between states and ethnic communities.[35] He recorded that out of 120 conflicts in 1987, 72% (86) are considered state-ethnic strifes; 10% as inter-ethnic and insurgent-related conflicts; and 3% as wars between states. Furthermore, 98% (118) of such conflicts are fought in the Third World countries, with 75% (90) of these between Third World states and their ethnic minorities.

These conflicts are three-sided, involving the right and left wing insurgents seeking to overthrow the state, and ethnic peoples defending themselves against the 'colonialism' of the State. Rebel forces and ethnic groups may have the same enemy but definitely different goals.

Smith[36] likewise established that ethnic resistance began to grow among newly independent nation-states that emerged after the Second World War because the "state's structures seldom provide for ethnic rights."[37] Nor for that matter are states sympathetic to and share ethnic aspirations for greater autonomy:

> The inability of the States to accommodate and give redress to ethnic grievances and fulfill ethnic aspirations increasingly agitated ethnic groups into more violent protest actions directed against the State as the allocator and dispenser of power and privileges.[38]

Thus, without positive steps to develop the necessary mechanisms and procedures to promote, protect, and strengthen minority rights within the

framework of present nation-states, ethnic rights would be denied and cultures, consequently, spoiled. In other words, autonomy for the minorities is not only an issue of political empowerment but a question of ethnic survival.

A Declaration of Minority Rights in the Offing?

Otherwise, policies of national integration and development are inclined toward a policy of ethnocide -- the wilful destruction of other cultures, cultural identities, and cultural groups. It is different from genocide which is the physical destruction of peoples. Nonetheless, ethnocide is equally abominable and yet the concept (ethnocide) has not been incorporated into any international legal instrument.

Although there were several initiatives done by the UN to recognize the rights of minorities, ethnocide still has not been considered a crime against international law nor is there a Declaration of Minority Rights in the offing.

The first of such initiatives was made at about the same time the Universal Declaration of Human Rights was adopted in 1948. The General Assembly adopted a separate resolution asking the Sub-Commission on the Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to study the ethnic question.[39]

However, it was only in 1971 (after more than two decades) that the Sub-Commission started a "Study of the Problem of Discrimination Against Indigenous Population." After another decade, in 1982, the Sub-Commission established a permanent Working Group on Indigenous Populations (WGIP) to review the situation of indigenous peoples and evolve international standards for the protection of their rights.[40] The WGIP is the first structure within the UN that focuses specifically on the conditions of indigenous peoples.

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Nevertheless, it was not the WGIP which drafted the Universal Declaration of Indigenous Rights; it was drawn in 1985 by an assembly of indigenous non-governmental organizations (NGOs) from various parts of the globe and submitted to the WGIP as a possible working text. To date, nearly a decade after it was adopted by the indigenous NGOs, the Declaration remains in its draft stage and has not been acted upon by the General Assembly.

The draft Declaration affirmed a variety of rights. Of great importance is the principle in the draft Declaration which states that:

> All indigenous nations and peoples have the right to self-determination, by virtue of which they have the right to whatever degree of autonomy or self-government they choose. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external interference.[41]

As the adoption and final ratification of the said document is fervently hoped, Kohei contends that "the support of majority ethnic groups is essential" in realizing and fulfilling the contents of the draft Declaration rather than the positive action from the UN.[42] Similarly, Maranan[43] does not seem too optimistic that the provisions of the draft document, even if endorsed by the UN, would be enforced by individual states:

> ... contemporary history has taught us that universal documents and international bodies can be powerless in the enforcement of idealistic programmes and visions. It remains for the individual indigenous people of each region, each statement (sic), to forcefully assert the demands that flow out of the desire for self-determination.[44]

Evidently, the solution to the problems faced by the indigenous national minorities shall come principally through their own definition and efforts. International bodies and states sympathetic to the rights and welfare of minorities, if ever, will only provide the venue where ethnic questions can be better addressed but cannot offer a solution in its absolute sense.

Consociational Democracy, Compromise, Secession, etc.

It is to be noted that although Article 1 of both international human rights covenants, i.e., the Covenant on Economic, Social and Cultural Rights and Covenant on Civil and Political Rights, established the right to self-determination,[45] ethnic and cultural minorities are still generally considered as non-bearers of this right. As earlier cited, the right to self-determination is limited only to established independent states and colonies of imperial powers under the process of decolonization, and applies solely to people linked with the majority of the state's population.

Falk[46] claimed that the doctrine of self-determination is infringed upon unless the individuals' and groups' inherent right to self-respect is affirmed:[46]

> The original impulse of the doctrine of self-determination, what led to its formation as a principle, has to do with a basic affirmation of respect for the inherent dignity of individuals and groups, and that fundamentally the internal application of the doctrine of self-determination is a human rights claim ...[47]

Self-determination is seen as the key to the survival of the minorities' and ethnic groups self-sustaining culture taken in its broadest material and non-material sense, i.e., political, social, and economic institutions, customs and traditions, world views, as well as the ecosystem.

The quest for self-determination, once at the heart of the nationalist struggle against colonialism, has been taken on by groups seeking substantial local autonomy and self-government. An era of 'sub-nationalism' has been on the surge.[48] The legitimate claim of ethnic minorities to self-determination has, in effect, questioned the very concept of the nation-state as an appropriate and viable form of social and political organization:

> The politics of the newly independent states, framed initially in terms of 'nation-state' ideologies and policies, have by virtue of various internal dialectics and differences led to a new phase of politics dominated by the competitions and conflicts of

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The politics of ethnicity is indeed a product of the interweaving and collision of the tow global processes: world capitalism and its operation through multinational corporations, and widespread nation building by liberated colonies now ruled by elite intelligentsias who, however, have to react to their divided civilian constituencies.[49]

Moreover, Neuberger, writing on the case of post-colonial Africa, observed that two types of self-determination are emerging among contemporary Third World countries: the anti-colonial self-determination and secessionist self-determination.[50] The former is termed as the 'grand self-determination' which is self-explanatory, while the latter is the 'small self-determination' concerned with the internal politics of the State.[51] It represents the peoples' aspiration to break away from the post-colonial state and attain self-government.

Obviously, small self-determination challenges the hegemony of the state and is, therefore, found to be threatening. Neuberger, nonetheless, offers that a commitment of the state and ethnic groups to 'consociational democracy' and 'negotiated constitutional arrangements' within the defined multi-ethnic state will contain secessionist movements and increase the chance of promoting ethnic self-determination while safeguarding the territorial integrity of the state.

It may be stated, though, that a large number of states have been created with 'artificial' boundaries that encompass multifarious and variegated ethnic groups with religious and linguistic cleavages. It has been estimated that in only about a quarter of the states in the world does 95 percent of the population comprise one ethnic group.[52] Thus, almost all states in the world contain potential secessionist movements.

It may seem apparent that secession is resorted to by an ethnic minority when it does not see reasonable chance of self-governance and autonomy under the existing nation-state. Secessionist movements are further fueled when the state institutionalizes policies of ethnocide. In other words, when compromises between central and indigenous systems of governance becomes infeasible, separatist movements arise. Only in such situation do:

[e]thnic groups seek to secede or gain autonomy from the control, de facto and de jure, of a given State. More often than not, the use of force is utilized, i.e., acts of revolutionary violence, to express rejection of the prevailing political and social system and the determination to bring about progressive changes by overthrowing the system.[53]

Encarnacion and Tadem, writing on the cases of separatist movements in Burma, Indonesia, Thailand, and the Philippines, conclude that among the causative factors of separatism, ethnicity is the foremost.[54] However, ethnicity becomes a problem only when "a dominant ethnic group takes control of the State apparatus and proceeds to impose its will on the rest of the population."[55]

The issue is further exacerbated by external factors -- when the state tries to homogenize the heterogeneous ethnic communities by instituting policies of political centralism under the guise of 'nation-building' as a response to the demands of world capitalism and the international economic order. This allows ethnic struggles for self-determination to be influenced by anti-imperialist and anti-capitalist movements of communist-led and -inspired organizations.

Nevertheless, it does not necessarily follow that a communist victory for political power against a bourgeois state would enable ethnic groups to obtain self-determination and political empowerment. The case of the once impregnable USSR breaking down into several ethnic states in the recent past is a concrete example that the concept of self-determination transcends current political ideologies.

Self-determination, in contemporary times, has become a concept of ethnic transformation. It is appraised as the answer to restore the eroding self-identity and redeem the rights to self-rule of the ethnic communities. It is seen as the solution to their survival as ethnic groups. Indeed, self-determination has been the political line of the minorities' resistance against the state's technocratic program and strategy of development that disregard their rights as peoples.

Final Note

The non-recognition of the rights of ethnic groups to self-determination under international law and by the UN stems from the apprehension of states and governments that if minority peoples hold such a right, existing states might break up through secession, irredentism, or political independence. Undeniably, the states consider their interest far more important at the present time than any human right.

Needless to state, the ethnic minority's struggle for self-determination is not necessarily anti-government, nor can it be considered anti-state. The core of their struggle is the attempt to redeem their possession, use, and control ancestral territory (domain) which is the material base, source of life, and fountainhead of their traditions.

ENDNOTES

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