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Robert Sata: The Geopolitics of Minority Politics Minority Rights under Europeanisation in East-Central Europe

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Abstract

Adopting contemporary European norms of minority protection and respect for minority rights became one of the preconditions for the post-communist countries of Eastern Europe aiming to 'rejoin Europe'. Yet the question remains: How have European minority norms actually affected the transformation of these countries' polities, societies and economies? This paper attempts to explain why there has been such a great variation in the success of the adoption of minority rights across the post-communist region. The paper starts with a brief and non-exhaustive review of the internationalisation of minority rights with special emphasis on the Europeanisation of minority rights; I claim that the promoted European standards are often contradictory and that the international system is ambiguous with respect to their application. In the second part, the paper examines why the adoption of minority rights across the post-communist region has had such mixed results. The paper briefly reviews the historical examples of Slovakia, Romania, Latvia and Estonia with respect to their Hungarian and Russian minorities. The paper will show that pressure to adopt European standards did in fact impact minority policy after 1989, but simultaneous efforts have also been taken to strengthen national identity in these countries. The most important claim that the paper makes is that these countries experienced difficulties with transforming their political systems and societies because they were unable to accommodate and reconcile the conflicting logics of guarding the integrity of the nation-state vs. promoting minority rights.

The literature of nationalism is not only rich in detailed descriptions of particular ethnic conflicts, but much energy has also devoted to general theorising about the nature of international minority rights. The relevant literature identifies three main groups of minority rights claims: recognition, participation and self-government. Much of the literature groups together the aforementioned categories of rights claims under the umbrella term of self-determination. I shall also focus our analysis on the principle of self-determination, as employed by international actors, and its relationship to international minority rights. Since international law on minority rights is not entirely clear-cut or monolithic, I shall consider some of the underlying tensions and the main contradictions of competing interpretations in the following pages. Along the way, I will identify the promoted principles and outline the different meanings of the right to self-determination to be found in various international instruments.

The birth of modern international law dates back to the 1648 Peace of Westphalia, which also established the first minority protection system of the international forum. The principle of self-determination is a more recent phenomenon, dating from the American and French revolutions.¹ Religion-based minority rights also dominated the peace treaties of the 18th century and the early 19th century, but it was the Congress of Vienna that first defined minorities as national groups and not merely religious communities, and also extended the principle of minority rights to these groups.²

WWI proved to be an important turning point for minority rights in that the principle of self-determination became an important instrument for the creation of new nation-states or joint-states, mainly in Europe. Given that the borders of existing nations and the newly created states did not fit each other neatly, a set of minority treaties was adopted to safeguard the minorities' right to self-determination.³ Nevertheless, one can argue that the League of Nations never fully endorsed self-determination as a universal right of the peoples because the treaties it ratified were aimed at protecting certain groups (but not others). In addition, the treaties were applied only to the defeated parties of the war or the new states and gave mandates to intervene on behalf of the minorities only to the victors.⁴

1 Hannum, Hurst: *International Law*, in: Alexander J. Motyl: *Encyclopedia of Nationalism*, San Diego: Academic Press, 2001, 405–419.

2 Jackson Preece, Jennifer: *Minority Rights in Europe: from Westphalia to Helsinki*, in: *Review of International Studies*, 1997 23, 75–92.

3 Armstrong, David: *From Versailles to Maastricht*, London: Palgrave, Macmillan, 1996.

4 Fink, Carole: *Minority Rights as an International Question*, in: *Contemporary European History*, 2000 (9), 3, 385–400.

Many blamed the minority treaties for the great destruction that took place in WWII; therefore, the United Nations renounced minority rights as such and followed a different trajectory based on the evolution of human rights. Unlike in previous eras, minority rights were considered contrary to international peace and security, and the 1947 Paris Peace Treaties had nothing to say about language or cultural rights. European norms on minority protection evolved in a similar fashion. The European Convention on Human Rights⁵ and its Protocols contain no specific provision on minority rights.⁶ As such, European norms of minority rights endorsed individual over collective rights and negative over positive rights. In this sense, Europe conformed to the rest of the world, which accepted a principle of sanctity of borders and the territorial integrity of states rather than one promoting the self-determination of peoples.⁷

The most important elements of law-making by European institutions with respect to the internationalisation of minority rights are the European Charter for Regional or Minority Languages⁸ and the Framework Convention for the Protection of National Minorities⁹ (FCPNM). According to the Charter, which was adopted in the spirit of the traditional conception of international minority rights, individuals are the sole bearers of these rights. It lists a wide range of instruments to promote the use of minority languages, but it leaves states with considerable leeway on how to implement them. The Charter protects only the languages themselves, not minority groups. Furthermore, the Charter does not apply to migrant or non-territorial languages and therefore discriminates in favour of historical minorities.¹⁰

The FCPNM is similar in its conception of minority rights since it does not provide 'clear claimable rights against the state' on the part of minorities.¹¹ The Convention does not define the subjects of the FCPNM and contains mostly programme-type provisions that allow states discretion in their implementation. The core issues of minority protection that are explicitly enumerated are: the right to non-discrimination and protection of identity (art. 4, 5 and 6), linguistic rights (art. 10 and 11), educational rights (art. 12 and 13), effective participation and representation (art. 15), and trans-border co-operation (art. 18). The FCPNM also differs from a formal convention in that although it is a binding document, it is not easily enforceable because it is not directly applicable to domestic law but requires interpretation. Its weak wording and escape clauses, together with its deficiencies in the envisioned processes for signing, ratifying and implementing the clauses of the document, enable governments to 'slip through the cracks' with respect to its binding requirements.¹²

Nevertheless, the FCPNM constitutes the most significant development in international minority rights since it is the first multilateral treaty to deal exclusively with these rights that is binding, unlike previous international instruments, which contained only political obligations.¹³ Notwithstanding this positive

5 Europe, Council of: The European Convention on Human Rights, <http://www.hri.org/docs/ECHR50.html>, 4 November 1950. Cited 25 August 2006.

6 Medda-Windischer, Roberta: The European Court of Human Rights and Minority Rights, in: *European Integration*, 2003 (25), 3, 249–271.

7 Geldenhuys, Deon and Johann Rossouw: *The International Protection of Minority Rights*, The FW de Klerk Foundation, 2001.

8 Europe, Council of: *European Charter for Regional or Minority Languages*, 5 November 1992. 25 August 2006, <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>.

9 Europe, Council of: *The Framework Convention for the Protection of National Minorities*, 1995. 25 August 2006, <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>.

10 Geldenhuys, Deon and Johann Rossouw: *The International Protection of Minority Rights*, The FW de Klerk Foundation, 2001.

11 Deets, Stephen: *Reconsidering East European Minority Policy: Liberal Theory and European Norms*, in: *East European Politics and Societies*, 2002 (16), 1, 30–53.

12 Gál, Kinga: *The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe*, in: *Journal on Ethnopolitics and Minority Issues in Europe*, 2000 Winter, 1–17.; Troebst, Stefan: *The Council of Europe's Framework Convention for the Protection of National Minorities Revisited*, in: *Speaking About Rights. Canadian Human Rights Foundation Newsletter*, 1999 (14), 2, 10–11.

13 Gilbert, Geoff: *Religio-nationalist Minorities and the Development of Minority Rights Law*, in: *Review of International Studies*, 1999 (25), 389–410.

development in international law with regards to minority rights, one must note that although minority rights have been on the EU's foreign policy programme regarding CEE, they have rarely made it onto the EU's internal agenda. This has resulted in the criticism that the EU employs double standards vis-à-vis minority rights and lacks an overarching minority policy, which has in turn resulted in very different practices of minority protection in Eastern and Western Europe.¹⁴

Ongoing Europeanisation has been a key concept for the development of minority protection in Europe because the EU has been generating a new type of multi-level governance that challenges the traditional notion of sovereignty. The Pact of Stability has proved to be the most influential instrument of European pressure to settle inter-ethnic relations through bilateral co-operation, linking accession to the EU to the successful settlement of minority issues and also allowing for direct intervention to break deadlock situations.¹⁵ Thus, the Europeanisation of minority rights can happen in two ways: the EU as a framework can add new constitutional and policy options to the list of available solutions for disputed issues, and the EU as an active player can also influence the short-term strategies of the parties in conflict.¹⁶

While EU conditionality is particularly relevant for ethnic accommodation in divided societies, the meaning of Europeanisation in terms of minority rights is defined imprecisely. This is true even for the latest initiatives: only limited references to minority protection were present in the 2004 Constitutional Treaty,¹⁷ whose Charter of Fundamental Rights, incorporated into Part II of the Treaty, provides not only for non-discrimination on the basis of 'membership of national minority' but also for 'respect [of] cultural, religious and linguistic diversity' (art. 22).¹⁸ The Europeanisation of minority rights also suffers from a lack of clear criteria on which to base minority protection, and because the EU's enforcement mechanisms are poorly developed, the EU often has to rely on other organisations such as the CoE, the OSCE and NGOs to monitor its own minority policy. More problematic is the fact that there is a lack of genuine social support for the European norms of minority protection; furthermore, the realisation and implementation of European minority rights is largely dependent on domestic governments and the political will of those in power.¹⁹

Promoted international standards have little effect as long as they are considered to be merely normative standards and there is no economic or social policy present to support them. The best encouragement for inter-ethnic co-operation is linking political progress on minority rights to a range of clear political and economic incentives from international institutions.²⁰ By considering minority protection as a security

14 Amato, Giuliano and Judy Batt: *Minority Rights and EU Enlargement to the East*, RSC Policy Paper 98.5, European University Institute, 1998.

15 Besseney Williams, Margit: *European Integration and Minority Rights: The Case of Hungary and Its Neighbors*, in: Ronald Linden: *Norms and Nannies: The Impact of International Organizations on the Central and East European States*, 2002, 227–258.

16 Coppieters, Bruno, Gergana Noutcheva, Nathalie Tocci, Bruno Coppieters, Tamara Kovziridze, Michael Emerson and Michel Huysseune 'Europeanization and Secessionist Conflicts: Concepts and Theories' in *Europeanization and Conflict Resolution: Case Studies from the European Periphery* Academia Press 2004. Available for download from website of *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 1/2004, <http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf>.

17 Treaty establishing a Constitution for Europe, in: *Official Journal of the European Union*, (47), C310, 25 August 2006. <http://europa.eu.int/eur-lex/lex/JOhtml.do?uri=OJ:C:2004:310:SOM:EN:HTML>.

18 Cholewinski, Ryszard: *Migrants as Minorities: Integration and Inclusion in the Enlarged European Union*, in: *JCMS*, 2005 (43), 4, 695–716.

19 Gál, Kinga: *The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe*, in: *Journal on Ethnopolitics and Minority Issues in Europe*, 2000 Winter, 1–17; Coppieters, Bruno, Gergana Noutcheva, Nathalie Tocci, Bruno Coppieters, Tamara Kovziridze, Michael Emerson and Michel Huysseune 'Europeanization and Secessionist Conflicts: Concepts and Theories' in *Europeanization and Conflict Resolution: Case Studies from the European Periphery* Academia Press 2004. Available for download from website of *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 1/2004, <http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf>; Vermeersch, Peter: *EU Enlargement and Minority Right Policies in Central Europe: Explaining Policy Shifts in Czech Republic, Hungary and Poland*, in: *Journal on Ethnopolitics and Minority Issues in Europe*, 2003 1, 1–31.

20 Woodwell, Douglas: *Unwelcome Neighbors: Shared Ethnicity and International Conflict During the Cold War*, in: *International Studies Quarterly*, 2004 (48), 1, 197–223.

concern only, the international community has stumbled into the pitfalls of Versailles and the inter-war period, and is reviving the notion of Eastern inferiority. These asymmetric relations between the West and East in turn raise doubts about the genuineness of international commitments to minority protection, which are in fact much weaker than they appear. There is no political desire to question either the Eastern political status quo or Western sovereignty.²¹

Let us now examine how European minority rights have affected minority policy and try to outline the role of various international and European institutions and organisations in forging these policies in our selected case studies. We will start with a very brief overview of the Hungarian minority group in Slovakia and Romania, followed by the Russian minority group in Latvia and Estonia. These groups were chosen as case studies by virtue of being two of the most significant minority groups in Central-Eastern Europe. Similarities between Romania and Slovakia on the one hand and Latvia and Estonia on the other will enable us to see the effect of European minority rights in a comparative perspective.

Hungarians have constituted one of the most important minority groups in Europe since 1920, when Hungary effectively lost two-thirds of its population and territory to its neighbours due to the provisions of the Treaty of Trianon. In the immediate aftermath of the regime change, Slovakia enjoyed relative ethnic peace because the entire population was preoccupied with establishing the new state. In Romania, while the interim government actively sought ethnic Hungarian support by promising minority protection, clashes between Hungarians and Romanians broke out in the town of Tîrgu-Mures very early in March 1990. The situation deteriorated rapidly, with eight people killed and more than three hundred injured before order was restored.²² Inter-ethnic peace in the region continued to crumble, and after the 1993 split between Slovakia and the Czech Republic, the new Slovak constitution confirmed earlier Hungarian fears of becoming second-class citizens by granting the Slovaks a pre-eminent position starting with its very first slogan – ‘We the Slovak People.’²³ Similarly, by late 1991, the Romanian parliament ratified a constitution that pronounced the country a ‘sovereign and independent, unitary and indivisible Romanian national state’ [Article 1(1)], founded on ‘the unity of the Romanian people’ [Article 1(4)].²⁴

After the institution of the Antall government in Hungary in 1992, Hungary began to lobby aggressively on behalf of its kin. Hungary also began using its membership in the OSCE to help the Hungarian diaspora. Antall refused to normalise relations with his neighbours until they secured the rights of their Hungarian minorities,²⁵ and as a member of the CoE, Hungary threatened to veto its neighbours’ admission if they did not institute measures for the protection of minorities immediately.²⁶ The signing of friendship and co-operation treaties with neighbours was, and remains, a necessary pre-condition for EU membership. The 1993 Copenhagen European Council declared that one of the requirements for membership in the Union was respect for human rights, including minority rights.²⁷ This is why the issue of the Hungarian minority population living outside of Hungary was one of the two original concerns that the Stability Pact was created to address, the other concern being the relations of the Baltic States with Russia.²⁸

21 Chandler, David: *The OSCE and the Internationalization of National Minority Rights*, in: Karl Cordell: *Ethnicity and Democratization in the New Europe*, London: Routledge, 1999, 61–76.

22 Socor, Vladimir: *Forces of Old Resurface in Romania: The Ethnic Clashes in Tîrgu-Mures*, in: *Report on Eastern Europe*, 1990 (1), 6, 36–43.

23 *The Constitution of the Slovak Republic* 13 March 2008, <http://www.slovensko.com/docs/const/>.

24 *The Constitution of Romania*, 13 March 2008, <http://domino.kappa.ro/guvern/constitutia-e.html>.

25 Patkai, Robert J.: *Hungarian Minorities in Europe: A Case Study – Ethnicity and Nationalism: A Challenge to the Churches*, in: *The Ecumenical Review*, 1995 (4), 1.

26 Jenne, Erin: *Ethnic Bargaining: The Paradox of Minority Empowerment*, Ithaca: Cornell University Press, 2007.

27 Stoel, Max van der: *The European Architecture of Minority Rights*, in: *CROSSROADS The Macedonian Foreign Policy Journal*, 2007 (1), 2.

28 Arnould, Michel: *Stability Pact: Reassuring Minorities, Guaranteeing Frontiers*, in: *Forum*, 1995 2.

The High Commissioner for National Minorities (HCNM) was actively involved in trying to ameliorate tensions within Slovakia and Romania as well as between these two states and neighbouring Hungary from 1992–1995. In attempting to diffuse these tensions, the HCNM called upon the Romanian and Slovakian governments to take action to combat expressions of ethnic hatred and to provide adequate facilities for national minority language instruction and administrative use. Starting in 1995, the US and NATO also insisted that Hungary settle all its differences with Slovakia and Romania as a prerequisite for membership.²⁹ The Meciar government was ousted from office in the spring of 1994, and the new Slovak government initiated legislation to comply with CoE and EU recommendations. Doing so only served to foment mistrust between Hungarian and Slovakian co-nationals, however.³⁰ In the meantime, Hungary also began to curtail its support for Hungarians abroad due to the introduction of the new socialist-liberal government in 1994 under the leadership of Gyula Horn. Horn, unlike Antall, prioritised establishing good relations with Hungary's neighbouring countries and concentrated on Hungary's admission to NATO and the EU.

Yet again, the region saw a major change in ethnic politics with the election of Viktor Orbán's nationalist Fidesz (Alliance of Young Democrats) in Hungary in 1998. Orbán's policies towards ethnic kin abroad were significantly different – whereas Antall refused to normalise relations with Slovakia and Romania due to their treatment of Hungarian minorities, Orbán's government supported Slovakia's accession to the EU and NATO. It was also ready to negotiate with Romania and maintained a dialogue with its neighbours throughout its term.³¹ Orbán campaigned on the promise to provide for Hungarians abroad. In 2001, the Hungarian parliament delivered on the promise by adopting the so-called status law, which extended benefits to co-nationals in Slovakia, Romania, Ukraine, Yugoslavia, Croatia and Slovenia – and immediately drew concerns from Hungary's neighbours.³² The law was severely criticised by international bodies, including the CoE, which argued that the law violated European principles of non-discrimination.³³ Facing this criticism, Hungary started negotiations with Romania and Slovakia – the most vocal critics³⁴ – and soon curtailed most of the law's benefits.³⁵ This clearly signalled that Hungary had chosen to champion EU integration over its diaspora's interests.

While Slovakia's minority protection policies formally followed European norms, two pro-Slovak language laws in the 1990s signaled the state's failure to take minority rights seriously and it was only on the basis of a CoE recommendation that laws allowing bilingual locality signs and the formal recording of names in minority languages were passed.³⁶ Slovakia also signed the 1995 Hungarian-Slovak Friendship Treaty to please Brussels. It was only after Meciar fell from power that Slovakia ratified the European Charter of Regional and Minority Languages, and adopted legislation to decentralise administrative competences and establish regional self-government. In Romania, pressure from the EU bodies materialised in the adoption of the Law on Local Public Administration that permitted the use of the minority language as an official language in municipalities with minority populations of 20%. The same pressure led Romania to expand

29 Jenne, Erin: *Ethnic Bargaining: The Paradox of Minority Empowerment*, Ithaca: Cornell University Press, 2007.

30 Tesser, Lynn M.: *The Geopolitics of Tolerance: Minority Rights under EU Expansion in East-Central Europe*, in: *East European Politics and Societies*, 2003 (17), 3, 483–532.

31 Jenne, Erin: *Ethnic Bargaining: The Paradox of Minority Empowerment*, Ithaca: Cornell University Press, 2007.

32 Kántor, Zoltán: *Nationalizing Minorities and Homeland Politics: The Case of the Hungarians in Romania*, in: Balázs Trencsényi, Dragoș Petrescu, Christina Petrescu, Constantin Iordachi and Zoltán Kántor: *Nation-Building and Contested Identities*, Budapest: Regio Books, 2001,

33 See European Commission for Democracy through Law (Venice Commission) *Preferential Treatment of National Minorities by their Kin-State* adopted by the Venice Commission at its 48th Plenary Meeting, (Venice, 19–20 October 2001) [http://www.venice.coe.int/docs/2001/CDL-INF\(2001\)019-e.asp](http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.asp)

34 Ironically, the Slovak parliament adopted a similar benefit law for the 'Slovaks living abroad,' offering educational, employment and transportation benefits, based on an ethnic Slovak identification card back in 1997. In 1998, a benefit law adopted in Romania established a budget to grant free higher education in Romania for ethnic Romanians living abroad.

35 Jenne, Erin: *Ethnic Bargaining: The Paradox of Minority Empowerment*, Ithaca: Cornell University Press, 2007.

36 Tesser, Lynn M.: *The Geopolitics of Tolerance: Minority Rights under EU Expansion in East-Central Europe*, in: *East European Politics and Societies*, 2003 (17), 3, 483–532.

school and university education and allow broadcasting in the Hungarian language after ratifying the European Charter of Regional and Minority Languages.³⁷ The EU has also influenced Romanian education law; the revised 1997 law granted national minorities the right of education in their mother tongue at all levels from primary to university education.

Russians are the largest ethnic minority in every Baltic State even though their total number decreased by one third (almost by 600,000) during 1989–2000. More than half of the Russians residing in the region (about 700,000) live in Latvia and 350,000 in Estonia.³⁸ Between the World Wars, Estonian and Latvian societies were ethnically quite homogeneous,³⁹ but the percentage of the native populations fell drastically in both countries not only because of deportations right after WWII, but also due to the encouraged immigration of ethnic Russians.⁴⁰ The collapse of the Soviet Union and the regaining of political independence in Estonia and Latvia cardinally changed social and economic conditions, the directions and intensity of migration and also the ethnic structures of these countries. The level of emigration and repatriation peaked in 1992, when the former Soviet military forces and their family members left the Baltic region.⁴¹

At the time of Baltic independence, nationality became the key issue of political decision-making and citizenship policies were adopted even before the first democratic elections took place.⁴² Having been stripped of their political rights, Russian minorities found themselves in a difficult situation. The Latvian citizenship laws left many of them without the right to vote, to form political parties, or to run in elections.⁴³ The law granted automatic citizenship only to those with at least one parent who was a citizen of Latvia prior to 1940, and all others had to satisfy strict criteria.⁴⁴ In 1994 a new system for naturalisation was introduced that somewhat eased the conditions of receiving citizenship, but only certain age groups could apply each year and applicants had to prove a legal income and knowledge of Latvian history and the Constitution.⁴⁵ The Latvian language barrier remained even in the 1998 amendment of the citizenship law that simplified the language and history tests and granted citizenship to all persons born after independence. The 1998 amendments to Latvia's citizenship law were by far the clearest indication of the effectiveness of conditionality on imposing minority rights: it was the slow progress of naturalisation that caused Latvia to be excluded from accession talks at the end of 1997.⁴⁶

Estonian legislation proved little different: the 1992 Citizenship Law granted automatic citizenship only to pre-1940 citizens and their descendants.⁴⁷ Only one out of six Russians could qualify as citizens under this rule, and moreover, a law on aliens was to be adopted in 1993. Its draft stipulated that non-citizens had to renew their residence permits every five years. At the advice of the HCNM, this stipulation was later

37 Brusis, Martin: 'The European Union and Interethnic Power-sharing Arrangements in Accession Countries', in: *Journal on Ethnopolitics and Minority Issues in Europe*, 2003 1, http://ecmi.de/jemie/download/Focus1-2003_Brusis.pdf.

38 Zvidrins, Peteris: 'Characteristic of the Minorities in Baltic States', 15 March 2008, <http://iussp2005.princeton.edu/download.aspx?submissionId=50900>.

39 Krich, Aksel: 'Estonian Report on Russian Minority', 2001. 16 March 2008, <http://www.ies.ee/kirchrus.pdf>.

40 Marshall, Monty G. and Keith Jagers: *Polity IV: Political Regime Characteristics and Transitions, 1800 – 2003*, Country Reports, 7 Sept. 2006. <http://www.cidcm.umd.edu/inscr/polity/report.htm#eur>.

41 Zvidrins, Peteris: 'Characteristic of the Minorities in Baltic States', 15 March 2008, <http://iussp2005.princeton.edu/download.aspx?submissionId=50900>.

42 See an interesting analysis presented by Smith, David: 'Russia, Estonia and the Search for a Stable Ethno-Politics', in: *Journal of Baltic Studies*, 1998 (29), 1.

43 Kelley, Judith: *Ethnic Politics in Europe: The Power of Norms and Incentives*, Princeton: Princeton University Press, 2004.

44 Kolstoe, Paul: *Russians in the Former Soviet Republics*, London: Hurst, 1995.

45 Kelley, Judith: *Ethnic Politics in Europe: The Power of Norms and Incentives*, Princeton: Princeton University Press, 2004.

46 Morris, Helen M.: 'President, Party and Nationality Policy in Latvia, 1991–1999', in: *Europe-Asia Studies*, 2004 (56), 4.

47 Ishyama, John: 'Representational Mechanisms and Ethno-Politics: Evidence from Transnational Democracies in Eastern Europe', in: *East European Quarterly*, 1999 (33), 2.

deleted.⁴⁸ In 1995 the new version of the Law increased the residence requirement to 5 years and also introduced further tests that obliged applicants to demonstrate a detailed knowledge of the Estonian Constitution and political system.⁴⁹ As a result, the nation-state and democracy were presented as 'conflicting logics' in the aftermath of independence both in Estonia and Latvia.⁵⁰

Similarly, language acts passed in Estonia and Latvia aimed to ensure the superiority of native languages over Russian. While Estonia was a bilingual republic in 1989, by 1995 Russian had become a foreign language and officials were required to prove their proficiency in Estonian. In Latvia, both Latvian and Russian were official languages in 1989; by 1992, non-Latvian speakers were practically excluded from all public positions.⁵¹ Language laws also affected education policy, and while in Estonia local government allowed for instruction in Russian, in Latvia there was a gradual move that by 2004 required all state-funded education to take place in Latvian.⁵² As such, we could argue that the efforts of the Estonian and Latvian governments suggest that their main goal was to facilitate the spread of the Estonian and Latvian languages through bilingualism in the short run, and a complete language shift in the long run.

State-building policies in the Baltic States drew fierce criticism not only from Russia, but also from international organisations. As a result, the OSCE decided to establish permanent missions in Riga and Tallinn, operating in close co-operation with the HCNM.⁵³ It was therefore the constant monitoring and diplomatic recommendations, combined with the concerted efforts of European organisations (the OSCE, EU, CoE), that contributed to improving legislature and making both Estonia and Latvia more inclusive. Russian minority members also lodged several complaints at the European Court of Human Rights (ECHR),⁵⁴ which also resulted in beneficial change in state policy. As a result of international involvement, legislation easing the Latvian naturalisation law was passed in a referendum in October 1998⁵⁵; Estonia modified its controversial Alien Law⁵⁶ and amended the Language Law in April 2000 as recommended by the OSCE.⁵⁷ Other international organisations such as the United Nations Development Programme, Delegations of the European Commission and the British Council have done much for Estonian internal societal integration as well as Estonian integration into Europe. The involvement of international actors in ethnic policy-making in the Baltics was successful because joining the European Union and NATO was of paramount importance for all of the Baltic States.

Our case studies indicate that EU's conditionality had less of an impact in Latvia and Slovakia, while recent signs in Estonia and Romania are a bit more positive in terms of changing attitudes towards minorities. The case studies suggest that three factors influence the effect of European norms of minority protection in forming minority policy in CEE: (1) the extent of domestic opposition to minority protections, (2) authoritarian leaders, and (3) the extent to which ethnic minorities have representatives in government

48 Kolstoe, Paul: *Russians in the Former Soviet Republics*, London: Hurst, 1995.

49 Smith, David: *Minority Rights, Multiculturalism and EU Enlargement: the Case of Estonia*, in: *Journal of Ethnopolitics and Minority Issues in Europe*, 2003 1.

50 Ibid.

51 Karklins, Rasma: *Ethnopolitics and Transition to Democracy: The Collapse of the USSR and Latvia.*, Washington: Woodrow Wilson Center Press, 1994.

52 Kelley, Judith: *Ethnic Politics in Europe: The Power of Norms and Incentives*, Princeton: Princeton University Press, 2004.

53 Laitin, David L.: *Identity in Formation, The Russian-Speaking Populations in the Near Abroad*, Ithaca: Cornell University Press, 1998.

54 Elsuwege, Peter Van: *Russian-Speaking Minorities in Estonia and Latvia: Problems of Integration at the threshold of the European Union*, in: ECMI 2004 (Working paper # 20).

55 Ibid.

56 Spruds, Andris: *Minority Issues in the Baltic States in the Context of the NATO Enlargement*, 18 March 2008, <http://www.nato.int/acad/fellow/99-01/spruds.pdf>.

57 Krich, Aksel: *Estonian Report on Russian Minority*, 2001. 16 March 2008, <http://www.ies.ee/kirchrus.pdf>.

and parliament.⁵⁸ While citizenship and minority policy in the region have been liberalised thanks to the involvement of international institutions, simultaneous efforts have also been taken to strengthen national identity. In legal terms, the present minority policy in these countries is entirely consistent with the FCNM. Nevertheless, CEE state-builders have consciously sought to exploit the absence of any universal framework for minority rights, employing the very same arguments that a number of EU member states had used in order to avoid granting any far-reaching minority rights obligations to their own immigrant populations.⁵⁹

We can conclude that the Copenhagen criteria and the terms of the *acquis communautaire* have provided the EU with a powerful instrument for shaping the process of transition in the prospective member states of CEE. While the future of international minority rights is unsure, I argue that the present international norms of minority rights can be important constitutive norms for future minority protection. Although the rhetoric on European expansion might suggest otherwise, Europe is not yet 'one'; great inequalities exist and resolving these will be crucial not only for the future of post-communist regions but for Europe as a whole. The greatest promise of European integration is that it makes the prospects of an endeavour bringing true cultural pluralism to Europe brighter than ever before.

58 Kelley, Judith: Does Domestic Politics Limit the Influence of External Actors on Ethnic Politics?, in: Human Rights Review, 2003 (4), 3.

59 Smith, David: Minority Rights, Multiculturalism and EU Enlargement: the Case of Estonia, in: Journal of Ethnopolitics and Minority Issues in Europe, 2003 1.