
1. Introduction to the *Research Handbook on Minority Politics in the European Union*

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INTRODUCTION

A *Research Handbook* on minority politics in the European Union (EU) is both long overdue and perhaps premature.¹ It is overdue given the large accumulation of scholarship on minority issues in the EU by an increasing number of scholars and a broadening scope of disciplines. As this scholarship has been scattered in the form of journal articles and book chapters, there is a need to take stock of this in a joint analysis. On the other hand, it is perhaps premature, as it is generally agreed that the legal competences on minority protection and minority issues are rather limited within EU law and therefore the EU has claimed that it is unable to act on minority politics. However, minority politics exists in every EU member state, and the history of the 20th century has shown that elevating minority politics to the international level has been the best way to ensure proper protection of minorities and good policy-making also at the national level. Focusing on the *politics* of minority issues as opposed to restricting one to the *legal protection* of minority rights, therefore, makes sense.

What do we mean by ‘politics’? Some scholars have argued that politics refers to ‘the discussions, clashes, and compromises between different actors, such as government offices, political parties, interest organizations, social movements, and citizen groups, all of whom seek to influence how public values are defined, produced, and allocated’ (Sørensen and Torfing, 2017: 31). This definition allows for a broad spectrum of individuals and groups to be seen as relevant in influencing how the EU develops policies involving minority issues and/or policies directly addressing minority issues. Of importance in this respect is to acknowledge that scholars, academics and other external commentators, or what some might call the epistemic community, are also part of the politics of the EU (Haas, 2008). Interest groups and citizen groups are of particular relevance, as politics is a matter of trying to influence policy-making even if one finds oneself systematically disadvantaged by the dominant political style (Hix and Høyland, 2011). One cannot, therefore, speak of politics without acknowledging that there are actors who are excluded from the realm of politics.

Exclusion from EU politics has been pointed out again and again, not least in regard to its approach to addressing minority protection and minority issues (Malloy, 2005a, 2005b; Ahmed, 2011; Toggenburg, 2019). Denying, deliberately omitting or hiding the undecidable and contingent of a political issue, with a view to eliminating it or taking it out of the political space for contestation, will not only result in some actors being disempowered and excluded

¹ The post-World War II co-operation in Europe has changed names several times. European Economic Community (EEC) refers to the first constellation of the community from 1958–93, whereas European Communities (EC) refers to the constellation in force from 1993–2009. The European Union (EU) refers to the current post-2009 constellation. In this chapter, the EU is used as a generic reference.

from the deliberations but may also result in some policy areas becoming depoliticized (Fawcett et al., 2017). Depoliticization is like ideology; it can conjure up ‘a naturalizing totalization of social meanings and identities that presents them as something that is a given and to be taken for granted’ and which ‘cannot be called into question and transformed through action’ (Sørensen and Torfing, 2017: 32). While such depoliticization may be deliberate or subconscious, any depoliticization of minority issues in the EU might be seen as a conscious and self-serving act by governing agencies, an attempt to render minority politics non-political. As such, a *Research Handbook* on minority politics must address both politics and non-politics.

ABOUT THIS RESEARCH HANDBOOK

This *Research Handbook* is deliberately multi-disciplinary in order to ensure that multiple dimensions and multiple perspectives are considered. Studies of EU minority politics have unfortunately been somewhat compartmentalized. While legal scholars have focused on minority rights protection, political scientists and international relations scholars have focused on actions of actors from the institutional and other perspectives. Thus, without providing a state-of-the-art overview, as this is diligently provided by the contributors to this volume, it is clear that the first works on the EU’s approach to minority politics analyses mainly sought to identify the legal sources potentially affecting minority rights within the evolving EU law of human rights and non-discrimination (De Witte, 1993; Estébanez, 1995; Toggenburg, 2000). From an international law perspective the fact that the process of European integration entered into a new phase after 1992 extending EU activities and legislation in many fields drew scholarly attention to the potential impact of international minority protection instruments on EU policy-making, including policies for external action, such as enlargement (Henrard, 2004; Hillion, 2008). In the lack of any normative basis for minority rights protection under EU law, legal approaches had to rely on scattered elements in EU law that might be deemed relevant for the protection of ethno-cultural minority groups. Moreover, from the perspective of legal theory, scholars searched for indirect links between international norms and EU policies, while linguists analysed the position of minority languages in the EU’s complex language-use legislation and policies (Shuibhne, 2002).

With regard to institutional analyses, political scientists and international relations scholars have focused mainly on policies that could empower ethno-cultural minorities as individuals and groups, or the lack thereof. Moreover, institutional analyses of the impact of enlargement policies on candidate countries and thus indirectly on ethno-cultural minority groups provided some of the first critical analyses of the EU’s approach to minority politics. These analyses have also been influenced by analyses on European integration and the effect of Europeanization both externally and internally. In regard to the latter, innovative explorations of EU policies on regional identities and on ethno-regional and border communities exploring the concept of subsidiarity and multi-level governance have contributed to a dynamic view of ethno-cultural minority politics (Keating, 1998, 2001). Finally, the context of enlargement gave a new impetus to analyse the situation of Roma in light of relevant EU actions and policies, and this was extended to internal policy-making after the adoption of a Roma Strategy in 2011 (Vermeersch and Ram, 2009).

In terms of a chronological overview of minority politics, Gabriel Toggenburg has suggested a very useful categorization of the evolution of minority politics and policies related to

ethno-cultural minority groups (2009). He has argued that minority politics in the EU may be represented by three phases of political development, none of which has been concluded; they are all ongoing and open-ended. The early and first political phase began in the 1980s with the European Parliament (EP) tabling resolutions addressing minority issues aiming at creating a supranational system of minority protection. This phase, which Toggenburg calls the *idealistic* phase, is characterized by an unrealistic approach by the EP as there was not consensus in the body on the issue. Even if a few initiatives were adopted at the plenary and took the shape of an EP resolution calling for an EU action in this field, neither the European Commission (EC) nor the Council of the EU (representing member state governments; hereafter the Council) showed any interest in making a step in this direction.² It was idealistic in the sense that the resolutions of the EP were not legally binding on any institution, and the resolutions represented the EP's role as the value carrier of the institutions charged with managing the EU. The EP initiatives were ignored not only because member states rejected the idea of legislating on minority rights under EU law, but also because in the early 1990s member states (with a few exceptions) supported the codification of minority rights outside the EU, resulting in the adoption of a number of standard-setting international documents within the CSCE/OSCE (Conference on Security and Co-operation in Europe, later the Organization for Security and Co-operation in Europe) and the Council of Europe.

The second political phase began with the preparation for *eastern enlargement* and was spearheaded by the Council and the EC rather than the EP. It institutionalized minority protection for new member states entering in 2004 and 2007 through the June 1993 European Council's conditions for accession, which included the so-called Copenhagen Criteria, and through the EC's monitoring of accession states' compliance. At the same time, the phase saw the shift from a cultural approach to a broader political integration of ethno-cultural groups in order to counter any emerging conflicts along ethnic lines in the new member states.

The third political phase, which Toggenburg names the *internalization* phase, represents the period after 2007 and the adoption of the Treaty of Lisbon, which for the first time mentions minority rights among the 'values' of the EU (Art. 2). This opened a new phase that has seen the EP again as a key player. Pointing out in 2005 that there exist double standards (inconsistencies) between old and new member states in the EU's policies towards ethno-cultural groups, the EP made suggestions to the EC on how minority protection may not contradict EU law. Thus, the EP suggested that the criteria imposed on the new member states could indeed be implemented across all member states. The three phases are summarized in Table 1.1.

Toggenburg's perspective is primarily legal and thus leaves the implementation of EU policy-making unexamined. For instance, the Cohesion Policy area, which regulates regional development and cross-border co-operation through the Structural Funds, has an impact on how ethno-cultural groups can participate and influence these areas of politics,³ while the area of Cultural Policy has implemented numerous programmes and instruments on inter-cultural dialogue and cultural heritage protection that are relevant for the protection of minority identities.⁴ In addition, there have been a few examples when EU programmes promoting multilingualism and language learning included minority or 'lesser-used' languages.⁵ Unfortunately,

² For more on the actions of the EP, see Chapter 8 in this volume.

³ See Chapter 14 in this volume.

⁴ See Chapter 12 in this volume.

⁵ See Chapter 11 in this volume.

Table 1.1 *Three phases of EU minority politics*

Phase	When?	Main actions	Main foci
Idealistic	1980s onwards	Unrealistic and non-legally binding documents	Languages and culture
Eastern enlargement	1990s onwards	Conditions for respecting and protecting ethno-cultural groups in new member states	Security Political participation
Internalization	2007 onwards	Some member states engage in minority protection	Anti-discrimination

Source: The authors.

most of these policies do not refer directly to ethno-cultural minority groups as target groups and thus remain obscure in terms of minority politics within the EU. However, research has shown that ethno-cultural minority groups tap into these programmes, especially with regard to regional development and protection of cultural heritage (Malloy, 2010). Although the participation of ethno-cultural minority groups is not recorded, there is growing scientific evidence that they are pro-active in seeking to access and use the funding of such programmes to improve, for instance, the environment of their homelands or expand the protection of their cultural heritage sites (Klatt, 2006). There is, therefore, emerging action which shows that EU minority politics is multi-dimensional, not confined to the legal sphere.

As one policy area rarely offers the opportunity for developing a comprehensive and coherent theory of understanding, we have endeavoured to include as many disciplines as possible in this *Research Handbook*. We realize that while methods applied in policy studies are increasingly becoming cross-disciplinary, theoretical approaches tend to be defined within disciplines. Thus, the individual contributors have had full freedom in terms of theoretical approaches; however, in order to ensure a good basis from which to understand both politics and policies, authors have been asked to provide a critical overview of the research and scholarship within their own areas of study. Specifically, they were asked to:

- Provide an overview of the research efforts so far on the particular area of EU politics;
- Provide a critical overview of the knowledge gathered so far;
- Assess the methods used and theoretical approaches;
- Amend with new knowledge, if applicable;
- Assess the gaps in research and propose future efforts.

The overall aim was that the contributions combined would deliver an updated if not comprehensive multi-dimensional state-of-the-art overview of the research and knowledge in the field within a timeframe from the Treaty of Rome until today. A multi-dimensional analysis is needed to assess whether there is a pattern in the EU's approach to minority politics. Patterns of politics usually display intentions of actors and institutions as well as output, and understanding of patterns can eventually lead to theorizing. Important is that studying patterns allows one to see multiple dimensions, while also spotting repetitions. By seeing multiple dimensions and repeated behaviour, one creates not only a broader perspective but also a deeper understanding of phenomena. Understanding a phenomenon such as minority politics is fruitless without a good working definition of the objects in question. This *Research Handbook* will focus on minorities of a broad definition. 'Ethno-cultural,' as an encompassing term, will refer

to ethnic (including racial), national, linguistic, religious and indigenous groups residing in homelands or demonstrating long-term residency in new host states. This means, for instance, that research on the human and social rights of immigrants, asylum seekers and refugees is also addressed when relevant.

The ‘problem’ of defining a minority has been the topic of debates for decades. The United Nations (UN) Sub-Commission on Prevention of Discrimination and Protection of Minorities⁶ has grappled with the issue almost since its establishment and a number of prominent experts has provided input (Capotorti, 1985; Deschênes, 1985). The problem of a legal definition of a minority in international law is a question of whether there can be found a *universal* definition of ethno-cultural groups. Inasmuch as international law instruments apply to a wide range of states, a definition would have to be broad and general. That is near impossible in contemporary circumstances where ethno-cultural groups self-identify according to *particular* characteristics and a hybrid of diverse affiliations. Moreover, seeking a definition runs into the dilemma of whether to use objective or subjective criteria (Pentassuglia, 2002). Objective criteria may result in discrimination; subjective criteria could lead to segregation. This is because the criterion of objective is related to pre-determination, whereas subjective self-identification relates to self-determination. Where self-determination allows ethno-cultural groups to freely self-identify as per the standards of universal human rights and international law, pre-determination requires advanced or external decision on the identity of ethno-cultural groups (Lijphart, 1995).

Most domestic legislations apply for practical reasons a clear definition of the minority rightsholders, either based on objective or mixing objective and subjective criteria. Any normative delineation will inevitably draw group boundaries including some and leaving out others from beneficiaries of minority rights, largely influencing also the individuals’ personal perceptions of belonging to a minority (Wimmer, 2008). Under international law there is not necessarily a need to define ‘minority.’ On the one hand, governments prefer to reserve their right to do so in national legislation; on the other hand, since minority rights are deeply entrenched in the universal protection of human rights, the free choice of identity fits well into the individualistic approach of international human rights regimes (Vizi, 2013).

Indeed, it has been argued that ethno-cultural minority groups are voluntary associations (Packer, 1995, 1999), and it is a fact that human rights instruments aimed at protecting ethno-cultural groups, such as the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Art. 3(2), and the European Framework Convention for the Protection of National Minorities, Art. 3(1), provision that belonging to a minority is a free choice. This is to a great extent an ideal provision, and it could be argued that it does not allow for the innate bonds that many cultures foster. Such native and often unconditional attachments may not be easily subjected to the will of the individual, as has been intensely debated by Chandran Kukathas (1991, 1995, 1997) and Will Kymlicka (1994). Finally, it could be argued that each case is unique. The characteristics and contexts vary from minority to minority and from country to country, often influenced by historical events and outcomes. Thus, the social and political sciences operate with *analytical* definitions; that is, working definitions that have the sole purpose of analysing a phenomenon, while legal experts often prefer to work with the premise that a minority is a matter of fact, not law.

⁶ In 2006 the Sub-Commission was replaced with the **Advisory Committee**.

Furthermore, for analytical purposes, the field of minority studies applies a dichotomy system of two categories of ethno-cultural minority groups in Europe: the so-called ‘old’ and ‘new’ ethno-cultural groups. Old ethno-cultural groups refer to minorities who have traditionally been numerically a minority for many years or centuries and who resided in the same homeland for generations, whereas new minorities indicate a group which has been present in a territory for a shorter period, usually after voluntary immigration. These vague rules are, of course, only guidelines, because one could ask: what constitutes many years versus a few and when is immigration voluntary and involuntary? These questions will always invite arbitrary responses. This is why scholars prefer to argue that the question of a definition is unique to each case, each country, each political system. Notwithstanding this, there are social scientists who have volunteered definitions over the years (Macartney, 1934; Claude, 1955; Laponce, 1960; Modeen, 1969; Jackson Preece, 1998), and they have all combined objective and subjective criteria. Therefore, a *Handbook* on minority politics would need to combine objective and subjective criteria in order to produce good analysis.

PLAN OF THE *HANDBOOK*

Apart from the Introduction, this *Research Handbook* consists of five different parts each focusing on specific areas of minority politics that we have found relevant. Parts I and II combine legal analyses and an institutional approach, whereas parts III–V are policy- and non-policy oriented. Each part discusses the directions that EU institutions and policies have taken with regard to minority politics with a view to providing evidence for a political pattern.

Part I, ‘The politics of the *acquis communautaire*,’ addresses the legal framework that underpins the institutionalization of the EU and thus the norms and standards that can support minority rights protection. This is the process of constructing the so-called *acquis communautaire*, or the accumulated legislation, legal acts and court decisions that constitute the body of EU law. The ‘constitutional’ frame, so to say, is a logical point of departure to begin the investigation of emerging patterns of minority politics in the EU. In Chapter 2, Rainer Hofmann and Moritz Malkmus provide an overview of the developments in primary EU law and the European Treaties, arguing that decisive changes occurred that potentially paved the way for a more minority-sensitive policy. However, they must conclude that only with the adoption of the Lisbon Treaty in 2007 did the EU member states break the silence of the treaties and include a reference to minority protection – a reference that, however, opened many questions as to its interpretation and eventual application. According to Hofmann and Malkmus, the EU legal framework therefore ‘remains rudimentary, highly open to interpretation and in many respects it hardly goes beyond the mere prohibition of discrimination’ (this volume: XX).

Prohibition of discrimination has been the main approach to minority rights protection within the EU. In Chapter 3, Kyriaki Topidi takes a close look at the scope of the EU anti-discrimination scheme with a view to assessing its relevance with regard to ethno-cultural minority groups. She explains that the ‘EU institutions have generally produced a considerable body of policies focusing on the reduction of socio-economic exclusion, including among minorities, but also as connected to ethnic discrimination’ (this volume: XX). However, she argues that the EU needs a ‘coherent approach’ towards protecting minority rights in parallel with the strengthening of the anti-discrimination tools (this volume: XX). One problem that she sees is that the EU relies on procedure rather than substantial fundamental rights. This will

not achieve the goal of inclusion, which is one of the EU's main goals in this area, because in some fragmented societies inclusion is not achievable through procedure alone. Moreover, Topidi is sceptical of the soft law policies, as they do not provide the horizontal mainstreaming that is needed. Thus, in the absence of a comprehensive legal framework, constant monitoring is needed.

The question of third-country nationals, or non-EU citizens, is addressed in detail by Roberta Medda-Windischer and Katharina Crepaz in Chapter 4. They agree that although the EU has developed measures to ensure protection against discrimination with regard to non-EU persons, reaching 'consensus on the right to identity and on the right to participation seems to be much more difficult, especially if such an approach is to include also "new" non-EU minorities' (this volume: XX). Basically, they argue that there are 'considerable discrepancies between the rights and protection mechanisms available to minority populations who are EU citizens and those who do not hold EU citizenship' (this volume: XX).

In Chapter 5, Kristin Henrard sees a positive trend in so far as the Court of Justice (of the EU) has been more active on referring to the prohibition of discrimination and human rights in its jurisprudence. This, she argues, has also had positive impact on the protection of minority rights. However, the Court does not seem to be willing to go beyond the need to protect the fundamental rights enshrined in the four freedoms and thus is not seen as providing any opening for a broader protection scheme of minority rights. Since the Court is the ultimate voice that could expand the scope of application of minority rights in EU law, Henrard's analysis seems to support the argument that the EU has resorted to a proxy model with regard to minority rights.

Norbert Tóth rounds out Part I with an examination of this proxy model and how norms of international minority rights law affect and influence EU law. In Chapter 6, he makes it clear that it is a one-way relationship, as EU law does not have the ability to influence international law. In fact, EU law must respect norms and standards enshrined in international law. This means, according to Tóth, that EU policy-makers should take into consideration existing minority rights law both in terms of the protection of discrimination and the special rights that international law has provisioned in several international conventions. However, Tóth concedes that not all EU member states are accepting international law on minority rights. For instance, France has made a reservation to Article 27 of the UN International Covenant on Civil and Political Rights and remains outside the Council of Europe's two main instruments on minority protection, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. An opening was perhaps made when the EU referred to minority rights in its enlargement policies. Yet, until the day that all EU member states are party to the international conventions, the EU cannot make minority rights protection an internal policy.

To complement the analyses on the legal competences, or lack thereof, with regard to the protection of minority rights, Part II, 'The politics of decision-making and policy-making,' examines the decision-making within the EU institutions and the attempts made at policy-making with regard to minority rights and more broadly minority issues. In Chapter 7, Noémi Nagy and Balázs Vizi examine the actions by the EP, the Council and the European Council. Their extensive review of initiatives and resolutions on minority rights taken by the EP shows that many Members of the EP (MEPs) have had 'a genuine and lasting commitment to minority rights' (this volume: XX). While at times unrealistic, the EP and especially its sub-committee on minorities, the Intergroup, has evidenced that minority rights are 'a value

worth cherishing' (this volume: XX). However, Nagy and Vizi are much more critical of the other decision-making institutions. The European Council and the Council have only taken minority issues seriously when policies on enlargement were debated and adopted. Relegating the protection of minority rights to the external level is not tenable and 'cannot replace the development of an own protection system by the EU' they argue (this volume: XX).

In Chapter 8, Tawhida Ahmed examines the EC's initiatives and influence on minority politics. She specifically emphasizes the EC's powers to initiate legislation and thus, within the confines of EU treaty competences, to shape EU action towards minority rights protection. According to Ahmed, the EC has the option to take an 'expansive approach,' which entails three ways that it could maximize its legal powers: by focusing on the 'full spectrum of minority rights where permitted,' by 'engaging in minority rights as broadly as legal powers allow' and by 'applying these consistently across case studies and states' (this volume: XX). However, Ahmed eventually concludes that the EC has not maximized on its powers. While it does occasionally engage with minority rights, Ahmed argues that 'the "quantity" is low compared to the possibilities presented by the legal powers' (this volume: XX), and when it does act, 'the actions also are not "quality" acts of effective engagement' (this volume: XX). Given that the EU has included the respect for minority rights as a core value for the Union, the EC's reluctance to act might, according to Ahmed, be regarded as particularly problematic and could be perceived as 'a voluntary unwillingness by the Commission to support minority-related issues' (this volume: XX). Ahmed's analysis seems to document that there are overt attempts to depoliticize minority politics in the EU.

Ironically, the EC was much more willing to support the protection of minority rights in its external policies. In Chapter 9, Tove H. Malloy argues that the EU's enlargement policy initiated in 1993 in Copenhagen finally broke the negative pattern, as it put minority politics at the top of the agenda. However, the conditionality policy approach through the so-called Copenhagen Criteria was aimed only at the applicant countries, and this was soon criticized by scholars and observers alike. Moreover, as it became clear that the standards underpinning conditionality were not EU standards but international law standards, criticism became even fiercer. And when countries like Estonia and Latvia eventually were approved for membership by 2004 without having met all the conditions, scholars gave the EU a thumbs down. As the EU made conditionality firmer in the following enlargement policies, and the European Council took back some powers from the EC, resulting a rise in bilateral disputes between existing member states and candidate countries as well as splits among member states, there seemed to be little basis for the seeing a positive pattern.

The criticism of enlargement policies only amplified the earlier criticism of the 1980s regarding the level of democracy in the decision-making processes. In Chapter 10, Petra Láncoš rounds out Part II by addressing the efforts by the EU to counter the criticism of the democratic governance of the Union. Being reproached for the so-called 'democratic deficit,' the EU initiated a stream of policies aimed at democratizing the Union and bringing the citizens closer to the decision-making processes. With regard to ethno-cultural minority groups, these processes eventually led to the amendment to Article 2 on the values of the EU with the reference to the respect for minority rights. However, due to the vague and ambiguous reference, Láncoš looks to the institutional level for alternative evidence of how the EU might have included ethno-cultural minorities in the democratic processes. She examines sub-committees in the EP, the Committee of the Regions and the Open Method of Co-ordination as well as the European Citizens' Initiative, only to conclude that minority stakeholder engagement in these

bodies needs to be more visible. The EU's openness to diversity and willingness to accommodate diversity as expounded in its motto 'United in Diversity' does not seem an honest pledge, at least not with regard to ethno-cultural minorities.

Part III, 'The politics of diversity,' therefore puts diversity in focus. In Chapter 11, José Ramón Intxaurbe Vitorica and Eduardo J. Ruiz Vieitez start the investigation by examining how language policies are managed within the EU, both at the regulatory level and at the institutional level, through the implementation of specific initiatives and programmes that affect minority languages. Aside from the 27 official languages in the EU, many minority languages are used every day in the member states. However, there are few direct regulations on linguistic matters. This, Vitorica and Vieitez argue, may stem from the fact that the EU defends the promotion of diversity while seeking elements of cohesion and integration. The inter-state character of the EU emphasizing state languages takes priority over the reality of linguistic diversity in most of the member states. The notion of 'linguistic justice' for minority and unofficial languages, they argue, is thus not respected in the EU.

Miklós Király is also concerned about the tensions between integration and diversity. In Chapter 12, he argues that diversity and culture are two notions that are closely intertwined in European society. Through an examination of the EU's approaches to diversity in its cultural policies and by mapping the relevant policies and actions in the area of culture and cultural heritage, Király shows that the EU's aim at creating a common European identity and cultural heritage takes priority over promoting and protecting regional diversity and particularity. This has ramifications, Király argues, in that not only may it alienate ethno-cultural minority groups and other social groups, it may also disrupt the aims of the EU treaties. Although recent policies have sought to address the tension between the local spheres of culture and the aim of integration, Király is not convinced that they will satisfy ethno-cultural minority groups.

In the last chapter of Part III on diversity, Chapter 13, Melanie Ram examines various EU initiatives and actions on Roma integration efforts. This is one area of ethno-cultural diversity where the EU has endeavoured to use its competences on the prohibition of discrimination. As the right to free movement within the EU became available to the new member states, the issue of Roma migrating to the old member states for seasonal jobs hit the top of the EU's agenda for a short period. These migrants were not welcomed in the old member states. Thus, a strategy for Roma integration was adopted in 2011 requiring all member states to design and implement national action plans for the integration of Roma minority groups. However, according to Ram, the strategy was criticized by activists, and by 2018 a self-evaluation by the Commission admitted that the strategy had not had the desired impact. Scholars and analysts had criticized the strategy from the beginning for not having enough leverage over national governments because it was non-binding. Indeed, some scholars argued that the strategy had the adverse result of stigmatizing Roma communities. Thus, Ram shows very well in her analysis that rather than achieving respect for Roma and their participation in accessing their own rights, the EU had again managed to side-line an important aspect of European diversity.

In Part IV, 'The politics of cohesion,' the focus is on one of the strongest objectives of the EU, the need to integrate the member states as cohesive populaces and as a united territory of states. The dynamics of integration on the one hand, and diversity on the other, is arguably one of the aspects that contribute to whether minority politics can have a space in the EU. The aim of the so-called Cohesion Policy influences the way in which minority issues can be addressed. A major aspect of this is the regional focus on regions and border regions. Tamara Hoch starts this discussion in Chapter 14 with her examination of the Regional Policy. The

Regional Policy provides for a decentralized mode of governance, encouraging new governance approaches and implementation through soft mechanisms. According to Hoch, this development enables ethno-cultural minorities to access policies through new channels without necessarily being beneficiaries of such policies. As such, regional policies cannot advance the protection of minority rights, but they can contribute to the preservation and promotion of minority cultures and languages as well as increasing their participation in regional development. However, accessing policies and funding depend entirely on the agency and actions of ethno-cultural minority groups. If they are not pro-active, they will likely not benefit from the policies fleshed out in the name of cohesion.

One aspect of cohesion is debordering, or the aim of opening borders by eliminating all internal borders to the free movement of persons, goods and services. In Chapter 15, Alice Engl provides a comprehensive overview of EU-related debordering processes in minority contexts, focusing on sub-state cross-border co-operation and kin-state activism as the two main venues of debordering. She discusses the limits and the potential of the EU in these processes, including political backlashes, such as the Covid-19 pandemic, which pushed border region networks and institutions to step up their calls for the EU to normatively acknowledge the political role of border regions and their co-operation. Engl outlines the main characteristics as well as current problems and limits of cross-border co-operation and kin-state activism and provides empirical examples from European borderlands. By doing so, she illustrates a dynamic practice on the ground that contrasts with a rather narrow normative framework at the EU level. This leads her to conclude that the EU's basic principles of cross-border co-operation could well be augmented with an agenda on ethno-cultural minority issues.

Cohesion is also at the forefront of the discussion provided by Maria Ackrén in Chapter 16. She examines how the EU can promote cohesion within member states that have special and autonomous territories situated at great distances from the European Continent. Unity within such states is needed to promote cohesion of the EU in general but also to secure the protection of the rights of EU citizens living far away. Focusing on mostly former colonies, Ackrén discusses the functioning of the status of the Overseas Countries and Territories (OCTs) and the so-called 'outermost regions.' All are integrated to varies extent within the respective member states and many have distinct indigenous cultures different from the metropolitan state. They do not, however, enjoy protection as ethno-cultural minority groups under the European minority regime of the Council of Europe and the OSCE, but they can call upon the UN for protection and recognition. Some of these regions have special arrangements with the EU, and their metropolitan state may have negotiated a protocol specifically for these regions, thus, according to Ackrén, creating *lex specialis* in regard to EU law. However, not all of these regions are in fact members of the EU, and thus represent potential challenges to the integration and cohesion of the EU. As Ackrén concludes, there is little research on these territories' individual relations to the EU. Their role in the dynamics of minority politics in the EU, and more broadly in the integration politics, remains under-explored.

Part IV's focus on integration and cohesion is rounded out by a discussion of another aspect of special territories within EU member states. Territories with special or autonomous status situated contiguously within member states have in the past represented enduring security threats to the EU's aim of peace and security in the European continent. This is because they were in conflict with their parent state over territory or with other ethno-cultural groups within a regional territory. Today, most such disputes have been normalized mainly through the inaction of the EU. However, induced by the tensions between cohesion and regional

development policies as well as undemocratic government policies during the financial and economic crises in 2008, a few autonomous regions represent a renewed threat to the EU's aim of cohesion. In Chapter 17, Tove H. Malloy discusses the non-policy of the EU in regard to disputes involving regional ethno-cultural identities and their central governments. The separatist movements in Scotland and Catalonia have tried to push EU minority politics towards new horizons of recognition within the legal and political framework of the EU, but to no avail. Due to these disputes, threats of secession have emerged. However, since these regions do not wish to leave the EU due to secession from the parent member state, claims for an internal enlargement policy have emerged. This has never been entertained as a potential solution by the EU institutions, and as Malloy argues, 'remains a theoretical concept on the drawing board' of international law and EU law experts (this volume: XX). As several of the observers and experts conclude, the notion of internal enlargement will not stand a chance in the Council, which is bound by neutrality on matters pertaining to individual member states' territorial integrity. Malloy concludes that while this is still a non-policy area in the EU and thus mainly an academic debate, it is a new reality that challenges the cohesion of the Union, and thus the debate will continue.

Part V, 'The politics of external action,' is devoted to the EU's external policies and action with a view to assessing the role of minority politics in this area. In Chapter 18, Maria Dicosola examines the status of the enlargement policy for the Balkans as amended and perhaps improved. This is a region that has taken a long time to prepare for integration into the EU for various reasons, a major one being the multi-cultural and multi-ethnic character of the applicant states. The prolonged enlargement process has produced a different scenario than earlier enlargements, thus allowing for the EU to tighten the approval process and put applicant states under greater scrutiny. According to Dicosola, the Balkan region provides a unique example of the weakness of EU conditionality in the field of minority rights, mainly due to the ongoing process of nation-building and the resulting weak democratization outcomes. Dicosola suggests, therefore, that the EU's approach towards the Balkan states should be reconsidered at all levels in order to enable a 'shift from the logic of the implementation of external standards to that of the genuine development of internal democratic values' (this volume: XX).

In Chapter 19, Graham Donnelly and Federica Prina examine another aspect of the EU's external policy and action, the influence of minority politics on the policies of the Eastern Neighbourhood Programme (ENP). Policies for the so-called 'near abroad' do not follow the enlargement conditionality criteria and only indirectly refer to the protection of minority rights, but nonetheless all the countries offered partnerships under this programme have considerable population groups belonging to ethno-cultural minority groups. Donnelly and Prina show how the EC approaches the issue of minorities in the programming of projects through the provisioning and funding of the promotion and development of minority rights protection. However, this support has been selective and differentiated, and they question the extent to which the protection of minority rights can be described as forming part of the EU's normative agenda for the ENP. Indeed, they see the EU relying largely on international organizations like the Council of Europe for taking on these matters. Only when the security of the ENP region is threatened will the EU refer to the protection of minority rights, as in the case of the illegal annexation of Crimea.

The final chapter of this section focuses on the role of minority politics in the EU's global development policies. In Chapter 20, Laia Pau Romaní and Joshua Castellino examine the various development programmes and the evolution of these in terms of incorporating human

and minority rights. They reflect on how human and minority rights have come into play in the external actions of the EU, most notably through the human rights action plans, and the fact that the EU's External Action Service addresses minority rights protection in its annual reports on human rights. They argue that there is now a clear strategic geographic focus emerging with cross-cutting priorities on migration, peace, security, Sustainable Development Goals and gender equality. Indeed, the EU is endeavouring to deepen its commitments to the UN 2030 Agenda, the Paris Climate Agreement and other global strategies. Specifically, with regard to minority rights protection, Romani and Castellino highlight the EU's prioritization of minority rights in its funding streams and calls for action. They also note that the European Development Fund, one of the largest funding schemes of the EU, refers to minority rights protection as a cross-cutting issue. However, it does not seem to feature minority rights as one of its priorities. Romani and Castellino also note that certain trade programmes do not address human or minority rights, and they raise an alarm regarding the streamlining of programmes foreseen for the next budget cycle. The merger of a number of funding schemes and programmes appears to challenge the future mainstreaming of human and minority rights in the EU's global development efforts.

As the authors of the contributions to this *Research Handbook* have documented, 'challenging' seems a general but mild characterization of the dynamics of the EU's task in the area of minority politics. Words and phrases like 'rudimentary,' 'lack of coherence,' 'discrepancies,' 'missed opportunities,' 'relegating minority rights,' 'low quantity,' 'lack of quality,' 'reluctance,' 'negative pattern,' 'thumbs down,' 'vague and ambiguous,' 'lack of priority,' 'tension,' 'alienation,' 'lack of leverage,' 'political backlashes,' 'under-explored,' 'depoliticization,' 'non-policy,' 'weakness of conditionality' and 'selective differentiation' are evidence that authors are concerned with the empirical facts that they have found. Of course, there are also positive developments, and authors do point out that there is room for manoeuvre, especially if the Commission would open up to new opportunities and follow the Court's suggestions. The many political initiatives; scattered commitments to promote cultural, linguistic diversity and combatting discrimination; and the fact that the term 'minority' now appears in primary EU law show the great variety of legal and political sources of an emerging EU minority policy. In its external realm, the EU has formulated more consistently its concerns on the situation of ethno-cultural minorities within the enlargement policy and in its external actions. However, the different policy areas affecting ethno-cultural minorities are but parts of a mosaic picture yet to be collated: the coherent and consistent approach – required in many EP resolutions – is obviously missing.

Thus, this *Research Handbook* has drawn up a trajectory of a moving target, because it is not feasible to predict what may be the final position of minority politics in the EU. The EU is still far from providing protection for ethno-cultural minorities, and minorities are far from having any institutional channel allowing them to participate in the integration project. The often recurrent argument is that the legal framework and institutional architecture of the EU set the limits, and for this reason political will is the key. The contributors to this volume have shown that scholarship based on theorizing as well as empirical data has monitored the EU's actions closely and critically over the years, exposing the weaknesses that should be amended as well as the opportunities that could be seized. This *Research Handbook* does not pretend to provide solutions in this EU policy area, but it is our hope that it may serve as offering an insightful overview of the institutional, policy and normative elements that are relevant for understanding minority politics in the EU.

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