

that the only justifiable base for any political structure is the open acknowledgement that developing the meaning of *freedom* must be its prime commitment to the society it governs. Any other foundational principle, he argued, is illegitimate, devoid of any moral justification and thereby of any moral claim on the loyalty of its subjects². His unconditional emphasis on *freedom* as a guiding principle was conceived as a threat to society at that time.

Although his thoughts appeared revolutionary, ROUSSEAU opposed violence and believed that education, not revolution, was the key to the development of free societies. He saw the Social Contract as the result of a choice, consciously made by a society³, rather than the 'necessary outcome of historical events' or 'the result of clashing historical forces'. Therefore he ultimately considered society to be responsible for the creation of such a structure.

ROUSSEAU'S understanding of the social contract, the social contract as *a conscious pact within society* and based on *freedom*, forms the heart of this article. The pair of concepts, freedom and responsibility, sounds very familiar in the current discourse on universal human rights, fundamental to the definition of minority rights.

It will be argued that *equality* may be the leading principle of the National Social Contract, the binding notion of the nation-state. However, the suggestion is that a Global Social Contract, if it starts from the Universal Human Rights, can be based fully on the concept of *freedom*. Might there be a fundamental contradiction between creating the sovereign nation-state and elaborating a political system based on universal human rights? Is this shift from *equality* to *freedom* also the very basis of the current shift from 'government' to 'governance'?

If so, ROUSSEAU may be considered to have lost his battle with the outcome of the French Revolution. However, the current struggle for the respect of Universal Human Rights can be seen as the revival of the struggle of ROUSSEAU, as a *Second Enlightenment*. Fundamental discussions are now being revived, raising questions like: 'How is freedom possible?', 'What are the operating principles that define a

² ROUSSEAU Jean-Jacques, *Of the Social Contract or Principles of Political Right. Discourse on Political Economy* (1772) (tr. SHEROVER Ch. M.), New York, 1984. XVII.

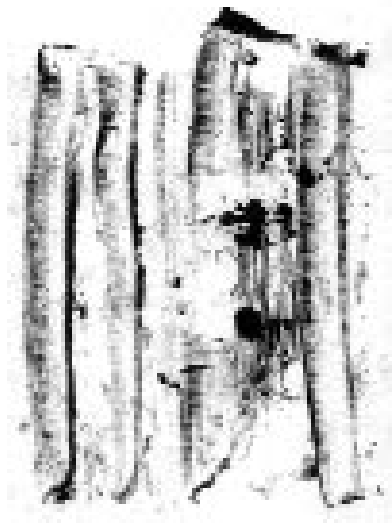
³ "Paul Ricoeur, an outstanding contemporary French philosopher, relates Rousseau's philosophy to Aristotle... in voluntarist language. Where Aristotle speaks of 'nature' and 'end', Rousseau uses 'pact' and 'general will'; but it is fundamentally the same thing; in both cases, the specific nature of polity is reflected in philosophical consciousness." RICOEUR Paul, *History and Truth* (tr. KELBLEY C. A.). Evanston, 1965. 251–253.

responsible governing structure of a free society?’

Effective Participation is an *inclusive concept*. The objective is to facilitate conditions that encourage the fulfilment of Universal Human Rights, including Social and Economic Rights. The project, far from being confined within national borders, presupposes co-operation between all actors needed for its realisation, regardless of borders, at all levels of society.

The idea of “Effective Participation” refers to the concept of *Freedom* as a leading principle for creation of the ‘*polity*’, of the *Social Contract* under which a society chooses to live. Amartya SEN, author of the book *Freedom as Development*, calls for an inclusive interpretation of the concept of Freedom: “In pursuing the view of development as freedom, we have to examine – in addition to the freedoms involved in political, social and economic processes – the extent to which people have the *opportunity* to achieve outcomes that they value and have reason to value.”⁴

Legal instruments designed to assure equal rights for minorities are an important element in the strategy towards their effective participation. Juridical instruments alone, however, are not



⁴ SEN Amartya, *Freedom as Development*. New York, 1999. 291.

enough to face existing power relations in their full complexity: even if minorities are entitled to equal participation, they may not have equal capabilities. Creating an environment in which all can use their full potential requires the strengthening of these capabilities as well as an active management of power relations; such an environment will allow marginalized minorities and peoples to claim their rights as laid down in international and national law.

The Cosmology Triangle

The Cosmology Triangle is a model that shows the characteristics of three basic political constellations. Analogous to the idea that the full range of the colours we know can be understood as composed out of the three basic colours red, yellow and blue, the idea behind the Cosmology Triangle is that all possible political configurations can be understood as composed out of three basic cosmologies. The suggestion is that it should be possible to analyse meaningfully the current “chaos”, referred to as the “New Medievalism”, with the help of the Cosmology Triangle⁵.

The Cosmology Triangle is a model for analysis and composition in Global Social Architecture. A Cosmology is defined as a social universe shaped by socio-economic power relations, political institutions and discourse. The Cosmology Triangle reflects three basic Cosmologies that are produced and reproduced everywhere in the world, throughout time, based on three fundamentally different social contracts, which are implicitly or explicitly assumed in the shaping and use of political institutions and structures. The Dominant Features of the three cosmologies:

Yellow Cosmology	Blue Cosmology	Red Cosmology
Ethnic or Religious Communal Cultural [Ritualized Governance]	National Representative Civil [(Supra-)National Representative Government]	Global Social Contract Reflexive Democracy 6 Universal Rights and Responsibilities [Transnational Institutionalised Communication/ Informed (Good) Governance]
Sisterhood/Brotherhood Religious / Ethnic Religious Lineage and Reproduction Struggle for Human Power Spiritualism Identity Cultural capital [Recognition of Individual]	Equality Nationalist Economic Territorial Defence for Economic Resources Developmentalism Development Economic prosperity [Reallocation of Resources]	Freedom Cosmopolitan (World) Order Social Development Information for Social Space Humanitarianism Empowerment Discourse Social Stability and Peace [Creation of Social Space]
Non-Technological - Primary - [Agriculture]	Industrial - Secondary - [(Agro-)Industry]	Information Society Third Sector [Trade and Services]

The Cosmology Triangle suggests that 'Government' can be understood as an elaboration of a National Social Contract: the general agreement that ultimately a national political authority is responsible for the economic and social well-being of the citizens and nation-state. In contrast, the concept of 'Governance' may be seen as the operationalisation of a Global Social Contract. Many Ethnically or Religiously based Social Contracts are also currently operational: especially in places where the national state has imploded and the 'international community' is absent, ethnic and religious structures are strengthening.

The scheme can be read in two ways. Generally, the global, long term - mainly *Western - perspective* would see a succession in history of the dominance of the yellow, blue and red cosmologies. The French Revolution can be seen as the transition from a Religious Social Contract to a National Social Contract, with the major paradigm shift towards separation between church and state. The globally dominant ideology at this moment reflects the ideal to install representative democracy in every state, including the creation of the institutions of a parliamentary democracy. This reflects the spread of the second, blue cosmology.

Simultaneously, however, globalisation puts the national state under pressure and alters the nature of the game⁷. Noreena HERTZ for example argues that national representative democracy is not adequate to meet the needs of the global community, which is actually shaped by the dominance of multinational corporations⁸. The creation of a system of global accountability and strategic finance aimed at social stability, peace and a good environment mean a transition from the current system of national sovereign states to a system of national states, which fall within international law based on Universal Human Rights. Such a change may imply a similar fundamental shift

⁵ The Cosmology Triangle is the result of a research executed in West Africa, entitled: "Democratization and Globalization in Benin". The process of building this theory is described in RIJNIESE Elly, *La démocratie dans un monde multi-cosmologique. Une expédition d'exploration menée depuis l'Afrique*. In BINSBERGEN W. van -HESSELING G. - KONINGS P. (eds.), *Trajectoire de libération en Afrique contemporaine*. Paris, 2000.

⁶ Reflexivity: a developing worldwide elite and popular consciousness of global interconnectiveness reinforced by the globalization of communications infrastructures and the mass media industries. In : HELD D. - MCGREW A.-PARRATON J., *Global Transformations. Politics, Economics and Culture*. Cambridge, Polity Press, (1999), pp. 430.

⁷ HELD D. - MCGREW A. - GOLDBLATT D. - PERRATON J. 1999. 432-435.

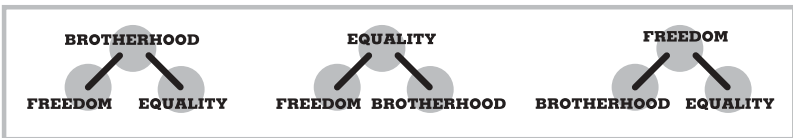
⁸ HERTZ N., *The Silent Takeover - Global Capitalism and the Death of Democracy*. London, 2001.

of paradigm to that encountered by Western society during the French revolution.

From a *local perspective*, the logical succession in phases does not reflect reality. National states that functioned to a certain extent have imploded in many places on the globe. Therefore many communities have been forced to fall back on ethnic or religious structures and networks, often facilitated by the development of information technology on a global scale. Especially from a *non-Western perspective* the functioning of a national state cannot be taken for granted and the *de facto* dominance of the multinational corporations (which seems to have been recently ‘discovered’ by the Western common consciousness) is a reality that has since long been felt locally in many non-Western areas. The complexity of politics as we see it today starts from this double truth, aided by all kinds of information transmitters.

I would like to stress three points: Firstly, in the set of concepts representing each cosmology, economic, political, philosophical, technical and cultural aspects are brought together. The lists are not exhaustive. It is an attempt to develop a holistic, but still operational, tool for analysis.

Secondly, concepts have different meanings in different contexts. The most important issue is related to democracy. The three basic concepts that make up the philosophy of democracy are freedom, equality and brotherhood. It appears that if one takes one of these concepts as the leading concept, it alters the meaning of the others. The philosopher Pieter BOELE VAN HENSBROEK in his thesis “Political Discourses in African Thought” presents this idea.⁹



⁹ HENSBROEK Pieter Boele van, *Political Discourses in African Thought. 1860 to the Present*. London, 1999.

¹⁰ An example of this logic is described by MALCOLM Noel, *Kosovo. A Short History*. New York, 1998. In an anthropological analysis of customary law of the Malesi in Kosovo, the Kanun of Lek Dukagjin: „One leading scholar has summed up the basic principles of the Kanun as follows. Its founding principle is personal honour. Next comes the equality of persons. From these flows a third principle, the freedom of each to act in accordance with his own honour, within the limits of the law, without being subject to another’s command. And the fourth principle is the word of honour, the *bese*, which creates a situation of inviolable trust.”

The meaning of Freedom is therefore determined by the rules set in the logic of brotherhood¹⁰. The same is true for Equality, which appears to be the leading principle for the national state and civil law: it alters the implications of sisterhood and brotherhood in the political structures and mechanisms.

Thirdly, current global developments suggest that a shift from the National Social Contract to the Global Social Contract may have radical institutional consequences. The development of the current international state system was accompanied by the separation of politics and religion. It was characterised by 'rationalisation' and 'secularisation' of political leadership. The basic entities of the international political system have become sovereign states instead of for example feudal city-states.

The actual shift from 'government' of national politics to 'governance' of transnational society may be accompanied by a similarly radical change of the structure of the global political system. The structure that may come into being is most difficult to imagine, but a possible main feature is suggested here.

The main characteristic of a new structure may be the separation of the national administration into an economic and a social administration. Both would be linked to the local level (decentralisation) and the regional level (regionalisation) and even the global level. The idea that carries this change is the need for structural redistribution of funds in the economic as well as the social domain over the national borders (inclusion). The main objective of politics should change from competition between states into strategic financing aimed at the creation of optimal chances for the total world population: a change from Power Politics to Quality Politics. Could a *global social administration* come into being, parallel to a *global economic administration*, both with transparent and accountable structures at the local, national, regional and global level?

Minorities in Central and Eastern Europe

The collapse of Communism and the federal states in Central and Eastern Europe (similar to the collapse of the colonial states in Africa) brought about the regrouping and reshaping of national, ethnic and religious identities. The relationship between minorities and majorities in relation to the new states is being re-established with in most cases negative consequences for "new" minorities. The new states are in the process of creating laws on national, ethnic and cultural minorities. The status of these groups differs per country.

These socio-cultural changes brought about the reestablishment of religion and its role in the society. Being oppressed in the past and not having any experience with pluralism, the traditional churches in Central and Eastern Europe entered the competition for territorial and ethnic domain and were simultaneously forced to face new religions entering the region. It is important to note that with the dissolution of federal states and the ideology that had held them together, the traditional religions were the only bastions of identity, not only religious, but also ethnic and national.

Thus ethnic and the religious identities became sealed together again, as in the old empires (Ottoman, Habsburg). In order to protect their influence and privileged position in relation to the State, the traditional churches competed and are still competing to seal their status with formal legal agreements (concordats). This competition aggravated the relationships between the other social and political minorities and majorities in the region.

It is important to mention the Romani people, the only minority in each of the “new” states that did not get its protection under the umbrella of religious or other identities. Thus they missed the boat in terms of equal access and opportunities within the new states, especially after the adoption of privatisation laws. The Romani people were already socially disadvantaged in previous regimes, although, in some aspects, national laws protected them. Some of the new states have already established a legal status for the Roma groups, and others are in the process of doing so, but their status differs in each state. This discrepancy is being corrected by new international, regional and European bodies, which watch over the rights of Roma people and represent them in various international and supranational forums.

In 1998 the Minority Rights Group International (MRG) and the Helsinki Foundation for Human Rights (HR) organised a workshop on “The Role of Minorities in International and Transborder Relations in Central and Eastern Europe”¹¹. The aim was to analyse the problems that the minority groups are confronted with and to support the formulation of strategies, also addressing the impact of the possible integration in the European Union. The main arguments and dilemmas mentioned in this report will be discussed further on the basis

¹¹ Minority Rights Group International – Helsinki Foundation for Human Rights, *The Role of Minorities in International and Transborder Relations in Central and Eastern Europe*, Warszawa, 30 April – 3 May 1998. www.minorityrights.org

of the Cosmology Triangle. The arguments will be labelled regularly as red, yellow or blue, corresponding to the three cosmologies. The results of the workshop held in Warszawa is taken as the focal point for this exercise.

The complexity of the international context in this paper is described as follows: "Minorities need to establish their role amid such competing tendencies as: increasing integration on a European level, possible tendencies to concentrate central government power in the areas of competency that remain with the state, and standards that call for local and regional devolution through implementation of subsidiarity¹² as the guiding principle of governance."¹³

The *strengthening of national state power* and the *adoption of subsidiarity as the guiding principle of governance* correspond respectively with the second cosmology (*blue*) and the third cosmology (*red*). Currently the national state is the dominant institution. It is elaborated with mandates on the executions of policies and the obligation of accountability. A system of global governance, based on the principle of subsidiarity, is not yet fully operational. Codes of conduct and international watchdog organisations are formed, promoting the standards of governance, but where the 'international community' is called upon to take action, most of the time no unequivocal institution can be held accountable, as these still lack the adequate mandates. This is clear from the problems with which minorities are confronted.

A big step forward was the adoption of the Council of Europe's Framework for the Protection of National Minorities, which came into force in 1998. This framework aims at the maintenance and the fur-

¹² The subsidiarity-principle implies that social responsibility is located primarily at the level of the smallest social actors, such as the individual, the company, the 'grass roots organisation' or financial institutions. All other levels of public administration from the local to the regional and the global level facilitate the functioning of the primary actors. The premise of the subsidiarity principle is the consciousness of the human being as related to all other human beings and to the environment as a whole. It is a cosmic awareness, which is claimed to be traceable in all religions and spiritual understandings of the world. See KLEIN Goldewijk B. – SCHEFFERS V., *Het primaat van de sociale ethiek*. In JONG E. de (ed.), *Naar gelijkwaardige partners?! Van Gorum*, 1998. 22.

¹³ Minority Rights Group International – Helsinki Foundation for Human Rights, *The Role of Minorities in International and Transborder Relations in Central and Eastern Europe*, Warszawa, 30 April – 3 May 1998. www.minorityrights.org. All further quotes in this article are taken from this document.

thuring of human rights and fundamental freedoms of national minorities. Frustration was expressed, however, with the monitoring mechanisms: national governments can not be forced to fulfil their obligations. The problem is even deeper: what are the criteria for judging the performances of a state, in particular comparing 'rich' and 'poor' states? If states are clearly violating basic values of the Convention, how can they be punished (even if they signed it) and which institute should give the verdict?

During the conference it was agreed upon that states should promote the highest standards and learn from good practice elsewhere, while allowing varied implementation strategies to suit the different needs and aspirations of specific groups. "The success of international standards may depend on the effectiveness of international monitoring mechanisms to ensure compliance. These mechanisms should not consist of complaint procedures only, but should also ensure positive, institutionalised implementation."

These claims may be contradictory. The state is addressed as the focal point of political power: "The states should promote the highest standards" (*blue*). Simultaneously, the creation of new, transnational institutions is advocated, to facilitate the fulfilment of the universal human rights and fundamental freedoms (*red*). In that case, the state as a sovereign entity ceases to exist, becoming part of a local-national-global administrative network. At that point the shift from 'government' to 'governance' is made.

If the national state is responsible for upholding these standards, the GDP is the source of finance for these policies. If positive, institutionalised implementation of these (universal) rights has to be realised by transnational institutions, what will be the link between the national budget and international financial resources? This link is essential to implement such standards.

The enlargement of the European Union entails opportunities as well as risks. "On the positive side, the EU accession process can assist in the implementation of minority rights in CEE. The EU has made it clear in *Agenda 2000* that enhancing respect for minority rights, and particularly for those of Roma communities, is an important political criterion for entry."

Yet "the new European frontiers may result in 'Fortress Europe' in which freedom of movement across EU boundaries becomes harder. ... This has important implications for minority communities, they may be separated across new frontiers when some countries enter

the EU and others stay outside.” This may also have a strong economic component. Poland is given as an example, where transborder trade, in which minority communities were heavily involved, dropped dramatically. The economic situation of these groups was adversely affected.

It was argued that minorities would not only be economically affected. “De facto restrictions will hamper personal, civic and commercial interactions between members of the same minority community living across borders.” Many minorities are in a unique position to work with their ethnic kin in other states, as well as with other minorities, to foster the co-operation that generates integration. But it was argued that “there must be practical implementation of human rights standards before sufficient confidence is generated to promote integration.”

Thus EU enlargement creates a contradiction. It promotes universal human rights, as it is expressed by the political pressure put on aspirant members of the EU (*red*). Yet the integrative capacity of minorities, cultural, economic and social, is not explored. On the contrary, stabilising structures in the regions may be hampered by the creation of the new borders, by the reinforcement of the ‘inside-outside’ dynamics (*blue*).

While the opportunities offered within the European Union may be favourable for minorities within the (new) European states, their kin groups outside the EU may not profit from these facilities. This inside-outside dynamic and difference of opportunity may create cleavages within the group itself.

It is mentioned that there “must be practical implementation of human rights standards before sufficient confidence is generated to promote integration” (*red*). This may be the case, but to create more confidence in general, inside and outside, is a task beyond the capacity of the political institutions of Europe alone. The continent should aim at the creation of a Global Civil Society in order to create stability on a more general level. The contradiction may be that Europe should take the lead in ‘social globalisation’ so as to live up to its own standards internally (*red*). Unfortunately, instead, a new ‘Euronationalism’ is developing in order to help build the ‘New Europe’ (*blue*).

Here we may have laid out the basic problem: the aspirations of minorities are nothing but human. But is the sovereign state well equipped to facilitate these aspirations? Does the current interna-

tional state system produce the right mechanisms to promote the interests of the minorities? The mechanisms of state politics are counterproductive in many instances.

A clear example of this is the ‘politics of reciprocity’ between so-called ‘kin-states’ of which the majority of one state is the minority in the other: “In a region where it has been customary to conceive of the state as the home of one ethnic ‘nation’, relations between host states and kin states are often marked by negotiations over the treatment of minorities. These are usually in the context of the kin state seeking to protect members of the same ethnic group in other, often neighbouring, countries – countries that might, in turn, be the kin state of minorities in the country.”

This kind of politics, although a logical consequence of the existence of the national state as the representative of the national population, was rejected. This ‘politics of reciprocity’ represents the reign of politics rather than the rule of law. It was argued that minority groups “should not be hostage to inter-state politics”.

The general assessment was that while the kin state can provide valuable resources and support for the ongoing development of the minority group, there is a risk that preferential treatment by the kin state can generate tensions (*blue*); these tensions might outweigh the benefits. It was recommended that it is better to put resources into empowering local initiatives on a non-ethnic basis so as to support overall development and ensure an equal standard of living for all (*red*).

Most of the dynamics described until now have been the possible reactions of minorities to state policies. This dynamic can also be turned around. “Governments are not the only actors when it comes to initiating transborder relations. Minority organisations have been instrumental in developing inter-state strategies and programmes to address their concerns. A number of examples concerned what the group began to describe as ‘multi-state minorities’, or those groups who form minorities in a number of different countries. Co-operative ties can be particularly important for minorities without a kin state. Many participants pointed to the important role of minorities working together to promote awareness of their situation in international bodies. Coalitions between minorities from different states can be an effective strategy to ensure that decision-makers listen to minorities concerns.”

Inter-state strategies of one ethnic group, however, with the ultimate aim of political secession (*yellow*) are also a possibility. International bodies which can be addressed about the cases of particular ethnic groups may only have instruments for political pressure on national states, but may lack mandates, legal and financial means to address the situation directly. Nevertheless, in the long run such policies may also be aimed at the strengthening and/or creation of these mandates (*red*).

Conclusion

The opinions voiced at the Warszawa workshop on *The Role of Minorities in International and Transnational Relations in Central and Eastern Europe* reflect the dilemma between the reality of the existing international state-system (*blue*) and a new but often still imaginary system that facilitates the fulfilment of universal human rights (*red*). While national states should aim at the highest level of respect for international standards on human rights and minority rights, in practice representative governments appear to be natural advocates of the interests of the majority within the country.

The main question of the project “Effective Participation of Minorities and Peoples” is: Is the struggle for equal access to national resources (material and immaterial) the only possible strategy for minorities to fulfil their needs? Or can we accept both a responsibility of minorities for the creation of their own environment, and a legitimate political claim to all actors involved (from local and national governments to multinational companies and international institutions) to co-operate and to facilitate these efforts, aiming at the fulfilment of Universal Human Rights? The first option refers to the National Social Contract, the second to a Global Social Contract. However, the concrete terms for the institutionalisation of such social responsibilities still have to be elaborated. For many Minorities and marginalized Peoples the second line may provide an alternative, additional strategy. Minorities and marginalized Peoples might even play a pioneering role in the process of the elaboration of the Global Social Contract.

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