



## **Political Participation of Minorities in the International Arena: Opportunities and Procedures in a European Context**

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### **Abstract**

*From the 1990s a solid legal regime of minority rights protection has developed in international relations. New instruments and new institutions opened new political fora for minority representatives. Through the mechanisms offered by these instruments – to some extent minorities could be seen as becoming actors in international relations. Another important development can be seen in European integration offering new opportunity structures for minorities. This paper offers an overview of the existing international monitoring and consultative mechanisms relevant to minorities. Comparing these institutions with some political opportunities offered by the EU to minorities will reveal that minorities still miss any institutional recognition of their right to participate at international affairs even on issues affecting them.*

*Keywords: minorities, political participation, international minority rights, OSCE, Council of Europe, European integration.*

### **Introduction**

After the end of the Cold War international interest in developing the protection of national or ethnic minorities has significantly grown in Europe. Various instruments have been adopted in the 1990s both within the OSCE and the Council of Europe to address issues related to the special situation of minorities. Raising international concern on minorities was largely motivated by the increasing political role that different minority communities played in Central and Eastern Europe after the collapse of communist regimes (Breuning & Ishyama, 1998). In particular the dissolution of socialist federations

characterised by ethnic conflicts (especially the Soviet Union and Yugoslavia) was seen as an alarming phenomenon. Also the growing importance of political mobilisation along national identities in most of the states in the region put minority issues under spotlight. Political transition to democracy in CEE countries required not only the adoption of new constitutions, but also the definition of political community and cultural identity in these states. As modern nation-states are organised on a territorial and ethno-cultural basis, problems related to the participation of minorities in public life raised important questions on the role of the state and its relation to the political community. These developments at domestic and international level offered new opportunities for the participation of minorities in public life as well. In this approach there are two interesting developments: the evolution of international minority rights instruments and the process of European integration. On one hand, involving minorities in different international monitoring and reporting mechanisms on minority rights has gained solid ground, creating a direct political communication channel for minorities to international institutions. On the other hand, specific EU policies and structures can be seen as offering new opportunities for political participation for minorities.

This article, first takes a look from an institutional perspective, at the various international fora open to some form of minority participation, and then makes an attempt to unveil the new structures for opportunity opened up by European integration for minorities. Overviewing the two developments may help to understand better the political particularities of the situation of minorities within the EU.

### **Minorities and International Relations**

The discussion about minority issues at an international level primarily concerns the situation of minority rights, firmly anchored in the universal and individualist human rights regime. Gáspár Bíró can be seen among the first scholars who addressed the question of minorities as *actors* in international relations. Bíró (2000) in his seminal article on this issue, from the perspective of international relations theories, rightly pointed out the discrepancy between the widening opportunities for minorities to act as political actors in international relations and the severe suspicion they are facing from their governments when they do so. Already the fact that minorities formulate open political claims in domestic affairs, poses a conundrum for states. People

belonging to national or ethnic, religious and linguistic minorities usually have their own ideas about the state, about their role in that state, and on their relations with the majority. These ideas in most modern nation-states are hardly reflected in the political credo of the majority. As Bíró (2000) argued

[t]he question of minorities generally becomes an issue when groups numerically inferior within a state, claim rights that are politically sensitive to grant. [...] Groups asserting themselves politically along irreducible (non-negotiable) claims do, in certain conditions, threaten the stability, and in extreme cases, the very existence of that political community. Such irreducible claims or principles could be based upon race, ethnicity, and/or religion, national identity. (p. 298)

Such claims lead to conflict when “at least one of the concerned actors concludes that he is threatened by other actors acting within the same political realm.” (Bíró, 2000, *ibid.*) Therefore, minorities shall not only claim the right to “have a say” – the basis of political participation in democracies – in political affairs, but they may require having a “control” over issues affecting them directly. This inevitably leads to insecurity and fear which have characterised many societies in the CEE countries since the early 1990s. Bíró revealed the close links between the changing political pattern in the region and the strengthening international discourse on minority rights. It is widely acknowledged that before 1989 minority issues were mostly considered to be part of the internal affairs of states. In the UN system minority rights were developed within the context of individual human rights. Besides the prohibition of discrimination, the recognition of the right to “national or ethnic, religious and linguistic minority” identity was the main pillar of the UN approach. The new initiatives after 1990 within the OSCE and the Council of Europe offered a broader recognition of specific minority rights. Even though new international standards on minority rights still remained rather vague and evasive, even the term “minority” was left without definition. Bíró put forward an important argument for the emergence of minority groups as actors in international relations: the new international instruments on minority rights, together with a more active role played by kin-states opened new perspectives for minorities. As he formulated it:

The rigid rejection of any collective dimension of international minority protection efforts has had a strange effect on the relationship between

persons belonging to such minorities and international institutions mandated with a protective role...(…) The establishment of direct and high profile channels of communication between persons belonging to national minorities, influential governments and prestigious international institutions through specific instruments and mechanisms has significantly altered the classic perception of the loyalty of citizens towards the state. Complaining about the government to international fora (and, *mutatis mutandis* to foreign governments), or alerting the international public to politically sensitive domestic situations is no longer considered a crime of disloyalty by a significant part of 'international community'. (Bíró, 2000, p. 307)

Nevertheless, international instruments on minority rights have never granted a formal participation for minorities in international affairs. It is clear that international standards on minority rights of participation are generally understood within the domestic structures of states. However political and informal procedures go beyond the restrictive legal approach and minorities may find an increasing number of informal opportunities to articulate their claims at international level.

### **International Standards on Political Participation of Minorities**

International documents on minority rights, like the OSCE Copenhagen Document (1990), the establishment of the OSCE High Commissioner on National Minorities (HCNM) in 1992, or the 1995 CoE Framework Convention for the Protection of National Minorities (FCNM) and the 1992 European Charter for Regional or Minority Languages (ECRML) strengthened at international level the various forms of protecting minority identity (through cultural, linguistic or educational rights). Amongst other widely acknowledged rights, in the 1990s, the right of persons belonging to minorities to participate in public life has also gained a strong legitimacy under international law.

The right of people belonging to minorities to take part in decision-making without any discrimination was recognised as a cornerstone element of minority rights in general (i.e. cultural or linguistic rights, etc.) in line with the individual language of existing human rights standards. The crucial international human rights documents guarantee to all citizens the right to

participate in their country's political life, as Art. 21 of the Universal Declaration of Human Rights formulated

1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2) Everyone has the right of equal access to public service in his country. 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The International Covenant on Civil and Political Rights and the European Convention on Human Rights contain similar provisions. However these commitments recognise only the prohibition of discrimination without any minority-specific dimension.

The specific right to participation in the public life of minorities was formulated in the international documents on minority rights since the 1990s. Looking at the deep concerns of states on this issue, it is not surprising that they use a rather general and cautious language. For example Art. 15. of the FCNM reads as follows: "The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them." Similar provisions are contained in other documents, like in the OSCE Copenhagen Document (para. 35). This provision does not say anything about how such participation should be guaranteed or what are the "necessary conditions for the effective participation".

There are two key documents which may help in interpreting minorities' rights to participation: in 1999 the OSCE HCNM published the Lund Recommendations and the FCNM Advisory Committee also issued a detailed commentary on the question (AC Commentary 2008). It seems to be clear that political rights are essential for the protection and promotion of group interests. This implies that people belonging to minorities should not only have the right to full equality before the law in their political rights without any form of discrimination, but it also sheds light on their special needs in influencing public affairs. Ghai (2010) underlines that the functions of participation "may range from lobbying at one end to making decisions at the other" (p. 615). "Having a voice" in public affairs may be interpreted on a broad scale from presence, and consultative rights, to other forms of weak or strong influence

on public affairs. Both expert documents stress the importance of “effective participation” in public life: i.e. minorities should have more participatory rights than just having the right to express their political opinions openly (either through freedom of speech or via voting rights). Effective participation in public life can be guaranteed by the state in very different forms, such as: special representation in organs of the state (executive, legislative, public service, etc.); electoral systems which ensure adequate representation; institutions for consultation; control or dominance of decision-making processes; participation through sub-national forms of government; participation through autonomy arrangements, etc. It is quite obvious that these forms of participation are interpreted within the domestic realm.

Nevertheless, taking into account the general principles of the political participation of minorities, it can be a legitimate claim that minority representatives ask to be involved in the decisions and discussions on minority rights at international level as well. But states are usually reluctant to grant formal – even consultative – positions for minorities in international institutions. In legal terms only one external dimension of participation rights gained recognition, as Art. 17(2) of the FCNM formulated it: “The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.” To some extent even the role of kin-states in promoting the rights of their kin-minorities was acknowledged, though as the international debate on the issue revealed, serious concerns emerged regarding kin-states’ active support for their kin-minorities in political matters (Venice Commission 2001; Kántor et al., 2006). Still minorities, which can rely on their kin-states may find a strong lobbyist for their cause at an international level.

But the FCNM AC Commentary stresses also the importance of the participation of minorities in the monitoring process of the FCNM and encourages States to consult regularly with minorities in the process. The FCNM Advisory Committee itself promoted various consultative forums with minority representatives within its working procedure. Indeed the establishment of various monitoring and reporting procedures on minority issues appears to be more relevant for minorities at an international level than the legal standards on participation. From the 1990s these institutions started to involve minority representatives informally in assessing the situation of minorities in individual states.

### **Minorities and International Monitoring Mechanisms**

Some outstanding international human rights instruments offer the possibility to submit individual complaints against states for human rights violations. Under the UN system the adoption of the Optional Protocol to the International Covenant on Civil and Political Rights in 1966 also opened the door for individual complaints for persons belonging to minorities (especially concerning violations of Art. 27). In a European context even if the European Convention on Human Rights does not have any specific provision on minority rights, the European Court of Human Rights receives from time to time complaints which affect also the individual's right to minority identity. These procedures however cannot be regarded in any way as offering a channel for minorities to formulate political claims at an international level. Other international instruments introduced a monitoring or reporting mechanism, setting up special expert bodies, which may offer a formal access to information from non-governmental actors as well.

In a European context, the OSCE High Commissioner on National Minorities can be seen as the first international institution which based in its mandate that it could open direct political communication with minority organisations. Even if it was not established as an instrument for monitoring minority rights in OSCE member states, in specific cases it also gained an important role in evaluating state practices on minority rights. The position of the High Commissioner on National Minorities was established as an instrument of conflict-prevention. The mandate of the HCNM was designed to enable her/him to address situations involving national minorities that have the potential to develop international conflicts. As the 1992 Helsinki Document formulated: “[w]ithin the mandate, (...) the High Commissioner will work in confidence and will act independently of *all parties* directly involved in the tensions” (emphasis added). Already from the beginning, Max Van Der Stoel, who held the position first, interpreted this mandate as a diplomatic tool to engage directly and independently with governments and the representatives of minorities alike (see Kemp, 2001). Later, his successors in this position continued this open approach. Governments do not have any exclusive privileges in informing the High Commissioner, and besides information provided by the states, the HCNM relied more and more on information obtained from civil society and minority representatives in evaluating specific situations (Altenhoener & Palermo, 2011) Beyond the direct, country-specific diplomatic missions, the High Commissioners were also active in formulating

and promoting general recommendations on minority rights. These recommendations were elaborated with the assistance of various actors from civil society and academia with the involvement of minority representatives as well (e.g. the OSCE HCNM Hague, 1996; the OSCE HCNM Oslo, 1998; and, the OSCE HCNM Lund, 1999).

During the past 20 years, the FCNM Advisory Committee (AC) has become another important international body of expertise for minorities in Europe. The Advisory Committee has a key role in the monitoring procedure created by the FCNM on regularly evaluating the compliance of state parties with their obligations under the FCNM. The AC requested the Committee of Ministers to gain authorization for seeking information from international organisations, human rights institutions and ombudsmen, as well as from civil society and NGOs, including minority organisations (Kempf, 2013). The AC also gained authorization to meet NGOs outside the context of country visits and this has proven to be instrumental in specific cases. The main task of the AC, as an independent monitoring body, is to prepare its state-specific Opinions on the implementation of the FCNM. In this respect it has been crucial that the AC could rely on information received from non-governmental actors. Minority organisations used the monitoring procedure to prepare alternative reports on the implementation of the FCNM. The AC has considered these “shadow reports” carefully as important sources of information on how minorities and minority representatives see their situation. The Advisory Committee also developed a practice to meet minority organisations during its country visits separately from meeting with government officials. From 2002 the AC took the initiative to organize so-called follow-up seminars with all the relevant stakeholders, including government officials and minority representatives. The idea was to fill in the five year gap between two reporting cycles and to create a forum for assessing AC recommendations with all interested parties. Although not all state parties have welcomed this initiative, the AC developed an open approach towards minority organisations and dialogue with NGOs and other independent institutions which has become an important source of information for its work. Moreover the AC has seen that this approach could strengthen the position of NGOs – including minority organisations – in their dialogue with state authorities as well (Kempf, 2013, p. 263-265).

The role of the Expert Committee in the monitoring procedure of the Language Charter (ECRML) is similar and it adopts the same open approach in gathering information in fulfilling its tasks. The Expert Committee also promotes the closer co-operation between governments and NGOs (including

minority organisations) in the implementation of the ECRML (Working Together, 2004).

As it can be seen, international bodies having competence on minority issues either with the tacit or the open consent of states parties found different channels of communication with minorities. What is common to the above described procedures, is that the way in which such a communication is opened or operated depends on the evolving practice of the international body concerned. It is also clear, that while the interested bodies promote these practices, these remain largely informal – state parties have refrained from offering institutional guarantees for minorities in this regard.

From a more political perspective, within the UN system, the establishment of the Forum on Minority Issues could be seen as a significant development. This body was established by the Human Rights Council in 2007 in order to provide a platform for promoting dialogue and cooperation, as well as thematic contributions and expertise to the work of the Special Rapporteur on minority issues. The Forum was created to identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (HRC, 2007). States, international human rights institutions, academics, experts and NGOs, may consequently participate equally in the work of the Forum, and the direct participation of minorities is an important asset. Each year, the Forum, adopts thematic recommendations during its sessions. The Second Session, held in 2009 dealt with the question of minorities and effective participation in political life, formulating recommendations also to international bodies to support minorities in participating intergovernmental structures dealing with civil society (UN Forum, 2012).

As a conclusion, there seems to have emerged a wide institutional consensus among international bodies working on minority issues on promoting the direct consultations with civil society, and non-governmental actors, including minorities. This extended form of communication in monitoring and diplomatic procedures is also a decisive element in strengthening the respect for international minority rights standards and this may equally underline the growing political role of minorities at an international level.

### **New Opportunities within the European Union**

The European Union was never seen as an appropriate institution to deal with minority issues. But the EU created a *sui generis* institutional and legal structure since its inception and in recent years there has been an increasing interest in research on the effects of European integration in the national minority policy field (among others Ahmed, 2011; De Witte & Horváth, 2008; Shoraka, 2010). What is more, from a political perspective in certain cases minority communities could instrumentalize European Union policies to articulate their interests (Dembinska, 2013). Minority issues emerged both in relation to the internal and external dimensions of European Union integration. After the adoption of the Lisbon Treaty new references appeared to minority rights in primary EU law – Art. 2. of the Treaty on the European Union reads as follows „The Union is founded on the values of (...) respect for human rights, including the rights of persons belonging to minorities.” In the EU’s external relations minority issues raised interest within EU enlargement policy. In a broader context, one part of the discussion focuses on the transformation of state sovereignty, the question of shared sovereignty (Keating, 2004), multi-level governance (Keating, 1998), and in this context what these new developments offer to ethno-regional communities and to “national minority regions” (Malloy, 2005). In this perspective European integration is seen as offering new opportunity structures for minorities to formulate their claims and positions.

From a historical perspective, as an interesting and unique political initiative, it could be mentioned that during the drafting of a European Constitution in 2002-2003 (which was substituted later by the Lisbon Treaty), various initiatives were made in the European Convention on including provisions on the protection of minorities in the treaty (though none of them was adopted). One of the proposals aimed at creating a consultative forum on minority issues within the EU. The members of the Convention could submit individual proposals to the draft EU Constitution. József Szájer, Hungarian MP and delegate to the Convention drafted provisions on creating a new body for minority representation. His argument was based on the new challenges EU faced with the accession of new member states from Central and Eastern Europe: the number of minority groups and the ratio of people belonging to minorities has risen after 2004 within the EU. The proposal submitted to the plenary session of the Convention was to establish a Committee of National and Ethnic Minorities with consultative competencies based on the existing

example of the Committee of Regions (Szájer, 2003). An interesting element of the proposal was that the minority members of the Committee could have been selected by the government of the Member State they were citizens of. Furthermore not only minorities but majority peoples' representatives were expected to get membership in the Committee. Even in this extremely soft and state-friendly formulation the proposal was swiftly rejected by the Convention.

Unlike international legal commitments, within the EU the protection of human rights has just recently appeared in legal instruments. Only following the adoption of the Lisbon Treaty (LTEU, 2012), primary EU law has been containing a solid framework for the safeguard of human rights regarding the implementation of EU law. And the European Union is still far from legally embracing any minority rights protection instrument. Consequently, institutional fora for the political representation of minority claims have not been developed.

Within the EU institutions, the European Parliament can be seen as the only political arena where questions of minorities can be raised and discussed. Within the external relations of the EU, the enlargement process offered some informal channels for minorities living in candidate states to formulate their concerns on their situation to the officials of the European Commission. Since the adoption of the Copenhagen criteria in 1993, among other political criteria, the protection of minorities is also formulated as a precondition of accession to the EU. The European Commission, being in charge of evaluating the progress of candidate states towards accession, also assesses the situation of minorities on an annual basis in its regular progress reports. Even if the primary partners of the Commission are the governments of candidate states, on minority issues it relies strongly on the expertise of the OSCE HCNM and the FCNM AC. Civil society actors, including minority organisations may also try to lobby at the Commission and provide additional information during the drafting of the regular reports. Nevertheless minority interests and minority rights protection is usually overloaded by political concerns in the enlargement process (Sasse, 2008). What seems to be more significant for the political representation of minority issues are those initiatives and informal structures which have developed within EU institutions, and obviously some EU policies directly affecting minority communities.

As it was mentioned above, the European Parliament – since it is elected directly by the citizens – offers an outstanding political forum for minority parties as well: gaining seats in the EP demonstrates the capacity of political mobilisation and the strength of a minority party. A relevant

dimension of European politics are the minority party coalitions and federations. Ethnoregionalist parties gained stronger support during the past decades in various EU member states (De Winter & Türsan, 1998). Even at the European Parliament elections they could better mobilise their electorate. The European Free Alliance (EFA) was established in 1981 to assist co-operation between such regional, minority parties in the European Parliament. But EFA members mostly come from strong constitutional regions, such as Scotland, Catalonia, Wales or Valencia. And there are many minority parties represented in the EP that preferred to join other parliamentary groups, such as the Hungarian parties from Romania or Slovakia which are members of the European Peoples' Party. Furthermore EP election procedures, the limited number of available seats for each member state and the inevitable necessity of a demographic and force of mobilisation are the greatest restraints on minority parties for getting into the EP.

Since 1983, MEPs in the European Parliament who were already interested in promoting minority interests in the EU established an intergroup (Gál et al., 2011). There is a long tradition of unofficial, cross-party groups which serve as a forum within the EP to exchange views and develop policy on specific questions. In the beginning the intergroup focused on the situation of minority and regional languages and submitted various initiatives to promote and support minority languages within the EU. This cultural-linguistic approach changed after the 2004 enlargement, when with the active participation of new MEPs coming from Central and Eastern Europe the topics covered by the intergroup were widened and even its name was changed to reflect this new approach. Following the accession of Central and Eastern European countries, the intergroup has become one of the largest and most active intergroups in the EP. The Intergroup for Traditional Minorities, National Communities and Regional Languages today embraces MEPs from twenty-one member states and is active in promoting minority issues within the EU. It regularly organises meetings with representatives of minorities and issues recommendations and statements on the situation of minorities. Even if the various initiatives presented by the intergroup within the EP are not translated into legislation, the fact that it is able to raise attention on traditional minorities within the EU institutions makes it an important instrument for minorities.

### **Minorities, Autonomy and Regionalism in the EU context**

There is a lot of discussion about the regional, sub-state level perspective of European integration. One important conclusion in this respect is that in the period between 1980 and 2001 none of the EU member states has become more centralized, but many of them have taken steps for a regional decentralization of power (Hooghe & Marks, 2001). Departing from the model of multi-level governance (MLG) – new findings emerged on the interrelationship between a deepening integration under the European Union and the rise of regional, nationalist regional movements and claims (Keating, 2004). The past few years have witnessed a rise of regional independentist political claims – in Spain, Belgium or the United Kingdom – resulting in two important referendum initiatives on the independence of Catalonia and Scotland. An important element of the debate on independence was EU membership which is articulated by independentist campaigners as a positive asset. Even more, Keating (2012) pointed out that national minority movements rarely demand independence from the start; they are much more inclined toward obtaining a form of some kind of extended self-government. According to Keating (2004, 2012) there are close links between “nationality claims and European integration and the ways in which Europe can help by providing a ‘third way’ between national separatism and regional devolution” (Keating, 2004, p. 368). He identifies three levels in this: normative and functional transformation of the state; transformation of nationality movements (towards doctrines of shared sovereignty) and the evolution of a more open political atmosphere in Europe in which such claims can be put forward; and the new opportunity structures Europe opens for minority, nationality movements.

Malloy (2005) in her thorough analysis of the position of national minority regions sees various new opportunities in the EU, as they either form an administrative entity within their state or not. The EU offers a complex structure of opportunities: the Cohesion Policy is aimed at providing financial assistance for socially and economically disadvantaged European regions in order to reduce disparities between the levels of development of the various regions and open up a path for stronger cohesion within the EU. Even if the principle of subsidiarity (Art. 5 (3) TEU) suggests that regional and local authorities should be involved in decision-making, in practice it largely depends on the governments of Member States as to how much influence they give to actors at sub-national levels in the use of EU regional funds. Regional

financial support may first of all help those regions which enjoy a strong and autonomous position in the constitutional structure (Malloy, 2005, p. 20-21). The EU had already started to provide financial support for CEE states during the pre-enlargement period, and the Phare program was modified in 1997-1999 to help candidate states meet accession criteria. The EU has also financed a wide range of different projects, including cross-border co-operation. ISPA (the Pre-Accession Structural Instrument) has been financing transport and environmental projects in the regions, and SAPARD (the Special Accession Programme for Agriculture and Rural Development) has been helping applicant states to develop their capacities for the CAP (the common agricultural policy). While EU policies and aid programs provide new financial resources for sub-state regions and regional development, the decision on the political position of regions remains the exclusive competence of member states. As a result of all these initiatives most of the regional economic resources coming from common EU programs have brought considerable benefit to the politically autonomous regions over the last two decades.

In the political sphere, the creation of the Committee of the Regions (CoR) in the Maastricht Treaty offered a new form of representation for local municipalities and regions alike. The position of the Committee of the Regions has changed substantially over recent years. While at its establishment it was exclusively a formal institution for regional/local representation, since the adoption of the Treaty of Lisbon, in December 2007 the CoR has gained stronger consultative competencies in various policy areas. Already during the elaboration of the Constitution for Europe in 2003-2004, the question of subsidiarity and the reinforcement of the regional dimension within the EU was strongly promoted by the CoR. Besides that, the most powerful autonomous regions formed a Conference of Presidents of the Regions with Legislative Powers (RegLeg) and they exerted pressure on their state representatives to promote a greater role for regions in the new Treaty. As it was observed in this discussion the strong European regions could have considerable influence on the extension of the principle of subsidiarity in the European Convention (Malloy, 2005, p. 18-19). The Treaty of Lisbon was also largely based on the experiences of the failed European Constitution and indeed offered a stronger position for the CoR. Even though, as Malloy (2005, p. 18) underlines: “where sub-state units have autonomy and perhaps self-government rights, their political power is considerably stronger at member state level than at the EU level.” The same goes for other political

representation opportunities, such as opening regional representation offices in Brussels, or para-diplomacy.

Just taking a look at the complex institutional structure of the EU and its various policy instruments mentioned above, reveals that only some regional minorities may benefit from most of these new opportunities. Since the recognition of minorities and minority rights within the EU context is still weak and vague, only those minorities that can find new resources, forms of representation and increase their political influence which is concentrated regionally have achieved any strong constitutional autonomy in their state. This means that in practice the focus is not on actual minorities, but on regional governments and/or autonomous regions. Small minority communities, weakly mobilised minorities, or even significant minority groups without any constitutionally recognised territorial self-government have extremely limited possibilities to extend their political participation at EU-level. Unlike international bodies and their monitoring mechanisms, EU policies and institutions remain largely blind to the specific needs of minorities. Opening new modes of representing minority issues in the European Parliament may be important, but only very few minority communities may benefit from the evolving elements of a multi-level governance model within the EU.

### **Conclusions**

This brief overview of the main institutional structures where minorities can formally articulate their claims reflects the persisting deep division between divergent concepts of minority participation. International monitoring procedures were developed on the grounds of minority rights protection. In this aspect the involvement of minority representatives in the reporting and monitoring procedures is necessarily limited and closely linked to the position of civil society organisations. The focus of the FCNM monitoring mechanism covers exclusively the implementation of the FCNM, based on the underlying principles of the individual rights of persons belonging to minorities. The mandate of the OSCE HCNM also has its legal limits: even if the HCNM enjoys relative freedom in addressing problematic situations involving minorities, examining the situation of minority rights *per se* is beyond her mandate. Thus in specific situations minorities can act as crucial partners for the High Commissioner in conflict-prevention, but its procedure will not provide a general forum for the representation of minority interests. International law on minority rights – despite the changing institutional

landscape and the more extended monitoring procedures – remains deeply embedded in the principles and mechanisms of the universal protection of human rights. Despite the particular political features of minority communities, states remain reluctant in institutionalising the participation of minorities at an international level even on issues directly affecting them.

From an EU perspective it seems to be clear that European integration has not reached out to the legal recognition of specific minority rights. Institutional opportunities (mainly within the EP) and policy opportunities available to minority communities are casual and are not designed to promote the participation of minorities. There seems to remain an unbridgeable gap between the recognition of a regional level of governance within the EU – eventually offering also opportunities for national minority regions – and the recognition of minorities as political communities. Even the terminology applied to minorities in EU institutions is chaotic: traditional minorities, linguistic communities or immigrants are often mentioned alternatively in political discussions on the issue (Gál, 2011; FRA, 2011). Thus while European integration may be useful for some minorities it does not alter the primacy of international minority rights instruments in opening a door to the international arena for minorities.

In sum, Bíró's findings on the political role of minorities in international relations remain relevant today, and may offer a suitable interpretative framework for regional minority communities in the EU as well. Nevertheless during the past fifteen years the gap has not narrowed between the effective roles that minorities may play in specific situations and the institutional recognition of their specific needs at an international level.

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