

## THE "STATIST" BIAS:

The existence and persistence of ethnic cleavages can be explained in large part by the triumph of the nation-state as a universal model and its domination of the international system. This has led to an extreme rigidity based on the homogenizing and integrating tendencies underlying the ideal of the mono-ethnic nation-state and an international system which in practice recognizes the supremacy of the concepts of sovereignty and territorial and political integrity, at the price of human rights and "peoples rights".

This "statist" approach to international relations is so well entrenched in the United Nations system that one scholar expressed the extreme view that "if the sovereign territorial state claims, as an integral part of its sovereignty, the right to commit genocide..., the United Nations, for all practical purposes, defends this right." This bias was particularly obvious during the years of the Khmer Rouge in Cambodia, although the logic of the Cold War was a convenient justification for doing nothing. It was also evident at the beginning of the Yugoslav conflict, when the international community seemed to express its support for the maintenance of the "territorial and political integrity of the Yugoslav Federation", a signal that the Yugoslav National Army may have understood as a green light for military intervention. (Admittedly, the other extreme of the spectrum, granting almost automatic recognition to break-away republics, did not lead towards a peaceful solution either, as it raised other expectations.)

Any minority which might have legitimate grievances or claims frequently finds itself squeezed between a state that wants to prevent further erosion of its traditional authority and an international system that recognizes only existing states as subjects of international law. The logic of the situation is relatively clear for any group that wants to be heard by international community: it has to claim sovereign status and adopt a strategy of armed struggle to strive for its political independence.

Nowhere is this more obvious than in the legal ambiguity pertaining to the right of self-determination, which applies only to the field of decolonization. The U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples recognized that "all peoples have the right to self determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Although the same right is also recognized in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the latter states:

"nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves