

Minority Rights and Minority Protection in Europe*By Timofey Agarin and Karl Cordell*

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In recent years, the “European project” has experienced considerable headwind (Hussain, 2017). In 1992 the members of the European Community signed the Treaty on European Union in the Dutch city of Maastricht. As stated in the first sentence of the preamble, the undersigned parties “resolved to mark a new stage in the process of European integration undertaken with the establishment of the European Communities” (EUR-Lex, 1992). The question of what the final stage of European integration would look like was, however, left open. Up until that point, the tacit shared consensus had been that the European Union was heading toward establishing some kinds of European citizenship, in order to foster peace and stability in Europe, whether this citizenship would be based on the concept of a United States of Europe, a Federal Union, or any other integrated system of government.

It is often stated that having started the process of the EU's eastward enlargement, and having agreed on the accession of 11 post-communist states from Eastern and Central Europe (in 2004, 2007, and 2013), the “old” member states, intentionally or unintentionally, moved away from the idea of striving for a political union (Eder and Spohn, 2005). Euroscepticism and tendencies of re-nationalization (Köllen, 2012) are increasingly noticeable, even in these “old” member states, exemplified by the UK's planned withdrawal from the European Union (Brexit), or the rise of nationalist and anti-European parties setting agendas in France, Italy, the Netherlands, Austria, and Finland, amongst others. However, the unwillingness of ceding national sovereignty to “Brussels” in the post-communist states is different in its shape and its intensity. A crucial field where the underlying differences in framing national identities, citizenship, statehood, and belonging is expressed, is the state's way of dealing with ethnic or national minorities living on their national territory.

With their book *Minority Rights and Minority Protection in Europe*, the editors Timofey Agarin and Karl Cordell offer a new perspective on understanding the differences between the “new” and the “old” member states. Their work paves the way for a new research stream on understanding the reluctance of post-communist member states to adhere to the European minority rights regime. This question is embedded in the more general issue of understanding the “concern by the resident majorities about their privileged access to services and institutions of the state which they ‘own’, including their right to veto decisions, taking away their advantageous, if not outright privileged, position in the domestic decision-making process” (p. 153).

The issues addressed in Agarin and Cordell's book are not only highly topical with regard to the ongoing practices of undermining and diluting the “Brussels consensus,” in terms of minority rights in the new member states of the EU. Rather, the book's topicality



derives also from the soaring number of refugees arriving in the European Union since 2015, mainly from Syria, but also from Afghanistan, Iraq, and the Maghreb. Although most of these refugees seek to reach Germany or Sweden, they have to travel across post-communist countries. There are also many “old” EU member states taking an unwelcoming stance toward these refugees, but the public hostility toward the arriving refugees in many post-communist states, as well as the sharp reactions and rhetoric of the political elites in these countries, have been in great contrast to the reactions in the “old” member states. “Without exceptions, the governments of all post-communist EU member states, regardless of ideological hue have expressed deep reservations about hosting refugees [... partially explaining that they want to ...] ‘preserve the essential character of Europe’” (p. 177). As the authors put it, the difference in responding to the migrants “corresponds to the pre-1989 political configuration of the continent” (p. 7). In the post-communist EU member states, multiculturalism and inward-migration seem to be seen more as a threat to the country’s national sovereignty and cultural distinctiveness, and the authors point to the curious situation that “certain governments and their supporters regard the right of their citizens to migrate as sacrosanct. Yet they simultaneously proclaim that their countries are not countries of immigration and as such should not be perceived as destinations for immigrants” (p. 179). It will be interesting to see how far this shapes the position of these post-communist countries in the exit negotiations with the UK, as this country was and is one of the main targets for emigrants from these countries.

Besides an introduction and a conclusion section the book contains seven chapters.

Chapter 1: the workings of the international regime

The authors introduce the European minority rights regime as a set of norms, for example, in the shape of the “Framework convention for the protection of national minorities,” as the crucial reference point for the Copenhagen Criteria, which new member states have to fulfill in order to be eligible for EU accession. International organizations, nation-states, and domestic political actors are presented as distinct levels of analysis, along with the importance of understanding their diverging motives and modes of interacting with each other, in order to comprehend policy innovations. Emphasis is placed on the bottom-up impact domestic institutional dynamics have on the development and shape of the standards and norms of minority rights protection in Europe.

Chapter 2: nation-state building in the transition from communism

The second chapter demonstrates that, when dealing with the post-communist applicant states during the period of its eastward enlargement, the EU had a clear focus on the majority communities of the respective states, which more or less defined the state they were living in as “their” state. In doing so, the EU confirmed the widely held view in these states of “ethnicity” being a crucial category for political mobilization, recognition of claims, and participation within national settings, a view held by both minority and majority groups. The chapter makes clear that international organizations, nation-states, and domestic political actors contributed alike to the institutionalization of ethnic identities as the crucial anchor point around which nation-states were established, and around which minority protection is then organized in these majority “owned” nation-states.

Chapter 3: European nation-states and minority representation

The third chapter outlines why, in terms of shaping the European minority rights regime, the states are more powerful than the international organization. It explains how domestic institutional environments have yielded best practices for minority protection, which were then incorporated into the European minority rights regime as blueprints for other member

states for dealing with their minorities. The authors argue that “states’ desire for recognition plays a significant role in politics at all levels, and this has implications for how states interact with one another, with their own citizens, and with citizens of other states” (p. 77). This desire for permanently experiencing a validation, verification and, thus, stabilization and production of a distinct ethnic identity and/or national identity can be seen as a crucial mainspring and mobilizing factor for political action, for both majority and minority groups. While this mobilizing power might dissipate for majority groups once they have achieved their goal of establishing a nation-state for the majority, the power remains for mobilizing minority groups.

Chapter 4: extolling minority rights and implementing policies

Starting in 1944 Eastern Europe experienced an unprecedented wave of forced migration, especially from Germans having to leave former German territory now being annexed by Poland and Russia, but also forced migration from Poles, Slovaks, Bulgarians, Romanians, Ukrainians, Lithuanians, and Hungarians who also had to leave their ancestral homes. This forced migration and other “population exchanges” throughout Eastern Europe were guided by the idea of territorially bound, more or less homogeneous, ethnic nations, and the assumption that different ethnicities living together creates conflicts. This assumption seemed to be confirmed by the outbreak of ethnic violence within the territory of the former Yugoslavia. However, while within the “old” EU member states, several experiments with different approaches to multiculturalism were carried out, the new member states erected their nation-states on the basic assumption that the nation has to serve primarily the needs of the majority ethnicity. The authors conclude that the EU accession of the new member states has “allowed the re-establishment of democratic governance in nation-states as serving primarily their majority in order to guarantee the stability of the overall intergovernmental system of the Union” (p. 101). In each nation it is the majority that can also shape the way of dealing with minority issues within an only roughly given framework. The idea that states primarily belong to their titular majority group and should primarily serve this group’s needs is a basic assumption that is spreading ever more widely within the old member states.

Chapter 5: excluding Roma from the scope of minority policy

In this chapter, the authors discuss the case of the habitual exclusion of Roma from political participation and economic and social resources, a phenomenon which is noticeable throughout the whole of Europe. Several European institutions refer to Roma (or Romani) as “the most disadvantaged ethnic group in Europe” (p. 112), and numerous initiatives and campaigns have been launched to confront this issue, with conspicuously little success. The authors argue that the persistent marginalizing of Romani people all over Europe is mainly due to them not having a kin-state or a national territory where they are in the majority. Therefore, they fall through the cracks of the European minority rights regime, since no EU member state is under a compulsion to support Romani people or to accommodate them. Roma are still heavily stigmatized, especially in those nations where they represent larger shares of the population. Against this backdrop, it is remarkable that in 2017’s Eurovision song contest, for the first time ever a Roma was elected to represent Hungary, in the shape of Joci Pápai; and a Roma who sings about oppressed minorities.

Chapter 6: policies for minority settlement beyond state-bounded territories

This chapter explores the impact of domestic politics of kin-states on those countries where larger groups of their non-resident citizens live; conversely, it also explores the impact of extraterritorial policies of these countries on their citizens. Many states feel responsible, or

want to feel responsible, for their nationals abroad, an issue that can become the trigger for inter-state conflicts. The authors discuss important facets and examples of these issues, including the widespread practice of extraterritorial naturalization, i.e. granting citizenship to other nationals outside the country. Their discussion leads the authors to the very interesting finding that “the constructed nature of national communities is a widely accepted view across post-communist Central and Eastern Europe. However, a detailed reading of policies on extraterritorial citizenship allows us to conclude that domestic majorities happily concede the artificiality of others’ nations while defending the perennial character of their own” (p. 149). This is especially remarkable in the light of the sharpening political rhetoric of, for example, the Polish, Russian, and Turkish Governments, in terms of their citizens abroad in recent times.

Chapter 7: minority rights for migrant communities

This chapter examines the minority rights regime with regard to those migrants, who come from outside the EU. For many post-communist states, inward-migration is a new experience, and one which often causes strong reactions, from both political elites and the general public. Discussing this topic within the context of the European minority rights regime, the authors conclude that many post-communist states have developed and adapted the skill of “talking the talk without walking the walk of minority protection” (p. 9). The concluding chapter connects the findings of the book with recent political debates and developments.

Both authors have an academic background in politics, and it would seem that for readers from this discipline, the title of the book does indeed match its content. However, since the book addresses a very topical issue in a very profound, reflective and innovative way, the potential audience for the book is much broader than merely those concerned with politics. Diversity researchers with a background in business, sociology, or psychology might be surprised that a book on minority rights and minority protection addresses exclusively ethnic and/or national minorities. As an aside, the authors mention within the book that there are also religious or sexual minorities, but this does not lead them to questioning the monopolization of minority statuses by ethnicities. Related to the concept of ethnicities, another issue can be raised, at least from a constructivist perspective on diversity. While the concept of nations and nationalities is presented as a more fluid one, the authors tend to essentialize the concept of ethnicities. Ethnicities here are rarely described as something that has to be permanently reaffirmed, in order to make sense and to confirm its distinctive essence. Although this would exceed the scope of this book, focusing on the everyday discursive production of ethnicities would provide an interesting perspective for analyzing the rhetoric of the political elites, in terms of keeping their ethnic corpus “clean”.

The book is of interest to a very broad audience. It is a must-have for every scholar who is preoccupied with the diffusion and evolution of European standards in general, or, more specifically, with the evolution of minority rights regimes. The book provides a detailed overview of the recent discourse in this field, and it significantly contributes to this discourse by adding new perspectives to it. This makes the book relevant for a broader audience in the field of political science. Furthermore, this book is a source of inspiration for diversity scholars of manifold disciplines. It provides the reader with in-depth insights about the interrelation of the concepts of “nationality” and “ethnicity”; and in doing so, it can trigger a reinforced consideration of these dimensions of diversity within the diversity discourse. The European diversity discourse has very much adapted the American prioritization of the dimensions of gender and race, and, until now, has largely overlooked the immense importance of nationality and ethnicity in the European context. Agarín and Cordell’s book might provide a starting point for a new and important stream within this discourse. Besides academics, this book also provides policymakers in the European context

with profound insights, and therefore should be of interest to individuals who work in the field of European integration. It should prove to be of special interest to politicians or civil servants who are involved in negotiations at the next rounds of EU enlargement, toward the Western Balkan area, or Turkey, regardless of whether they are working at the European, national, or regional levels.

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