



UNIVERSALISM, NATIONALISM AND THE PROSPECTS
FOR A HARMONIOUS WORLD ORDER

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Some definitions should be introduced at the outset in order to explain the use of terminology in this paper: 1) the **world order** becomes a harmonious system when all its constituent parts voluntarily subordinate themselves to a single, universally applicable set of enforceable rules and regulations providing for non-violent resolution of conflicts; 2) an **ethnic group** or **nationality** consists of people identifying themselves and recognizing one another as members of one particular ethnicity/*ethnos* to the exclusion of all other ethnicities/*ethnoses* (which does not preclude the possibility of some individuals' identification with more than only one ethnicity/*ethnos*); 3) a **nation** is an ethnic group or nationality which, in addition to its members' identification with one another as co-nationals, collectively identifies itself also with a certain territorial entity (a nation could thus be defined as a territorial ethnic group); 4) a **national minority** is an ethnic group living in another nation's territory without laying any claims to sovereignty over any part of that territory. (Among national minorities one could distinguish members of such non-territorial nationalities as Roma Gypsies, as well as members of full-fledged nations whose territorial identity lays outside the territory in which that particular contingent of the nation in question happens to live; in some cases, the thus defined national minorities grow to constitute pluralities or even majorities of the population in another nation's historical homeland and, on that basis, can start claiming sovereignty over that territory or, in other words, unilaterally reject their status as a national minority trying to convert it into full nationhood.). One also has to distinguish between the concepts of nationhood and citizenry. 5) The **citizenry**, beside including national minorities, may also be a multi-ethnic entity by definition, as it is the case in states whose identity is not that of a particular nation but one of a supra-national but nevertheless organically compound entity. Such an identity is Switzerland's and Belgium's; should be, in my view, Bosnia's; and may become Prussia's, if a new Prussian state will eventually emerge from the present Kaliningrad province of Russia

Russia and some Prussian parts of Poland. The citizenry is such a multi-ethnic entity also in many, by name, single nation states of which Russia is, perhaps, one of the most prominent examples. Russia recognizes this fact in its federal system, while some other multi-ethnic states (e.g., Spain, India) pose on the surface as uni-national ones, but recognize, in addition to full citizenship rights, some specific cultural rights to what they consider their national minorities (although some of these minorities are in fact full nations who would gladly exchange their present citizenry to that of their own prospective nation-state).

I. World Order and Ideology

The fact that the collapse of Communism in the USSR brought the Cold War to an abrupt end, proved in one illuminating flash how misguided were the mainstream Western academic community's and, with it, also the media's and public opinion's attempts to explain the long-standing East-West confrontation as a clash between Russia's expansionist drive rooted in her imperial past and the Western interests of preserving the political status quo and the established balance of power insuring international stability and world peace. It became clear for everyone to see that the so called Russian expansionism was rooted not in any pragmatically definable Russia's long-standing national or imperial interests (as, no doubt, was the definably limited expansionist drive of the Tsarist Russian state), but solely and exclusively in the communist ideology. It was this abstract ideology, not the real nation of Russia, however its interests would be defined by the current government of that nation, which, in fact, determined the true political identity of the U.S.S.R..

The social and technological progress, which has turned the post-World War II world into what Marshall McLuhan succinctly called the 'global village,' insistently demanded also the creation of a universal world order system. Under these circumstances, the communist rulers of the USSR had only two choices: either to surrender their exclusive claim to power even in their own realm of rule or to prove that their ideology is correct and winning by, on the one hand, closing their realm to external ideological influences and, on the other, doing their utmost to get a congenial, communist ideology based world order system established throughout the entire globe. The Soviet rulers were mortally threatened by the very existence just outside of their borders of the much more successful liberal-democratic order and thus were bound to denigrate it and fight

tooth and nail for its transformation into a socialist one. Hence, in the whole East-West confrontation, the real issue at stake was not Russia's as nation's expansion to global predominance, but the underlying foundations -- either communist-totalitarian or liberal-democratic, and these were incompatible -- on which the evolving universal world order had to be based. And, consequently, as soon as, overstretched and exhausted by the financially unbearable burden of the East-West confrontation, the cumbersome communist Soviet state in Russia had finally collapsed, the issue of the universal world order's basic ideological foundations has been automatically resolved and the Cold War between Russia and the West was over. The newly emerged Russian nation-state had no interest anymore in any kind of expansion or global domination; on the contrary, it had quite easily reconciled itself to the loss of both the 'external' and the 'internal' empires and started actively exploring ways of getting organically integrated into the world community of nations, replacing, by the same token, rivalry for true partnership in Russia's relations with the U.S.A.¹ (A friendly partnership was, by the way, the constant characteristic of Russo-American relations since the American founding and it had continued that way for almost 150 years, that is until Bolshevik seizure of power in Russia in October/November 1917.)

A harmonious universal world order system does not at all presuppose, however, ideological homogeneity. On the contrary, as Hedley Bull has convincingly proved, an ideologically homogeneous world order, if such a thing ever came into existence, would be the most oppressive, conflict-ridden, and explosive world order of all,² whatever ideology -- communist, fascist, theocratic or neo-Rousseauist-phenomenological, etc. -- it would choose as its foundation. There is no such thing as a universal ideology that could unite and satisfy all people. By nature and, hence, also socially and culturally, humanity is an

¹ In contrast to most writers on East-West relations, I have always maintained that Soviet expansionism was ideological by its nature and that it ran contrary to Russia's true national interests, that is, that the communist leaders of the U.S.S.R. forced the Russian nation to act as a mere instrument in the pursuit of their sectarian, globally conceived goals which were not simply alien to Russia and in which Russia, as a nation, not only did not have a stake, but which worked directly against Russia's best interests. (See, for example, A. Shtromas, *The Strategy of Peace in a Changing World Order* [London: ICF Publications, 1977]). For a more recent (written in 1985 but published in 1989) elaboration on this theme, see my "Post Soviet Russia and the West: Prospects for East-West Reconciliation Viewed from a European Perspective", in Alexander Shtromas and Morton A. Kaplan, (eds.), *The Soviet Union and the Challenge of the Future*, vol. IV, *Russia and the World* (New York: Paragon House, 1989), pp. 360-370.

² Hedley Bull, *The Anarchical Society: The Study of Order in World Politics*, (London: Macmillan, 1977) pp. 243-248.

ideologically heterogeneous entity and needs such communal structures that could accommodate its inherently pluralistic heterogeneity as fully as possible.

There is, however, one universal ideal (hardly an ideology, although some authors, e.g. Andrey Sakharov,³ call it thus) that corresponds to human nature and therefore can provide the necessary foundation for communal structures properly accommodating humanity's pluralistic heterogeneity on all levels, including the global level, too. This is the ideal of human rights. Tolerance is the catchword of this ideal which makes it unique in the sense that it works not to the exclusion of competing ideologies, but for accommodation within a given society of all ideologies. Nations that have politically organized themselves in concordance with the principles of human rights are intrinsically pluralistic and, hence, immune to stifling uniformity that any ideological homogeneity (which inevitably has to be an imposed one) introduces. When engaging in a relationship with one another, these nations naturally extend the principles on which they are themselves founded to the outside world and, by doing so, lay down the universal foundation on which a viable world order system can be reliably built. Maximal equal rights for all individuals and their freely formed associations—for all nationalities, religions, cultures, and races; government by consensus or, to quote Abraham Lincoln, "of the people, by the people, and for the people"—those are the basic ideas that they emanate and that so easily find their application on a global scale.

It follows from the above that a viable world order system cannot accept as its universal foundation either pragmatic "multiplicity" of ideologically conceived systems, which are inevitably vying for each other's elimination, or ideological homogeneity. The only universal foundation that can suit its purposes is the inherently pluralistic liberal democracy extended onto the global scale.

It was the great German philosopher, Immanuel Kant, who, in his 1795 essay, *To Perpetual Peace*, had first formulated this idea. According to Kant, the first definitive article of perpetual peace, the one that lays the basic foundation for a viable world order, shall establish that the constitution of each state (entering a perpetually peaceful world order) has to be republican. Kant defines a republican constitution as one that, "first,...accords with the principles of the

³ See: Andrey Sakharov, "Dvizhenie za prava cheloveka v SSSR i Vostochnoy Evrope -- Tseli, Znachenie, Trudnosti" (The Movement for Human Rights in the USSR and Eastern Europe -- Goals, Significance, Difficulties), in *Kontinent* (Paris), No 19, 1979.

freedom of the members of a society (as men), second,....accords with the principles of the *dependence* of everyone on a single common legislation (as subjects), and, third,....accords with the law of the equality of them all (as citizens.)."⁴

Only when all states will become republican, one should go to the next stage and conclude the second definitive article of perpetual peace, according to which a federation of free states (*foedus pacificum*) is to be instituted. Kant strongly stresses that this federation has to be "a federation of nations but it must not be a state consisting of nations."⁵ Kant is thus against the world state. He rightly believes that a single world government is incompatible with the natural division of mankind into nations and, hence, with national freedom. What he is advocating is a federal union of equal republican nation-states that retain their own sovereignty and extend it further by acting together on issues of mutual concern, but beyond the reach of any one particular state. Kant's *foedus pacificum* is, in fact, a global commonwealth of free and democratic sovereign nations which agreed to obey a singular set of common laws regulating international behavior -- laws based on the principles of republican constitutionalism which all of these nations equally, and equally voluntarily, share.

II. Nations and Religions: Contradictions and Unity

Each ethnic group is unique and that uniqueness is expressed not the least in the specific set of values and goals it holds. It is mainly that specific set of values and goals which enables relatively large groups of people to consider themselves to be members of one nation to the exclusion of all other nations. Religion, on the other hand, is a fundamental source of values and ideals for all mankind. Man is a religious animal, and even if he chooses to become an atheist, he, according to the famous *dictum* of Louis Blanc, makes atheism his religion (by elevating naturalism or humanism to the status of a religion). Such atheistic religions easily turn into ideologies and, as we know only too well, serve as the major sources of enmity, clashes and global wars. Religious ideals and values in their original, metaphysically "goddist" shape may also clash, foster intolerance, be a major source of enmity and wars, but they can also peacefully coexist

⁴ Immanuel Kant, *Perpetual Peace and Other Essays* (Indianapolis, IN: Hackett, 1983), p. 112.

⁵ *Ibid.*, p. 115.

alongside one another. Such a coexistence is possible, first of all, because the foundation-laying values and beliefs in all major world religions are not that much different. The differences start in the details and their interpretations which are then used by various groups (among them also the ethnic ones) to assert their preeminence among, or even dominance over, other such groups. Second, this coexistence is possible also because the values providing for ethnic cohesion are not exclusively, or, in most cases, even not primarily, religious. Roman Catholics or Sunni Muslims all over the world may have identical religious beliefs and share the same religious values, but that does not preclude their being very naturally divided into a number of mutually exclusive but internally cohesive ethnic groups or nations. (Nations, to me, are self-defined ethnic groups readily identifying themselves with a certain territory which they claim their own). The Persians and the Azeris are both Shiite Muslims or the Swedes and the Finns are both Lutheran Christians, but these religious identities by no means, even despite geographic proximity, unite the Persians with the Azeris and the Finns with the Swedes into single nations. Furthermore, there are many solidly cohesive nations that are in themselves religiously diverse. For example, the German nation remains one coherent ethnic entity despite its mixed religious (Roman Catholic-Protestant) composition and so are many, indeed most, though not all other nations. (The Adjaris and the Bosnians, for instance, differ respectively from the Orthodox Georgians and Serbs only by their Muslim faith but, consequently, also by the different historical fate and often incompatible traditions determined by their separate and conflicting religious beliefs.)

The organic compatibility between national unity and religious diversity is exemplified best by the American experience; and since the U.S.A. encapsulates in itself the model of the world at large, it is not unreasonable to believe that what proved to be possible in America may be, in due course, also possible everywhere else.

Ethnic values *per se* are based on what Martin Heidegger called the specific mythopoetical substance which, according to him, alone throws the nation into being. The landscape, the folklore, the accumulated linguistic variations, the ways of working together and associating with one another, are all a part of this substance. But, in the formation of diverse ethnic values, even more important, I believe, is each nation's particular historical experience, the common fate of the people determined by that experience and uniting them by

certain anxieties, suspicions, preset attitudes to others, ideas, aspirations, goals. This fate is unique, as is the mythopoetical substance itself, and, in turn, it also uniquely shapes each nation and its specific system of values.

In fact, insofar as each nation's attitude to its specific mythopoetical substance is concerned, all of them share the same values. They all seek to preserve and protect that which makes up their specific substance. The contents of that substance in each nation's case may be different, but the nation's attitude to that substance is exactly the same for all of them. Indeed, all nations equally want to be free, safe, self-sufficient, and, if possible, influential and affluent, but since these are quite scarce commodities, only some nations and to various degrees, realize these goals. It is the nation's successes and failures in its ability to attain and preserve these values which shape that nation's view of the world and of itself in it, relate that nation to other nations, and, ultimately, form that nation's hierarchical value structure. Hence, national self-righteousness varies from one nation to another in ways that more often than not may be mutually exclusive; expresses itself in various interethnic and other animosities and preferences; possesses contradictory concepts of primary virtues; and, accordingly, contains concepts of the virtuousness-viciousness of other nations, etc. Can all these inherent and hostility-ridden inconsistencies and contradictions in national value perceptions be somehow brought to consensus and conclusion? In my view, they can, but only if all nations could be put on an equal footing, that is, if all of them could be brought into the position of stable sovereign equality with all other nations.

III. Nations and States: The Problem of Stateless Nations and Their Right to Free Self-Determination in the Contemporary World.

There are 176 so-called nation-states which are today full-fledged members of the United Nations. After the collapse of the Soviet Empire, all of them are equally sovereign, though some, like the former Soviet republics, are very recent additions to the body and until August 1991 were counted among the world's many stateless nations. Together with a few other states which for one or another reason stay outside the UN (Switzerland, Vatican, until 1994 also South Africa), they form an exclusive club of sovereignty-endowed political entities or, in Hegelian terminology, historical nations.

The world consists, however, not of about 180, but of about 1,800 nations, that is of ethnically different and unique peoples with each of them occupying (or at least identifying with) a certain territory which they consider their legitimate historic homeland. There are many more ethnolinguistic groups--about 4,000 of them--which could be defined as proto-nations and, in time, evolve into another 1,000 or even more new nations. The approximately 180 peoples endowed with sovereignty are in this respect no different from the rest. Although some--like the ministates of Micronesia, Trinidad and Tobago, etc., or the surviving feudal entities, such as the various Arab emirates--are different, they do not constitute real nations. The rest are stateless.

Incorporated in another nation's state, the stateless nations are ruled by an alien nation's political institutions. Their interests in the country and in the world are represented by these institutions inevitably through the prism of the particular interests of the state's dominant nation which may be, and in most cases indeed are, at variance with their own specific national interests. Most stateless nations deeply resent their dependent position, their enforced subordination to another nation's rule, and, in one form or another, duly resist it, thus trying to ignore Hegel's judgment and join the ranks of historical nations, too. There are at least 1,600 discernible national movements in the contemporary world fighting either for full and unconditional sovereignty or at least for an autonomous status. They usually regard this latter status, however, not as their ultimate goal, but only as the first realistic stage and a decisive stepping stone on the road to full independence or, in terms of the interdependent world in which we live, rather to equal sovereignty--equal with the sovereignty of those nations which already have established their own nation-states.

. . .

Since the end of World War I, the right of nations to self-determination has been accepted as one of the foundation stones of the liberal democratic world order. It was endorsed in the Atlantic Charter and in the Charter of the United Nations during World War II. The 1948 Universal Declaration on Human Rights, and other international human rights instruments endorsed by the UN and the majority of its member states, treat the right of nations to self-determination and to choose their respective form of government freely as the

source for all other human rights. In practice, however, this right is more often than not neglected.

Totalitarian and other dictatorial regimes simply ignore that right, although they may, like the former USSR, pay lip-service to it and even actively support some national-liberation movements, provided these movements were directed against the states they considered their enemies. Some minor dictatorships, such as Muamar Kaddafi's Libya, notorious for its active support not only of the terrorist radicals within the PLO but also of the IRA terrorists in Northern Ireland, still continue doing so. The deterioration of communist dictatorships in Yugoslavia and the USSR clearly demonstrated the real value of the loudly praised socialist cohesion of various nations within their respective so-called union states. By exercising national oppression and trying to sell it as national liberation, it is not only impossible to suppress the desire of nations to assert their natural rights, but also is the surest way of whetting the appetite of nations for arrogation of these rights to the highest possible degree.

In liberal democracies, the problems related to the right of nations to self-determination and sovereignty are not so easily solved either. A democracy is first and foremost the rule of the majority, and the nations subdued by democratic states are usually minorities. As minorities, they may enjoy in a democracy, in addition to the equal rights of citizenship, certain special rights of national-cultural and even territorial autonomy, but, as a rule, they are not entitled to secede from the state under whose sovereignty they live. Of course, in a democracy, the minority nations may air their grievances and freely advocate secession. For that purpose, they may organize political parties and pressure groups; but, being minorities, they are hardly ever successful. The inertia of statehood established on an integral territorial space, and the state's sovereignty over that space protected by international law proclaiming the inviolability of the state's borders, prevent the stateless nations of the democratic states from fully realizing their "inalienable" right to self-determination and sovereignty.

To be sure, there are easier and harder cases of the quest of stateless nations for self-determination and secession. The harder cases are such democratic states as, for instance, India, Shri Lanka, Pakistan or Philippines which were transformed into modern states as historically formed regional entities rather than nations, and thus have never been, and are not, nation-states in the classically European sense of this word. The rapidly developing process of

national differentiation, which has spread far beyond Europe and at present embraces the entire world, made, however, such a historically and culturally defined regional basis for the formation of a modern state outmoded. With progressing modernization (or, which is one and the same thing, Westernization) of traditional societies in Asia, their old broad regional identities, based on either a common religion (India, Pakistan) or a dominant culture (China), are eroding quite fast, giving way to national identities that fortify in those states splintering tendencies and lead to their ultimate partition into a number of proper nation-states. In black Africa, on the other hand, the traditional tribal entities are growing and consolidating into proper national entities, too, which spells the necessity of radical reorganization in a not too distant future of most black African states whose identity is now based mainly on their colonial legacy and thus lacks an organic societal basis. Although then unsuccessful, the attempts in 1966-1970 to create the Ibo nation-state, Biafra, and thus to split Nigeria on ethnic grounds, emit to this effect a powerful signal indeed.

The integrity of those multinational states which came into existence before the national identities of peoples living in them were either properly formed or started playing a prominent role, is already now visibly threatened. The Tamil struggle for separation from the Singhalese-dominated state of Sri Lanka, and the Sikhs' striving for the establishment of their separate state in the Indian province of Punjab, are just two examples of the explosive tendencies within these states. The common Muslim identity of the peoples of Pakistan was unable to prevent the Bengalis situated in the country's eastern part splitting away from the Urdus and other nations living in the western part of the country. With India's help, the Bengalis of Eastern Pakistan managed to establish in 1972 their separate nation state, Bangladesh. There are signs that the Hindu Bengalis of India increasingly identify themselves with the Muslim Bangladesh, tossing with the idea of splitting away from India and uniting the whole Bengali nation across the religious barriers in one separate nation-state. India's ploy to weaken Pakistan is thus turning nowadays increasingly against India herself, threatening her territorial integrity.

There are stateless nations in Asia whose territory is occupied by several states and who fight against all these states for their national independence. The Kurds are one such nation. Over 20 million of them occupy a compact territory which is divided between five separate states--Turkey, Armenia, Syria, Iraq, and

Iran. Another such nation is the Baluchis living in Iran, Pakistan, India's Punjab, Tadjikistan and Afghanistan. There are also the Pathans living on both sides of the border between Afghanistan and Pakistan and a number of other similarly situated stateless nations. No state ruling these nations is prepared as yet to concede to them the right to self-determination and sovereignty.

The medium-hard cases are those of Basques and Catalans in Spain who received some territorial autonomy within the democratic and by now also significantly decentralized Spanish state but who are consistently denied the right of holding a referendum on self-determination within or without that Castilian dominated Spanish state. The easiest cases are perhaps those of the nations of the UK, of the Quebecois in Canada, and of the Flemings in Belgium. For the former two, a majority vote in the respective provinces would suffice to accomplish secession; and, as far as the latter is concerned, the Flemings had in 1989 practically succeeded in separating themselves from the Walloons by creating within Belgium a separate monolingual (Flemish-speaking) entity of Flanders which now exists alongside a similar entity for the Walloons. Both nations have, however, agreed to keep Belgium as their joint union-state because of the indivisibility of the predominantly Frankophone Brussels, now the third and the only bilingual member of the loosely federated monarchy that Belgium was transformed into in 1989. The Flemings do not like this arrangement because they consider Brussels, the center of the historical Duchy of Brabant, their natural capital, but had to face the reality of the linguistic situation there and, though grudgingly, agree to that compromise arrangement.

The other and much happier consensus-based multinational state is Switzerland, where all cantons are unilingual (or, if not, divided on linguistic grounds into half-cantons) and form a confederation the central government of which is truly minimal and, following Arend Lijphart's terminology, consociational.⁶ Unfortunately, Switzerland is rather unique in its ability to happily accommodate four separate nations under the consociational model. And it was able to do so only because the Swiss identity of the Switzerland's constituent nations prevails over their separate ethno-linguistic identities. After all, the Swiss people voluntarily escaped from their respective nations and states which they found too oppressive to bear, in order to form their free and

⁶ For the original explanation of Lijphart's model of consociational democracy, see his *Democracies. Patterns of Majoritarian and Consensus Government in Twenty One Countries* (New Haven, CT: Yale University Press, 1984).

independent cantons. Their love of freedom urged them to join forces in defense against the encroachments of their former rulers. They thus created their new homeland, Switzerland, and became Swiss, in preference to being merely French, German or Italian. In cases other than Switzerland's, consociationalism is either an arrangement by necessity, as in Belgium, or yet another attempt at reaching - in the name of the state's integrity - a compromise (and therefore in the long run untenable) solution aimed at preventing imminent separation and secession. In other words, Switzerland is the proverbial exception which only proves the rule.

Liberal democracy is a great step forward in dealing with the rights of nations, but, as we have seen, on, and by, its own majoritarian and, in most cases, even consociational principles, liberal democracy is also unable effectively to insure the right of stateless nations to secession and creation of their own sovereign nation-states. The inertia of statehood, the principle of majority rule, and the sovereign position of that majority's state in its inviolable borders, are here in the way of practical implementation of that right.

Because of that, it is on the whole doubtful whether multinational nation-states could be fully liberal-democratic. The multinational state's dominant nation, with regard to that same state's minority nation(s), inevitably constitutes itself as a constant and immutable ruling majority using the state's democratic institutions as an instrument of that particular majority's dictatorship. For Aristotle, a democracy in which a majority rules in its own interests was one of the most perverse political regimes. James Madison's primary occupation, when drafting the US Constitution, was the prevention of formation within the new American union-state of any constant majority. He clearly understood that the formation and consolidation of such a majority will mean the end of liberty and the institution of the most dangerous and oppressive tyranny--the tyranny of the majority.

In this sense, only the single nation is an entity naturally capable of establishing a true liberal-democratic order. Being an organically cohesive body of people, it will strive to accommodate within its given unity as fully and as comprehensively as possible the diversity of various group interests existing within the nation and also the widest spectrum of ideas and programs aimed at the best defense and enhancement of the national interest. In other words, the Madisonian system of democratic rule exercised by majorities forming themselves as flexible and changeable coalitions of various minorities is to its full extent practically realizable only in a single-nation's state. And, for the same

reasons, only a single-nation's state can provide a maximum body of rights to its national minorities. (Differing from a nation, a national minority is to me an ethnic group which, having voluntarily chosen to be a part of an other nation's state's citizenry, lives in that "other" nation's state without claiming any of that state's territory as its own.) All this is to say that, by its very nature, the nation is a liberal-democratic entity, while even the institutionally most democratic multinational states are with regard to these states' minority nations oppressively dictatorial regimes.

IV. The Nation in the Liberal-Democratic World Order: The Problem of Elaborating New Universal Principles of International Justice

With the breakdown of communism and the gradual consolidation of a new liberal-democratic world order, the problem of stateless nations and national minorities is entering the center stage of international politics. In order to solve that problem justly and ensure lasting peace, the principle of the right of every nation to self-determination and sovereignty should be established as a centerpiece of that newly emerging liberal-democratic world order. This principle should be given priority over the principle of territorial integrity and inviolability of the borders of sovereign states. The rightful and legally valid establishment of this principle will inevitably lead to:

1. Fission of multinational and thus heterogeneous states without waiting for the natural disintegration of those states as was the case in the former USSR and Yugoslavia in 1991. The most obvious states to go that way are Spain, Ethiopia, India, Iran, Nigeria, China, and many others.
2. Fusion of artificially divided uniethnic states (Korea, a number of black African states).
3. Such reshuffling of the boundaries of extant states that would allow the so-called multistate nations (nations whose territory is divided between a number of different states) to form their own sovereign statehoods. For the creation of Kurdistan, for example, the boundaries of Iran, Iraq, Syria, Turkey, and Armenia should be reshuffled.

However the extant states may resist that process, it is going to gain momentum and, ultimately, prevail, because the only alternative to it is full assimilation or forceful annihilation of the subordinate stateless nations. This

latter alternative in an increasingly democratic world becomes, however, less and less realistic.

The process of fission, fusion, and reshuffling of the extant states is bound to succeed also because, in the present world order, the ambitious elites of the smaller or less developed nations are not dependent any longer for their participation and success in world affairs (not only politics, but also business, sciences, etc.) on larger and more developed regional-imperial entities like Russia or Spain.

The Ukrainians and the Lithuanians, the Basques and the Catalans can join today the world's increasingly open political, economic, informational, and other structures directly by the means of the modern communication technology and of the English language which makes them truly equal to, respectively, the Russians and the Castilians. They do not need the mediation of their Russian or Castilian "big brothers" for that any longer. They can also more easily find a place for themselves as nations and for their specific national contributions in the broader world system than this is, or would be the case, in the much narrower and less opportunity-offering boundaries of a bigger nation or even a larger region dominating it. This is how, in the present-day world, entities like Micronesia or Trinidad and Tobago can afford to be sovereign states. The dialectics of global development is such that the more integrated the world becomes, the more leeway there is for the smaller nations to assert themselves as equal sovereign entities within the global system. This is why the often abused as super nationalistic smaller sovereign nations and stateless nations of the world are the most ardent advocates of global and regional integration. Their nationalism naturally translates itself into a supranational and global outlook and orientation. For smaller insecure nation-states, as well as for stateless nations, a globally integrated world is organically the most conducive and the most desirable environment.

...

There is, however, no way the nations could practically divide themselves into ethnically fully homogeneous separate states. There will always be, as there are now, territories with mixed populations and these areas will inevitably provide the fuel for irredentist claims, aggressive undertakings, strives, and cleavages.

The democratic world, in order to sustain itself, will have to agree on certain principles of international justice in concordance with which such disputes

could be peacefully resolved. The first and main among these principles should be the demographic principle. Historical claims to a territory should thus be subordinated to demographic facts of life. According to this principle, Transylvania will have to stay Romanian, and Falkland Islands, British; Nagorno-Karabakh must be accorded to the Armenians, Nakhichevan to the Azerbaijanis, and Kosovo-Metohia to the Albanians.

The exception to this demographic principle should only be accorded to such cases in which a territorial nation, because of the oddities of foreign rule, became a minority in its one and only historical homeland. Thus, in Fiji, the title of the sovereign nation should be retained by the indigenous Fijians, although the British-imported (to work on tea plantations) Indian settlers are in today's Fiji the majority population. The Indians, however, have their own homeland in India, whereas the Fijians have none but Fiji. Nobody in Fiji or elsewhere is suggesting the deportation of the Fijian Indians to India. Indians in Fiji play a pivotal role in sustaining the national economy and their departure would adversely affect the well being of all the Fijians. But the native Fijians rightfully introduced a constitutional system which insured their continuous ability to legislate and form the government, in spite of their being a minority nation in their own state. According to the Fijian Constitution, the Indian majority is accorded the permanent status of a political minority, but certain decisions, especially on human rights, can be made only in a consociational way, that is, by consensus of the representatives of both ethnic groups in Parliament. In May 1992, the Fijians for the first time voted for their Parliament in concordance with this new constitutional arrangement and so far it is working quite smoothly. A similar constitutional arrangement insuring sovereign rights to the country's Malaysians has worked pretty well for more than 20 years in Malaysia.

The same should go for the Abkhazes who before their ongoing war for independence from Georgia constituted only 17 percent of Abkhazia's population. Differently from the 44 percent strong Georgians (now reduced to an insignificant minority, as most of the Abkhazian Georgians fled the war torn Abkhazia thus becoming refugees in Georgia) and other pre-war (which started in 1993) inhabitants of Abkhazia (mainly Armenians and Russian-speaking Slavs) who have their own homelands outside Abkhazia and can freely choose whether to remain there as national minorities or move back home, the Abkhazes have no other homeland to choose but Abkhazia. The Crimean Tartars are in an identical position with regard to their only true historic homeland, the Crimea.

When listening to the debates between the Russians and Ukrainians about rightful possession of that piece of land, one wonders how one could have forgotten and totally ignored the Crimean Tartars to whom the sovereignty over Crimea solely and exclusively belongs. It was actually on this exceptional principle that the Jewish state of Israel has been rightfully established in a part of the land of Palestine and legally recognized as such by the majority of the international community of nations, despite of the fact that before 1948, when the war for Israel's independence was won, the Jews in that land were only a minority population.

Another exception to the demographic principle should apply to some specific places without the possession of which a nation cannot maintain its integrity and proper identity. This applies, first of all, to the historical capital cities of nations. For example, Lithuania as a nation is inconceivable without Vilnius as its capital city, and so is Israel without Jerusalem. For Armenia, such a crucially important place is the Ararat Mountain and Valley, now under Turkish sovereignty. Not many nations qualify for such exceptions, and, for those who do, such exceptions are very few--one or two at the most--and they are very easily definable. In these exceptional cases, the demographic principle should also cede priority not so much to the historical principle as to that of preservation of a nation's viable integrity.

With these two fundamental exceptions in place, the demographic principle for the resolution of outstanding conflicts among nations may be applied strictly and quite precisely. The difficult part here is not the due application of the thus defined principles and norms of international justice, but the achievement of a consensus between democratic nations that these three basic rules should be universally accepted and abided by.

The situation in this respect becomes even more complex because the non democratic nations tend to adhere to either the historical or the demographic principle purely pragmatically, that is, by what suits better their cause of territorial aggrandizement. In such a situation, it is practically impossible to reach a global consensus on which principles and norms should be universally applied when a territorial conflict between states emerges. The irony of this situation is most cynically exemplified by the behavior of the still communist-ruled Serbs who, in their quest for Greater Serbia, are not ashamed of applying both these principles at one and the same time. With regard to territorial claims to Croatia and Bosnia-Herzegovina, they follow the demographic principle,

while in regard to Kosovo-Metohia, they try to apply no less strictly the historical one. It only shows that the "quarreling" (without exception non democratic) nations in their practical behavior tend to disregard principles altogether and liberally choose to use any principle on hand as long as it helps them to advance their ill-conceived selfish interests.

The failure to agree on these principles shows that liberal democracy has not yet properly penetrated the refusing nations' mental orientation and system of government, whatever the claims of their rulers to the contrary. This should not, however, stop the leading democratic nations of the world from reaching such an agreement among themselves now and trying to make the others adhere to it, too. In due course, with the democratic world order growing ever more prominently and increasingly turning its benefits to all nations without exception, these principles may eventually prevail on their own. When all nations will realize that in this world order their welfare depends much more on cooperation with their neighbors and the world at large than on the retention of exclusive possession of some territories and mixed populations living in them, they will probably themselves start hurrying to subscribe to these universal principles and norms of international justice without being urged to do so by any outside pressure. But, for now, the pressure by example would be crucially significant in speeding up the process of creating equitable and effective political and legal instruments for international regulation of, and adjudication in, the numerous and ever growing ethnic and other national-territorial conflicts.

It goes without saying that the prerequisite for the nations' willingness to subscribe to the introduction and application of such principles and norms of international justice is the absolute mutual guarantee of rights of national minorities which will inevitably remain in almost every state. These minorities should be entitled to full citizenship rights in the states of other nations in which they will happen to live and, at the same time, be accorded full rights allowing them to engage in activities aimed at retaining and enhancing their specific national-cultural identities. Without reliable guarantees of such rights, it would be absolutely impossible, and also improper, to demand of any nation to cede to another any piece of territory on which a substantial number of the former nation's conationals reside.

V. Kant's *Foedus Pacificum* or What the Global Commonwealth of Free and Democratic Nations Should Be Like: National Sovereignty vs. the Sovereignty of Mankind

The liberal democratic world order, after all the problems related to the nations' rights to self-determination and sovereignty are going to be solved, will eventually and inevitably evolve into a global commonwealth of free and democratic nations. This global commonwealth should not in any way undermine the principle of national sovereignty by assuming superior legislative powers or by subordinating to itself, through global bureaucracies, any national political and administrative institutions. The global commonwealth should in the first place establish its exclusive authority over issues and areas that are outside the domain of national sovereignty, and that naturally belong to the sovereignty of mankind as a whole. The issues and areas which the international law treats at present as those of "equal opportunity" for all nations are, of course, the *first* to come under full and exclusive sovereignty of mankind embodied in the institutions of the global commonwealth. Among them are, for example, the world ocean and the international seabed with their resources, the outer space, and the international territories, such as Antarctica.

Secondly, the global commonwealth should take full authority over the issues and areas that, at present, are inadequately handled by various weak international agencies, acting sometimes in concurrence, but more often in competition or even in confrontation with the much more powerful nation-states pursuing their own particular self-interest. Among such issues and areas are economic aid and development, inclusive of the whole task of bridging the North-South divide; protection from, and relief in the cases of, famine, epidemics, natural calamities, and other disasters; assistance to, and resettlement of, the refugees; etc.

Thirdly, the global commonwealth should be endowed with supreme authority, inclusive of coordination of efforts by nation-states and non-governmental organizations, over such naturally global issues as the protection of the natural environment and solution of other problems related to human ecology; development, management, and regulation of safety standards in the fields of nuclear, laser, and solar energy; development and management of global communication and information networks; regulation and management of demographic problems (e.g., of rational use of manpower resources); international policing, especially in combating globally spread crimes (e.g.,

terrorism and drug trafficking); and coordination of, and supervision over, some globally vital areas of research, in the first place in the fields of genetics, cerebral biology, combat of killer diseases (cancer, AIDS, etc.), organ transplants, advanced energetics (inclusive of the development of new and alternative sources of energy), and information technology.

Fourthly, the global commonwealth should also establish a World Bank, emitting global currency (which should serve as a standard for national currencies) and concerned with prevention of or, if this failed, with curing actual financial crises.

None of the above functions of the global commonwealth would in any way interfere with the national sovereignty of the member-states. On the contrary, the execution of the global commonwealth of the sovereignty of mankind in the naturally global areas listed above should greatly assist the member-states in carrying out their sovereign authority to a much fuller extent and in an optimally effective manner.

A voluntary agreement of free and democratic nations about establishing a global commonwealth will nevertheless have to involve the delegation by the founding member-states to this commonwealth of supreme power in certain areas and on certain issues. The whole arrangement about establishing a global commonwealth would have very little meaning if it would not endow the established global institutions with some sovereign rights overriding the sovereign rights of the member-states. International security and protection of human rights are perhaps the most important areas in which national sovereignty would have to be curtailed and supreme authority submitted to the global commonwealth.

Any viable world order system crowned by a global commonwealth, in order practically to ensure international security, would have to endow the newly established institutions of global authority with the following functions at least:

- a. Exclusive control over all weapons of mass destruction.
- b. Prevention of all armed conflicts with the ultimate right of military interference in order to stop armed struggle.

(Both these functions imply the necessity for the global commonwealth to possess a military force superior to the combined military forces of several most powerful member-states.)

c. International arbitration and, when necessary, adjudication to settle conflicts between member-states.

(This function implies the acceptance by all member-states of an elaborate World Code of Laws, according to which international conflicts are to be settled, and of a functioning system of global justice passing authoritative and enforceable judgments on such conflicts by applying that Code of Laws.)

d. Supervision over the implementation or, if necessary, enforcement of the conflict-settling decisions made by organs of global justice.

Similarly, in the area of human rights, the global commonwealth would have to be endowed with supreme authority of supervision over the application of a universally adopted World Code on Human Rights (such a code in an embryonic form already exists in the form of the Universal Declaration of Human Rights and the two supplementary covenants, one on civil and political rights and the other on social, economic, and cultural rights), instituting for this purpose within its structure a special World Court on Human Rights to serve as the highest body of judicial authority in cases involving violations of the World Code of Human Rights.

An agreement of this kind would severely limit the sovereign rights of member-states. They would lose in such an arrangement the right of going to war or using any other violent or coercive means against other states in the pursuit of their interests in the international sphere--a right which is considered to be the ultimate expression of the state's sovereignty and the surrendering of which is perceived as being tantamount to the surrender of national sovereignty itself. Even more severely infringes upon national sovereignty the member-states' duty to submit themselves to a supranational system of justice, not only in their relations with other states, but also in the ways they treat their own citizens, to say nothing about the member-states having to accept interference of a supranational military force into any armed struggle they may be engaging in.

There is, however, nothing unprecedentedly novel in the states' self-limitation of their national sovereignty. By entering into international treaties and covenants, the states constantly limit their sovereign rights also in the above mentioned respects and, when such treaties and covenants are duly ratified by them, the provisions of these treaties and covenants acquire in the hierarchy of the states' laws a supreme status --even the provisions of the states' constitutional

law have to be subordinated to the international laws ratified by them, with the former being brought into strict concordance with the latter.⁷

Analogous procedures would be applied to the arrangements instituting a global commonwealth. Before any of the World Codes would become legally valid for the member-states, they would have to be ratified by those states and made a part of their national legal system. The same goes for all the other provisions related to the institution of the global commonwealth, which could not be put in any other form, but that of international treaties or covenants.

As is the case with every other international treaty or covenant, states participating in a treaty-based global commonwealth will retain their right freely to terminate their association with it and thus to restore their full sovereignty whenever they choose to do so. Furthermore, the expulsion from the commonwealth (and thus restitution of full sovereignty) will be the ultimate sanction the commonwealth could apply to member-states refusing to obey the decisions of its judicial institutions.

The decisions of the World Courts would also be the only ones that the states entering into the global commonwealth would have to undertake to obey unconditionally and that would thus be binding on them. All other decisions of global institutions, before being implemented in the domain controlled by a member-state, would have to receive an explicit agreement of that state. Concrete decisions of global institutions, such, for example, as those on building pollution control centers or establishing energy-testing sites on a member-state's territory, would require as a prerequisite a contract between the global institution making the decision and the member-state agreeing to have this decision implemented on its territory. The decisions of global institutions establishing general normatives, in order to become laws applicable in the domain controlled by member-states, would have to receive proper ratification by the respective competent authorities of these states.

The legislation passed by the global commonwealth, even if it is on issues over which the commonwealth has exclusive authority, should not be made directly and automatically applicable in the domains controlled by member-states, as this is at present the case in most of the extant federal states (e.g., the USA). Before any new norms of global legislation (for example, amendments to the World Codes of Laws) could be applied to a member-state, that member-

⁷ Hans Kelsen, *Principles of International Law*, (New York: Holt, Rinehart, and Winston, 1952.)

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state would have to pass these norms into laws itself first, thus making them--with appropriate corrections, exclusions, and amendments--its own law. The law would then have to be applied by the member-state, or, within its jurisdiction, by the World Courts, too, in the version in which it was passed by that particular state. This is to say that even in a global commonwealth, supranational legislation, and other kinds of legal and political decision-making affecting a member-state, could become legally valid in that state only after they have become the laws or decisions of that member-state itself.

Such distribution of decision-making authority is probably the only way harmoniously to combine national sovereignty with the sovereignty of mankind. As long as the last word in legislation and decision-making generally belongs not to the global or any supranational but to national authority, national sovereignty, however self-limited by any supranational arrangements it may be, remains a valid and practical concept. It is rather indicative in this respect that the first radical step taken by the Baltic republics of the USSR to reassert their national sovereignty, without as yet formally breaking away from the Soviet Union completely, consisted in the passing by the respective supreme soviets of these republics of constitutional amendments, according to which all-Union laws become valid in the republic only after they have been explicitly approved by the republican legislature, and in the form in which the republican legislator had passed them.

The viability of a global commonwealth based on such loose ties between its constituent parts, and with so much weight put on preservation within its boundaries of the traditionally divisive national sovereignty, depends mainly on the ability of the member-states of this commonwealth generally to agree about the basic principles and laws on which it is to be founded. To quote from an earlier work: "There are several conditions to be attached to the creation of a global commonwealth if it is to implement a genuinely peaceful world order: (a) the recognition of equal human rights for all individuals and nations of the world must be its basic principle; (b) a voluntary consensus of all nations, with no element of imposition or coercion within it, must be the source of its creation; (c) a negotiating procedure leading to a common agreement must be adopted for the elaboration of the Commonwealth's constitution and basic laws."⁸

⁸ Alexander Shtromas, "A Peaceful World: Ideal and Reality," in Jeanne Tchong Koei Li, (ed), *In Search of a New World Order: The Need for New Initiatives*, (Taipei, Taiwan: Pacific Cultural Foundation, 1980), p. 105.

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Only if these conditions are fulfilled, can the states forming a global commonwealth see in it, not an impediment on, but an unqualified advantage for, successful pursuit and enhancement of their particular national interests. Even the clauses concerning the globalization of military security, which seem so substantially limiting sovereign rights of the member-states in using their military power for the achievement of otherwise unobtainable national goals, would work out as a great advantage for the large majority of weaker nations which would be thus, on the one hand, protected by the global commonwealth from attacks and assaults of stronger nations and, on the other, enabled to achieve their legitimate national goals by means of international arbitration or adjudication, exercised in accordance with generally agreed principles and rules of international justice.

The 20th century which was unleashed in 1914 by World War I had been the age of ideology, that is an age of active search for panaceas against the terrible ills of mankind (ills that have made possible the unprecedented tragedy of the war) in globally conceived universal creeds, such as communism and fascism; it was, accordingly, also the age of defense and struggle against aggressive undertakings of the various communist and fascist movements and regimes, and of resistance to totalitarian temptations these movements and regimes quite forcefully propelled around the world. If the end of World War II in 1945 saw the disappearance from the world's stage of the fascist ideological challenge, the failure of the communist-restorationist putsch in Moscow in August 1991 did the same to Marxist communism, to that ideological challenge which was the first to appear and the last to crumble. . Thus the anti-communist revolutions in the USSR and East and Central Europe which started in 1989 and were triumphantly concluded with the collapse of communist rule in the Soviet Union and with the Soviet Union itself being formally dissolved in December 1991, virtually brought the 20th century to conclusion. The 21st century that then began is bound to be the age of nationalism.

Nationalism is not an ideology--it is an assertion of the natural collective identity of every people and of each individual within it. There is nothing ideological in seeking for one's nation an appropriate place within the global community of nations, although, since nationalisms very often clash, the nations

that are parties to such clashes need to subscribe to certain universally acceptable democratic principles of international justice which would provide the necessary foundation for presenting their particular claims as fair and based on universal right. In this paper I tried to put forward some ideas which could facilitate the elaboration of such universal principles.

Since, in my view, the 21st century is going to be marked by much national unrest, rebellion and warfare, it is now high time for the community of free and democratic nations to initiate the work on introducing such norms of international law which could be able to prevent all kinds of national warfare and provide for the settlement of national conflicts in accordance with that law. Every form of violence used in any inter- or intra-national dispute should be outlawed in the first place. The NATO military force should be dedicated to the authoritative enforcement of peace, wherever violence is going to erupt. The reaction of the international community, especially of the U.S.A., to the Iraqi invasion of Kuwait should serve here as the appropriate model. But what is going to be the next step after the use of violence in a conflict was forcefully terminated? Restoration of the *status quo ante*, as was the case in the Gulf War, will in most cases not suffice, as it would just freeze the conflict without eliminating its cause. So, then what? Protracted negotiations? Yes, of course, but such negotiations would be much more effective and productive, if they could be conducted in the form of arbitration based on clearly formulated norms of international law. And if the points of that law were to come into dispute, authoritative adjudication would be in order. Of course, with the passage of time the problem of establishing such a peaceful way for conflict resolution will most likely be settled in a similar manner even if the community of democratic nations will fail timely to undertake such an initiative. Peoples engaged in national conflicts, sick and tired of all the endless squirmishes and constant bloodletting, will have themselves -- however grudgingly -- to come to an agreement on some universal principles of peaceful conflict resolution and thus finally establish a truly peaceful world order, that is such a universal system which would be based on the recognition and resolute defense of inalienable human rights of both the individual and the nation, which, after all, is nothing but a collective personality and by that also a uniquely individual entity.

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