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**Minority Inclusion in Central and Eastern Europe: Changes  
and Continuities in the European Framework**

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The question of how governments deal with ethnic diversity is fundamental to the future of peace and democracy in Europe.<sup>1</sup> The way this question is articulated and addressed has changed significantly, as European governments and social actors respond to problems of regional security, domestic political contestation, and economic well-being. After the collapse of the Soviet Union in 1991, the collaborative efforts of European organizations – primarily the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE), and the European Union (EU) – provided a historic opportunity for the development of common European standards about minority inclusion across the whole spectrum of political and economic rights and opportunities available to state majorities. Europeanization – which involved the deepening of transnational institutional structures in member states, the enlargement of the EU to include an increasing number of countries from the former Soviet bloc, and the diffusion of European norms and practices in the EU and its neighbourhood – had a profound impact on the evolution of state-minority relations across the continent. Although Europeanization reaches all aspects of life in EU member and aspiring member states, the governance of ethnic diversity has evolved in diverse directions across the continent, rather than gradually converging toward common standards.

The requirement for state institutions to guarantee ‘respect for and protection of minorities’ was one of the main EU membership criteria adopted by the European Council in Copenhagen in 1993.<sup>2</sup> Thus, minority protection became an important goal of the European integration project. A fundamental tension underlying this goal, however, has been that ethnic minorities are viewed both as vulnerable in majoritarian nation-state structures and as potentially threatening to the stability of states and to European security (Kymlicka, 2008). Influential scholars have argued that EU integration contributed significantly to the pacification of interethnic relations in the region (Kelley, 2006; Jenne, 2015). Yet a major question remains unanswered: can the advancement of Europeanization lead to a de-securitization of minority claims? In other words, does the greater entrenchment of European norms, institutions, and practices enable actors to move beyond the traditional security paradigm in which

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<sup>2</sup> European Council (1993) Presidency Conclusions. Copenhagen European Council – 21-22 June 1993. [http://www.europarl.europa.eu/enlargement/ec/pdf/cop\\_en.pdf](http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf) (accessed December 27, 2017).

minorities feature as risks? This special issue of *Intersections. East European Journal of Society and Politics* offers important insights about this question. Employing the concept of minority inclusion as a broad category for describing the diverse spectrum of laws, policies, and practices that define state-minority relations, we focus on changes and continuities in Central and Eastern Europe (CEE) one decade after the completion of the EU's major 'Eastern Enlargement' project of 2004-2007, which provided European actors and institutions with unprecedented leverage for influencing state constitutions and policies in Eastern Europe.

The central argument of this introductory essay is that the processes of Europeanization have not fundamentally altered the notion that minorities constitute a security threat, but they have created important building blocks for de-securitization. A decade after the completion of the first round of EU enlargement, governments in CEE continue to employ traditional nation-state policies, justifying them as necessary for the protection of ethnically conceived (titular) majority nations. Against that backdrop, minorities are easily framed as sources of internal and external threats. Given the prevalence of activist kin-states in the region, large ethnic minorities with kin-states present major challenges. Other minorities are also framed as risks. Roma, for instance, are commonly associated with poverty and crime and are perceived as threats to the socio-economic well-being of the nation. Since the heightening of the 'European refugee crisis' in 2015, refugees from war-torn countries have featured significantly in protectionist nationalism, framed as both security risks (potential sources of terrorism) and risks to the integrity of national cultures. Meanwhile, in the absence of a robust and common European minority rights regime, the terms of minority inclusion remain up for grabs in ethnopolitics 'on the ground,' as actors adapt to local institutional settings. Therefore, Europeanization has only an indirect impact on the conditions for effective minority participation in public life, and potentials for minority political agency vary greatly across the region. Still, the common European framework offers an opportunity for political actors to move beyond a zero-sum perspective on state-minority relations.

We present our argument as follows. First, we provide a *critical Europeanist perspective* on the inherent tensions of the security paradigm that has defined European approaches to minority protection. Second, we discuss the need for effective minority participation (i.e., minority political agency) in the design of minority policy regimes. Finally, we highlight key insights from the five articles included in this issue about the consequences of that paradigm, the need for new approaches, and the building blocks for change toward more democratic state-minority relations.

### ***1. Security Concerns and the Evolving European Minority Regime***

The rich body of scholarship about the evolution of European norms and institutions related to minority protection places great emphasis on the formative role of security concerns. The association of ethnic minorities with regional security has a long tradition in Europe (Tesser, 2013). Already in the context of the post-World War I peace settlements, various Central and South-Eastern European states assumed responsibility for the protection of minorities under the League of Nations treaty

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system. Those obligations remained selective (affecting only specific states and minorities) and could not stop nationalist and chauvinist policies and territorial revisionism from escalating into another devastating global war. As Jenne demonstrates, however, the mediation processes under both the League of Nations and the post-1990 European integration framework offer ingredients for a security regime under which majority and minority actors can engage in peaceful democratic contestation (Jenne, 2015). Indeed, the current post-1990 period requires such a framework. Nationalist mobilization has again become a key feature of institutional and social transformations across Europe. Instability and insecurity have emerged in many areas of everyday life; and drastic change often leads to the reinforcement of collective (national, ethnic, or religious) identities, which can provide a sense of rootedness and security (Hale, 2004). Electoral competition enables both national majorities and minorities to articulate contrasting claims that reveal or reinforce inter-ethnic conflicts (Cordell, 1999; Snyder, 2000).

Scholars highlight security as a motivation for drafting legal instruments and creating transnational organizations focused on minority issues, particularly the Organisation for Security and Co-operation in Europe High Commissioner on National Minorities (OSCE HCNM; see Kemp, 2001). Others emphasize perceived security threats as drivers of minority policy in state centers (Schulze, 2017). As a legacy of earlier state transformations, most large ethnic minorities in CEE have kin-states across the border, which heightens concerns over regional security and state sovereignty. Brubaker's 'triadic nexus'— involving a national minority, a nationalizing state in which that minority is situated, and the minority's kin-state across the border — has become an influential model for describing such settings (Brubaker, 1996). Smith has pointed out that the EU framework has transformed these relationships into a 'quadratic nexus' (Smith, 2002). European integration created incentives for de-securitizing state-minority relations (Csergő and Goldgeier, 2004). However, state centers keep the traditional security paradigm alive, as political parties employ nationalism (including cross-border nationalism) as an effective instrument for electoral mobilization and party-building (Waterbury, 2010; Joseph, Toperich and Vangelov, 2016).

Nonetheless, contestation has remained generally peaceful in CEE. Stroschein has compellingly demonstrated that 'ethnic struggles' in non-violent settings can evolve into forms of deliberation about the meaning of democratic citizenship (Stroschein, 2012). The European framework has provided opportunities for such contestation to change from the zero-sum approach characteristic of traditional nation-state projects to a different understanding of minority mobilization: as contestation about the terms of political inclusion in a multi-ethnic democracy (Salat, 2003). European actors were in a unique position in their negotiations with CEE actors during the 1990s. They leveraged membership conditionality in coveted Western institutions to seek the deep institutional, ideological, and social changes necessary for EU membership. EU enlargement extended the EU's 'governance and boundaries,' as well as its 'soft governance,' to CEE societies (Friis and Murphy, 1999: 214). Compliance with the *acquis communautaire* enabled an unprecedented degree of penetration of common European standards at various levels of governance (De Witte 1993; 2000; Toggenburg, 2001; Schwellnus, 2001; Olsen, 2002; Sasse, 2004; Rechel, 2009). In

particular, conditionality and compliance involved changes in minority policies in candidate states (Grabbe, 2001; Schimmelfenning and Sedelmeier, 2005). Beyond legal adaptation, the process also generated ideational effects in the region (Favell and Guiraudon, 2011).

Although no consistent normative framework for minority rights claims emerged, EU institutions had to give a meaningful interpretation of ‘respect for and protection of minorities,’ which formed part of the Copenhagen accession criteria. Against the backdrop of state collapses and new state formations in the former Soviet Union and Yugoslavia, European organizations concentrated on conflict prevention, and the meaning of minority protection remained closely tied to concerns about regional security. The EU’s monitoring of minority rights also reflected a pragmatic and security-focused approach (Sasse, 2008). Still, during the enlargement decades EU institutions developed an increasingly professionalized approach to interpreting minority rights. Political stability remained a primary consideration, yet both the European Commission and the European Parliament anchored their decisions and recommendations in emerging international minority rights law – primarily the Council of Europe’s 1995 Framework Convention for the Protection of National Minorities (FCNM), and major statements and recommendations adopted by the Organization for Security and Cooperation in.<sup>3</sup> In the process, the ratification of the Framework Convention became a tacitly accepted precondition for EU accession (Vizi, 2017). Recognition of the catalogue of minority rights established in the FCNM and in OSCE documents developed into the main reference point for European actors when assessing the situation of minorities in the enlargement process.

Although the EU lacks explicit competence in promoting minority rights protection within the Union, scholars find it plausible that the FCNM, as part of the European human rights regime, may become an external reference for EU institutions when interpreting minority rights within the context of EU law and policies (Guliyeva, 2010; Hillion, 2008). Galbreath and McEvoy (2012) argue that the powerful political involvement of the European Union in extending existing international minority rights norms during the accession process has increased the effectiveness of the emerging European minority rights regime. The overlap and close co-operation between the different international organizations involved – i.e., the CoE and its FCNM Advisory Committee; the OSCE and its High Commissioner on National Minorities (HCNM); and the EU – have generated a more consistent interpretation of minority rights at the international level.

The purpose and proper instruments for international minority rights protection are debated. State practices differ significantly on the interpretation and implementation of minority rights, and most international documents on minority rights are legally non-binding soft-law instruments. Many aspects of minority rights

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<sup>3</sup> OSCE HCNM (1999) *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*. The Hague: HCNM Office.

OSCE HCNM (2008) *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*. The Hague: HCNM Office.

OSCE HCNM (2012) *The Ljubljana Guidelines on Integration of Diverse Societies*. The Hague: HCNM Office.

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norms are also contested among EU member states, and they do not enjoy unanimous recognition. Several European states are reluctant to make commitments in this area. For example, while all EU member states are part of the CoE, France has not signed the FCNM and Belgium, Greece, and Luxemburg have not ratified it. Moreover, despite the recognition of ‘its rich cultural and linguistic diversity’ and ‘the respect for human rights, including the rights of persons belonging to minorities,’<sup>4</sup> the European Union applies ‘double standards’ in this field: while the ‘protection of minorities’ constitutes an accession criteria for candidate states, member states, including new EU members that made commitments before accession, remain unaccountable for minority protection. The problem of holding member states accountable for the non-implementation of minority protection commitments remains unsolved.

Scholars have critiqued European minority rights instruments as ineffective, partly because they are ‘conceptually unstable’ (Kymlicka, 2008); and partly because the existing mechanisms for monitoring their implementation are insufficient for ensuring change on the ground (Schwellnus, 2006). Calls for improvement emphasize the need to go beyond legal protection to address problems of minority empowerment (Malloy, 2014). From that perspective, the right to preserve minority identity, economic opportunities, and effective participation in public life are important; minority protection should be a ‘transversal and shared objective to be realized by different actors and instruments in a combined approach’ (Palermo and Woelk, 2003: 7). Hoch-Jovanovic (2014) argues for both top-down and bottom-up Europeanization. This would involve referencing minority rights in EU law and reinforcing human rights commitments, including the commitment to protecting diversity through the Charter of Fundamental Rights. Together with the CoE instruments, such reinforcements are viewed as helpful in constructing a European regime that compels state centers to improve the design and implementation of policies concerning minority inclusion. An important notion underlying these critical approaches is that minority members should be regarded not merely as recipients of policies designed for them but as participants of policy design and as actors that influence policy outcomes; in other words, as political agents.

## *2. Toward Democratic Minority Political Agency*

Under international law, the right to participation in public life is a well-established and widely recognized right of minorities (see FCNM Art. 15, OSCE Copenhagen Document para. 35, OSCE HCNM Lund Recommendations, etc.). It is broadly acknowledged that, beyond equality before the law, protection from discrimination, and the right to have their views heard on general political issues affecting the larger political community (such as taxation, social benefits, etc.), minority members have additional needs associated with their group identification. Effective political participation for minorities requires not only the articulation of special needs but also the ability to shape the rules and institutions associated with

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<sup>4</sup> Article 3. (3) and Article 2, respectively, of the Treaty on the European Union, Official Journal C 326, 26/10/2012 P. 0001 - 0390.

them – ‘from lobbying at one end to making decisions at the other’ (Ghai, 2010: 615). Thus, international soft-law instruments stress the importance of ‘effective participation’ for minorities in public life – participation that involves not only the ‘presence’ of minority representatives but also their ‘influence’ on the outcome of decision-making (Verstichel, 2010: 75). International monitoring bodies, including those in the United Nations (UN), OSCE and CoE, struggle with the question of how the ‘effectiveness’ of minority political participation can be operationalized and implemented.

European integration has expanded the space for minority participation in multiple political fields – domestic politics; cross-border politics involving kin-states; and European institutions, particularly the European Parliament. However, the new opportunity structures are accessible only to politically resourceful and well-organized minorities, and there is great variation across the CEE region in the ability of minorities to construct political agency (Csergő and Regelman, 2017). Domestic institutional conditions, including institutional legacies and minority organizational resources, matter greatly in each setting. The significance of the ‘rules of the game’ in domestic settings is highlighted particularly well by the failures of Roma inclusion. The European Commission actively promoted transnational policies to address the problems of Roma marginalization, including European-level consultation mechanisms (e.g., European Roma Summits organized in 2008, 2010, and 2014) and the monitoring of state practices in the use of European Structural and Investment Funds for Roma-related projects. These efforts, however, have had limited impact on the ground, due to the absence of domestic mechanisms of implementation (Vermeersch, 2017).

Political inclusion can pose significant challenges to democratic governance in multi-ethnic states everywhere, and CEE state centers have addressed challenges by reinforcing majority ownership over the state. Brubaker’s concept of the ‘nationalizing state’ is helpful for describing this type of government, which is prevalent in CEE despite the advances of Europeanization (Brubaker, 1996). The terms most commonly used for describing minority policy regimes – ‘assimilation;’ ‘integration;’ and ‘accommodation’ – remain controversial. Majority and minority perspectives often conflict over the question of which term describes either the realities or the desired model of state-minority relations. In states and societies characterized by ethnic cleavages it is difficult to find a suitable label for a minority policy regime that can accommodate both minority and majority claims. Marko provides a useful outline of different scenarios, from solutions that offer minorities institutional equality through autonomy to those that promote national unity through assimilationist policies (Marko, 2008). ‘Assimilation’ has little appeal to minority political actors. The idea behind assimilationist aspirations is that ‘ethnic groups have to give up their different cultural and/or political behaviour in order to be treated equally’ (Marko, 2008: 271). McGarry and O’Leary (1997) describe the difference between ‘assimilation’ and ‘integration’ in that the latter is aimed at creating a common civic, patriotic identity, while ‘assimilation’ aims ‘to maintain a common ethnic identity through the merging of differences into a single melting pot’ (McGarry and O’Leary, 1997: 17). Kymlicka and Norman (2000) propose the term ‘multicultural integration’ for the creation of a new, ‘transcendent,’ identity, which democratic states can nurture without eliminating

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existing cultural differences between subgroups; but the term remains unspecified. 'Integration' is widely used in political discourse, and is adopted as an official model in many CEE states, but the meaning of the term is contested. From a minority perspective, the notion of a shared identity designed by nationalizing state centers can become suspect as a code word for assimilation. 'Accommodation' is also broadly used as a minority-friendly category; but the notion of minority control over ethnic institutions makes it controversial for those who mistrust separate minority institutions as sites of counter-state nationalism. The different treatment, and institutional separation, of members of a minority from members of a majority can also be viewed as a source of inequality (Barry, 2001); or as a threat to national unity. Meanwhile, the policies adopted and implemented on the ground in most cases combine various elements of assimilation, integration, and accommodation. 'Asymmetric accommodation' is a useful category for the policy approach that became prevalent in CEE states during the EU accession process, combining titular majority nation-building with various degrees and forms of support for minority political organization (Kiss and Székely, 2016).

### *3. Lessons from Central and Eastern Europe*

The articles in this special issue offer a closer look at the consequences of the security-centered approach, and on sources of change in minority inclusion in CEE. Timofey Agarin focuses squarely on the impact of securitization in a broad comparative assessment entitled 'From nation-states into nationalizing states: the impact of transformation on minority participation in the Baltic States.' He argues that EU actors and titular majority elites in Estonia, Latvia, and Lithuania shared the notion that a combination of security concerns and the need to compensate titular nations for decades of subordination under the Soviet Union legitimized the primacy of majority entitlements over minority rights. In Agarin's account, the main formal democratic structures have been stable and in compliance with EU membership conditionality from quite an early stage of Europeanization; yet compliance with 'European standards' did not substantially deter majority elites from pursuing traditional nation-state policies. A zero-sum logic, and the security perspective - involving geopolitical uncertainties about Russia, and uncertainties about the loyalty of Russophone minorities - continue to define state policies, which represent a top-down prescriptive approach to minority integration. As a result, minorities have yet to gain equal access to democratic rights and political and socio-economic resources, and they have increasingly turned to social institutions (e.g., cultural institutions and churches) as sites of identity construction and interest formation. Agarin argues for the significance of minority participation in public institutions, and he highlights the role of political elites as drivers of continuity or change in this respect. His analysis suggests that political elites can become agents of change if they choose to re-frame dominant perceptions about the legitimate place of minorities in public life.

Ognen Vangelov's article, entitled 'Stalled European Integration, the Primordialization of Nationalism, and Autocratization in Macedonia between 2008 and 2015,' is a case study about the instrumentalization of threat in a deeply divisive nation-building project in Macedonia, as a consequence of failed EU accession.

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Following the Greek veto on Macedonia's EU membership aspirations, the diminishing prospects of Euro-Atlantic integration provided an opportunity for the government of Prime Minister Nikola Gruevski to introduce a nationalist project framed as a necessity for the survival and well-being of an ethnic Macedonian nation, which needed protection from external (Greek and Bulgarian) and internal (Albanian minority) threats. Vangelov calls this a project of 'primordialization' and employs process tracing to demonstrate how its pursuit by the Gruevski political camp redefined the Macedonian political environment. The process generated a deep intra-ethnic cleavage among Macedonians and undermined democratic institutions, with severe consequences for ethnic pluralism. This analysis also suggests, however, that reengaging in NATO and EU accession processes could provide Macedonia with the incentives necessary to tame divisive nation-building and reinforce democratic institutions for the management of complex inter-ethnic relations.

Huub van Baar and Peter Vermeersch combine frame analysis, visual theory, and insights from governmentality studies in a critical assessment of the way perceptions of risk associated with a minority limit the success of European efforts aimed at minority inclusion. In their article entitled 'The Limits of Operational Representations: Ways of Seeing Roma Beyond the Recognition-Redistribution Paradigm,' the authors focus on European strategy toward Roma minorities. They describe this strategy as a balancing act between *redistribution* (to address socio-economic marginality) and *recognition* (of ethnic specificities). They argue that this strategy has major limitations rooted in the underlying 'operational representations' of Roma – which focus on Roma as a 'risk' in the societies in which they live. Van Baar and Vermeersch claim that these representations provide powerful frames for the way Roma become publicly 'visible' and 'governable' – as minorities strongly associated with poverty and extra-institutional activities. The authors call on scholars and policy-makers to challenge the current operational Roma representations, and they offer examples of a possible way forward, toward more 'fluid and contestable' representations.

Karolis Dambrauskas provides an ethnographic study of 'ordinary Poles' in Lithuania, focusing on how minority members adapt to the constraints of an 'ethnic democracy.' In his account, securitization may work in favour of majority-minority moderation, but it also sustains a (risky) status quo in which 'ordinary Poles' find the state's minority policies ineffective. The puzzle motivating Dambrauskas' research is the following: although Polish minority members have continuously expressed discontent about their status, and Lithuanian governments have failed to address the roots of discontent or even to engage in a serious dialogue about Polish claims, inter-ethnic conflict has remained peaceful in Lithuania. Dambrauskas finds that the fragmentation of the Polish minority contributes to the status quo by weakening the effectiveness of minority elites to negotiate claims. As another important element of the explanation, Dambrauskas identifies a shared perception among Lithuanians and Poles of the threat from Russia, particularly since the 2014 Russian annexation of Crimea. Russia is perceived as a different kind of kin-state than Poland, which joined the EU and NATO together with Lithuania. Although Lithuania's Polish and Russian-speaking minorities are of similar size, Poles have become less strongly associated with the notion of security.

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Kiss, Székely and Barna, in 'Factors Affecting Turnout among Ethnic Minority Voters: The Case of Hungarians in Transylvania,' offer a micro-level analysis of minority voting, which has become the predominant form of minority political action in CEE. The authors rely on survey data to identify key determinants of ethnic bloc voting among the Hungarian population in Transylvania. Their primary finding is that voting behavior among this minority population is habitually driven. In other words, ethnic bloc voting has become a routinized act, based on the assumption that the dominant ethnic party is the only realistic choice. The authors also find that the capacity of the dominant ethnic party to mobilize Hungarian ethnic voters strongly depends on 'ethnic embeddedness.' This study shows yet another consequence of security-driven understandings of state-minority relations. In an environment where the politics of nation-building is assumed to follow a zero-sum logic, and minority voters do not expect mainstream majority political parties to advocate for minority interests, the choices of those minority voters become constrained: they can either vote for the ethnic minority party or abstain from voting. In that socio-political context, the authors argue, the stakes of electoral campaigns change as well. Rather than articulating and contesting minority interests and goals, minority electoral campaigns focus on mobilizing a sufficient number of votes to ensure the minority party's continued presence in the state parliament.

Together, these articles shed light on major challenges that political actors in multiethnic societies face if they aim to move beyond the securitized understanding of minority protection and create minority policy regimes that are both legitimate (broadly acceptable) and sustainable. Developments in CEE provide invaluable lessons in this regard. The process of Europeanization has not been able to eliminate long-standing and socially embedded perceptions about the zero-sum logic of nation-building and replace it with multiethnic understandings of democratic citizenship. Nor has Europeanization resulted in a coherent minority policy regime for adoption and implementation across the continent. Yet the impact of transnational integration seems to become more effective in those policy areas where a stronger normative framework emerges at the EU level (e.g., anti-discrimination). Moreover, the ability of minority actors to mobilize democratically in multiple fields decreases the ability of state centers to design minority politics in a top-down process. Thus, the contributions of this special issue highlight the need for both European actors and the actors on the ground to find new and adaptive ways to create a more democratic paradigm for state-minority relations.

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