Reinventing national minority rights through European integration:

- from top-down to bottom-up Europeanisation-

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Abbreviations

ABTTF	Federation of Western Thrace Turks in Europe
AC	Advisory Committee
AGDM	European Association of German Minorities
BDN	Bund Deutscher Nordschleswiger
CoE	Council of Europe
COM	Committee of Ministers
DAHR	Democratic Alliance of Hungarians in Romania
DIHR	Danish Institute for Human Rights
DIR	Department for Interethnic relations
EC	European Community
ECMI	European Centre for Minority Issues
ECHR	Convention on Human Rights
ECI	European Citizen's Initiative
ECJ	European Court of Justice
ECRI	Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECSC	European Coal and Steel Community
ECtHR	European Court on Human Rights
EDRC	Ethno cultural Diversity Resource Center
EDU	European Democratic Union
EEC	European Economic Community
EFA	European Free Alliance
EGTC	European Grouping of Territorial Cooperation
EMU	European Monetary Union
EP	European Parliament
EPP	European People's Party
EUMAP	European Union Monitoring and Advocacy Program
EU	European Union
FEP	Friendship, Equality and Peace Party
FCNM	Framework Convention for the Protection of National Minorities
FRA	Fundamental Rights Agency
FUEN	Federal Union of the European Nationalities
HRWF	Human Rights without Frontiers
ICCPR	International Covenant on Civil and Political Rights
MEP	Member of the European Parliament
NATO	North Atlantic Treaty Organization
NCCD	National Council for Combating Discrimination
NFS	National Salvation Front
NGO	Non-governmental organization
NPLD	Network to Promote Linguistic Diversity
OMC	Open Method of Coordination
OSCE	Organization on Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PASOK	Panhellenic Socialist Movement
PCIJ	Permanent Court of International Justice
SP	Schleswigian Party
SVP	South Tyrolean People's Party
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNCHR	UN Commission on Human Rights
UNPO	Unrepresented Nations and People's Organization
WTMUGA	Western Thrace Minority University Graduates Association

Abstract

This dissertation examines *what best explains the impact of Europeanisation on national minority policy and on national minority groups*. I compare the impact of Europeanisation on minority policies in three states (Denmark, Romania and Greece) and on the activities of three national minority groups (German minority in Denmark, Hungarian minority in Romania and Turkish minority in Greece). Both the Council of Europe and the European Union play a part in such Europeanisation process. Together the Council of Europe and the European Union possess instruments to increase scrutiny of and pressure on national minority policies, demanding different degrees of adjustment in domestic policy conduct. Pressure does not only concern legal compliance or minority protection per se, but there is an increased interest in affecting the conduct of domestic national minority policy more broadly. At the same time, European-level norms and rules have encouraged new forms or mobilisation, including a host of previously unknown opportunities for political action among minority groups.

The dissertation combines top-down and bottom-up approaches. The top-down approach employs the notion of 'adaptational pressure' from European organisations, which produce domestic change alongside both domestic and international intervening variables. A bottom-up approach, on the other hand, is concerned with how minority actors make their own interpretations and usage of Europe as they seek to advance their own agendas and to gain new legitimacy for minority claims.

The findings show that although pressure from Europe is a catalyst for change in domestic minority policies, especially when pressure for change is 'exceptional', processes of change must be explained by both domestic and interstate factors; namely the nature and power of change agents at the domestic level, shared understandings attached specifically to the national minority group in question, and kin-state relations. Strategic motives draw the three minority groups to 'use' Europe for political ends. They aim to increase their own political position and gain support for minority claims at the European level. However, minority actors are also transformed through their relationships with Europe. Through confidence acquisition, willingness to experiment with European-level norms and rules and effects on identity formation, minorities have started to accumulate new (participatory) roles and to establish actorness. This leads to new insight into the nature of national minority rights and approaches to national minority policies in the context of European integration.

Chapter 1: National minority policy, national minority groups and Europeanisation: an introduction

1.1 Europeanisation and national minority studies

National minority policies are one of the domestic policy areas most significantly affected by international events and processes. Europeanisation is an important example of such international factors. However, the scope of Europeanisation in the field of national minority policies and the way that it interacts with domestic and interstate factors is less explored. So far, Europeanisation of minority rights attracted scholarly attention with the three recent EU enlargement rounds (Ram, 2003; Kelley, 2004a; Schwellnus, 2006; Sasse, 2004; Rechel, 2009). The main reason for such interest was that minority protection became a key criterion for EU accession. However, since then Europeanisation of minority rights have been paid less attention. There are two important reasons for this: first, it is due to the paucity of competencies in EU frameworks which could be used to harmonise domestic policies, and second, to the common assumption that Europeanisation is equivalent to 'EU-isation'. Moreover, it was assumed that linking Europeanisation and national minority rights made little sense, and thus Europeanisation has received decreasing attention in national minority studies.

Three recent developments make the bridging of the two fields not only necessary, but also warranted in order to understand the effects of European-level norms and rules pertaining to national minorities on domestic policy and on national minority groups *i.e.* the impact of Europeanisation. First, Europeanisation research is no longer confined to EU-isation only or to processes of coercion which harmonise domestic policies through existing policy models or legislation at the European level. Europeanisation research acknowledges more mechanisms capable of affecting domestic policies, without presupposing that a European policy must exist for Europeanisation to occur (Radaelli and Exadaktylos, forthcoming 2014). Similarly, it is no longer argued that converging domestic and European policy is at work and Europeanisation also includes bottom-up and retroactive dynamics (Jacquot, 2008). Although Europeanisation was developed to understand the domestic significance of the EU, the research agenda today incorporates regional integration at large. Second, national minority studies have started to address questions which are about ensuring more than *protection* through legal standards, and some studies consider the role of political interactions, empowerment, social capital and mobilisation trends among national minorities (Palermo and Woelk, 2003/4; Keating and McGarry, 2006; Malloy, 2010a; 2013a). And third, there are new developments among European-level institutions, norms and rules that carry significance for domestic national minority policies and for national minority groups ability to

develop own agency.

Besides the possibility to affect change in domestic policy through mechanisms of conditionality or coercion, both the EU and the CoE include mechanisms which help to increase international scrutiny of domestic policy conduct through critical positions, recommendations and regular monitoring. For example, CoE's monitoring processes aim at improving the actual reality and practice of minority protection (Henrard, 2003/4: 20), resembling new possibilities to bring about Europeanisation. National minority groups also show trends which contrast to earlier labels of 'passive recipients of legal standards' (Malloy, 2013a). National minorities have started to make their own discoveries of new opportunities offered by Europe and to experiment with new forms of governance, as they seek to advance their own interests and to gain new legitimacy for minority claims. Their relationship to Europe have motivated mobilisation, as clearly seen in the recent European Citizen's Initiative organised between different national minorities. With this, the scope of a *group agency* has started to be underlined. This discourse has only grown stronger since the Lisbon Treaty entered into force in 2009; due to concerns for double standards in EU's approach to minorities; with growing mobilisation and cooperation among national minority groups in Europe; and as the CoE's Framework Convention for the Protection of National Minorities (FCNM) enters its fourth monitoring cycle. Thus changes in Europeanisation research, shifted trends in minority studies, new developments in norms and rules and the growing mobilisation among national minority actors provide an important pretext to (re)consider the impact of Europeanisation on national minority policy and on national minority groups.

What the above means for domestic policy and for minority groups is one of the main concerns of this dissertation. Europeanisation effects on domestic policy naturally hinge upon several factors, interacting closely with different domestic circumstances. In the context of national minority rights, even if norms and rules at the European level make legitimate claims and reinforce the significance of democratic standards, they confront diverging interests domestically, spurring change in some cases, less so in others or producing sporadic or ad hoc moments of change. There is thus little convergence to expect, but rather differential impact. Changes in domestic minority policies confront a range of existing arrangements arising from interstate relations and domestic circumstances. At the minority group level, mobilisation and political action is also contingent on varied interests and motivations. This dissertation engages with an understanding of the dynamics accounting for this variation by asking the question: *what best explains the impact of Europeanisation on national minority policy and on national minority groups?*

European-level norms and rules pertaining to national minorities are examined through the

frameworks of the CoE and the EU, covering legislation, policy and institutional developments. In combining norms and rules of two organisations, an understanding of what *national minority rights* entail is important, including why this dissertation assesses change in *minority policy* and not within the scope of rights. A common question in international and European law is whether a minority should be treated as a community and thus acquire group rights, or if individual rights are sufficient to protect minorities. While individual rights include basic human rights and apply to everybody, they are challenged by minority claims as individual rights fall short on the safeguard of ethnic or cultural characteristics of minority groups (Thornberry, 1991). National minority rights differ from individual human rights, by also claiming *special rights* to be exercised collectively, or in group together with members belonging to the same minority (Pentassuglia, 2004). This also means that minorities may be entitled to rights not available to the general population in order to preserve their unique characteristics (Ahmed, 2011: 39). Such unique characteristics of minorities normally refer to culture, language and religion (Shoraka, 2010: 101). As this dissertation reveals, European-level norms and rules provide few rights per se to groups that they can use before national courts. The route to courts is mainly possible through individual rights. Instead, what is offered are other concrete benefits which could compensate for disadvantages linked to the circumstances of minorities and tools that aim at greater support of minority cultures, language and life style. With this in mind, the dissertation assesses change in domestic policy and not in rights per se.

EU and CoE frameworks are distinguished according to their ability to fulfil **protection, preservation** and **promotion** (the so-called three Ps). This enables a broader field of examination of the EU and CoE frameworks. Besides their ability to affect legal standards domestically, the research focuses on change in domestic *practice* of rights, the way that domestic minority policies are conducted and how European-level rules and norms are used by national minority actors as resources to advance own agendas and positions.

Protection is the most common term associated with national minority rights. A system of protection here includes protection of national minorities' basic human rights and the right not to be discriminated against because of belonging to a national minority. Out of relevance are not only civil and political rights, but also insurance that differential treatment of minorities is prohibited (Thornberry, 1991). Both aspects have been the basis of many international and European minority instruments and are to be found in both CoE and EU frameworks today. A system of protection also means that some regulation is in place that can assist members of minorities if their rights are violated. This means protection against public and private entities if a minority right is breached, including the possibility to turn to a court or other dispute resolution systems. A second category

refers to the ability to fulfil **preservation** of national minority groups and their identities. This category refers to measures and activities which acknowledge that preservation of national minorities is central for their survival, for which active support is needed. For national minorities and their identities to be preserved, it is important that they receive support to practice their culture, to use their language and to have access to education in their minority languages. Preservation as such is most likely to be reproduced through culture, languages use and education. Approaches aiming at support for minority language usage and cultural activities are common to CoE's practices and are stressed within EU policymaking. For example, 'contributing to the flowering of cultures' is an attempt by the EU to show respect for national and regional diversity in Europe (Shoraka, 2010: 128), which serves an important basis for financial incentives and programmes. And third, for the **promotion** of national minority groups and their identities, aspects of social and economic integration are important. EU regional policy, the right to participation (FCNM) and the right to cross-border cooperation, highlight objectives which are relevant for the promotion of national minority groups and their identities. By promoting ideals on participation and cooperation and by introducing formal rules which encourage involvement of national minority groups in, for instance, the management of regional affairs, better ground for promoting the existence and functions of national minority groups within minority-inhabited territories is established. The three Ps constitute the independent variable of the dissertation, expected to give rise to different processes of change in domestic policy and among national minority groups.

The domestic impact of the above is examined through cases studies, namely national minority policies in Denmark, Romania and Greece. The cases were selected because they help to examine the role and nature of different kinds of actors, shared understandings attached to national minority rights and kin-state dynamics. In all three states, policies and understandings of national minority rights are an offspring of interstate relations and specific domestic arrangements. European-level norms and rules pertaining to national minorities thus lead to a new need to be combined and reconciled with existing shared understandings and the way of that a minority policy is conducted. The role of existing understandings and the way policy is conducted is examined by also including one specific national minority group in each states. These are the German minority in Denmark, the Hungarian minority in Romania and the Turkish minority in Greece. The choice of one specific group in each country, rather than minority groups in general, is done because of the central role that each group has played in relation to the creation and interpretation of existing domestic national minority policy. While the three states demonstrate a variation in the possible factors affecting the impact of Europeanisation, the three minority groups are helpful for understanding the reasons for that variation. For example, through each group, minority actors'

ability to operate domestically is assessed.

1.2 Research question

The main research question of the dissertation is: **what best explains the impact of Europeanisation on national minority policy and on national minority groups?**

The above question is implemented through a set of sub questions. These encompass both state-level and group-level implications. In what way does adaptational pressure from Europe emerge? Why and how does adaptational pressure differ between the three states? Under what conditions do European-level norms and rules lead to change within national minority policy conduct, conceptions and understandings? What helps to explain the different impact of Europeanisation of the three national minority policies? How do national minority groups experience the processes of Europeanisation? What helps to explain the logic and motive of national minority groups' 'usage of Europe'? Does state-level policy affect the way national minority groups decide to use Europe? What are the implications of 'usages of Europe' on actorness, mobilisation and identities of national minority groups?

The above research questions are investigated through mechanisms which have been deployed in studies of Europeanisation to understand domestic implications as a consequence of European-level policy and norms. This also means an application of theories and mechanisms not traditionally applied in national minority studies, by combining top-down and bottom-up analysis from studies of Europeanisation of public policies. Impact on domestic national minority policy is evaluated through the degree of change as a consequence of 'adaptational pressure' from European-level norms and rules. The degree of pressure is determined by the compatibility of fit between domestic circumstances and European-level norms and rules. If change then takes place depends on how domestic actors or institutions respond to that pressure and domestic policy is changed either through socialisation or through the establishment of resources or policies that affect the logic of domestic policy. Such a top-down approach is crucial, because the state continues to hold central roles for the implementation and execution of national minority policies domestically, allowing one to scrutinise some important factors presumed to affect change.

A second assessment looks at the minority group level through a bottom-up approach based on Europeanisation research which stresses that domestic actors can be "filters and users of European norms and rules" (Radaelli and Pasquier, 2007: 38) and not only transmission and intermediary variables (Jacquot and Woll, 2003; Jacquot, 2008). Impact on national minority groups is examined through so-called 'usages of Europe' defined in literature as ''acts, practices and interactions which are either created or transformed as actors seize new opportunities' (Jacquot and Woll, 2010). For

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the purpose of this dissertation, the concept refers more specifically to *acts and practices involving European opportunities as resources used to advance own agendas and to legitimise the own position.* This assessment employs an actor-centred approach and utilises mechanisms from political sociology by assessing *how* and *why* minority actors use European-level resources, references and policy developments as strategic devices and how they are transformed by their practices. In contrast to state-level implications, national minority groups do not reproduce the same patterns of Europeanisation, by conceiving of, and experiencing socio-economic, political and legal change differently. Through semi-structured interviews with minority actors representing three national minorities, implications of their usages of Europe are evaluated on actorness, mobilisation and identity.

1.3 Bridging two academic fields

Developments in Europeanisation research are important in order to assess changes in national minority policies and among national minority groups.

Europeanisation disentangled itself from European integration studies, where it had been pitched between neofunctionalism and intergovernmentalism and addressing questions of why states join a process of integration even if national sovereignty may be reduced (Caporaso, 1999; Moravcik, 1994; 1998). Inspired by comparative political science, Europeanisation research acquired other conceptual contours, by asking questions about the effects of establishing EU institutions, policies and legislation at the domestic level (Anderssen and Eliassen, 1993; Ladrech, 1994; Radaelli, 2000). Since the late 1980s, much of the Europeanisation research has treated European integration as an independent variable in order to explain political change and continuity in the member states through implementation of European-level decisions and policies (Cowles *et al.,* 2001; Featherstone and Radaelli, 2003; Goetz and Hix, 2000; Graziano and Vink, 2007; Ladrech, 2010). Drawing on tools from policy analysis and comparative politics, studies have focused on changes within the domains of institutions, actors and policy procedures (Bulmer and Radaelli, 2005; Ladrech, 2010).

Whereas early Europeanisation research emphasised domestic implications in terms of transformation of public policy through well-established EU policies (Dehousse, 2011) by following an implementation perspective, such top-down studies now coexist with a broader interest in the role of both formal and informal rules as catalysts of domestic change (Irondelle, 2003; Graziano and Vink, 2007). This relates to that policymaking at the European level and instruments used to execute and implement policies have become much more diversified. Central to this expansion is the suggestion to treat Europeanisation as a 'process' (Ladrech, 1994; Radaelli, 2003) which has been described as a "political space with a distinct European dimension wherein social interaction

takes place, which in turn produces domestic effects" (Quaglia and Radaelli, 2007: 925). Besides adaptational pressure as a mechanism of change, Europe can also operate as a resource, a learning opportunity, a new venue for leadership, discourse and policy action (ibid: 926), in which case Europeanisation is considered a resource for domestic political action (Graziano *et al.,* 2011: 9) or an 'encounter' for domestic actors (Radaelli and Pasquier, 2007).

Additional perspectives have emerged with sociology, confirming a trend that Europeanisation can also have ideational effects, by occurring without pressure or in the absence of clear policy models. Here the focus is then on domestic change beyond legal adaptation, with emphasis on micro-level questions and/or change in norms, ideas and beliefs at the domestic level (Pasquier, 2005; Jacquot and Woll, 2010; Guiraudon and Favell, 2011). Domestic change can be voluntary by emerging through non-binding instruments, informal politics and cognitive perspectives (Jacquot and Woll, 2010). Even less institutionalised policy areas at the European level can generate domestic effects (Irondelle, 2003; Radaelli, 2008). Such ideational side of Europeanisation has also been linked to EU's international presence and how the EU can shape international cooperation by projecting its normative power through principles and norms (Manners, 2002). In this way, Europeanisation can become a process that alters beliefs among domestic actors, by contributing to reformulation of collective understandings at the domestic level (Pasquier and Radaelli, 2007). Domestic actors change behaviour when confronted with European-level norms and rules, by pushing for different roles in domestic policy or within the European political architecture. Encounters with European-level norms, principles and practices can trigger shifts in identity (Checkel, 2001; Risse, 2001). But the European level can also serve as an opportunity structure for civil society and affect the way it functions (Kohler-Koch, 2009), offering new channels of access or second chances to actors which are weaker at home (della Porta and Caini, 2009: 12). Regional affairs can be reframed through new demands from European regional policies (Featherstone, 2003) and this can encourage new 'spaces for politics' (Carter and Pasquier, 2010). Europeanisation research as such has coalesced into a European means of understanding not only national politics, institutions and formal actors, but also regional and local actors, along with the interaction with less institutionalised policy areas.

National minority studies have also developed. For a long time, national minority studies were dominated by questions of how to ensure minority protection (Thornberry, 1991; Jackson-Preece, 1998; Henrard, 2000). The role of international and European-level organisations was assessed according to their capacity to ensure protection and they often failed this test. Different reasons are so far identified for this failure. Classic dilemmas are found at the state-level and in the desire to retain sovereignty over people (Keating, 2006). In conformity with classic notions of international law, minority treaties often make states the key contractors of international legal instruments and

conventions. This principle still applies and most European-level instruments on national minority rights place responsibility of ratification and implementation in the hands of states. Moreover, international and European-level minority instruments have been weakly formulated and they often lack judicial enforcement (Alfredsson, 2000), because it has been difficult to reach a consensus on minimum standards at the European level (Malloy, 2005a) and introducing vague or non-binding treaties or declarations has often solved this difficulty. The combination of the above factors has often led many to conclude that international and European mechanisms on minority rights have been insufficient to ensure change on the ground, where national minorities live (Schwellnus, 2005), for being conceptually unstable (Kymlicka, 2007) and that state implementation has been uneven, sporadic and often an instance of 'windowdressing' (Galbreath and McEvoy, 2012: 190).

Some recent studies have started to claim that national minority rights can be fulfilled through means other than legal protection (Palermo and Woelk, 2003/4; Ahmed, 2010; Malloy, 2013a). One example is the so-called 'law of diversity' which proposes a move beyond protection towards empowerment of national minorities (Guella *et al.,* 2013: 2), by emphasising the importance of self-empowerment, participation and cooperation. Characteristic of this approach is basically that protection of minorities should be considered as a "transversal and shared objective to be realised by different actors and instruments in a combined approach" (Palermo and Woelk, 2003/4: 7). Although a coherent approach needs to ensure that distinct identities and minority characteristics are safeguarded and allowed to flourish, national minorities also make claims that are important for entire (and majority) populations and their claims are changing as much a social reality changes in Europe. National minority demands include access to a 'good life' (Malloy, 2010b) and the right to participate in the management of regional affairs (Malloy, 2011: 52); to effective participation in public life (Marko, 2006); in economic and social cohesion (Veenman, 2003/4); right to cooperate across boundaries and with its kin-state (Klatt and Kühl, 2006/7); and in cultural activities that stimulate diversity and heritage preservation (Ahmed and Hervey, 2003/4). National minorities have also showed interest to participate in politics at different levels, with a growing interest in the European level (McGarry *et al.,* 2006). These recent approaches often suggest that national minority groups should not only be viewed as objects or as recipients of legal standards, but also as subjects of standards and policies (Malloy, 2013a) by allowing national minorities to affect the pace of the policy that applies to them and to have a say in the drafting of the policy and in its implementation One of the key distinctions between protection and the latter set of approaches is that, in the former, states are often assumed to be the primary agents of implementation and the end of the 'protection approach' is signalled by assessing the degree of improvement in the

enjoyment of rights by the minority subjects themselves (ibid). Approaches such as empowerment suggest that individuals and groups can become agents of change, thus advocating the use of bottom-up strategies. Although there has been a general reluctance to bridge Europeanisation and national minority studies, mainly due to the lack of clear legal standards on national minority rights and weak ability to ensure protection at the EU level, the above changes in each field suggest new possibilities.

1.4 European-level rules and norms and national minority rights

What then are the norms and rules through which the impact of Europeanisation is expected to travel? In Europe, national minority rights re-emerged in the early 1990s as a pan-European concern, engaging most European organisations. Several approaches have developed with a bearing on not only state-level policy, but also on national minorities. The CoE was first in this respect. Through the European Convention on Human Rights (ECHR) and the Framework Convention for the Protection of National Minorities (FCNM,) the CoE has introduced standards on human and minority rights with a direct bearing on state policies. The European Charter for Regional and Minority Languages (ECRML) contributes to national minority rights by establishing standards on the protection of minority languages. The ECHR pursues individual rights protection, however with a derived bearing for some claims important to national minority groups. Breaches of the ECHR can be taken to the European Court of Human Rights (ECtHR). The ECRML and the FCNM differ from the ECHR in that they address the issue of minority rights and contain lists of specific national minority rights and language recommendations which apply in those states that have ratified them. The implementation of these two instruments is not upheld by any judicial system; instead it is monitored by expert groups on a periodic basis. This monitoring process provides the chance to scrutinise national systems in a detailed and transparent way, focusing on how best to implement the FCNM and the ECRML at the domestic level (Henrard, 2003/4: 19). The monitoring produces public recommendations, resolutions, critiques and suggestions. Henrard argues that the monitoring of these two documents aims to improve the very practice of minority protection, and not only the coming to terms with legal standards (ibid: 20). For example, the CoE monitoring often raises concerns over the lack of special services for minority groups and low promotion efforts undertaken by states. The monitoring differs further in that it is constructed around the idea of *encouraging* and *instructing* states to engage with their national minorities and to promote strategies supportive of minority culture and language. This shows how Europe has started to provide a different setting in which national minority issues can be addressed, by relying on measures other than legal standards or imposed conditionality as a way to pressurise states to change domestic policy. The EU becomes important in relation to such a shift.

In the early 1990s, the EU also started to include national minorities in its policymaking. However, in terms of standard setting and legal provisions, the EU cannot offer the same extent of guarantees as the CoE does. EU treaties offer only modest competences which can be used to affect domestic national minority policy and most of EU's instruments are rather designed to accommodate individual rights. However, this does not mean that no possibilities exist for the fulfilment of the 3 Ps or that there are no links between EU frameworks and aspects of national minority groups. Through the three Ps, this dissertation identifies a number of indirect sources and acts which could challenge domestic treatment of minorities and which may become important resources for national minority actors in their usages of Europe. For example, EU law provides a base against discrimination on ethnic and racial origin. That is, based on the legal competences provided by Article 19 TFEU, the EU created the Race Directive of 2000 which requires EU member states to eliminate racial and ethnic discrimination and to install a special body in charge of monitoring discrimination (Council Directive 2000/43/EC). Although the directive does not provide protection on the basis of 'national minority', it enlists race and ethnicity, which can be applicable to national minority groups. The Charter of Fundamental Rights extended the bases on which discrimination is prohibited, by adding 'membership to a national minority' to the list (Article 21(1), Charter). Another possibility for members of minorities is to bring cases to the ECJ on the basis of fundamental rights when acting within the scope of EU law. And with the Lisbon Treaty, the term minority was introduced within EU primary law, with which 'respect for persons belonging to minorities' became a founding value of the EU (Article 2, TEU).

Besides the above possibilities, the EU offers other approaches which are about making life easier for national minority groups. This is done through financial resources and promotion of norms relevant for the preservation of national minority identities. Through EU culture policies, the Commission promotes a 'European rhetoric' and provides financial budgets which focus on the preservation of European diversity and European heritage, and in this way they also assist minority languages and cultural promotion (Ahmed and Hervey, 2003/4). Other policy areas and structural arrangements stemming from the EU can encourage increased political engagement among citizens (della Porta and Caiani, 2009) which incorporates previously unknown political opportunities (Ahmed, 2011: 94-95). Equally, with shifts away from national governments to multilevel political structures for the sake of better coordination of some EU policies, additional venues to exercise political and economic rights are provided for subnational groups (McGarry *et al.,* 2006; Malloy, 2011). The EU multilevel structures need to be considered, as well as other associated trends that multiply political points of contact, but also transcend national borders, or even help to extend spaces within which activity and participation can develop (Rumelli *et al.,* 2011: 1296). Political

contexts for building partnerships and memberships, but also for raising claims, are multiplied. EU policy on regional development can impact on minority communities living in clustered regions by contributing to not only financial development by also supporting the right to participate in the management of regional affairs (Malloy, 2011).

In all, the above developments point towards a setting in which there seems to be a growing recognition that minority cultures and languages need to be assisted, coupled with increased scrutiny of states' national minority policy, including both new and old EU member states. National minorities are offered new possibilities to test new strategies and to use European-level institutions. Despite the weakness surrounding implementation, lack of enforceable rules and vague principles, together the EU and CoE have catalysed new awareness of not only domestic national minority policies, but also of the disadvantaged position in which many minorities live. This dissertation will show that this development is not only a result of the mere existence of standards and measures at the European level, but also that it follows on from the ways in which the EU and the CoE have framed minority questions, the ways that they have reacted to minority problems and how they deliver recommendations. How this triggers pressure for change in state policies is addressed in this dissertation.

1.5 National minority *policy* and national minority *groups*

The dissertation focuses on national minority policy and on national minority groups. A national minority policy corresponds here to the framework in which both intentions and principles are laid down regarding national minorities in general or regarding specific national minority group(s). Such a policy corresponds to any sort of implicit or explicit admission in national legislation or policy that a national population is not culturally or ethnically homogenous, but that there are various cultures, languages and ethnic groups. Consequently there will need to exist a provision which grants some sort of *special rights* beyond general human rights to specific group(s) living in that state. The scope, content and execution of such special rights differ greatly in Europe, ranging from minority self-government; granting territorial or cultural autonomy to minorities; funding of activities and organisations of minorities; guarantee of political representation or consultation with minorities in government institutions; including funding of bilingual education or mother-tongue instructions (Vermeersch, 2003: 1). Besides legal rights, a national minority policy can also be upheld by public policy measures and bilateral agreements, which can be either legal or political. Malloy has suggested that public policy is relevant as this is a way for states to show that they want to include national minorities in domestic affairs and in the management of society (Malloy, 2005a: 35).

At the international and European level, protection of minorities is also far from static (Ahmed, 2011: 16), although there is a general consensus on that most states are not homogenous and host the presence of various types of minorities. Regarding approaches to national minority groups, two key conceptions are characteristic of European-level developments. One common position is that *national minority rights can be fulfilled through equality and anti-discrimination paradigms*, which is incorporated in individual human rights (Pentassuglia, 2002: 34). A second position is that of *special minority rights*, designed specifically for minorities (Henrard, 2008: 91). The second conception includes, for instance, guarantees to preserve minorities as separate or different, or as collectivities with access to special rights (ibid). Most commonly, the special treatment which national minority groups request by the state where they live involve access to education in the medium of their own language, rather than just the teaching of their language (de Varennes, 2007); the right to use their minority language in both private and public affairs; right to political participation, and access to cultural associations in which the minority identity can be sustained and flourish (Brubaker, 1996). Although this is not an exclusive list of national minority-specific rights and it can vary across different settings, it is common to the majority of national minorities in Europe.

This above division between *human* versus *special minority rights* has often highlighted a paradox, with which not only policymakers grapple, but also academics continue to grapple. The paradox is basically that of how to achieve full *equality* while ensuring *differential* treatment to minorities (Alfredsson, 2000; Pentassuglia, 2002). As individual human rights do not cater for special needs of national minority groups (Henrard, 2000), the very issue of equality becomes questioned as minorities would need some degree of special treatment in order to enjoy full equality. Individual human rights paradigms dominated most approaches between the end of the Second World War and the immediate post-Cold War Europe (Jackson-Preece, 1998) whereas a discourse in favour of *special minority rights/approaches* re-emerged after 1989 (ibid). Human rights and the prohibition of discrimination are part of the ECHR and EU frameworks, whereas emphasis on *special rights* is addressed by the ECRML and the FCNM and through numerous non-legal approaches and programmes of the EU. In fact, EU frameworks touch upon both perspectives, yet in a much more diverse and indirect fashion, by possibly also adding new perspectives.

Regarding a definition of national minority groups, they will be taken here to correspond to objects covered by the above policy. No universal definition exists in international or European law of a national minority. Since 1998, the European scholarship has often relied on the following definition:

> A group numerically inferior to the rest of population of a state, a non-dominant position,

well-defined and historically established on the territory of the state, whose members – being nationals of the state – possess ethnic, religious, linguistic or cultural characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language (Jackson-Preece, 1998: 28).

The Permanent Court of International Justice (PCIJ), in suggesting similar criteria to the above, adds that "the existence of community is a questions of fact; it is not a question of law" (Meijknecht, 2001: 66). With this, the definition acknowledges that minorities do not necessarily need to be recognised by domestic legislation, and that minorities also include those that are not recognised. This is important, given that the state-level recognition does not necessarily reflect actual diversity on the ground. Central to the definition is also the distinction between the so-called subjective and objective criteria in relation to identifying a minority. This regards on the one level that a minority is recognised as non-dominant, but also that there is a collective will to hold on to the separate identity by the minority members (Henrard, 2003/4: 15).

Additional characteristics have been proposed in an attempt to differentiate between national minority groups and groups such as migrants and indigenous people. Kymlicka, for example, describes national minorities as "groups who formed functional societies on their historical homelands prior to being incorporated into a larger state" (Kymlicka, 2001: 54). Malloy suggests that a decisive characteristic of national minority groups is their territorial linkage and that they have remained within their historic 'homeland', because they became minorities due to incorporation into larger political units through border changes (Malloy, 2005a: 25). Common experiences for national minority formation are events such as the elimination of empires and territorial conquest, but where the group in question remains on the land where both they and their ancestors were born (Jackson-Preece, 1998). This is also where a national minority group differs from migrants, by invoking historical links to a given territory and not only ethnic difference (Kymlicka, 2007). It is precisely the acknowledgement that history has produced national minority groups which justifies their claim to special rights and which has become the focus of European organisations since the early 1990s.

Another important characteristic of a national minority policy, and for many national minority groups in Europe, is the 'kin-state' linkage. A kin-state refers to a "state whose majority population shares ethnic or cultural characteristics with the minority population of another state" (Palermo, 2011: 5). In other words, a kin-state is the so-called mother state of national minorities. The role of a kin-state is not only about sharing common ethnic, linguistic or cultural characteristics, but it can even constitute an influential (political) factor. Many kin-states in Europe contain some constitutional provision, ordinary legislation, administrative practices or policies that promote

specific groups residing abroad based on ethno-national considerations (ibid: 3). Through a kin-state's policies towards its kin-minorities living in other countries, kin-states can also become part of the host states' national minority policies through bilateral agreements or other interstate agreements (Lantschner, 2004: 203). Very often such agreements have emerged at the end of conflicts or following a period of suppression, during which neighbourly relations have been difficult (ibid). Similarly, such agreements also address general interstate relations, touching upon issues of borders, cross-border cooperation and commitments regarding the respective national minorities. Although not all national minorities in Europe have a kin-state, this dissertation looks specifically at a case combination in which there is a kin-state which has mattered for the destiny of each group. The role of the kin-state and interstate relations is expected to manifest during a process of Europeanisation, by either facilitating or hampering change.

1.6 Hypotheses

The research hypotheses are derived from the literature on Europeanisation and national minority studies. The first hypothesis is about the goodness of fit and the idea that domestic change occurs as a consequence of pressure which emerges due to incompatibility between European-level norms and rules, and the domestic circumstances. Given the above-described variety of domestic policies and understandings of national minority groups, mismatches with European-level understandings and domestic circumstances are only to be expected. Pressure is thus a precondition for change, generating the first hypothesis: *change in domestic national minority policy in the direction of European-level norms and rules will not be initiated voluntarily by state actors and institutions but only when they are pressurised by European-level bodies and actors.* Many Europeanisation studies rely on the goodness of fit model, by departing from the idea that it is the fit between European and domestic-level circumstances that gives rise to adaptational pressure and domestic change (Börzel and Risse, 2003; Cowles *et al.*, 2001). In this dissertation, I build on the idea that some degree of misfit is a necessary precondition for a process of change to begin. Pressure as a mechanism of change does not need to build on a clear policy model at the European level, to request compliance or to be judicially enforced through the ECJ or the ECtHR (Haverland and Holzhacker, 2006). Instead, pressure can also emerge through recommendations, critiques, expectations or shaming, and it can be raised through the monitoring of non-binding instruments and evaluation reports produced by European institutions. Basically, the more domestic actors perceive there to be a bad fit between domestic and European norms and rules on national minority rights, the more likelihood there will be of change. This means that when actors and institutions at the domestic level perceive that the pressure for change fits their situation, the degree of change will be higher. Pressure will not always lead to reform and introduction of new rules and norms at the domestic

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level; it can also be rejected or constrained domestically.

The second hypothesis focuses on the intervening variables during the adaptational process, with a specific focus on the role of actors. For actors to contribute to change, certain conditions at the domestic level are important. Not all actors have the ability or leverage to influence the process of change or the final outcome. This includes two elements, namely the ability of change agents to act domestically and the nature of the link that change agents enjoy with the central government. Therefore, the second hypothesis posits *given that change in national minority policies requires active change agents, greater change is expected under the condition that change agents enjoy an established link to the government and to domestic policy making.*

A third hypothesis focuses on the most likely change agents which can contribute to change in national minority policies. This also draws attention to the tactics and preferences applied by change agents. For change to move beyond mere legal implementation, it is when a range of change agents together support a national minority policy that they can be expected to have greatest influence. Therefore, a third hypothesis is that *European-level pressure will generate greater change under the condition that there are norm entrepreneurs who help to translate pressure into domestic change through argumentative persuasion towards political elites.* Norm entrepreneurs function according to logic of appropriateness, applying mechanisms of persuasion to reach their goals. With this, it is also expected that norm entrepreneurs can contribute to more sustainable change, by helping political actors to develop new understandings and identities. Change can occur without norm entrepreneurs, but it is expected to be slower or of an ad hoc character. In addition, the dissertation advances the idea that in this particular case, norm entrepreneurs are most likely to be formed from within the national minority group. To what extent they are able to operate freely is consequently contingent on the overall shared understandings of national minority rights in the given state, which have emerged through experiences of domestic coexistence between majority and minority.

A fourth hypothesis brings kin-state relations into Europeanisation as an alternative source of influence operating beyond the original assumptions of the goodness of fit model. Building on the acknowledgement that kin-states continue to have a say when it comes to the treatment of their kin-minorities in other countries, and that minority rights are important for interstate relations, it is also anticipated that kin-states will become activated in the Europeanisation process. Therefore, it is assumed that *Europeanisation outcomes will be greater when kin-state activity allows for change and especially where the kin-state is committed to the same norms and rules.*

A fifth and final hypothesis focuses on the impact of Europeanisation on national minority groups

by assessing the so-called 'usages of Europe' among minority actors. The concept of usages of Europe focuses on the role of actors in the translation of Europeanisation effects and the motives of action that can be identified (Jacquot, 2008: 21). As actors go back and forth between the European level and the level on which they act, they start to create a context of interaction and reciprocal influence (Jacquot and Woll, 2010). As defined above, the concept entails here acts and practices involving European opportunities as resources used to advance own agendas and to legitimise the own position. Why and how minority actors turn to usages of Europe is expected under the following condition: *the worse minority claims are satisfied domestically, the more national minority groups will engage in own usages of Europe, and vice versa.* Domestic satisfaction refers to both material and ideational contentment. For example, the search for a new identity can certainly be the reason to engage with usages of Europe, while lack of representation or poor access to resources domestically is another reason. Thus, the more minority claims go unsatisfied or unheard domestically; the more national minorities will use Europe.

Hypotheses one to four are thus concerned with an Europeanisation process which is about adaptational requirements and focuses on the role of intervening variables presumed to affect change in domestic policy. Hypothesis five looks at Europeanisation as a process of change which starts through opportunities for action where actors' motives to use Europe help to understand Europeanisation impact. The way that Europe turns into a resource for action among minority actors is expected to have further impact. That is, acts and practices which aim at advancing agendas and interests or to legitimise the position of minorities, may assist in the accumulation of new roles and new type of *actorness.* This can in turn help to redefine own positions and give support to the emergence of *minoritisation*. Whilst the term minoritisation has been applied in studies looking at the formation of minority groups due to demographic and political changes (see for instance Cowan, 2001), it is here suggested as a process of realisation that it is appropriate and legitimate to be a national minority and to claim national minority rights. Actorness, on the other hand, takes its understandings from discursive institutional analysis which entails that activity by agents can be constructed and attain (political) connective roles. Lynggaard (20012: 98) has suggested a conceptualisation of discursive actorness as "a role from where collective, but also individual, agents may exercise discursive powers and possibly contribute to Europeanisation". Such actorness may then become a role that various agents may take up simultaneously or successively (ibid). It is thus understood as a process in which agent positions can be constructed. Wittrock and Wagner (1996: 107) have suggested that "social actors are able to give meaning to their existence in the world and to formulate strategies for action...it is a necessary turn away from a view on history as the actorless evolution of abstract, universal processes". This understanding of

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actorness is relevant in the context of national minority groups as it can help to endorse how actors take up new roles by drawing on new resources and making own interpretation, which enables them to pursue own course of action and as such to create own impact.

1.7 Case study research

I compare three cases in order to examine *what best explains the impact of Europeanisation*, namely the development of national minority policies in Denmark, Romania and Greece. In each, national minority policies and Europeanisation are assessed in the context of one specific national minority group, namely Germans in Denmark, Hungarians in Romania and Turks in Greece. The reason for assessing impact on policy in relation to one specific national minority group in each country is important as national minority policies should not be understood to cover all minorities in one country. Similarly, policy definition and any process of change in policy often involves minority activism, the perspective of kin-state relations and specific understandings attached to each minority group. Although other minority groups exist in all three states, the present three are chosen as they have had an impact on the formation of domestic national minority policy of their host-state; they demonstrate clear willingness to retain their minority identity through activism and own agendas; and their status has been subjected to interstate politics.

Three specific criteria, which are also raised in hypotheses, have thus informed the case selection. A first rationale for selecting the cases is about the extent to which minority actors can perform acts of change agents domestically. Change agents with leverage and possibility to affect domestic politics are expected to be central for greater outcomes of Europeanisation in domestic policy (hypothesis two and three). Therefore, the case selection applies a variation in cases regarding change agents' possibility to act domestically. In Denmark, Romania and Greece, change agents with possibility to affect national minority policies hold different statuses and abilities to act, especially in the context of minority actors. In Denmark, the German minority enjoys good contacts to the government and a good access to debates and political processes concerning minority issues. The well-established dialogue, ability to raise issues linked to minority affairs and representation of the German minority through a Secretariat in direct contact to the Danish Parliament, leads one to expect that there is high possibility for actors representing the minority to influence change and help to translate European-induced pressure into domestic change. In Romania, although political processes are often undermined by weak legislature and judiciary, the Hungarian minority has acquired a central (political) role throughout the 1990s in order to restore the position of the Hungarian minority in the political life of Romania following the collapse of communism. The Hungarian minority is represented in the Romanian parliament through an own party and has been part of the government coalition several times. It thus possesses power to influence political

processes and legislation. This situation also leads one to expect high possibility to perform acts of change agents and to affect the impact of Europeanisation. In Greece, however, the likeliness of change agents concerning minority issues is expected to be limited. This is based on the fact that the general attitudes towards minority issues in Greece are negative and the Greek policymaking does not account for minority issues in the same way like the other two cases. This is expected to undermine actors' abilities to address issues linked to national minority rights. There is thus less likeliness for change agents to affect domestic policy or to generate influence on the process of Europeanisation. This variation in the actors' ability to act domestically is presumed to affect change and help to explain the impact of Europeanisation on domestic policy.

A second rationale for case selection is the role of the kin-state and the broader interstate relations. All three national minority groups enjoy a linkage to their kin-state and domestic policy has been subjected to interstate relations involving the kin and the host-state of each national minority group. That is, the Danish minority policy is a so-called 'one-minority' policy, addressed specifically at the German minority. This policy is an offspring of bilateral negotiations between Germany and Denmark, which has bound the two states into a bilateral reciprocity. The drafting and execution of the Romanian national minority policy has seen a regular involvement of Hungary as a kin-state, which has often advocated on part of the Hungarian minority and demanded rights for the largest Hungarian community abroad. Hungary has also developed some of the most remarkable instruments addressed at kin-minorities in neighbouring countries, which includes Hungarians living in Romania. The current status of the Turkish minority in Greece is also an offspring of bilateral agreements between Greece and Turkey, providing the only basis for the existence of a minority in Greece. The agreement in place provides a reciprocal application in that the two states a bound into a mutual application of the rights stemming from their bilateral agreement. Ever since the creation of each national minority group, each kin-state has demonstrated support of its kin-minority through different measures, but they have also been central to the policy formulation and to the execution of minority rights in the host-state. Therefore, the three cases provide for testing weather variation in kin-state and interstate dynamics affects the impact of Europeanisation. This can help to address the question whether Europeanisation can replace the role of kin-states or the role of reciprocity once both the kin-state and the host-state become committed to the same norms and rules stemming from European organisations.

A final selection criteria concerns the degree of satisfaction among the minority members domestically, which is expected to affect the extent and mode of 'usages of Europe' among minority actors, namely why and how they use Europe as a resource to advance own agendas and interest or to legitimise own position. There are highly different grounds of not only minority claims among

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the three minority groups, but also in the degree of accommodation of minority claims domestically. Whereas good degree of accommodation of minority claims domestically is expected to cause less usages of Europe among minority actors, lower degree of accommodation is expected to trigger more usages of Europe. With this mind, regarding the German minority in Denmark, whose claims are well accommodated through a functional dialogue, the minority actors are expected to use Europe less. Accommodation of claims of the Hungarian minority in Romania have gradually improved since the early 1990s, however, some outstanding issues remain, for which the minority is expected to make use of Europe more than in the case of the German minority. Accommodation of the Turkish minority's claims in Greece is the lowest among the three cases, for which usages of Europe are expected to be greatest in order to compensate for the lack of domestic accommodation.

1.8 Expected contribution of the dissertation

Three contributions are expected with this dissertation. A first expected contribution is theoretical. In assessing the impact of Europeanisation on national minority policy, the dissertation applies the goodness of fit model because of the presumed role of agents and other factors affecting the nature and process of change. However, the dissertation expands the goodness of fit model, which originally accommodates mainly domestic factors as intervening variables, to encompass an external dimension, namely the kin-state. Kin-state dynamics also include interstate relations, as it is difficult to assess the role of the kin-state without factoring in broader interstate interactions. Such a theoretical approach which focuses on domestic and external factors determining change can also help to address existing gaps in the literature on Europeanisation and minority rights by basically addressing the question on how to explain Europeanisation beyond the usage of conditionality as the main mechanism of change. That is, many earlier explanations have focused on the role incentives provided by the EU as a key motor of change in domestic minority policies (Schimmelfennig and Sedelmeier, 2005; Grabbe, 2006). By recasting the focus on other variables found at the domestic level and in interstate relations, a different explanatory model is offered which draws attention to important factors affecting change in national minority policies. This final aspect also underlines that there is a distinction in factors affecting change between national minorities having a kin-state and national minority groups without a kin-state.

A second contribution is empirical. Europeanisation of domestic national minority policies has received relatively little attention apart from during the three recent EU enlargement rounds. Regarding the EU, one of the most common reasons for the weak coverage was the assumption that the EU does not matter so much as it lacks competences on minority rights. By applying the three Ps and by incorporating the CoE as a source of Europeanisation, this dissertation broadens the field of

examination. That is, in assessing European-level norms and rules along the three Ps, a broader scope of impact is assessed. Likewise, Europeanisation can be accounted for by including changes which do not emerge through clear competences and formal processes and the impact of other factors cannot be rejected a priori, especially given that national minority claims are also developing through new demands and expectations.

A third contribution is methodological and emerges with the dissertation's combining of top-down and bottom-up Europeanisation approaches. In order to understand new dimensions linked to the impact of Europeanisation on policy and on groups, a combination of both is necessary. The goodness of fit model is applied in a top-down fashion in assessing the dynamics surrounding policy change. However, the dissertation also acknowledges recent critique from Europeanisation research regarding the weakness of the goodness of fit model. For example, the model was criticised for failing to capture changes produced with the 'usages of Europe' (Jacquot and Woll, 2010; Radaelli and Exadaktylos, forthcoming 2014) or through unwarranted and indirect effects of the European integration processes (Haverland and Holzhacker, 2006). Such critique has contributed with new perspectives on how Europeanisation can be created from below, but also that there is a need to study interaction of actors with the realities of European integration and the consequences of this interaction (Jacquot and Woll, 2003: 5). A combination of top-down and bottom-up approaches is still unusual in Europeanisation research, even if such combination can help to control for the biases of the other. Quaglia and Radaelli (2007), for example, applied both methods in one single study, showing how high adaptational pressure can be countered by efforts among domestic actors to reduce pressure, which in turn can lead to reform of European policy itself. In this dissertation, a combination of both is expected to help arrive at a broader understanding of the nature of national minority rights and approaches to national minority policies in the context of European integration.

1.9 Structure of the dissertation

Following this introduction, chapter two presents the theoretical framework which will guide the top-down and bottom-up assessments. The chapter starts by explaining the domain of Europeanisation and how it can be relevant for understanding European impact on domestic national minority policy and on national minority groups. Two central concepts are elaborated, namely the *goodness of fit model* and *'usages of Europe'*, setting the basis for the research design. State-level impact is examined through Europeanisation as adaptational pressure. Domestic impact through adaptational pressure is analysed by rational and sociological institutionalism, whereby European-level pressure will affect policy either through social learning or by offering new resources to be used in order to alter policy conduct domestically. In outlining the goodness of fit

model, the central roles of domestic intervening variables are presented, by also incorporating the kin-state as an additional factor. The concept of 'usages of Europe' revolves around a bottom-up approach which means that Europeanisation is created through political actions done by actors and what the effects of this are.

Chapter three spells out the methodological foundation of the dissertation. In order to examine what best explains the impact of Europeanisation on national minority policy and on national minority groups, I introduce the variables of the research, which helps explain the research design of the dissertation. When presenting the variables, methods used to analyse the data are discussed, as is the centrality of process tracing given the multiplicity of variables in the causal process. A thorough discussion is provided of the three cases and the methods used to select these. The final section in chapter three discusses different steps in my data collection, how interviews were conducted, why this method was chosen and other data used. In terms of data used, the dissertation draws on a variety of sources. In order to understand the nature of European-level norms and rules on national minority policy, I draw on document research and official documents. In order to assess the impact on the three countries and on the three minority groups, I draw on official documents, different reports by the EU and the CoE, speeches, secondary literature and interviews with politicians, civil society representatives and other experts.

Chapter four analyses the development and nature of my independent variable, namely *European-level norms and rules* pertaining to national minority rights. This chapter provides a detailed discussion of legislation, policy and norms of the EU and the CoE, scrutinising how this can help to fulfil protection, preservation and promotion.

Chapters five to eight of the dissertation present empirical findings of the three cases. Chapters five to seven address the first unit of analysis, namely state-level policy, by assessing hypotheses one to four. A central aim is to assess whether domestic public policy has changed in a more minority-friendly direction and by which means. Chapter five provides an historical analysis of each state's national minority policy and how this policy accommodates the national minority group in question. The central focus of chapter five is on the situation before the arrival of European-level norms and rules and at what point misfit emerged. Chapter six explores the adaptational pressure and the interaction between European-level norms and rules and domestic minority regimes. This chapter identifies three distinct Europeanisation outcomes, one of non-Europeanisation, one of modest Europeanisation and one of high Europeanisation. Through rich process tracing and interview data, this analysis also introduces three central intervening variables, namely the existence of change agents, domestic shared understandings and the kin-state. These three are

discussed in more detail in chapter seven, with a specific focus on how they have affected the different Europeanisation outcomes in each country. Chapter eight shows a different process of change among national minority groups, based on each groups' use of Europe. New political opportunities are provided for national minorities which can be used to advance own agendas and interests, for which this chapter looks at how their political work and claims, have been affected and what consequences this has on identification. Despite the different motivations for usages of Europe, new roles are acquired, supporting the formation of actorness with impacts on identification development.

Chapter nine concludes the dissertation with a number of findings. At the heart of the findings is that Europeanisation helps to reorient national minority rights through an interaction of top-down and bottom-up approaches. State-level policy is difficult to transform through European-level norms and rules only, instead it requires the existence of active change agents that can operate domestically, shared understandings that allow for change and stable kin-state relations. National minorities, on the other hand, are receiving agency as Europeanisation alters avenues and spaces for own action. Through own action and practices, actorness is taking formation as minority actors obtain possibility and confidence to act and as they receive legitimacy for minority claims, affecting the nature of identification formation. The dissertation also concludes with some new insights regarding minority studies at large, by showing that the national minority groups are increasingly raising claims beyond protective standards, as they are interested in 'normal politics' and participation. Whether this shift is a consequence of European integration and the fact that European-level tools appear more suitable for fulfilling preservation and promotion by avoiding questions of hard law and harmonisation, or whether shifted priorities among national minority groups inform the outlook of the tools at the European-level, is something to be considered in future research which looks at the link between Europeanisation and national minority groups.

Summary

In assessing *what best explains the impact of Europeanisation*, two central arguments are that factors affecting policy change are embedded in domestic and interstate relations, and that national minority groups have started to acquire new agency through their relationship to Europe.

Change in domestic policy through European-induced pressure is contentious and depends on a combination of factors found at the domestic level and in interstate relations. Despite significant differences between the three countries, a similar combination of intervening variables helps to explain the impact of Europeanisation. It is also through domestic factors and interstate relations that we can understand whether change occurs through socialisation or through the creation of

resources and policy ideas that alter policy conduct domestically. Greatest Europeanisation outcomes in the form of shifts in elite behaviour and transformation of domestic policy conduct, is closely determined by the nature and power of change agents at the domestic level, shared understandings attached specifically to the national minority group in question and kin-state relations.

By approaching national minority groups through the concept 'usages of Europe', a different process of change and impact is envisaged. Such process of change is also less dependent on the Europeanisation outcomes in state-level policy, but more on the fact that minority actors have made many discoveries on their own among EU institutions, EU directives, policies and other forums at the European level. As such, Europe helps to alter avenues in which minority agendas and interest can be advanced and developed in a new way, providing a space to develop own *actorness*. Through mobilisation and agency acquisition, identification among national minority groups is also affected.

Chapter 2: Theoretical framework

This chapter develops a theoretical and a conceptual framework in order to assess what best explains the impact of Europeanisation on national minority policies at the domestic level as well as on national minority groups. The general status and development of Europeanisation as a research agenda will be outlined and what the agenda addresses. A detailed account is provided of the mechanisms of Europeanisation which help to explain the causal influence of European-level norms and rules. Close attention is given to one mechanism in particular, namely the 'goodness of fit model'. At the heart of this model is that 'adaptational pressure' at the domestic level occurs as a consequence of compatibility between the European level and the domestic level. Adaptational pressure is here argued to be essential, as it cannot be expected that European-level norms in the form of rules pertaining to national minority rights will be adopted or internalised voluntarily by domestic actors and institutions. The goodness of fit model will help to structure several parts of the dissertation and it also accommodates rational institutionalism and sociological institutionalism which are used to analyse the process of change. According to the goodness of fit model, whether change occurs will depend on how change agents and institutions respond to pressure, for which rational and sociological institutionalism each offer two distinct assumptions of the most likely meditating factors and outcomes. This dissertation adds an alternative intervening variable which is expected to influence domestic change, namely the *'kin-state'*. Different degrees of Europeanisation outcomes, as suggested by Europeanisation literature, are outlined in order to interpret the empirical extent of change, namely inertia, absorption, transformation and retrenchment. In the case of national minority groups, where change is expected to be gradual and incremental across time, such a gradation of change can be expected to be highly relevant. Moreover, an additional sociological perspective is introduced to the theoretical discussion of Europeanisation, namely the concept of 'usages of Europe' (Jacquot and Woll, 2003). This concept is rooted in actors' practices with opportunity structures and it operates beyond the goodness of fit model and institutional pressure (Jacquot and Woll, 2003; 2010). This is central to parts of my research question, which looks at impact on national minority groups. This is addressed through a discussion of multilevel governance in order to understand the development of political opportunity structures associated with national minorities and how these help to yield new 'usages of Europe'. The chapter also incorporates five underlying hypotheses of the dissertation.

2.1 Research agenda: Europeanisation as European-level impact at the domestic level

As the objective of this dissertation is to explore what best explains the impact of Europeanisation on national minority policy and among national minority groups, the study engages with rational

institutionalism and sociological institutionalism and comparative case studies. The opposing logics of rationalist and sociological institutionalism each provide assumptions about factors influencing domestic change, which are applied here in order to explain the nature of changes in national minority policies.

To understand the nature of European-level impact, distinction is made between national minority policy and national minority groups. This also holds theoretical implications in that different concepts are expected to explain factors influencing state-level change and developments among national minority groups. State-level policy is approached through the two logics embedded in the goodness of fit model, and national minority groups are approached through concepts stemming from political sociology. Whereas the former perspective takes pressure as a mechanism of change as its point of departure, the latter springs from actors' use of new opportunity structures in terms of access to new arenas and possibilities to develop (political) activity at different levels. Change in state-level policy is expected to vary according to the logic by which adaptational pressure is absorbed, following the interaction of different intervening variables, whereas changes among national minority groups is more dependent on actors' motives for action and how they are affected by repeated usages of Europe.

Europeanisation research is of interest for the study of national minority groups as it asks questions about empirical effects caused during times of European integration at the domestic level of the member states. It has predominantly been applied to studies looking for domestic consequences generated by the EU, although many studies have also argued for domestic effects of the broader European integration, as such encompassing European-level institutions other than the EU (Featherstone and Radaelli, 2003; Graziano and Vink, 2007).

Some of the earliest studies treated Europeanisation as theory building of European integration, by emphasising questions such as: "why do states join an integration process, even at the expense of reduction of full sovereign control over numerous national matters?" (Caporaso, 1999; Moravcik, 1994; 1998). These early approaches represented attempts at classifying and explaining European integration and the construction of a regime, with a focus on explaining cooperation between states in Europe. The arguments that ensued were largely state-centred and pitched between macro-theories of international relations, such as neofunctionalism and intergovernmentalism. Both perspectives addressed questions on why states chose to join the European integrationist project by treating the EU as something unusual (Haas 1958; Moravcsik 1994; 1998). Accordingly, for the functionalists and the liberal intergovernmentalists, national governments were the key actors, with the ultimate locus in decision-making processes, which also shaped much of the

Europeanisation outcome (ibid). Based on a rational ontological logic, elements such as state interest and bargaining were central for understanding why states joined the European integration process.

Attention shifted to the domestic importance of European integration matters with the overall comparative turn in the study of European integration (Hix, 1994), which made aspects of domestic consequences of central interest to Europeanisation research. This was no coincidence, but related to the increased European presence in domestic policy and law, being a consequence of expanded jurisdiction and EU treaty competences which intensified and multiplied the links between Europe and the domestic level. Some examples of this are the Single European Act and the Maastricht Treaty, both having broadened and deepened EU competences with which domestic impact also became more likely (Haverland, 2007: 64). As such, since the 1990s, Europeanisation research has increasingly viewed European integration as an independent variable which influences the domestic politics of member states. Studies comparing the EU to other political systems (Goetz and Hix, 2000), have contributed with new insights on mechanisms of Europeanisation, suggesting the means by which European integration generates domestic impact (Héritier *et al.,* 2001). With the help of comparative studies, Europeanisation gained its main contours and objects of study and replaced the earlier emphasis placed by international relations scholars on the emergence of the EU as a feature for theory building (Caporaso, 2007). It thus turned into a concept concerned with domestic effects as a consequence of European integration (Ladrech, 1994). This dissertation encompasses the comparativist approach which helped to advance Europeanisation in the first place, here by looking at the domestic effects of European-level policymaking, law and institutions on national policies by comparing three cases.

Subsequent to the disentanglement of studying the emergence of European integration and the EU from the study of domestic implications, dense literature on Europeanisation followed. There is a wealth of conceptual definitions of Europeanisation, attempting to clarify its meaning and mechanisms. Ladrech contributed with a definition in 1994, stating that Europeanisation resembles "an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (Ladrech, 1994: 69). Inherent in this early definition is the notion that change occurs at the domestic level due to the penetration of the European dimension in national arenas of politics and policy (Börzel, 1999). Other comparativist scholars have picked up Ladrech's definition. For instance, Olsen suggested a version of Europeanisation in which the European-level institutions, identities and policies are measured in the domestic settings (Olsen 2002). In line with the shifted conceptualisation of national adaptation, Héritier *et al.,* argued that Europeanisation

corresponded to a *differential* process deriving from European decisions and impacted member states (2001). Thus, it was also highlighted back then that domestic impact differs between member states, replacing earlier assumptions that Europeanisation creates convergence. Explaining the differential impact became one of the important concerns of ensuing Europeanisation literature.

Thus, Europeanisation is largely defined through European integration in which the latter is the explanatory factor, or independent variable, which causes domestic change (Goetz and Hix, 2000; Cowles *et al.,* 2001; Featherstone and Radaelli, 2003; Graziano and Vink, 2007; Ladrech, 2010). Radaelli broadened the research agenda further by defining Europeanisation as:

> ...processes of a construction, diffusion, and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies (2003: 30).

Radaelli's process-oriented definition of Europeanisation not only expanded the view of Europeanisation by considering it a process, but it also confirmed the possibility of applying both sociological-constructivist and rational-institutionalist methodological and theoretical approaches to the study of Europeanisation (Ladrech, 2010: 15). The turn to new institutionalist variants thus enabled new theoretical insights, by looking at whether actors and institutions act rationally or if they are socialised (Bulmer, 2007: 50-51), which is also useful in this dissertation in order to compare the underpinning logics of change. Radaelli's definition also expanded the scope of mechanisms by which Europeanisation occurs, ranging from coercion, calculation of political costs and benefits, socialisation, persuasion, diffusion of norms and learning (Radaelli and Exadaktylos, forthcoming, 2014). Besides formal rules as mechanisms of change of domestic policy and institutions, the definition also acknowledges the role of informal mechanisms. Compared to legal coercion or the Community method, which constitute formal mechanisms of change, an EU policy does not need to exist for Europeanisation to occur. Europe can also cause change by changing domestic opportunity structures and by framing domestic belief systems (Knill and Lehmkuhl, 2002: 256). Others have suggested that Europeanisation can also trigger socialisation through persuasion and learning (Börzel and Risse, 2012: 1). This is highly relevant for a policy area like that of national minority rights which is subjected to different mechanisms of Europeanisation.

For the purpose of this dissertation and in order to assess impact on domestic national minority policy and among national minority groups as a consequence of European-level norms and rules, I conceive of Europeanisation as *a process by which European integration generates empirical impact*

domestically through a set of formal and informal rules and norms. European-level, values, rules and decisions are expected to affect ongoing redrafting and change in public policy pertaining to national minority rights, whereas national minority strategies and identities are expected to become affected through their usage of Europe. For the most part, while scholars have considered why and how domestic change occurs, they have also looked specifically to the EU, which has had a great influence on the concept of Europeanisation (Goetz, 2000; Olsen, 2002; Bulmer, 2007). In this dissertation, Europeanisation and its methods of change are applied to a broader process of integration; whereby the impacts of European integration in the context of national minority rights is not reduced to the EU, but includes impact of integration at the European level. As such, central to the working definition of this dissertation is that Europeanisation is not only a force of EU-isation. Instead, both European integration and Europeanisation in the context of national minority rights also incorporates the CoE, whose norms and rules on human and national minority rights co-exist with EU policymaking and are articulated towards European states in a similar way. Simultaneously, it is difficult to speak of European-level norms and rules pertaining to national minority groups by separating the CoE and the EU. Here I take inspiration from Olsen who maintains, "transformation may occur on the basis of a multitude of coevolving, parallel and not necessarily tightly coupled processes" (1996: 271). Likewise, it is also argued, "to reduce Europeanisation to 'Europe of Brussels' is misleading" (Radaelli and Pasquier, 2007: 36). European-level norms and rules pertaining to national minority groups need to account for the broader activation of norms and rules in Europe, especially since EU approaches often build on and promote rules and values stemming from the CoE.

The idea that external factors/actors constitute a source of domestic change is not new to domestic national minority regimes. As many have shown before this dissertation, international treaties and documents on human and minority rights, despite their weaknesses, have managed to pressurise many states to adopt new measures on national minority protection (Jackson-Preece, 1998; Kymlicka, 2007; Weller, 2008; Henrard, 2008). Contributions from international law on the standardisation of minority protection and international human rights law are perhaps the best examples of this (Alfredsson; 2000; Pentassuglia, 2002; 2004). International jurisprudence and legal human rights discourses have continued to play a role during the period of 1945–1989 (when the latter became replaced by security and conflict dimensions). Parts of this dissertation are constructed around a similar logic, by acknowledging that European-level norms and rules under the aegis of the EU and the CoE, are designed to pressurise states to become more open to national minority rights, by promoting new understandings which are associated with new norms and rules. The model by which such pressure can lead to change will be elaborated on below.

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2.2 The goodness of fit model

So far the, the goodness of fit model has fulfilled an important function in Europeanisation studies and especially in relation to institutional and policy changes between the EU and the domestic level. The model is often described as the classic and baseline model of Europeanisation, (Bulmer, 2007; Radaelli and Pasquier, 2007; Radaelli and Exadaktylos, forthcoming, 2014) because of its wide application. Essential to the goodness of fit model is the degree of coherence or match between the European frameworks and domestic circumstances (Cowles *et al.,* 2001; Börzel and Risse, 2003). That is, the less the compatibility (fit) between the two levels, the greater the adaptational pressure for adjustment (Cowles *et al.,* 2001: 7). It is thus the pressure which emerges through the goodness of fit which becomes a motor for domestic change and adjustment, or Europeanisation. This idea of pressure as a mechanism of change was identified already in the 1990s by Duina (1999) and Héritier (1996). In 2001 this idea developed into the goodness of fit model (Cowles *et al.,* 2001: 7) and became systematised around the idea that pressure is a *necessary* function for change, albeit not a *sufficient* condition. The goodness of fit model incorporates specific conditions according to which change is expected to occur (Börzel and Risse, 2001; 2003). The relevance of domestic factors is harnessed through using rational and sociological institutionalism to provide predictions about what the intervening variables are.

Where the fit between the European level and the domestic level gives rise to incompatibility, a so-called misfit is created (Börzel and Risse, 2001; 2003). According to the goodness of fit model, two main misfits are identified, namely institutional misfit and policy misfit. A policy misfit between the European and the domestic level shows the dynamics by which compliance problems emerge domestically due to European-induced pressure. That is, European-level policies can challenge national policy goals, regulatory standards and the other instruments or techniques normally used to achieve policy goals domestically, as well as the problem-solving approaches normally used (Héritier *et al.,* 1996; Börzel, 2000). Institutional misfit, on the other hand, is about pressure on domestic rules and procedures and the collective understandings attached to those (Börzel and Risse, 2003; 62–63). That is, Europe can apply pressure for institutional balances to be rearranged domestically (Börzel, 2001: 138), business–government relations and decision making arrangements (Conant, 2001), or upon deeper understandings which touch upon national sovereignty, such as national identity (Checkel, 2001a; Risse, 2001).

The model is based on two distinct logics, namely rational and sociological institutionalism, and introduces a dual pathway of change. Both depart from the necessary condition of pressure, which is shaped, by the degree of fit, but they assume two different adaptational processes, predicting the

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activation of different factors and different types of outcomes.
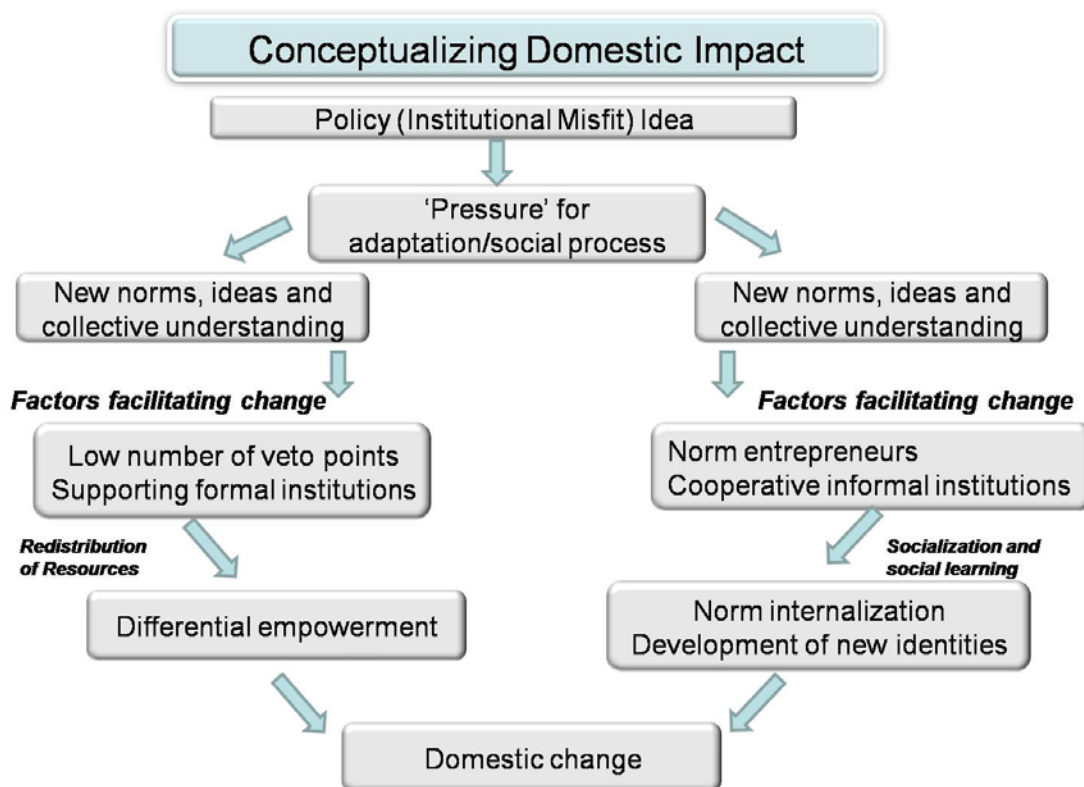
Figure 4: The goodness of fit model

Given that I want to examine what best explains the impact of Europeanisation on domestic policy, which are the factors that influence the process of change and the outcomes of such processes, I apply the above goodness of fit model. The general idea departs from the view that Europeanisation must be inconvenient and give rise to a mismatch between the domestic and the European-level, which in turn causes adaptational pressure. With this, I identify my first hypothesis. Given that membership of the EU and CoE alone does not explain how or in what way Europeanisation of domestic national minority policy takes place, it is assumed that change will depart from the perception of pressure. Basically, the more actors and institutions at the domestic level perceive that the pressure for change could fit their situation, the more likelihood there is of change and greater Europeanisation outcomes will be generated. The idea of pressure is essential for change of national minority policies, given that it is rarely a voluntary process among states and historically has been prone to strong resistance.

As the above figure shows, factors influencing change are predicted along two logics and provide distinct assumptions. The rationalist logic, which is incorporated on the left side of the goodness of fit model, originates in rational institutionalism. At its most fundamental, it is based on the 'logic of

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consequentalism' (March and Olsen, 1989) which understands actors and their behaviour as being shaped by fixed and predefined preferences, which ultimately aim at utility maximisation and gain of material interests (Hall and Taylor, 1996). Similarly, institutions are understood as opportunity structures or veto points in which actors' preferences can be advanced, whereas the transmission mechanisms by which change can occur are based on predefined rules (Bulmer, 2007: 50). Accordingly, it is assumed that actors will behave purposefully, according to self-interest and adopting maximisation and strategic calculation when confronted with European-level pressure, and that they will also act using the same logic when responding to adaptational pressure domestically. Given the assumption of interest-driven world views, Europeanisation is predicted to become perceived as an opportunity structure in which actors can seize new opportunities in order to advance their own interests or to perform their own manoeuvres. Börzel and Risse identify two mediating factors that will matter according to rational institutionalism, namely *multiple veto points* and *existing formal institutions* (2003: 65). The general goal of change according to this logic, by which actors and institutions are also expected to behave, is to achieve a redistribution of resources in which losses may not exceed the benefits (ibid).

In contrast to the rational predictions, sociological institutionalism predicts change differently, by also assuming different influential factors, mechanisms of change and outcomes. Being constructed on the logic of appropriateness and social constructivist worldviews, change entails identity redefinition and socialisation (March and Olsen, 1989). Consequently, actors and institutions are understood as being shaped by collective understandings of what socially accepted behaviour is (ibid) and act accordingly. By defining institutions in a much broader fashion, encompassing symbol systems, cognitive scripts, moral templates, but also formal rules, procedures and norms (Hall and Taylor, 1996: 14), the range and types of actors that are activated through the adaptational pressure are multiplied. Accordingly, mechanisms of change are commonly associated with culture, ideas and attitudes (Bulmer, 2007: 50).Outcomes are, in turn, expected to be consequences of socialisation and learning which contribute to norm internalisation and the development of new identities (Börzel and Risse, 2003: 65). Europeanisation literature identifies two mediating factors which are expected to act according to the overall assumptions of sociological institutionalism, namely *norm entrepreneurs* and *cooperative informal institutions*, which are also embedded in the political culture at large (Börzel and Risse, 2003: 68). These factors are expected to pursue activity and to act through mechanisms such as moral argumentation, persuasion and policy learning through exchange (Di Maggio and Powel, 1991; Radaelli, 2003), believed to ultimately assist in an internalisation of new norms and beliefs, with the capacity to alter the overall belief systems towards embracing new norms and ideas. This logic does not

exclude strategies of persuasion, but this idea rather means that for actors to redefine their interests and identities they need to engage in processes of social learning which cannot be brought about by the distribution of incentivising resources alone (Börzel and Risse, 2003: 67). The predicted intervening variables of the two logics are discussed in more detail below.

2.2.1 Intervening variables

It is the mediating factors, or intervening variables, which determine the process of change and help us to understand the outcome of change. Intervening variables thus fill the *sufficient* function, as predicted by the above goodness of fit model (Börzel and Risse, 2001; 2003). As figure 1 suggests, the adaptational process is assumed to generate different degrees of intervention, translation and negotiation dynamics according to rational and sociological institutionalism. Accordingly, the goodness of fit model incorporates mediating factors which help to establish a link between European-induced pressure and domestic change, and which can affect or steer the process in a particular direction, depending on the underlying logic which informs the actions. Börzel and Risse (2003) identify the existence of veto players, norm entrepreneurs, formal institutions and cooperative institutions as the most central facilitating factors. According to the sociological institutionalist argument, pressure will be facilitated by the existence of a cooperative spirit and norm entrepreneurs at the domestic level, whereas the rationalist approach instead considers veto players like formal institutions to be central mediators of domestic change (Börzel and Risse, 2001).

The two mediating factors proposed by rational institutionalism (left side of figure 1) each place emphasis on avoiding constraints which can emerge through European-induced pressure. As seen, being driven by strategic interests, including predefined preferences, an instrumental rationality provides the most central reason for how and why these two mediating factors affect interaction. Consequently, according to this view, pressure will be mitigated when change can be calculated to help to advance interests. In this context minority groups are likely to perceive European integration as an opportunity structure which enables access to new arenas and resources, in which gains can be maximised or in which actors can exert more (political) influence, while at the same time as a structure which constrains others from pursuing their goals (Börzel and Risse, 2003: 63). Veto players can be either individual or collective, and they take decisions based on their preferences (Tsebelis, 2002). A common definition of veto players is "individual or collective actors whose agreement is necessary for change of the status quo" (ibid: 19). A large number of veto players are therefore argued to be the main impeding factor for adaptation (Börzel and Risse, 2003: 63). That is, the more the power is dispersed across the political system in a given state and the greater the number of actors that have a say in domestic political decision making, the more

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difficult it will be to foster the domestic consensus or 'winning coalition' necessary to introduce institutional or policy changes in response to Europeanisation pressure (Colwes *et al.,* 2001: 9; Börzel and Risse, 2003: 65). Existing formal institutions, on the other hand, are understood to be assisting actors with the material and ideational resources necessary to exploit European opportunities and to promote domestic adaptation (ibid). Formal institutions can make access to the what-are-understood-to-be opportunity structures provided by the European-level policy easier, by assisting with provision of necessary resources. In all, according to the rational approach, it is predicted that European-induced adaptational pressure will become a source for exploiting opportunities or for circumventing constraints, which will most likely be conditioned by veto players or supporting formal institutions. In other words, it also becomes a battle of interests, incentives and actor contestation, largely concerned about the gains of the adaptation.

According to the sociological institutionalist logic (right side of figure 1), mediating factors stem from a different assumption. It is assumed that norm entrepreneurs act as facilitators through moral argumentation and strategic construction, with which they try to persuade actors to redefine both interests and identities and thereby engage them in processes of social learning or norm internalisation (Börzel and Risse, 2003: 67). Persuasion and argumentation are central mechanisms which norm entrepreneurs are expected to use when acting to promote change (Risse, 2001). Thus, through the tools of argumentation, persuasion and socialisation, they can contribute to change which is about redefining both interests and collective identities. Second, cooperative informal institutions are also assumed to facilitate change through consensus building and cost sharing (ibid). They differ from the above-mentioned formal institutions in that they are based on collective understandings of what is appropriate behaviour, which is expected to become influential during the adaptational process. It is thus about an internalisation of new understandings, ideas and norms which is characteristic of socially induced change and by which new identities can also develop. Moreover, change can also be linked to new preference formations at the domestic level, changes in worldviews and in the search for new meanings (March and Olsen, 1989).

Given that the first hypothesis predicted that pressure is necessary due to the fact Europeanisation of national minority policy is not expected to occur voluntarily, it is important to understand the role of intervening variables and how these are expected to affect change. Hypotheses two and three of this dissertation concern the role of change agents and what type of change agents are most likely to contribute to greater Europeanisation outcomes. The second hypothesis posits that, it is not sufficient that agent interested in change exist, but they also need to enjoy an established link to the government and to policymaking domestically. It is the nature of that link between change agents and the government that will be decisive in relation to translating pressure into domestic

change. Regarding tools adopted by change agents, the ways in which rational and sociological institutionalisms assume change is useful here. Here we have a third hypothesis focusing on the most likely types of change agents that can affect greater change in domestic policy. Not all change agents are expected to ensure change and especially deeper transformation of social learning. For change to move beyond mere implementation or so-called 'abstract adoption', change agents who share the view that a national minority policy is of an appropriate nature are expected to act as norm entrepreneurs. Therefore, the third hypothesis is that European-level pressure will generate greater domestic change under the condition that there are norm entrepreneurs helping to translate pressure into domestic change. It is also expected that norm entrepreneurs can contribute to more sustainable change, a change which moves beyond mere implementation of legislation and policy models. Change can occur without norm entrepreneurs, but it is expected to be small-scale or of an ad hoc character. In addition, the dissertation advances the idea that, in this particular case, norm entrepreneurs are expected to spring from within the national minority group. The extent to which they are able to operate freely is consequently contingent on the overall shared understandings associated with national minority rights in the given state and with the given minority group specifically.

2.2.2 Beyond the goodness of fit model: alternative intervening variables

Some research does acknowledge the role of globalisation as a relevant process intersecting with Europeanisation (Lynggaard, 2011), but there has been little attention to neighbouring states or 'nations' that are bound through shared history and common culture and language. Besides the above assumptions drawn from rational and sociological predictions regarding the most likely influential factors of change, one additional intervening variable requires particular emphasis, namely the kin-state, which also includes interstate relations at large. This also means an expansion of the model, given that the goodness of fit model incorporates intervening variables stemming primarily from the domestic setting. Studying the domestic setting is important in order to understand potential intervening variables specific to this policy area; however, it is also inadequate for understanding Europeanisation of national minority policies. Kin-states are central for the study of national minority policies and national minority groups and they can reflect similar behaviour to domestic norm entrepreneurs or domestic veto players. As seen in chapter one, a kin-state is a "state whose majority population shares ethnic or cultural characteristics with the minority population of another state" (Palermo, 2011: 5). For many national minority groups, kin-states not only fill the historical role of the so-called 'homeland' (Brubaker, 1996), but they remain active for longer periods and their role and influence develops along broader regional trends. Besides playing a symbolic or historical role, kin-states can also become political actors which

matter not only for how a national minority is formulated, but also for how it is executed. Broader interstate dynamics as played out in the context of national minority groups are also likely to affect not only domestic policy of the host state, but also the process of Europeanisation.

Neglecting the role of kin-states would mean neglecting the possible influence of a relevant factor affecting those policies that apply to national minorities that have a kin-state. Whereas additional interventions can emerge through commitment to and membership of other international organisations and their documents, such as, for instance, NATO, kin-states are perhaps even more relevant for understanding not only the extent of change, but also why and how change occurs or not. For example, kin-state relations can either support or impede internalisation of European-level norms and rules within public policy in states where their kin-minorities are living. Similarly, as they are often part of existing bilateral agreements or treaties ensuring the protection of their kin-minorities in other countries, their presence can influence existing shared understandings of national minority rights in given states. Moreover, domestic change agents can also emerge through (financial) support provided by their kin-state. All three cases looked at in this dissertation share a border with their kin-state, rely on kin-state support in different ways, have been subjected to several periods of negotiation between kin-state and host state and they are all covered by a document or agreement established between the two states. With this, a fourth hypothesis brings kin-state relations into Europeanisation in order to expand the predictions provided by the goodness of fit model. Given that kin-state relations are (often) relevant for domestic national minority policy, it will be assumed that Europeanisation will be higher when kin-state activity allows for change, and especially when the kin-state is committed to the same norms and rules. While, on the other hand, when there are conflicting relations to the kin-state and the kin-state pursues an agenda different from that of the host state, this will have impeding effects on Europeanisation. A kin-state's place within the goodness of fit model is flexible in that it is expected to move between both rational and sociological institutionalisms.

2.2.3 Europeanisation outcomes

Europeanisation literature also proposes a categorisation of four types of change, also known as *degrees of outcomes* (Radaelli, 2003; Börzel and Risse, 2003). The four outcomes are commonly interpreted in relation to the goodness of fit model by which changes at the national level in response to pressure result in different extents of Europeanisation outcomes. Intervening variables are largely decisive for the final degree of change domestically.

The development of categories of Europeanisation outcomes emerged with the realisation that domestic politics are affected by European-level policies and institutions (Ladrech, 1994; Héritier,

2001; Radaelli, 2003), yet in a differential fashion (Héritier *et al.,* 2001). A first classification of possible Europeanisation outcomes was developed by Börzel (1999) and Héritier *et al.,* (2001) and was later concluded by Radaelli (2000). Basically, the four outcomes refer to inertia, absorption, transformation and retrenchment.

Inertia corresponds to a situation in which no change takes place. This is normally predicted under the condition that the domestic and the European levels are simply too different, giving rise to strong incoherence/misfit. It is common that lags, delays, resistance or other reasons for failing to deliver change in relation to European-level rules exist in those situations characterised by inertia. However, it is also maintained that in the long run, inertia is difficult to sustain, given the negative repercussions that it can produce either economically or politically (Radaelli, 2003: 37). Similarly, it is also argued that excessively long periods of inertia tend to produce crisis (Olsen, 1996).

Absorption, on the other hand, resembles a situation of modest and (often) passive change. Actors may absorb changes, but this does not amount to any fundamental transformation with effects on the basis of domestic policy and institutions and existing rules and norms (Radaelli, 2003: 37). Change can also be made superficially without necessarily replacing earlier understandings or altering existing domestic belief systems. According to Héritier, absorption can also be understood as accommodation of policy requirements, but without any real modification of the essential structures or changes in the logic of political behaviour (Héritier, 2001).

Transformation is what accounts for most change. This has also been framed as profound change (Héritier, 2001), given that it is about a 'thicker' notion of change in contrast to superficial absorption of change. It is basically change which occurs within the overall fundamental logic of political behaviour and where old systems are replaced by the installation of new rules and structures. This can occur when, for instance, existing institutions are replaced by new ones which are highly different from earlier ones. In other words, change that amounts to substantial transformation of the national policymaking environment (Börzel and Risse, 2003).

A final Europeanisation outcome can be **retrenchment**. It corresponds to lack of change as in the case of inertia, but it differs in that it implies that national policy becomes even less 'European' than it was before pressure emerged (Radaelli, 2003: 38). As such it resembles a highly paradoxical and reversal effect triggered by European-level pressure due to mismatch.

Figure 5: Direction of policy change

Rational institutionalism and sociological institutionalism predict the arrival at the above outcomes differently. For instance, under the condition of high pressure from Europe, two different predictions are made. According to rationalists, high pressure will lead to transformational change when facilitating factors embrace change, given that favourable changes in the opportunity structures will generate mobilisation among domestic actors in favour of policy change (Börzel and Risse, 2003: 70). The sociological logic, on the other hand, predicts that high adaptational pressure from Europe will lead to change only under the condition that there is a crisis or external shock, given that existing meanings are not easily replaced by new understandings under normal conditions where the likelihood of resistance to change is high (ibid). Regarding medium or low adaptational pressure from Europe, similar outcomes are predicted. In case of low adaptational pressure, however, sociological institutionalism underlines that actors will be more willing and open for learning and persuasion, whereas rationalists predict that low adaptational pressure will not trigger any change, unless there are facilitating factors that mediate the change.

Figure 6: Mediating factors and change

However, the four outcomes are not without problem. Common questions are how does one know that there is mere adaptation and not transformation? (Radaelli, 2003: 38). This raises questions of setting thresholds or empirical indicators which can facilitate the distinction between the four

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types of outcomes. The following scenario is proposed in relation to change in a national minority policy.

Inertia would basically mean that regardless of extent of pressure, no change occurs and the status quo is preserved. For example, in the case that a state lacks a national minority policy or does not recognise the existence of national minorities, it might be pressured by European organisations to introduce new legal standards. If the state refuses to do so despite European-level pressure, inertia will be an outcome. Another example is where discriminatory legislation persists and is not removed, despite substantial pressure for its removal.

Absorption, on the other hand, would correspond to situations in which domestic actors and institutions respond to pressure through a so-called 'superficial implementation'. That is, it can also be understood as a simple coping strategy (Laird, 1999). A possible scenario would be signature and ratification of the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML); however, under specific terms and conditions set by the state. This can also be understood as implementation with reservations, which will not necessarily alter existing understandings and policy practices, but European-level rules or norms will be replicated in abstract terms. It is important to note that legal implementation and coercion do not necessarily lead to change beyond absorption, which is in fact something that many minority studies grapple with.

Transformation is the most far-reaching change in that European-level pressure gives rise to the emergence of a new policy, the development of new understandings among actors and institutions and a replacement of existing norms and rules. New understandings mean that new consensus develops among actors regarding a policy and its appropriateness. A common expectation would be that the outcomes demonstrate a thinking which is highly in line with European-level norms and rules, but that differs from earlier understandings. For example, a combination of new legislation, supportive institutions and substantial change in public policy procedures in a more minority-friendly direction would correspond to transformation. This last aspect points towards new possibilities to participate and affect the conduct of public policy.

Retrenchment in the context of national minority policy would correspond to the scenario in which a domestic policy becomes less 'European' following pressure. This can be exemplified by the scenario in which a piece of legislation is removed due to disagreements with European-level institutions that rather point in a different direction. Similarly, retrenchment can also arise from worsened relations between majority and minority due to general disagreements over which

direction to take, whereby a general setback for a national minority policy is triggered.

2.3 Usages of Europe and Europeanisation

Differentiation is important between how the state and minority groups respectively come to terms with changed political, legal and economic consequences in broader Europe. Europeanisation of the minority group level is expected to occur differently. First, national minority groups encounter and experience *Europeanness* differently. This is manifest in the (often) distinct priorities and public claims made by the state and (minority) nationalities (Brubaker, 1996: 60). Whereas many states remain concerned with loss of sovereignty arising from minority questions, national minority groups are driven by other motivations and interpretations. Second, national minority groups have different access to European-level political and legal structures, which draws attention to *where, how* and *why* they engage with Europe in order to understand the process of Europeanisation. National minority groups can also be more flexible in their interaction with Europe, by spotting and picking up opportunities which are missed by states or excluded from wider institutional and policy dynamics. And third, they tend to activate distinct Europeanisation processes based on own claims and interpretations, driven by different prioritisation and perceptions of opportunities within ongoing European integration and multilevel polity.

Whereas the goodness of fit predicts that Europeanisation occurs as a consequence of pressure in which misfit constitutes the main mechanism of change, the model has not been without its critics and alternative research designs have been proposed for understanding domestic impact of Europeanisation. Criticism has been directed towards the prejudgement of Europeanisation effects through the goodness of fit model, and it has also been criticised for overestimating domestic consequences of Europeanisation (Radaelli and Pasquier, 2007; Jacquot, 2008; Radaelli and Exadaktylos, forthcoming 2014). Other critics have argued that the goodness of fit works best when there is a well-defined policy at the European level, for which it also constitutes a top-down approach (Haverland and Holzhacker, 2006; Radaelli and Exadaktylos, forthcoming 2014), and as such excludes change emerging through experimentation or new forms of governance (Sabel and Zeitlin, 2008) or change which emerges through political work of actors even in the absence of adaptational pressure (Jacquot, 2008). An important criticism of the goodness of fit model, of relevance for this dissertation, is that which emerged with sociological perspectives that criticised the general neglect and reduction of the role of actors in the process of European integration (Jacquot and Woll, 2003). That is, the goodness of fit model was blamed for treating national actors as mere 'mediating' factors and transmission belts of change (Jacquot and Woll, 2010; Graziano *et al.,* 2011) within the process of adaptational pressure. Similarly, Pasquier criticised the low level of interest in how local actors redefine and reappropriate European obligations and commitments at

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the domestic level (Pasquier, 2005). Jacquot and Woll defined their criticism as follows:

> ...the European Union is not construed as a geo-political or institutional game, where the distribution of resources or capacities creates incentives for action or constrains the participants, but rather as the reorganization of 'fields' that creates new social arrangements, opens up sites of contestation and differentially empowers a variety of actors (2010: 113).

This sociological turn in Europeanisation research is important to assess Europeanisation impact on national minority groups, by focusing on how minority actors interpret and use Europe, irrespective of the institutional and policy pressure. It thus constitutes a bottom-up approach.

Jacquot and Woll's criticism culminated in their development of the concept 'usages of Europe', which provides a way to look at change beyond the existence of pressure or conditionality for change but rather by assessing what actors do. With a specific emphasis on actors and how their behaviour is constructed, they define the concept as "political changes and transformations to the utilisation an actor is able to make of the European integration process and the less conscious, habitual practice that might evolve out of this utilisation" (ibid: 3). In this dissertation, it is tailored as follows: *acts and practices involving European opportunities as resources used to advance own agendas and to legitimise the own position.*

The concept posits a bottom-up approach in which the analysis takes as its starting point the study of actions of individuals and how they interpret contexts within which they act (Surel, 2000), and in which change is understood to be what happens once these individuals/actors start to define their own practices in accordance with European-level opportunity structures. This bottom-up approach differs from earlier ideas concerned with explaining European integration by which Europeanisation was understood as an uploading of preferences to the European level, with the aim of affecting the direction of European policy (Moravcsik, 1994; Stone Sweet and Sandholz, 1998). Usage of Europe also departs from rational action, being a consequence of actors' exposure to new opportunity structures from (a multilevel polity) Europe. New opportunity structures emerge through access to new arenas for political action, lobbyism or advocacy, which actors perceive as a way to maximise one's voice and to raise one's own preferences on the agenda (Jacquot and Woll, 2010). However, the sociological contribution to this posits that when looking at the strategies adopted by actors, one also needs to pay attention to the origins of the goals an actor pursues, and also to the feedback effects a strategy can have on identity and preferences of actors (ibid: 115). It is also suggested that actors do not necessarily give autonomic responses to political pressure; instead they can choose and learn and thus develop agency independent of structural conditions (Jacquot and Woll, 2010: 116). At the heart of this is that although European opportunity structures

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motivate strategic action among actors, the actors are also transformed by their actions in the process (Guiraudon, 2003). This also ties well into the argument that change can be a result of a habitual practice that may evolve through usages (Jacquot and Woll, 2003: 3). Checkel also described similar phenomena as: "when participation…. in the process leads to preference change" (Checkel, 2001: 579). Central to this is that regardless of the nature of the opportunity seized by actors, be it political, financial, institutional or symbolic, an important element of this logic is that actors need to seize opportunities first in order to transform them into political practices (Jacquot and Woll, 2003: 3). As such, opportunities are the necessary condition, whereas the practices which follow determine the sufficient condition. In other words, seized European opportunities need to be translated into political action and practices, which is what constitutes usages of Europe (ibid). As such, the idea of usages of Europe places a priority on studying actors in order to evaluate the dynamics of change.

With the usages of Europe, focus is recast on the agents and on their activity and engagement with Europe. A first necessary condition is that there are opportunity structures in terms of access to new levels and new resources. A second and sufficient condition of usages of Europe is that actors react to assumed opportunity structures, by transforming new opportunities into political practices in order to reach different goals (Jacquot and Woll, 2010: 116). The reactions, or practices, thus constitute the concept of usages. Moreover, even if usages of Europe are described to be strategic, in that actors act intentionally and voluntarily, it does not mean that the final outcomes are identical to what motivated the usages from their first beginnings (ibid). However, an important precondition to this understanding is that a usage by actors needs to exist; otherwise there is no impact (Jacquot and Woll 2003: 6) and hence no Europeanisation effect.

One particular definition of usages of Europe which has guided many studies so far is, "practices and political interactions which adjust and redefine themselves by seizing the European Union as a set of opportunities, be they institutional, ideological, political or organisational" (Jacquot and Woll, 2003: 4). For instance, the concept has been used to illuminate how actors transform interests, worldviews and resources into specific policy practices (Warleigh-Lack and Stegmann Mccallion, 2012: 383) once engaging in European-informed policy implementation. It thus builds on the idea that whereas opportunities are necessary, they are not sufficient; instead they are the contextual elements that usages are sited within (ibid). This dissertation takes its point of departure in the above definition of usages of Europe. In this case, however, actors are expected to seize both the EU and the CoE as a new set of opportunities and resources to advance their interests or agendas and to legitimise their position and claims.

This is highly relevant to national minority groups and how their usages of European intercession generate unintended effects and how behaviour can evolve when engaging with what in the beginning might be a strategic usage of Europe.

Three specific types of usage are defined in the literature, namely *cognitive*, *strategic* or *legitimating* (Jacquot and Woll 2003; 2010). The cognitive form refers to a usage where ideas are diffused as part of the process of understanding and interpreting a political object (Jacquot and Woll, 2003: 7; 2010: 116). This form of usage is most common when an issue is being defined, in which ideas are used by actors as a persuasion mechanism with the aim of affecting the overall policy formation and its direction (ibid). Strategic usage, on the other hand, refers to a practice with clearly defined goals, aimed at increasing the actors' gains and access points. It is naturally one of the most common forms of practice, given that usages most often evolve from attempt to seize opportunities and it is normally encountered in the middle of the policy cycle, given that most stakes are defined by then (ibid). One example of this kind of usage is when a national interest group also becomes an entity at the European level as a so-called 'EU-level interest group' in order to benefit from funding schemes provided by the Commission (Jacquot and Woll, 2003: 7). Similarly, minority groups can establish offices in proximity to larger, European-level bodies in order to ensure presence in terms of advocacy and lobbyism. As such, usages of Europe can increase one's access to political resources, through direct access to policy process or to the acquisition of policy tools (Jacquot and Woll, 2010: 116), which is normally based on clearly defined goals. However, and lastly, usages can also illuminate how actors transform their interests, worldviews and resources into specific policy practices (Warleigh-Lack and Stegmann Mccallion, 2012: 383). The third type of usage is therefore the legitimating form, which understands usages as "the reference to Europe as a way of legitimising national public policy" (Hassenteufel and Surel, 2000: 19; Jacquot and Woll, 2003: 7). It thus refers to a usage in which actors rely on the image of Europe in order to either renew the acceptance of a stance or to justify a decision (Jacquot and Woll, 2010: 116). This links to Knill and Lehmkuhl's (2002) ideas about the role of framing mechanisms in Europeanisation research. In their view change can be understood through the provision of legitimacy to 'reformers' in search of justification. Moreover, change does not necessarily need to result from existing policy instruments; it can also emerge through an anticipation of European policies among actors (Irondelle, 2003). As such even the vaguest European policy can fill such a function by, for instance, demonstrating that opponents of liberalisation are fighting for a 'lost cause' because EU policy is heading in a different direction (Knill and Lehmkuhl, 2002).

The above types of usage are also commonly associated with the use of specific elements among actors. That is, actors can seize opportunities either through material or immaterial elements.

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'Material elements refer to European institutions, policy instruments and funding, whereas immaterial ones involve the use of ideas, values or the European public sphere (Jacquot and Woll, 2003: 7). Moreover, the literature also identifies three particular logics which are expected to inform, guide, motivate and orient actors' actions. These are, *influence logic*, *positioning logic* and *justification logic*. Influence logic is basically the desire to gain political influence on a particular political issue. Positioning logic is not necessarily about affecting a political decision, but it is, rather, about increasing one's reputation and positioning. This links to Streeck and Schmitter's proposition on the logic of membership; they associate it with the idea that some groups are pleased about becoming present and visible on the European stage, without necessarily aiming at influencing political decisions (1999). According to this logic, members of a group might undertake several activities at the European level in order to increase their visibility and reputation, which does not necessarily yield many clear results (Jacquot and Woll, 2003: 9). Justification logic is intent on gaining acceptance for a political decision which has already been taken (ibid). This can be done by referring to European norms and values and by framing already-taken decisions in European rhetoric in order to increase the acceptance.

Regarding the three types of usage of Europe, it is also important to note that what starts as one category will not necessarily remain static throughout the process. A strategic usage by which opportunities are seized and which is guided by the logic of influence in order to affect policy decisions or to maximise one's say in a policy process, can eventually evolve into a habitual practice and affect the behaviour of those same actors (Jacquot and Woll, 2003: 6). This is also instructive for the case of national minority groups, as their usage of Europe may often appear to be strategically motivated in the beginning, but may transform into legitimating manoeuvres, which in turn affects the guiding logic that motivates further usages. That is, even if a usage is motivated by the ambition to influence a political decision or to advance own interest and agenda, the very fact that members of a group become positioned on the agenda of Europe through their activity and appear more frequently in the public sphere, can be an important outcome for some groups. This may also boost confidence, motivate further usages, and affect self-identification. Shifts in the logic which guides usages can reflect ongoing identity developments resulting from newly gained legitimacy at the European level and repeated usages. Guiraudon's suggestion that as actors use European opportunities strategically, they are also transformed by them (2003) is useful in this context. Jacquot (2008: 21) also suggests that actors are not only acting strategically, but they are also transformed by their relation to Europe.

One additional aspect which is expected to occur alongside usages of Europe among national minority groups and minority actors and which may affect usages is the perspective of

experimentation. Experimentation characterises parts of European-level policymaking, particularly the informal policy procedures. One example is the Open Method of Coordination (OMC), corresponding to an experimental form of intergovernmental governance beyond law and hierarchy (Radaelli, 2008: 239). The OMC has provided an opportunity for national actors to reform domestic policy sectors through other means than legislation (Sabel and Zeitlin, 2008). Experimentation is thus the results of the development of informal procedures at the European level and the fact that not all policy areas implemented through coercion. Instead, many European-level policies are implemented through non-hierarchical and new forms of governance, which includes mechanisms of benchmarking, best practice, coordination or volunteerism (Radaelli, 2008). This can allow for experimentation among actors not formally recognised as policy participants. Research on social movements and Europeanisation also refers to experimentation as describing some of the ways in which social movements adapt own strategies to multilevel governance and to Europeanisation by externalisation. In particular, as social movements target EU institutions and frame their issues as EU-related and develop transnational networking, they are not only establishing multilevel organisational networking, but they are also experimenting with various forms of action (della Porta and Caiani, 2009: 125–6). This unfolds a different set of practices through which national minorities can assess new venues, exploit new resources and establish new links to Europe (Ahmed, 2011). Thus a lack of clear legal standards does not preclude participation in European-level polity and it can trigger participation through experimentation. For example, the expansion of rights relevant for minorities, such as those on citizenship or human rights including access to legal institutions guarding such rights, has increased the participatory nature of governance in Europe (Cichowski, 2006: 69). Experimentation is therefore expected among national minority groups and in their behaviour in relation to many of the EU and CoE's instruments, especially regarding those instruments that do not address national minorities *per se*, but which can be interpreted by national minorities as possible instruments for minority claims. For example, the recent attempt at initiating a European Citizen's Initiative (ECI) for national minorities is an illustration of how European-level rules have opened up a new realm for cooperation and contributed to experimentation by several national minority groups in Europe. The so-called 'Minority Safepack' which was submitted in July 2012 and rejected by the Commission two months later (FUEN, 2013d) demonstrated how the initiators relied on not only European-level rhetoric to justify the claims proposed, but it also showed a firm motivation to influence the direction of European-level national minority policy (ibid). When instruments lack clear objectives and rules for implementation, interpretation is left up to actors, which may often result in experimentation. For actors that represent national minority groups, European integration has installed a new realm of opportunities to participate at new levels to build networks and to

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appeal to additional rights and norms. As such, claims can be tuned to the levels, while there is also the possibility to influence policy through new means. This pattern also makes the uncertainty of many European-level policies and laws acceptable to minorities and other subnational groups, especially as groups are no longer exclusively limited to usage of their own state structures or by domestic oppositions like many other political and administrative actors at the national level (Mörth, 2003: 173).

With the above, a final hypothesis is developed which expects that national minority groups will create own contexts of interaction and influence through own practices and interactions. This is expected to depend on the degree to which minority claims are satisfied at home. That is, the better minority claims are satisfied at home, the less national minority groups can be expected to engage with usages of Europe, whereas lack of satisfaction and unfulfilled claims will motivate more practices in relation to Europe as a way to assist the national minority groups domestically. Satisfaction at home is looked at in both material and ideational terms. That is, the search for a new identity can become the reason for engaging in usages of Europe, whereas lack of representation and a weak say at home are other reasons for usages. This hypothesis also builds on the assumption that the extent of change generated in state-level policy through Europeanisation will also be helpful in providing substance to the satisfaction among national minority groups.

2.4 Multilevel governance

In order to understand the notion of opportunity structures associated with European integration and how change is caused among national minority groups through usages of Europe, this section outlines some useful aspects of what is known as *European multilevel governance*. Generally, multilevel governance attempts to grasp the development of dispersed, but interconnected, politics as a consequence of the EU (Kohler-Koch, 1996). One of the key emphases is on the development of non-hierarchical governance and its application to different policy areas (Hooghe and Marks, 2001). In tandem with the transformation of governance, others also suggest the emergence of a so-called 'network-based' form of governance, which incorporates informal as well as formal activities and actors (Kohler-Koch and Eising, 1999). At the baseline is the idea that European-level governance also entails non-hierarchical forms of governance and that it shifts beyond exclusive state control over policy implementation (Hooghe and Marks, 2001: 3). By invoking terms such as *governance* and *multilevel* respectively, it also blurs some traditional concepts of (state) governance.

There are different arguments about what multilevel governance entails for policymaking, for actors and for different territorial levels. So far, the most central arguments relate to how the

domestic executive is strengthened by multilevel governance (Moravcik, 1994), or to how regional bodies actually become empowered (Börzel, 2001) or not (Bourne, 2003), or to the way that multilevel governance generates a new interdependence between different levels and actors acting at different levels, resulting in no-one being more empowered than anyone else (Kohler-Koch, 1996; Rhodes, 1997). Others suggest that European policymaking provides (sub) regions with new resources, enabling them to rely less on national government, or even bypass it altogether, and to gain direct access to the European political arena (Marks *et al.,* 1996).

Initially, multilevel governance was used to describe EU policy and implementation processes, by acknowledging the involvement of multiple actors at different levels. More precisely, it was the implementation of EU regional and cohesion policy which anchored multilevel governance into EU studies (Marks *et al.,* 1996). It was argued that the policy objectives of EU cohesion and regional policies could best be achieved through a multiplication of actors, rather than through two-level interaction (Warleigh, 2006: 79). Similarly, it also posits the need for different cooperative and networking capacities across more levels, in which multiple actors are necessary in order to implement the policy emanating from the European level (Aalberts, 2006). With this, new emphasis was attached to subnational actors within EU policymaking. From these approaches, the so-called *partnership principle* developed, which according to Marks and Hooghe stems from the practical consequences associated with implementing EU cohesion policy and cooperation between various actors that this required. The partnership principle highlighted the way by which multiple actors may participate in one given policy area, thus attaining new roles due to the interdependent relations which ensued (Marks *et al.,* 1996). At the same time, Marks *et al.,* also argued that the resultant partnership caused a so-called 'melding of power' (ibid). That is, power was delegated upwards or downwards, which also provided a solution for better policy implementation. New actors become moulded into such paradigms, either voluntarily or through prescribed rules. Bache *et al.* (2008), observed an evolution of new participation patterns based on the idea of partnership in traditionally centralised states in Europe, arguing that this was partly a consequence of EU policymaking and the policy styles advanced by the EU.

For national minority groups, the contribution of multilevel governance lies in its ability to compensate actors for lack of domestic participation and the possibilities it offers to act in new arenas by also providing opportunities for empowerment. Research linking multilevel governance and subregions has described multilevel structures as more attuned to national minority groups that normally lack formal and official power structures domestically (Malloy, 2005a), given that the dispersal of power and nested governance can constitute a challenge to traditional nation-state politics and full sovereignty over people (McGarry *et al.,* 2006). The emergence of European rules

and norms onto the regional level is relevant as many national minority groups possess (strong) regional affiliations which often take precedent over the national, so multilevel governance can build on a different consciousness rooted in ethnicity and nationality. National minorities are often complex political entities which are split between regional, national and external dimensions (Brubaker, 1996). This also strikes at the heart of ongoing changes during times of European integration, and is associated to territorial re-organisation and the application of new forms of governance as alternative policymaking and implementing mechanisms. Similarly, the multilevel character of policymaking and the non-hierarchical governance of many policy lines in Europe may contribute to making minorities more than mere objects of legal standards, but rather actors that produce their own changes when acting and using Europe. As such, multilevel governance is here understood to be facilitating a context in which new alternatives for mobilisation and empowerment can be tested or experimented with.

The way in which multilevel governance has been identified as relevant for collective groups and group influence (Hooghe and Marks, 2001: 126) by offering different political opportunity structures (Ladrech, 2010) is another way in which it is relevant to national minorities in Europe. This also links to the suggestion that Europe establishes a setting which helps to alter opportunity structures for groups previously subjected to the doctrinal basis of the traditional state and state politics (Keating, 2006). For example, policy areas that are important to minority communities have seen a transfer to their jurisdictional authority, going some way towards meeting the aspirations of minority nationalists for greater control over their collective life (Danspeckgruber, 2002). In principle, this can take place either through using these channels to place demands on domestic legislation, which requires reconfigurations of shared authority, or by rethinking how to share that authority between levels. Similarly, the multilevel character of Europe can also contribute to new spaces for independent action among minority groups, which can motivate mobilisation and networking among subnational actors (della Porta and Caiani, 2009).Others argue that there is a new level of accommodation of minority questions occurring throughout the European polity (Keating, 2006: 24). Besides access to material resources and network formation, European multilevel governance structures can also offer a space for cultural and ideational functions to develop. For instance, regionalist movements often consider European integration a roof, or even a home, within which to assert 'regional/national identities', which might have been undervalued or trapped inside existing national states (Laffan, 1996: 90; Keating, 2006). As such, multilevel governance is not only about structural rearrangements, but it also touches upon important ideational factors as a result of multilevel participation. By providing an arena for interaction and enabling access to new levels and spaces, some policy areas can create a much more dynamic field

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for interaction. In all, it is an arena in which it is possible for many actors to not only exercise influence upon policymaking, but also to be influenced by this as they engage in new practices on new terms. The issue of usages of Europe thus links to the multilevel character of the current European environment, by corresponding to useful sets of practices enabling national minority groups to act in different ways and develop new roles as they engage in new practices.

2.5 Top-down and bottom-up Europeanisation

The division between top-down and bottom-up perspectives has framed both national minority studies and Europeanisation research to a large extent. In minority studies, it entails a division between macro-level concepts versus micro-level perspectives and provides an understanding of the relation between object and subject. That is, the dominant top-down approach to national minorities and their concerns has led scholars to focus on provisions and regulations provided by frameworks of national and international legislation, how these are implemented by governments or public bodies and as such analysing mainly state-level processes (Popova, 2013: 161). This has often reduced national minorities to mere recipients of legal standards, without necessarily focusing on their internal dynamics and how they might affect the macro-structures or turn into subjects of policy implementation (Malloy, 2013a).

A bottom-up approach to national minority groups, on the other hand, entails studying the community level and the internal dynamics of national minorities, the so-called micro-level. It looks at factors which either enable or impede people to act as members of a minority, at the norms and values, at daily practices, perceptions of self-identity and life choices, community social capital and the ownership and practice of minority rights (Popova, 2013: 162).

There is a similar distinction between top-down and bottom-up approaches in Europeanisation research. Each approach focuses on the direction of the process of change, basically indicating the direction of Europeanisation. Top-down logic indicates that a policy departs from a European-level policy and the effects are tracked down to the domestic level (Radaelli, 2003). The top-down, or hierarchical approaches, have dominated Europeanisation research (Bulmer, 2007: 51) and were overly applied to studies looking at well-defined policy areas at the EU level where a policy template exists and where the demands on implementation and compliance are stipulated (Radaelli and Saurugger, 2008).

A bottom-up or micro-perspective approach follows another direction. In Europeanisation research, it differs from top-down approaches primarily in that bottom-up approaches do not depart from the existence of a European-level policy. Instead, bottom-up studies depart from the

domestic level and trace change upwards (Radaelli and Exadaktylos, forthcoming 2014). For example, Pasquier invoked bottom-up approaches to the study of Europeanisation by concentrating on local actors and the ways in which they seize and interpret European rules and opportunities (Pasquier, 2005). It is thus common to depart from studying actors, problems, resources, policy style or discourses at the domestic level (Radaelli and Pasquier, 2007: 41). Similarly, bottom-up studies refer to how constellations of domestic actors encounter Europe – as opportunity, constraint, or resource to be edited or re-appropriated for the purpose of national and sub-national policymaking (Radaelli and Exadaktylos, forthcoming, 2014). It commonly involves process tracing over time and does not rely on the existence of adaptational pressure, which marks the main distinction with the overly top-down goodness of fit model for which pressure is seen as necessary for change to take place (Radaelli and Pasquier, 2007: 41). That is, according to a bottom-up approach, Europeanisation is not dependent on the existence of a clear policy for the process of change to ensue, but focus is on domestic usages.

Although most Europeanisation studies rely on either a top-down or bottom-up approach in assessing domestic impact of Europeanisation, thus rarely bridging the two in a single study, there are some exceptions. For example, Quaglia and Radaelli (2007) combined top-down and bottom-up approaches in examining the influence of the EU on Italian politics. This was done by examining the way that Italy adapts to pressure coming from Brussels on the one hand, and by analysing how Italian policy makers encounter the EU in their attempts to pursue domestic policy goals (Quaglia and Radaelli, 2007). One advantage of this was basically that it controlled for possible biases of the other approach.

In this dissertation, top-down and bottom-up approaches are combined in assessing impact of Europeanisation on national minority policy and among national minority groups. Whereas a top-down approach assess how domestic policy adapts to European-level pressure, a bottom-up approach is applied to assess impact through national minority actors' practices of Europe and what effects this has on the orientation of national minority groups.

2.6 Europeanisation mechanisms: vertical (direct) and horizontal (indirect) mechanisms

'Mechanisms of Europeanisation' constitute the means by which change takes place, and are also known as causal mechanisms through which Europe 'hits home' (Börzel and Risse, 2012: 1). As such, mechanisms of change help to understand through what means Europe causes domestic change. Europeanisation literature distinguishes between two central mechanisms, namely vertical and horizontal (Featherstone and Radaelli, 2003; Graziano and Vink, 2007). Accordingly, vertical mechanisms refer to traditional, top-down, direct and formal mechanisms (Radaelli, 2003: 41).

Horizontal mechanisms, on the other hand, include processes where no pressure for domestic adjustment exists or a direct need to conform to a policy or rule is established (ibid). Thus the baseline of each category builds on whether a mechanism is rooted in an established European-level policy or whether Europe becomes a catalyst for change by providing a common frame of reference, of vision, of meaning or common solutions to answers common problems (Jacquot, 2008: 10). It is worthwhile mentioning that vertical and horizontal mechanisms differ in European legal studies to the above distinction made by political Europeanisation studies. In a nutshell, legal studies make the distinction according to whether individuals could derive rights from European law and how those rights can be used at the national level (Craig and de Burca, 2011: 181). Whereas direct effect is central to both vertical and horizontal mechanisms in legal studies, what distinguishes the two is whether a vertical direct effect or horizontal direct effect are given by EU law. In the former, vertical direct effect refers to rights provided to individuals to use against states, whereas horizontal direct effect means that EU law can impose an obligation on a private party or to be used against individuals (ibid: 189). In this dissertation, however, I conform to the distinction followed by Europeanisation political science research because it is helpful to understand what can help to create pressure specific to a national minority policy. Although the division has been established in studies where Europeanisation has been reduced to the EU only, there are parallels to the CoE in the way that mechanisms of change can be understood.

Regarding vertical mechanisms, these commonly refer to formal and direct mechanisms and rely on an existing policy model or rule at the European level (Radaelli, 2003: 41). They correspond to mechanisms by which European-level institutions prescribe a policy or an institutional model, which domestic arrangements need to adjust to (Knill and Lehmkuhl, 2002: 258). In an EU context, a common vertical mechanism has been the *community method*, which stipulates precedence over national law and demands harmonisation (Dehousse, 2011). With this, many early Europeanisation studies emphasised the role of direct mechanisms, looking for domestic consequences of formal instruments and existing EU-level policy (Ladrech, 1994; Héritier *et al.,* 1996). That is, Europeanisation took its point of departure in an existing policy at the EU level, given that a clearly defined policy was easier to navigate domestically than policies with loose contours. This strand of literature emphasised the domestic significance of supranational policy areas and the role of coercion, namely policy areas which were binding on domestic legislation in the member states (Ladrech, 2010) or a policy that was designed and implemented at the domestic level, such as an EU directive (ibid). Coercion stems from a mechanism known as isomorphism, corresponding to the tendency to become alike and to converge on policy models (DiMaggio and Powell, 1991).

However, domestic impact can also emerge through less direct mechanisms. Radaelli has

exemplified such mechanisms as follows: "horizontal Europeanisation is a process of change triggered by either the market or the choice of the consumer or by the diffusion of ideas and discourses about the notion of good policy and best practice" (Radaelli, 2003: 42). Accordingly, he identifies so-called negative integration and soft mechanisms emerging through framing or socialisation. The first version is about effects of European-level rules or legislation on domestic opportunity structures and in the distribution of power. This is known as negative integration in that the domestic effects are generated by policies which hold a different objective. One common example of negative integration and its indirect impact is the creation of the common market at the EU level and its effects on other domestic (re)arrangements (Knill and Lehmkuhl, 2002: 42).The key objective here does not follow from the prescription of a clear model; instead, Europe matters by changing domestic opportunity structures while implementing other rules (ibid: 258).

The second indirect and horizontal mechanism identified by Radaelli above is that of socialisation, by persuasion, diffusion or framing of domestic beliefs (Radaelli, 2003; Knill and Lehmkuhl, 2002; Börzel and Risse, 2012). Such mechanisms are indirect as they do not prescribe any models for adaptation, but domestic impact is, rather, based on cognitive logic in that ideas coming from Europe trigger social learning or socialisation (Börzel and Risse, 2012). Similarly, European beliefs and ideas might provide a 'focal point' for domestic developments, offering solutions or ideas on how to deal with domestic problems (Knill and Lehmkuhl, 2002: 263). Such performances have also been defined as *learning* processes (Börzel and Risse, 2003), which are set in motion through intensified horizontal interactions, affecting shared understandings of what a good policy is or the meaning of a policy. Another example of this is mimetism, which is basically the attraction force of becoming alike (Radaelli, 2003). That is, once countries observe change in other countries and how EU models are adopted, they might feel the desire to join that same direction.

There is also a third example linked to horizontal mechanisms, emerging through the very nature of European-level policymaking. Much of European-level policymaking relies on soft policies, which basically correspond to non-legal obligations, as they tend to lack clearly defined competences and are, most of the time, not binding in nature (Ladrech, 2010).The Open Method of Coordination (OMC) is a good example of a soft mechanism that has been looked at in its pursuit of generating Europeanisation of national policy (Radaelli, 2008). The soft nature of OMC is particularly reflected in the predominance of guidelines and the diffusion of best practice (ibid). Thus it is open for interpretation in terms of best practice principles. Soft policy can contribute to an activation of a different process of adaptation in contrast to formal/legal policies. For instance, Checkel has described the EU as a gigantic socialisation agency which actively tries to promote rules, norms, practices and structures of meaning to which member states are exposed and which they have to

incorporate into their domestic structures (Checkel, 2005). Horizontal mechanisms, such as socialisation or learning, should not be considered to be subordinate to formal processes, as for instance formal compliance or coercion. It is simply that socialisation processes speak of an adaptation to rules and norms on the basis of the perception of appropriateness, which can affect a redefinition of interests and identities (Börzel and Risse, 2012). This can trigger changes of shared understandings domestically as well as within the overall political culture.

Thus, whereas vertical mechanisms concern adaptation to existing policy models and rules, horizontal mechanisms can help to prepare the ground for change by affecting opportunity structures, belief systems, shared understandings or collective identities. The baseline of horizontal mechanisms is that they can develop into new structural components of the European polity. That is, rather than directly affecting domestic political affairs or policy developments through existing rules, the way that new partnerships and activities are cultivated in a transnational and open manner, also challenges existing domestic equilibrium, even when there is no prescription of "how the equilibrium must look like" (Knill and Lehmkuhl, 1999). Checkel and Risse showed how other horizontal mechanisms can matter in affecting deeply rooted domestic understandings, namely citizenship norms and nation-state identities (2001). Similarly, Coppieters showed how direct EU mediation in conflict settlement can also trigger change beyond direct policies of conditionality, by rather stimulating the emergence of a process of socialisation, contributing to the overall conflict transformation and resolution (Coppieters, 2004).

In general, studies that rely on indirect and horizontal mechanisms of Europeanisation tend to lean towards an assessment of the role of ideas, norms and values. Mechanisms such as socialisation and learning are used to study change of less formal policy areas and they can also help to uncover unintended consequences that are produced through horizontal interaction, thus turning what was initially aimed at compliance into a tool which contributes to socialisation. For example, the implementation of EU conditionality, although understood as a formal and vertical mechanisms (Grabbe, 2006: 77) also provided the momentum to look at indirect consequences, by moving beyond the formal requirements and legal adjustments (Schimmelfenning and Sedelmeier, 2005; Schwellnus, 2005; Schimmelfenning, 2012).

The above distinction between direct and indirect mechanisms is also captured by Radaelli's definition cited earlier, namely the European-level institutions' ability to cause domestic change through mixed rules, accounting for varied procedures, policy paradigms, styles, 'ways of doing things'' and shared beliefs and norms (Radaelli, 2003). Radaelli's definition thus takes into account both formal and informal rules, which allow one to consider features which are not necessarily

defined as 'direct adaptational pressure'. *et. al*, 2001).

Chapter 3: Method

In this chapter I describe the main choices of the research, the research design and the data used. In so doing, I provide a discussion of my research question, a description of the research design in which I outline the central variables, how they relate to each other and how they will help me to address my research question. This is followed by a discussion of the case selection, how this case selection helps to assess my research question and the application of process tracing. The chapter concludes with a discussion of data used and the data collection process.

3.1 Objectives

The dissertation aims to explore and understand the impact of Europeanisation on domestic national minority policy and on national minority group identities, mobilisation and actorness. The research methodology is based on qualitative and comparative case studies, with process tracing applied for an in-depth examination of three national minority policy and national minority groups within the context of emerging European-level norms and rules pertaining to national minorities. The study is implemented by evaluating domestic change through specific frameworks covering rules and norms of the EU and the CoE as devices of pressure or political opportunity structures for national minority policy and national minority groups respectively. By frameworks, I refer to legislation, policies, language, funding and programmes used by the EU and the CoE in order to address national minority issues. Frameworks contain both norms and rules. Rules are here taken as instruments which are based on existing policy, legislation or mechanisms whose aim and purpose is defined, whereas norms are taken as "collective expectations about proper behaviour for a given entity" (Wendt, 1999: 256). Another distinction is made between protection, preservation and promotion (the three Ps) to evaluate EU and CoE rules and norms to national minority rights. The three Ps are applied as a way to expand the field of examination in relation to how the EU and the CoE can matter. Given that the research questions assess both state-level policy outcomes and group-level impacts, the central unit of analysis consists of domestic responses to European-level pressure and how minority actors' make use of Europe. This is traced during the early 1990s to the immediate post-Lisbon context, corresponding to a period in which national minority rights remerged among European bodies and actors, leading to the creation of different policies and measures.

As outlined in chapter two, the dissertation utilises several concepts developed in the literature of Europeanisation. With a focus on both top-down and bottom-up perspectives, I draw on the 'goodness of fit model' (Börzel and Risse, 2001; 2003) on the one hand, and on the conception known as 'usages of Europe' (Jacquot and Woll, 2003; 2010) on the other. Whereas the first unit,

domestic national minority policy, is examined through the goodness of fit model, the 'usages of Europe' approach is applied to address the micro-level. This is based on the assumption that that a mere top-down approach that only assesses instrumental impact of European-level norms and rules through pressure on domestic policy risks providing an incomplete picture of how and in what ways Europeanisation impact both policy and the objects covered by that policy. So far, not many studies apply this combination in assessing the impact of Europeanisation.

3.2 Research question

The central research question of this dissertation stems from the above theoretical and conceptual basis. The function of the main question is to examine why and how change occurs, with close attention on factors affecting the process of change. The central question is therefore:

What best explains the impact of Europeanisation on national minority policy and on national minority groups?

If Europeanisation impacts domestic national minority policies through pressure, an important aspect of the research question is to address the reasons that help to explain change. Therefore, several important parts need explanation in order to address the central research question, including: In what way can we understand European-level approaches to national minority rights and how do they turn into devices of pressure? *How* and *why* are specific domestic factors activated in response to European-level induced pressure? What other variables are important? What factors account for how change occurs in some situations, but differently in others? What conditions prevents strong misfit from translating into domestic change and do the same conditions determine higher Europeanisation outcomes in other cases?

Attention focuses on factors through which European-level policy is internalised, copied or rejected into domestic policy. Because of this aim, three case studies are chosen based on a variation in factors expected to affect change. Europeanisation impact at the minority-group level is approached through another set of questions. Of central importance are the actors and their motives for usages of Europe. What are the motives for usages of Europe among minority actors? How and for what purpose do national minority actors use tools and resources offered by European-level norms and rules? In what way do usages of Europe generate impact on actorness, mobilisation and identities of national minority groups? In what ways do usages of Europe influence national minority groups' behaviour domestically or in the arena where they act? Do domestic circumstances determine the types of usage adopted by national minorities? Given that the study is implemented by assessing Europeanisation impact at two levels, namely state-level public policy and among national minority groups, a final question looks at the causal relation between the two levels. Do domestic

circumstances affect the ways by which national minority actors turn to own usages of Europe?

3.3 Research Design: variables

Given that this dissertation is concerned with measuring causality, a careful conceptualisation of three central variables is important. Causes of change or 'what causes what to happen' are central to Europeanisation research, mainly because at the heart of Europeanisation is the concern to explain change brought about through 'Europe' (Bulmer, 2007: 48). So far, confusion has reigned in Europeanisation research, linked to the difficulty of separating cause and effect (Bulmer and Radaelli, 2005: 340). This also strikes at the heart of causality studies in general, namely the difficulty in separating lines of causality from 'what matters how' (Gomm, 2008: 3). Classic challenges have raised issues over the extent to which one specific variable is valid over another, or vice versa (Goetz, 2000). That is, it is difficult to disentangle the precise roots of an effect, where they derive from and how. A domestic policy might have been shaped by input from the EU, by a change in government or through the introduction of a new policy. At the same time, it might have changed in response to broader global dynamics or been pushed from below by civil society demands. As recently argued, the relations between external forces and social change often have greater influence on minorities than on the members of the majority, especially if members of minorities do not have the social and human capital to build capabilities that help avert negative influences (Malloy, 2013c: 194). In order to address the research questions of this dissertation, I develop a research strategy which pays careful attention to the anticipated relationship between dependent, independent and intervening variables. A central starting point is to establish my independent variable, namely what the European-level approach *is*, which is expected to cause change by generating different degrees of pressure upon domestic national minority policy, while at the same providing new opportunities and constraints for national minority actors. Second, the outcome of the adaptational pressure and the degree of change, or to put it in other words, the impact of Europeanisation, is the dependent variable. The dependent variable is the domestic level, confined to national minority policy and national minority groups. Third, intervening variables correspond to the factors which affect the way that the independent variable causes change in the dependent variable. Intervening variables correspond to the existence of change agents, shared understandings affecting the behaviour and ability to act of domestic actors, and each minority's kin-state.

3.3.1 Dependent variable: *domestic national minority policy and national minority group identities, mobilisation and actorness*

For a start, the term 'variable' constitutes something which can vary (Gomm, 2008: 2). A dependent variable, therefore, is an element which changes in response to changes in other variables (King *et*

al., 1994). In causal studies, it is the variable in which implications are noted (Gomm, 2008). In Europeanisation research, it is commonly defined as the domestic implications and domestic policy change (Radaelli and Pasquier, 2007), and it is measured as the degree of domestic adaptation to EU policy (Kallestrup, 2006: 68). In this dissertation, the dependent variable constitutes the outcome of Europeanisation, and is the variable which changes due to impact of European integration.

The role of variables has enjoyed attention in Europeanisation studies, especially the ambiguous dividing lines between *cause* and *effect*, which were for a long time unclear and uncertain. Given that Europe, and especially the EU, is a developing entity and that Europeanisation is often studied as a process (Radaelli, 2003), divisions between cause and effect have also been difficult to entangle (Goetz, 2000). This is also affected by the fact that many policies are being reconstructed and have an 'emerging' status attached to them. In other words, there has often been confusion between independent variable and dependent variable in the sense that the independent variable which normally causes change can sometimes also become an effect (Radaelli and Exadaktylos, forthcoming, 2014). Based on this, the dependent variable has been defined carefully in this dissertation. The choice of: ***domestic national minority policy and national minority group identity, mobilisation and actorness,*** refer specifically to domestic implications of European integration, and as such correspond to the effects. I acknowledge that the current state of my independent variable, *European-level norms and rules*, could also be treated as an effect in itself, given that a national minority policy is an *emerging policy* whose policy lines are being constructed, and that the norms that correspond to national minority norms are also gradually emerging in synergy with European bodies and actors. However, if the emergence of a European-level national minority policy were my dependent variable, my research question would also need to be asked differently and the research design would be different.

Changes in domestic policy and among national minority groups are central to this dissertation. European-level rules and norms are investigated as sources which cause change and trigger processes of domestic adaptation in state-level policy and among national minority groups. Consequently, I have argued that it is not sufficient to approach Europeanisation merely as an instance of policy or institutional change, but it must also be taken as an instance which generates impact on the objects of a policy which are being changed through the forces of Europeanisation. This also extends the scope by which the dependent variable can be explained. Therefore, I extend the focus to the objects of the policy, namely to the actors who are normally subjected to the standards and norms of a national minority policy. This latter perspective is assessed by approaching actors representing national minority groups domestically, at the European level and

in transnational forums. It is a common phenomenon that national minority groups have at least one representative body which speaks for the minority and which sets the agenda of the minority community as a whole.

3.3.2 Independent variable: European-level rules and norms on national minority rights

An independent variable is the element which causes changes in the dependent variable (King *et al.,* 1994). Similarly, it has been described as the ongoing transformation, namely the source generating different changes in a dependent variable (Gomm, 2008: 2). In Europeanisation literature, an independent variable is commonly viewed as the variable which gives rise to domestic changes and is therefore located at the EU (European) level (Goetz, 2000). In the early days Europeanisation scholars treated European integration as a dependent variable which they tried to explain (Stone-Sweet and Sandholtz, 1998). Later studies began to understand European politics and institutions as the independent variable causing domestic change (Radaelli, 2000; Cowles *et al*, 2001). Related to this, other Europeanisation studies define the independent variables as the requirement which emerges with the pressure arising from mismatches between European-level policies and legislation and domestic circumstances (Börzel and Risse, 2003). In this dissertation, the interest is in the causal effects of European-level policy, law, ideas and norms on domestic policy and on national minority groups, and therefore I define my independent variable as ***European-level norms and rules on national minority rights***.

My independent variable is interpreted along the lines of protection, preservation and promotion. That is, European-level norms and rules are assessed according to their ability to help to fulfil more than only protection of national minority groups, but also promotion and preservation of minority groups and their identities. This is important as it helps to move beyond the emphasis on legal standards and the EU's (in)ability to establish competences on national minority rights (Toggenburg, 2000; 2004; DeWitte, 2004). By incorporating the perspectives of preservation and promotion into the independent variable, the study sets out to examine how non-legal aspects in EU policymaking, and European-level structures and developments can become relevant sources of change.

The period under consideration is the immediate post-Maastricht context, which saw a general shift towards more social questions in EU frameworks, and leading up to the Lisbon Treaty, which, for the first time, introduced the word 'minority' into EU primary law. Although EU law still lacks clear competences through which it could harmonise domestic minority policies, the post-Maastricht period reveals important developments for assessing implications on policy. In minority studies in general, the 'post-Maastricht' period has been described as the "de-economisation of European

integration" (Toggenburg, 2000: 2). In this period, EU frameworks embarked on non-economic policy areas, provided new, but indirect, links between EU policymaking and minority issues, such as for example the cultural diversity principle (ibid). It is during this same period that the CoE introduced two of its major national minority instruments, namely the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). Similarly, ECtHR case law has been increasingly put to the test on minority protection by applicants from minority groups since the early 1990s (DeWitte, 2008: 3). In a nutshell, these are developments which can produce pressure on domestic policies, given that European states are committed to obligations through their membership of the EU and the CoE. Similarly, these same developments are increasingly inclusive of civil society.

While the EU and the CoE are constructed on two distinct logics, they both impose several binding obligations and expectations on their members. It is also in this vein that pressure upon state structures is expected, on the basis of how well the domestic level resonates with the obligations, expectations and norms found at the European level. But the outcomes of pressure flowing from the obligations introduced by the EU and the CoE and what affects the outcomes are less known to us. It has been acknowledged for a while that Europeanisation does not occur in a linear fashion, or in a unidirectional fashion (Radaelli, 2003). Instead, it moves through a close interaction with different endogenous factors and alongside domestic developments (ibid). Some argue that Europeanisation is either domestically driven or EU induced (Schimmelfennig, 2012: 6). In some instances domestic factors hold the dominant power in explaining the direction of an Europeanisation process (Héritier, 2001). In other cases, European-level factors are given more prominence (Schimmelfennig and Sedelmeier, 2005; Grabbe, 2006). This dissertation pays service to the intervening process, by arguing that how, the way in which and to what extent a national minority policy is Europeanised hinges upon a specific set of factors embedded in the domestic and interstate relations which influence the causal process.

It may be questioned whether it is plausible to claim that it is only the EU and the CoE that generate domestic impact on national minority policies, especially since there are more international organisations in Europe committed to the promotion of minority rights. For instance, the OSCE also responded to national minority issues at about the same time as the EU and the CoE, and could also be said to have acted as an alternative factor with influence on domestic change across European states and among national minority groups. This dissertation does not discount the presence of the OSCE as a relevant actor in this field, especially in the emergence of a European-level national minority rights regime (Galbreath and McEvoy, 2012). Nevertheless, I also argue that the very essence of the OSCE approach falls beyond the scope of this dissertation. Given its particular focus

on conflict prone areas, such as minority issues arising with the Yugoslav wars, and post-Soviet Union ethnic issues, the OSCE has largely developed approaches that tackle minority issues through a security lens (ibid). As Shoraka puts it, 'the focus on OSCE is often on 'early action' and 'early warning' with regards to 'tensions involving national minority issues … [that] have the potential to develop into a conflict within the OSCE area' (Shoraka, 2010: 95). The very idea of security characterises most OSCE activities on national minority protection with involvements in the immediate post-Soviet context, in the Baltic States, the Balkans and, today, increasingly so in the Caucasus. Automatically, the OSCE has focused less on Western Europe and minority questions where no conflict is present (see Nobbs, 2008). Although security concerns have influenced the development of minority protection in Europe, particularly since early 1990s, this dissertation does not look at European-level norms and rules as tools of conflict prevention or for ensuring security. The interest is rather on the extent to which European-level norms and rules trigger changes in domestic policy to become more accommodative of national minority groups, but also how European multilevel opportunity structures affect minority actors. Similarly, the three national minority groups looked at in this dissertation are not treated as factors of regional or interstate instability and security. Instead, they are treated as actors with possibility to affect the pace of Europeanisation through own acts and practices.

Although my independent variable will be examined in more detail in chapter four, in which the European-level norms and rules under the aegis of the CoE and the EU will be scrutinised along with their likeliness to fulfil the three Ps, it deserves a brief contextualisation below, given the central function it plays in relation to how my dependent variable is expected to change.

3.3.2.1 EU minority rules and norms and the three Ps

Although the EU lacks a clear minority policy, there are at least three developments which are relevant for the protection, preservation and promotion of national minority groups and their identities (see image below). A first connection which addresses the first P, **protection**, arises from EU anti-discrimination legislation and the obligations to respect human rights when implementing EU law. EU anti-discrimination legislation consists of secondary law with binding effects on the domestic legislation of the member states, prohibiting discrimination on grounds such as membership of an ethnic, racial and national minority (Council Directive 2000/43/EC; Article 21, Charter of Fundamental Rights). The protection of national minority groups can also find support in the general human rights applicable to all individuals. Human rights are embedded in EU treaties as general advisory principles and need to be considered by the EU when acting under EU law. Human rights principles also provide a solid ground for the ECJ to balance human rights with other

activities in its rulings. With the Lisbon Treaty, the word 'minority' was added to the list of EU founding values within the Treaty on European Union (TEU) (Article 2, TEU). This reform, however, does not grant specific legislative competences to the EU (Toggenburg and McLaughlin, 2011: 504), but imposes rather an obligation on EU institutions not to breach the founding values in relation to EU law. In all, the possibility of protection in EU frameworks takes a largely individual dimension, with little specificity linked to the group dimension.

A second EU dimension which can help to fulfil **preservation** stems from the EU principle on diversity, dating back to t the so-called EU 'de-economisation' developments following the Maastricht Treaty (Toggenburg, 2000: 2). Preservation and respect for cultural and linguistic diversity are central for the survival of national minorities and their identities. The major link to the aspect of preservation is to be found in EU treaties which oblige EU institutions to respect cultural and linguistic diversity. The objectives of EU culture and language policy, as envisaged by Article 167 TEU, stipulate the need to respect, to contribute to and to foster the flowering of cultural and linguistic diversity as an integral part of EU action. The Charter of Fundamental Rights confirms this obligation in Article 22, by spelling out that EU policies must be attuned to the preservation of linguistic and cultural diversity. So far, the diversity principle has served as a parameter for developing a number of softer and political approaches to the regulation of EU culture and language policies, by providing different financial schemes and different programmes.

And third, **promotion,** includes the practical consequences of EU regional policy which aims at reducing disparities between regions through different economic assistance programmes (Articles 174-178, TEU). Such policies are likely to provide new opportunities for national minorities across European regions to become part of development strategies (McGarry and Keating, 2006: 10). This policy innovation is highly central for the issue of promotion of national minority groups and their cultural traits in specific regions, enabling minorities to participate in the management of regional affairs (Malloy, 2011: 52). Another aspect of promotion addressed by European integration and recent norms and rules is the right to cooperate across state boundaries. As such, regional development policies and cross-border cooperation can add support to activities that stimulate promotion, as promotion of national minorities and their identities is intrinsically linked to abilities to steer developments through participation.

Human rights & minority protection

(protection)

EU Culture- and language diversity

(preservation)

EU Cohesion policy

(promotion)

Article 2 TEU; *human dignity, freedom, democracy, equality, rule of law, human rights and minority rights*

Article 10 & 19 TFEU: *non-discrimination & the Race Directive 2000*

Article 21 Charter: Non-discrimination (national minority)

Article 6 & 7 TEU: Guarantee and remedy

ECJ: *Case Law*

FRA: *Information base; reporting systems; transparency*

Institutional synergy

European human rights law (CoE): ECHR; ECtHR; FCNM; ECRML

EP & Commission *Human rights annual reports*

Article 167 TFEU: *culture policy*

Article 165 TFEU: *Education & linguistic diversity*

Article 3 TEU: *Respect for cultural & linguistic diversity & safeguard of cultural heritage*

Article 22 Charter: *cultural, religious & linguistic diversity*

Periodical initiatives: Culture 2000; *Culture 2007-2013*

Ad hoc projects, ex: *European Year of Languages 2001*

EP resolutions: *safeguard of minority languages*

Independent bodies: *Mercator (Commission); (former EBLUL)*

Article 174 – 178 TFEU: *EU Cohesion policy; regional development*

European Grouping of Territorial Cooperation (EGTC): *Article 175 TFEU*
Subsidiarity principle: *Article 5 TEU*

Structural Funds: *EDRF & ESF*

'3 Objective' programme: *Convergence; regional competitiveness; territorial cooperation*

Periodical initiatives, ex: *Interreg, Eurorreg, Leader*

Committee of Regions

Figure 4: EU frameworks and the three Ps

3.3.2.2 CoE minority rules and norms

The CoE also has tools that can help fulfil the three Ps and affect domestic national minority policies, including national minority groups' identity, mobilisation and actorness. In the early 1990s the CoE joined the ongoing European-level efforts to develop standards on national minority rights by introducing two instruments dealing specifically with (national) minorities (the Framework Convention for the Protection of National Minorities [FCNM 1994] and the European Charter for Regional or Minority Languages [ECRML, 1992]). While the FCNM establishes a set of standards for the protection and promotion of minority in contracting states, the ECRML deals specifically with standards for the protection and promotion of minority and regional languages. The former instrument aims at encouraging participating states to translate principles set out in the framework into domestic law as best as possible (Malloy, 2013b: 56). The FCNM contains, in total, 32 articles,

of which 19 pertain to specific national minority rights. The articles cover inter alia promotion of conditions favouring the preservation and development of culture, religion, language and tradition; freedom of assembly, association, expression, thought of conscience and religion; access to and use of media; use of minority language in private and public spheres; and education (FCNM).

The ECRML, on the other hand, operates through two key sections, namely Part II and Part III. This division is constructed on the idea of a so-called 'minimum application', where Part II applies to all minority and regional languages which exist in the territory of the participating state (Oeter, 2004: 133), whereas Part III is more of an à la carte menu which leaves options open for the states to undertake more specific obligations for different minority languages (ibid: 134). The two instruments differ on this last point in that the FCNM does not provide any 'pick and choose method' among its articles, whereas the ECRML provides the option to design commitments by selecting from the articles. The technical implementation of both instruments is monitored periodically by specialised expert bodies with a supervisory function. The ultimate responsibility for the monitoring of both instruments lies with the Committee of Ministers of the CoE. Important to this dissertation is that both instruments have been crucial for the development of ideas, indicators and norms associated with national minority rights in Europe throughout the 1990s. Important messages are proclaimed in their preambles, indicating, for instance, that "linguistic diversity contributes to the maintenance and development of Europe's cultural wealth and traditions" (ECRML preamble). The FCNM also sets an important norm in its preamble relevant for this study, by indicating that state parties should create appropriate conditions enabling persons belonging to national minorities to express, preserve and develop their minority identity (FCNM preamble, paragraph 7). In short, both the ECRML and the FCNM have elements that can help to fulfil all three Ps.

Besides the FCNM and the ECRML, the CoE can also impact the protection of national minorities through the ECHR. Although the ECHR does not contain any minority rights provisions *per se* and focuses on the protection of human rights applicable to all individual, the freedoms that it guarantees do intersect with important concerns to national minorities. Therefore, the ECHR has been explored and tested by applicants seeking to protect and preserve their rights as members of a national minority group (DeWitte, 2008: 3; Shoraka, 2010: 139). In particular, Article 14 of ECHR which prohibits discrimination based on association with a national minority has been employed by national minority members together with other freedoms guaranteed by the ECHR (de Varennes, 2004: 105). Reasons for discrimination among national minorities have been linked to freedom of expression (Article 10, ECHR), freedom of association (Article 11, ECHR) and freedom of religion (Article 9, ECHR). Thus although the ECHR does not address minority protection directly,

the strength of the ECHR is that it is the only European-level instrument with the ability to produce enforceable hard law directed at national governments, and as such it possesses the strongest monitoring mechanism in Europe (Shoraka, 2010), namely the European Court on Human Rights (ECtHR).

Together, the EU and the CoE have developed both norms and rules pertaining to national minority rights in Europe. Regarding norms, at the core one can find shifts towards cultural diversity, a paradigm expected to affect national minority policies at the domestic level. The norms are in turn accompanied by rules in the form of legal and policy mechanisms which prescribe guidance and they target protection, preservation and promotion. Prescriptive guidance is evident in both the CoE's minority instruments (FCNM and the ECRML) whose progress is monitored on a periodic basis. At EU level, prescriptive guidance flows from the Racial Directive and supportive guidance arises from a variety of policies targeting regional economic development and cultural and linguistic diversity within the overall European integration process. Central to both parts of the independent variable is that they involve more than legal standards. They also address shared understandings, such as political cultures and collective identities, and have the ability to affect what it means to be a national minority and the standing of a national minority policy.

Although the independent variable may go a long way towards providing explanations for changes, it cannot provide explanations for the conditions influencing the degree and direction of impact on domestic policies. The independent variable establishes what the European-level factor is; it is the element that triggers change in the dependent variable. However, the independent variable alone does not account for how change occurs. There are several variables that are presumed to matter and affect change. A national minority policy incorporates a specific set of intervening variables embedded in the domestic and interstate context, which are expected to influence the impact of Europeanisation.

3.3.3 Intervening variables: domestic factors and interstate relations

Whereas the previous sections dealt specifically with the link between Europe and the domestic level, intervening variables help to understand the process and direction of change and how outcomes are shaped. More concretely, in this dissertation it helps to address the "what explains" aspect of the main research question. Intervening variables are understood as factors which steer the process of change in different directions (King *et al.,* 1994), accounting largely for why change takes a particular course in some cases but differs in others. The role of intervening factors is not new in Europeanisation research. The goodness of fit model, for example, acknowledges that Europeanisation does not occur as a consequence of pressure alone (Börzel and Risse, 2003). For

comparative Europeanisation studies, a careful account of possible intervening variables is even more important (Ladrech, 2010).

Comparative studies have made an important contribution to the study of Europeanisation of domestic policy, by suggesting important insights into what matters at the domestic level in order to understand how pressure for change takes place and why outcomes differ. Héritier *et al.*, (2001: 288-9) identified a constellation of factors held to condition the degree and direction of domestic change, namely: the state of the national policy process (pre-reform, under reform, and post-reform); the level of sectoral reform capacity; and the prevailing belief system. Similarly, but in a broader fashion, Cowles *et al.*, (2001) identified: multiple veto points; facilitating formal institutions; political and organisational cultures; differentiated empowerment of actors; and learning as the key determinants linking pressure to actual change. Mendez *et al.,* (2008: 294) added that one also "needs to account for the significance of the policy area for the member state; member state expectations regarding the new policy; the level of understanding of Commission requirements; the clarity of policy objectives; and the fit with overarching domestic policy priorities". Bache (2007: 16) added 'political and partisan contestation', a response to the critique that the political dynamics of Europeanisation are often neglected.

Even if the above factors are expected to vary between member states and across policy fields, together they demonstrate the significance of pre-existing understandings in a national context for explaining differential Europeanisation outcomes. For the Europeanisation of national minority policies, the role of existing *shared understandings* is also likely to be an important intervening variable, which can help us to predict parts of outcomes in response to European-level norms and rules, by drawing on how the policy is normally perceived and conducted domestically. However, the role of *'change agents'* is given strong importance in view of the fact that a national minority policy is rarely a voluntary endeavour. It is therefore assumed that change agents, both veto players and norm entrepreneurs, constitute important linkages between European-induced pressure and domestic change. Moreover, domestic change agents are expected to be formed primarily within the national minority groups themselves, given that changes associated with minority rights are rarely voluntary.

One additional intervening variable is added which is, so far, less addressed by Europeanisation research even though it is central to the study of national minorities; namely the role of the *kin-state*. A kin-state is specific to the study of national minority groups, given that the 'external national homeland' often shares an interest and concern for its ethno-national kin-minorities in other states (Brubaker, 1996: 5). By adding the kin-state as an intervening variable, interstate

relations are also introduced into the study of Europeanisation. With this, the goodness of fit model is also expanded by which reaction to pressure is also expected to be affected by the kin-state and the interstate relations that it incorporates. The role of a kin-state can be central for both aforementioned domestic factors, namely change agents and shared understandings. That is, a kin-state can be part of shared understandings attached to a national minority policy in a given state, which is often developed through historical interstate relations. A kin-state is also often part of existing frameworks which have been drafted in order to protect their kin-minority which can influence the way that a state can make changes in a national minority policy. Moreover, a kin-state can develop either a proactive or a passive role, which can become incremental in the overall Europeanisation process, both with regard to state-level policy development and to how minority groups choose to use Europe. Similarly, a kin-state can also give support to domestic change agents. The three intervening variables are drawn up in what follows.

3.3.3.1 Domestic change agents and shared understandings

For changes in national minority rights and national minority groups, one could think of a plethora of possible intervening variables ranging along different categories of domestic, regional and even global factors. Because this dissertation asks the question *what best explains*, the role of intervening variables is essential. Therefore, the coming section spends time outlining the possibility of intervening variables associated with Europeanisation research and what factors that are expected to affect change in the context of a national minority policy.

The domestic context is by far the most central intervening variable in studies detecting differential Europeanisation (Héritier *et al.,* 2001; Börzel and Risse, 2003; Ladrech, 2010). According to many studies, there is no policy which travels unaffected, in a unidirectional fashion, without some kind of input from domestic factors (Radaelli, 2003; Graziano and Vink, 2007; Jacquot, 2008). Other studies identify global factors, such as the forces of globalisation, as an interactive factor with Europeanisation (Lynggaard, 2011), thus highlighting that intervening variables are not always found at the domestic level. Regarding the domestic level, I focus on the nature of change agents and on shared understandings. Change agents encompass both veto players and norm entrepreneurs. Whereas shared understandings account primarily for the structure, the focus on change agents insists on the role of actors. This is embedded in the very idea that whereas institutions (structures) provide opportunities for actors to act and affect their interest and identities, actors are those who in turn have the ability to change the institutions (Cowles *et al.,* 2001: 11).

The activity of change agents at the domestic level is expected to affect how European-level induced

pressure translates into domestic change. Change agents are actors who facilitate change through bargaining, through the promotion of new identities or through the use of European norms at the domestic level. However, change agents can also obstruct change and reject it. Regardless of degree of European-induced pressure, domestic change is expected to be possible under the condition that there are change agents that enjoy an established link to the government and to domestic policymaking, be they veto players or norm entrepreneurs. Greater change is predicted through the existence of actors who promote new notions, understandings and ideas, as such aiming at more inclusive conceptions of national minority groups. Such actors are expected to generate influence by contributing to the development of new visions of national minority rights in a given state. Similarly, they can also contribute to change in public policy conduct, making it more attuned to national minority claims. As noted by March and Olsen, action involves evoking an identity or role and matching the obligations of that identity or role to a specific situation (March and Olsen, 1989: 951). Thus, committed norm entrepreneurs who act according to the logic of appropriateness and through mechanisms of persuasion are expected to contribute to changes such as redefined interests and identities, engaging structures in a process of social learning (Börzel and Risse, 2003: 67). Similarly, they are also expected to form within and spring from the national minority group.

An alternative hypothesis regarding change agents is rooted in the logic of consequentalism, which assumes that actors have fixed interests and preferences based on utility maximisation (Cowles *et al.,* 2001: 10) and cost-benefit reasoning (Schimmelfennig and Sedelmeier, 2005; Vachudova, 2005; Grabbe, 2006). The most common actors, according to the logic of consequentalism, have been identified as veto players. Accordingly, veto players would respond to pressure as long as there is a perception of new opportunities and gains, or that new resources are generated when embarking on change. Similarly, veto players will consider change as long as the adaptation or compliance costs do not exceed the final benefits. As such, European-level norms and rules will be understood as resources which can help to further given interests and identities at the domestic level.

When minority actors engage with usages of Europe independently, they are also expected to act according to the two-fold logic. That is the logic and motive for engaging in different usages of Europe will be based on either strategic interests or on the perception of legitimacy. The motivation to engage in usages of Europe is expected to be shaped by their ability to have their claims addressed at home and by the actorness that they normally practice domestically.

Shared understandings are highly important for a national minority policy and are expected to affect the process of change and the impact of Europeanisation. The definition of shared understandings in this dissertation differs from the notion commonly encountered in the

Europeanisation literature. Normally, Europeanisation literature engages with the role of the political systems, seeing this as decisive, in processes such as consensus-oriented or cooperative decision-making (Börzel, 2001), or the domestic political structure at large (Knill and Lehmkuhl, 2002). I acknowledge this point as an important aspect of the shared understandings overall, especially as a cooperative political structure may be more supportive of actors' engagement within policy implementation and facilitates their participation in domestic politics (Börzel and Risse, 2003). However, I furnish the perspectives of 'prevailing belief system' (Héritier *et al.,* 2001: 288-9) and 'political culture' (Cowles *et al.,* 2001: 10-11) with some specific elements which can help to explain in more detail what it is within the overall shared understandings that can help one to understand impact of Europeanisation specific to national minority polices. First of all I examine whether domestic concepts of inclusion exist or are absent, along with human rights records and how these are incorporated into domestic policy and law. More specifically, I consider the inclusion and outlook of these concepts in national constitutions and in relation to the national ideology. Alongside this, existing frameworks addressing one specific national minority group in each country are examined, together with how these are adhered to by the parties involved. In fact, specific minority frameworks, such as bilateral agreements, neighbourhood treaties or country specific declarations, can differ from national constitutional provisions on minority protection (see Lantschner, 2004). Such frameworks can also shape shared understandings and create change agents, but more significantly, they often also tie kin-state relations to the fate of the national minority policy. This latter point is highly important for understanding misfit, assuming that the lower the adherence to existing frameworks and international minority treaties and norms, the higher the misfit between the European level and domestic circumstances. On the other hand, the better the adherence to existing frameworks and international minority treaties, the lower the misfit, and thereof pressure for change. Europeanisation can also alter parts of what appears to be good adherence, by expanding some of the priorities.

Similarly, I also review the general development of interactions between the three countries and European-level organisations, with a special focus on their interaction and relation to the EU. This is important in order to understand the domestic-international cooperation, as this can also determine the extent to which states are prepared to adjust domestic policy to pressure stemming from membership of European-level or international organisations. Hypothetically, reluctance to enter transnational and supranational cooperation in general will affect willingness to respond to European-induced pressure on national minority rights. As such, the shared understanding variable is here specified in accordance with the broader idea of political culture encountered in Europeanisation literature. However, it will be established in each case through an assessment of

existing frameworks and agreements between the kin and the host state; the level of compliance with those existing frameworks by both parties; and the specific national ideology pertaining to each national minority in the three cases.

3.3.3.2 Interstate relations: the role of the kin-state

Besides domestic intervening variables, an exogenous intervening variable is expected to influence the process of Europeanisation of national minority policy, namely each minority's kin-state. A kin-state basically corresponds to a "state whose majority population shares ethnic or cultural characteristics with the minority population of another state" (Palermo, 2011: 5). Kin-state attitudes are normally shaped by the protection of their kin-minorities in other states, often regulated through bilateral treaties established with the so-called host state, namely the state where the national minority is living and where it is supposed to be accommodated (Lantschner, 2004). Kin-states often share an interest in the development of national minority policies and in the fate of their kin-minorities living in other countries. Sometimes, a kin-state is highly active in the development of national minority protection within the states where the kin-minorities live and at times, they also develop a more passive role.

In the context of Europeanisation, a kin-state can be expected to have a dual effect. Firstly, it can affect shared understandings domestically of the host state through existing legal and political frameworks which have been drafted between the host and the kin-state. That is, in many instances, shared understandings attached to national minorities tend to differ between different minority groups as they are closely linked to existing frameworks stemming from bilateral agreements and are often defined by specific periods in interstate relations. For example, political relations between the host and kin-state can affect outlooks and executions of bilateral agreements and perceptions of certain national minority groups can be affected by negative political relations. When this is part of the overall shared understandings regarding specific national minority groups, it is also likely to affect the way that Europeanisation occurs. Where there is a low adherence to existing rules and norms that have been established between the host and the kin-state, a kin-state may respond negatively to domestic minority policy and consequently also obstruct Europeanisation. In case of good adherence, the kin-state will most probably not interfere very much in the host states' minority policy, which in turn can also facilitate Europeanisation.

A second role that a kin-state can play in the context of Europeanisation, is that is adapts its kin-minority politics specifically to the context of European integration, employing similar measures to domestic change agents during the process of change. A kin-state can either employ the same acts and behaviour as veto players do, or rather choose to behave more like norm entrepreneurs.

Similarly, they can develop either a proactive or a passive role as change agents. Kin-states can help to facilitate European-induced pressure with regard to their own kin-minorities, by engaging in negotiations, implementations and adjustments of national minority policy within the host state. Or they can also constrain change given that they are not committed to the same European-level rules and norms. As such, their performance can be promotional and facilitate change, but it can also become an impediment to change. In sum, in those instances where a national minority group has a kin-state and is linked to the kin-state through existing frameworks on national minority rights, as well as by a geographical proximity, it is expected to become an important element in the overall Europeanisation process. Moreover, by incorporating the kin-state as an intervening variable which is expected to affect the process between the dependent and the independent variables, one can strengthen certain predictions of both rational institutionalism and those of sociological institutionalism.
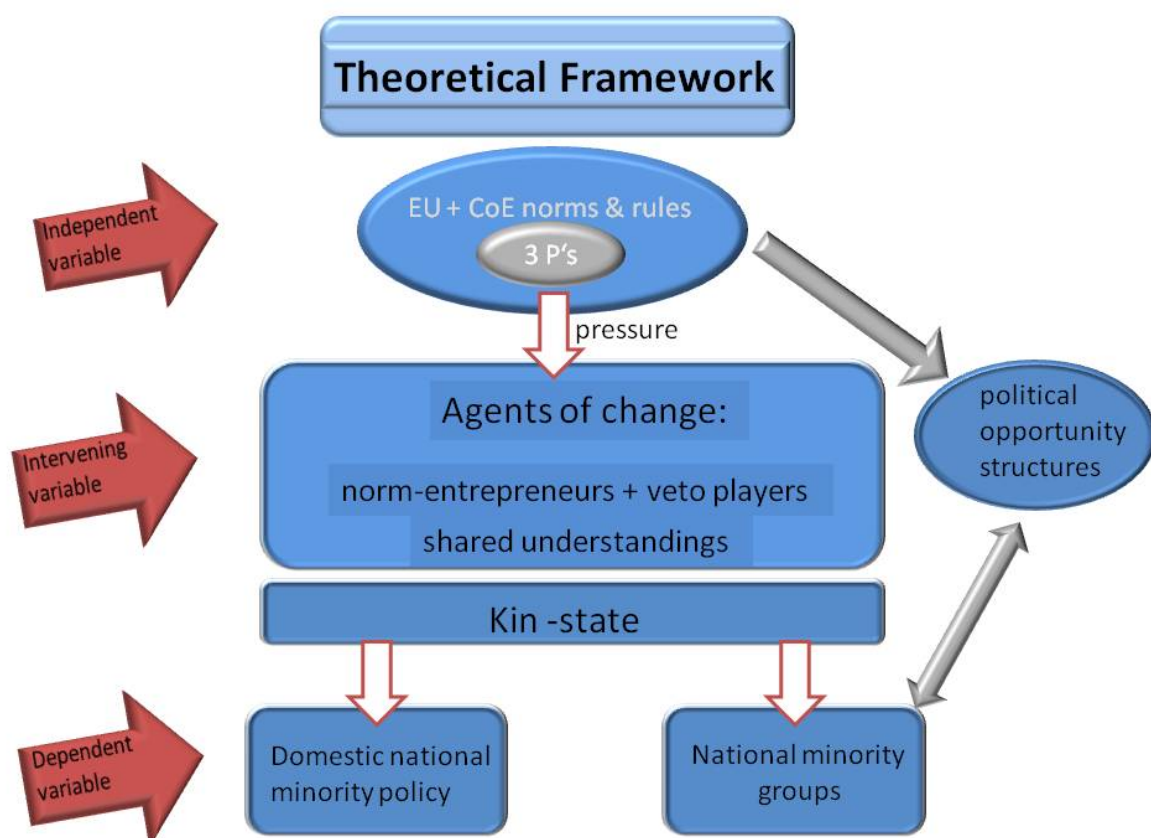
Figure 5: Theoretical Framework

3.4 Case study method

The research question and the hypotheses are tested through case studies. This method was chosen because it is particularly suitable to investigate a contemporary phenomenon with a real-life

context (Yin, 2009: 11). A second factor for turning to case study method is based on the nature of my research question. According to Yin (2009: 10), *why* and *how* questions tend to favour the use of case studies. This is particular so because an assessment of a *why* or *how* questions often requires in-depth examinations, contextual sensitivity and an array of documentary information. Gerring (2007: 49) describes this as "case studies are thus rightly identified with "holistic" analysis and with the "thick" description of events". An examination of *what best explains*, requires an understanding of why and how the different variables interact and affect change. Case studies have also been preferred in studies looking at contemporary events in which relevant behaviour cannot be manipulated for which case study research often relies on direct observations of events and interviews of the persons involved in the events (ibid: 11). Thus case study research is preferred in this dissertation due to interest to develop a deeper understanding of what helps to explain domestic impact of European-level norms and rules, what intervenes in the process and how, by making use of not only rich document data, but also perceptions and experiences shared by individuals in relation to European norms and rules.

Case study research is also helpful for understanding the relationship between variables. Gerring (2007: 47) argues that "any attempt to deal with the question of causal mechanisms is heavily reliant on evidence drawn from case studies". Given the centrality of different variables which are expected to interact and inform each other, the case selection criteria has been informed by the above presented intervening variables which are presumed to affect change and help to explain the impact of Europeanisation. Three countries are therefore chosen for the assessment of Europeanisation impact on national minority policy, namely Denmark, Romania and Greece. In each of the three countries, one specific group is chosen, namely the German minority in Denmark, the Hungarian minority in Romania and the Turkish minority in Greece. These three groups were chosen as they are expected to matter both in the assessment of policy impact and for the bottom-up assessment of how national minority groups are affected. Building on the framework above in which factors presumed to affect change were presented, the three cases bring in active change agents which are formed from within the national minority, specific shared understandings attached to each national minority group and a kin-state which has mattered for the overall policy prior to Europeanisation. In fact, all three national minority policies are either offspring's of kin-state and interstate relations, or they have been closely determined by such relations. This is expected to affect change by either facilitating or hampering whether pressure translates into domestic change. In other words, enduring ties to kin-state in the three cases and the decisive role of interstate relations, can point to the limits of Europeanisation or prove whether Europeanisation can replace older actors and policy conducts.

In order to assess *what best explains* change, I undertake a different system design. Landman defines a different system design as "comparing countries that do not share any common features apart from the political outcome to be explained and one or two of the explanatory factors seen to be important for that outcomes" (Landman, 2000: 27-32). The cases were also selected because different outcomes are predicted, but for predictable reasons: also known as 'theoretical replication' (Yin, 2009: 47). Multiple case study designs have a higher potential for theoretical replication (ibid: 53), but also offer a possibility to expand external generalizability of the findings. I follow the typology suggested by Flyvbjerg (2006: 229-233), by considering my case selection as a so-called 'maximum variation case combination', which aims to obtain information about the significance of various circumstances for the process and outcome. By identifying conditions related to the activity of change agents, decisive kin-state relations and growing networks for political orientation among national minority groups, the outcomes are expected to highlight an interaction of same conditions and what qualities are important among the explanatory factors in order to affect change. It is thus inspired by the idea that it is primarily comparison that helps us to explain the relationship between different variables (Saunders *et al.*, 2007: 134). Thus my case combination takes on the task of explaining the causal significance of intervening variables which not only help to understand Europeanisation impact, but also how different outcomes are a result of the interaction between similar variables. In all, the three cases allow for a deeper understanding of why, how and under what conditions Europeanisation has an impact on policy and on national minority groups, highlighting the role of endogenous factors which arise in relation to pressure.

Denmark, Romania and Greece differ in several ways, not least in terms of legal, political and socio-economic perspectives. The three countries also display several differences in terms of experience with national minority rights and in the existence of national minority groups. At the same time, the case of national minorities shows that similar factors, yet with different qualities, often determine the conduct of domestic minority policy. Three specific factors are relevant, namely the conditions under which change agents can operate domestically; a kin-state which introduces the role of interstate relations; and specific shared understandings guiding the interpretation and execution of national minority policies. Once domestic policy becomes challenged through European-level norms and rules on national minority rights through scrutiny and pressure to become more open and promotive, these three factors are expected to affect not only responses, but also the outcomes. By comparing the three countries in the context of national minority policy, contributions to theory building are possible, in particular by addressing some shortcomings of the goodness of fit model which is normally limited to domestic intervening variables in determining impact.

Important to the above is the choice of one specific national minority group in each country. This

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choice has important implications for both outcomes in policy as for the outcomes among national minority groups. There are other minority groups in each country assessed; however, not all of them allow one to arrive at the assumption that the above intervening variables will affect change. Similarly, other types of outcomes are presumed if one would look at other minority groups. For example, an assessment of the Roma minority, which exists in all three countries, would require consideration of different intervening variables and change would most probably raise different explanatory variables. The impact Europeanisation would also most likely differ by looking at the Roma minority. One central difference between a minority like the Roma and the other three national minority groups in this dissertation is that there is no kin-state for Roma to take on the activities of a change agent, affect domestic shared understandings or engage in bilateral negotiations. The choice of the German minority in Denmark, the Hungarian minority in Romania and the Turkish minority in Greece provides for testing the role of factors which are presumed to be affecting all three cases, but which are loaded with different qualities. All three have an established historical presence in a specific territory and they have been central to the formation and execution of existing national minority policy where they live. Minority actors demonstrate a firm will to retain their identity for which they have developed own agendas and activity targeting different level. Kin-state links are a second important factor for considering the choice of one specific national minority group, because each group has a kin-state and has been subject to interstate arrangement and bilateral agreements involving the host and the kin-state. Moreover, relations between the host and the kin-state have been subject to broader international and European-level involvement as their domestic national minority was defined. Assessing the impact on one specific national minority in each country reflects the particular aspect of kin-state relations even more, in particular as kin-state links can also influence how usages of Europe develop. With this, a final reason for looking at one specific national minority group in each country is also informed by the endeavour to examine the reasons and motives of usages of Europe employed by each group. This is expected to vary according to the degree of accommodation of each groups' claims domestically. Extent of claims, accommodation of claims and satisfaction differ between different national minority groups within one country.

At first glance, Denmark would not be expected to be in need of much change, or to introduce new standards in the domestic national minority policy. Danish national minority policy is defined through a framework which is established specifically for the protection of the German minority in the region of South Jutland through bilateral negotiations with Germany. This minority policy is guided by the so-called principle of 'declaration of intent', which is upheld by Germany and Denmark through bilateral declarations and holds a specific political value between the two

countries. Denmark also has the reputation of being an active supporter of general human rights developments in Europe, with active support to the CoE and other human rights organisations in Europe (Gil-Robles, 2004: 4). Against this background, low pressure from Europe regarding national minority rights would be expected. However, a discrepancy has come to the light as Europe has scrutinised domestic practices in the light of emerging European-level norms and rules. There is a difference in how Denmark commits to general human rights developments at the European level and how it commits to obligations aimed at extending minority rights protection. There is a tendency to reject extensions of domestic conceptions, to impose reservation and to manoeuvre along legally 'low-cost' models. This behaviour is expected to give rise to adaptational pressure to reconsider the domestic approach and to renew national support of the German national minority. What is expected to shape the process of change in domestic policy is to be found in the good possibility provided to the minority to interact with the Danish government and in the symbolic role attached to interstate relations with Germany. Given the relatively good accommodation of the German minority's claims, it is also expected to turn to usages of Europe less in order to advance own claims or in the search for legitimacy.

In Romania, one would predict high pressure for change in the 1990s due to the need to develop a new national minority policy. This is linked in the first place to the dissolution of communism and, secondly, due to an exceptional European-level influence on overall political development in Romania in the 1990s, which was accompanied by specific requirements to reform domestic national minority policy. Several post-communist contexts have required fundamental changes in core features of structures and policies to occur (Ladrech, 2010: 186). Minority rights were, however, met with reluctance in the first post-communist struggle, which led on to an element of struggle throughout the ensuing democratisation. However, Romania provides an opportunity to examine whether the exceptionality – high pressure – activated the same intervening variables as the other two case studies. Through the lens of the Hungarian minority in Romania, impact of Europeanisation on domestic policy is assessed through mechanisms earlier not applied to this particular case. Instead of looking exclusively at the transposition of the Copenhagen Criteria, this dissertation applies a different research design which focuses on the role of domestic and interstate factors helping to explain change. With this, change is expected to be facilitated by the central role which the Hungarian minority acquired in Romanian politics throughout the 1990s. One specific factor of relevance here is the high possibility to perform acts of change agents, given the repeated presence of the Hungarian minority in the government coalition and Parliament seats. This is expected to affect the way that power is used to affect change. An additional factor which is expected to affect the pace and nature of change on Romanian minority policy is the role of

Hungary as a kin-state and the way that it not only insists on guarantees that the Hungarian minority is protected, but also the way that Hungary exports legislation to neighbouring countries. Accommodation of claims of the Hungarian minority in Romania have improved since the early 1990s, however, some outstanding issues remain, for which the minority is expected to make use of Europe more than in the case of the German minority.

Greece demonstrates exceptional reluctance in its domestic approach to national minority rights when contrasted to most other European states. The exceptionality is evident in its having opted out of full participation in the European minority rights regime. Greece has not ratified the FCNM or the ECRML. Domestically, it does not provide any recognition of *national* minorities. The only evidence of the existence of a minority in Greece is the Lausanne Treaty of 1923, which speaks of a minority and which binds Greece and Turkey to minority protection through reciprocity. Because of these features, high pressure from Europe is expected. It is also anticipated that substantial change is required, given that there is a lack of several components normally needed to sustain a national minority policy. The process of change in the Greek minority policy is expected to be undermined by the marginal possibility provided to minority actors to act as change agents domestically. By not recognising the existence of *national* minorities is thus expected to limit the possibility of change agents to affect policymaking. A second factor which is expected to affect change are the complex kin-state relations between Greece and Turkey where existing agreements stemming from interstate relations have been preferred over European-level norms and rules. The use of reciprocity which characterises minority politics of the two countries is expected to hamper the impact of Europeanisation. Moreover, given that Turkey is not an EU, it is also exempted from adhering to many norms and rules in contrast to existing member states. In the case of the Turkish minority, usages of Europe are expected to be highest given the low accommodation of claims domestically.

There are also empirical reasons for the case selection with aims to fill a vacuum in both the study of Europeanisation and in minority studies. Regarding Europeanisation, early research focused predominantly on Europeanisation in EU's larger member states. Many conclusions of these early studies are based on change in the UK, Germany or France (Cowles *et al*., 2001; Héritier *et al*., 2001). Later studies have taken small EU member states as a defining category, focusing on how 'smallness' affects domestic impact (Kelstrup, 1993; Hanf and Soetendorp, 1998). Other case study combinations have shown regionally grouped member states, such as the Europeanisation of Scandinavia (Geyer, 2003), the Benelux countries (Beyers, *et al.*, forthcoming 2014) or Europeanisation of Southern Europe (Fetherstone and Kazamias, 2001). With recent enlargement rounds, it has become commonplace to treat accession states as a separate group subjected to

Europeanisation, or perhaps more often under the umbrella of Europeanisation of post-communist states, by taking into consideration the extent of change needed given the high misfit between Europe and the prevailing belief systems and policy styles of those countries (Schimmelfennig and Sedelmeier, 2005; Grabbe, 2006; Ladrech, 2010). Today, with regard to the current candidates and their reform processes, it is common that studies address the Europeanisation of the Western Balkans (Börzel, 2011), with a separate focus on Turkey (Tocci, 2008).

Not surprisingly, the issue of minority rights has been lumped together with that of accession/post-communist countries; given that minority rights was incorporated into the political accession criteria as spelled out in the Copenhagen Criteria of 1993. Europeanisation of minority rights continues to be studied in the ambit of future enlargements, largely as a case embedded in the Europeanisation of Turkey (Tocci, 2008) or the Western Balkans (Bieber and Dzihic, 2010; Börzel, 2011). Focusing on only new member states that were subjected to an exceptional pressure through the Copenhagen criteria, risks losing sight of the more general picture and the role of intervening variables which affect many national minority situations in Europe. The inclusion of the case of Romania and the Hungarian minority can help to address an existing gap in current Europeanisation/minority literature, with regard to whether a post-communist case continues to differ from other cases. Approaching this through the case of a national minority policy might provide only partial answers, but it can help to address broader questions on whether norms will continue to apply once the Copenhagen Criteria is replaced by EU-internal rules and the broader European national minority rights regime.

Through each case, I identify a number of junctures at which European-induced pressure emerges. I start by providing an overview of the crucial domestic conditions and necessary background of each minority policy in relation to each group. Regarding European-level norms and rules, these are reviewed over the course of the last twenty years. The 20-year span under consideration is defined against the background of changing European-level mechanisms. Given that this dissertation looks at three cases, limitation to specific historical episodes was necessary. This runs the risk in terms of leaving out decisive details from historical outplays that continue to affect majority-minority relations, shared understandings and kin-state relations. Limitations in historical overview are particularly risky when trying to understand change in the context of national minority groups. This is so because history helps to understand the existence and formation of *national* minorities, being largely defined against historical events in contrast to new ethnic groups in Europe which are formed through migration processes. As seen in the introduction, it is historical events and outcomes that have determined the existence of national minorities (Malloy, 2005). Therefore, a range of historical events and episodes are also crucial in order to understand contemporary

developments, and in particular once forces of Europeanisation reach domestic policy. However, given that the dissertation covers three cases, it is nearly impossible to cover all relevant historical dynamics which are supposedly still affecting current domestic policy, perception of rights and minority-majority relations.

3.5 Process tracing

Process tracing lies at the heart of the methodological strategy applied to assess the causal importance of Europe and to assess what best explains the impact of Europeanisation. Several Europeanisation scholars have proposed process tracing as a strategy to demonstrate the causal importance of the European-level factor (Goetz, 2000; Levi-Faur, 2004; Haverland, 2007). As much as process tracing is relevant for Europeanisation studies, it is also relevant for national minority studies, given the wide range of actors and factors which are normally present in the formation and execution of national minority policy. In general, process tracing entails dealing with multiple types of evidence in order to verify inference (Gerring, 2007: 173). George and Bennet (2005: 6) have described process tracing as a method which attempts to identify the intervening causal process, namely the causal chain and causal mechanisms between the independent variable and the outcomes of the dependent variable. Process tracing possesses important qualities that allow a perception of 'how and what happens' to be obtained, whereas its weakness is its resource-demanding character, which tends to rule out large-n studies (King *et al.,* 1994: 226-8).

In this dissertation, several intervening variables have been identified, each possessing unique qualities with some explanatory power towards causality. Each case reflects a context prone to an intersection of multiple variables. Therefore, process tracing is useful for exploring types of mechanisms adopted by the EU and the CoE, the reactions among domestic actors at a given point in time, how pressure develops into adaptational process and what its outcomes are. To do this, the research takes off from extensive data on each case, in order to identify the parameters of each domestic policy which will help to trace the extent of fit between domestic circumstances and the European level. Rich process tracing and reliance on extensive data is necessary in order to establish what the pre-pressure situation looked like in so as to be able to identify misfit and in what way change occurs. Therefore, the consequent process tracing ensues by focusing on the *before* and *after* situations. Process tracing is also helpful for tracking intervening variables and how these behave. As seen above, the process of change is expected to involve a multiplicity of actors, which differ over time and with new factors coming into play in the course of the process.

The causal importance, or impact of European-level norms and rules, is complemented by counterfactual reasoning. Without being the main strategy of analysis, it is adopted in order to

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substantiate the causal impact reached through process tracing. When used as the common strategy in Europeanisation research (Checkel, 2001; Haverland, 2007), it entails that had European integration been absent, a particular outcome would not have occurred in the same ways as it has (Haverland, 2007: 63). It can thus help to demonstrate whether certain change would have occurred even without European-level pressure. In the case of national minority rights, the so-called rich process tracing is implemented through a wide range of mixed data, which are explained below.

3.6 Methodology: data

Part II of this dissertation presents an empirical analysis. Different data was used, involving different investigations and the use of mixed methodologies. First, I initiated a pilot study in form of a survey of different national minority groups in Europe. This served as an important exploratory mechanism in order to facilitate case selection and to gain an overview of indicators related to how national minority groups conceive of European-level rules and norms pertaining to national minority rights. This helped to confirm that the strategy of the three Ps was a correct way to structure the independent variable. Second, EU and CoE frameworks along the three Ps were evaluated through document and secondary literature analysis. Official documents included many primary sources from both EU institutions and CoE bodies, but also from domestic official bodies and other organisations. Secondary literature helped to analyse the broader trends and to put the development of both norms and rules into context. This set of data was also applied to the assessment of the three countries' national minority policies. Third, in-depth and semi-structured interviews with minority actors and other experts were conducted regarding each case study. The interviews hold two functions. In relation to policy evaluation, they were used in a complementary way to other official data and secondary sources. Regarding the assessment of impact among national minority groups, the interviews were even more important due to limitation in the literature on what the impact of Europeanisation really is on national minorities. With the research strategy in mind, an exploration of views and motivations of the national minority actors, provided an opportunity to research why and how national minority use European norms and rules. Observations from each field trip are also included.

3.6.1 Document analysis and literature

First, in order to identify the nature and objectives of European-level norms and rules along the three Ps in chapter four, an interdisciplinary analysis of EU and CoE frameworks relevant for national minorities was undertaken. This analysis was not limited to legally binding regulations only, but it also considered policy instruments, especially in relation to the EU. This first set of

material consisted of primary sources, covering EU treaties (TEU and TFEU); CoE monitoring reports; FCNM and ECRML country reports; ECJ and ECtHR case law; EP resolutions, reports and statements; EU Council directives; EU Commission programmes and policy documents; FUEN press releases; and other country-specific and minority-specific reports from international and national non-governmental organisation (NGO). This set of data was supplemented by secondary literature, primarily from legal and policy studies.

While document analysis and secondary literature were used in order to establish the content of my independent variable and my interview questions, it also helped to explore domestic policy in chapter five to seven. The official position of governments is expressed in reports submitted to the CoE during the monitoring process of the ECRML and the FCNM. A more critical perspective of governments positions are provided by the monitoring bodies through opinions and resolutions regarding each state and policy. In the case of Greece, ECtHR case law provides important information regarding the position of Greece, whereas other organisations and bodies have issued several studies regarding Greece. Domestic positions in relation to national minorities are also well-covered in reports by other human rights organisations and sub-committees of the CoE. Moreover, official speeches from politicians, newspaper articles and press releases provide additional resources used to examine the impact of Europeanisation on domestic policy. Besides material stemming from European organisation, majority positions and domestic policy evaluation is also well represented in secondary literature. There is a plethora of either country specific analysis or on approaches undertaken by European-level organisation towards domestic policies. This set of data includes books and journal articles.

3.6.2 Survey: pilot study and indicator identification

The research required a broad exposure to national minority groups, their activities and experiences with 'Europe' throughout the past two decades. Therefore, prior to in depth interviews, I began the research with a survey in order to identify some basic indicators regarding minority groups' satisfaction with a priorities vis-à-vis Europe. Since the EU does not provide any data about national minorities specifically in relation to policy participation and experiences, one way forward was to approach national minority organisations themselves. In order to identify some indicators to guide my case selection, but also to understand the basic tendencies in relation to how national minority groups conceive of Europe, a survey was distributed to approximately 70 national minority organisations across nearly all EU member states, including Croatia which back than was not an EU member. I received 40 surveys back.

Following a course in April 2011 at Cardiff University on Survey Design and Implementation, the

survey was ready for distribution in June 2011. The survey was structured into five different sections: basic information on each minority groups; attitudes to the EU; participation in EU policies; satisfaction with legal aspects stemming from EU treaties; and attitudes towards the CoE. In total 36 questions were asked. The survey helped to explore some basic patterns and to identify which European-level policy areas national minorities perceive to have the greatest significance on minority life (see appendix). Similarly, it also helped me to understand how the priorities are set in relation to European-level norms and rules, without necessarily providing any detailed information on the consequences stemming from Europe, for which semi-structured interviews were adopted at a later stage. All three national minority groups which are approached in my case studies participated in the survey.

The survey sample included minority member organisations of two pan-European minority networks, namely the Federal Union of the European Nationalities (FUEN) and the Network to Promote Linguistic Diversity (NPLD). The original sample included some additional minority organisations which had been tracked on the internet, in order to ensure a fair balance between minorities in different parts of Europe. The survey was self-administered by me using two different methods. First, it was self-administered personally to either heads of minority organisations or other representatives during the FUEN Annual Meeting in Eisenstadt, Austria in 2011. During that meeting I got 16 responses. Given the face-to-face distribution, it was a fast process regarding clarification of the aim of the survey. During the FUEN Annual Meeting, more surveys were distributed and were returned to me later by email. I followed up the distribution during the summer 2011 via email and telephone calls to the sample. Those 40 surveys that were returned were all filled out by either a leading person of each organisation or another representative who had been active for a long time in the representation of the minority. Given the relatively small number of survey responses, I decided to code them by using Excel. The outcomes of the survey resulted in an article published in 2012 (Jovanovic, 2012). Moreover, the results also form part of the empirical analysis of Part II below and for adjusting the overall method.

3.6.3 Expert interviews and field research

The central aim of the fieldwork and the semi-structured interviews was to supplement the textual and documentary sources and to fill other interpretative gaps. In all, the interviews had a dual function. They were used to supplement examination of domestic policy and, more significantly, to assess how national minority groups perceive European-level processes in relation to their agendas and position and why they are driven into usages of Europe. Like this, the interviews constitute a significant part of the data used in order to draw bottom-up inferences about the impact of Europeanisation on national minority groups. The advantage of interviews had been described as

"it records more fully how subjects arrive at their opinion […] we can witness many of its outward manifestations. The way that subjects ramble, hesitate, stumble, and meander as they formulate their answers tips us off to how they are thinking and reasoning through political issues" (Chong 1993 as quoted in Gerring, 2007: 45). Another advantage of interviewing, and which has inspired the choice of this method, is the possibility that it enabled to gain an insight into the actors' mindset (Richards, 1996: 199). This is helpful in order to understand motives for usages and consequent usages of Europe. I was interested in grasping a better understanding of their attitudes, experiences and opinions of European-level approaches towards national minorities and their rights, thus corresponding to information what according to Richards (1996: 200) is "not recorded elsewhere, or not (yet) available for public release". A second ambition was to unpack the reasons and motives for different engagements with European-level policies and programmes, including whether changed practices have any effects on their agendas, working styles and behaviour. This is what Jacquot and Woll (2003) describe as 'actors not only act strategically, they are also transformed by their relationship to Europe'.

The interview sample was partly random and partly selected. Before each field trip I had a predefined sample covering primarily actors representing minority groups, working either on behalf of the minority, the government or as experts in terms of academia, advocacy groups or for NGOs. These had been identified through an investigation of different minority organisations with close help from FUEN and ECMI in Flensburg. Most of the predefined interview sample consisted of people who had participated in the implementation of EU policies, in the monitoring process of the CoE or who had demonstrated an interest in the fate of the minority policy through lobbyism and activism towards European-level bodies and other decision-making bodies. In total, 60 interviews were conducted in relation to three national minority groups; 16 interviews on the part of the German national minority in Denmark, 23 on the part of the Hungarian minority in Romania and 21 interviews on the part of the Turkish minority in Greece. Out of the 60 interviews, only two interviewees chose not to be recorded and to keep their name anonymous. The majority of the interview subjects belonged to each minority group and were involved in minority-related work at the domestic level. However, there were also exceptions to this. In some cases, representative organisations were located abroad, as in the case of the Turkish minority from Western Thrace. One of the central representative bodies of this minority, namely the Federation of Western Thrace Turks in Europe (ABTTF), was established and has been based in Witten in Germany since 1988. Similarly, representatives of the Hungarian minority in Romania are also operating in Brussels through two Member of European Parliament (MEP) seats, accompanied by administrative staff, as well as other positions in European institutions. Moreover, the FUEN secretariat was also

interviewed because it is staffed by members of the German minority in Denmark, but also due to its overall role as a representative body for national minorities in Europe. In those cases where representatives were located beyond their national context, additional questions looked at the particular reasons for their locations and the implications of that for minority activities.

A good sample of interview subjects was established prior to the arrival to the field; however, additional subjects emerged through a snowball and cascade system once I was in the field. Snowball sampling is a technique whereby an interviewee subject makes suggestions for more interviews, which in turn provide the names of a third round and so on (Vogt, 1999). This was originally adopted as a sampling method for identifying and contacting hidden populations (Atkinson and Flint, 2001: 6). Due to the very close interaction between minority actors and representatives in all three cases, it was not difficult to access additional interview subjects. The random method which had been established prior to the field trip expanded remarkably through non-random sampling during the fieldwork. It was common that I left one interview to go on to another because the previous interview subject had contacted the second one. Additional academic experts were consulted in each case on purpose, in order to ensure a more balanced picture.

All 60 interviews were conducted in the period between October 2011 and June 2012. The semi-structured interviews consisted of closed and open-ended questions. Some interviews were tailored to fit the specific interviewee and the context in order to get the most out of it. The questions were inspired by the survey, but they were expanded due to the interest in capturing in-depth information on perceived impact, experiences and stories that a survey fails to capture. The questions focused on changes and implications along the three Ps, ranging from changes in domestic minority legislation, alterations in public policy measures, development of different strategies, transnational linkages and on the introduction of new institutions or other bodies. Other open-ended questions allowed the subject to speak about their own visions and experiences of Europe. This added an important value to the consideration of agency formation, which will be discussed in chapter eight. It also points to an added value which was not necessarily anticipated when setting up the research. In many of the stories and opinions provided by the interview subjects, I looked for important junctures of change; evolutions; motivations for their activity; challenges; solutions; setbacks; and evidence for either rational or sociological perspectives of the overall development and change. Similarly, I also asked counterfactual questions, by asking my respondents whether the situation could be considered differently were it not for the EU and the CoE. The key policy areas investigated were language, education, culture, regional development, political representation and anti-discrimination. In each of the three cases, I interviewed people who were directly involved in some of the aforementioned policy fields, such as minority education,

regional development, cultural activities or political representation. In each case, I also managed to interview the most central representatives of what is considered to be the main representative body of the minority. Official titles held by such representatives, including the status of the different minority organisations, tend to differ largely. In all, they belong to politicians, governmental officials, and NGOs and advocacy groups.

Although domestic policy implications have been evaluated through other data, it was also supplemented by interviews. That is, the interviews helped the research to assess the role of perceptions of minority actors in relation to policy change, where they provided own opinions regarding extent of change through concrete examples. For example, the questionnaire included questions which were concerned with policy change and what they perceive to be the major effects of European-level norms and rules with regards to their own situation. I listed a number of developments at the European level which they were asked to evaluate in relation to domestic impact. Another set of questions were concerned with the specific situation of the minority groups themselves, where I looked for changes in perceptions, identification and in self-conceptions. Nearly all interviews were recorded and supplemented by notes taken by me. Most of the interview subjects had no problem with being recorded and with their names appearing publicly, hence the interviewees are referred to by name in this dissertation. The transcription of the interviews lasted nearly two months, culminating in approximately 600 pages of interview data. All interview data was entered into MAXQDA, a computer programme for processing qualitative data. I used the programme in order to arrange the interviews according to country and themes represented in each chapter, especially given the large amount of material. The themes corresponded mainly to the three factors looked upon among national minority groups, namely actorness, mobilisation and identity. However, other themes also included perspectives of conflict between minority and majority, perception of influence by European-level norms and rules and what the actors perceive to me the major effects. Thus many questions were posed in a *pre* and *post* fashion where the interviewees were constantly asked to evaluate the current situation to the situation prior to any European-level involvement. Although MAXQDA served the purpose for arranging and collecting all the interview data into one programme, the coding was done manually by drawing up own reports without using the programme.

As the major part of the sample interviewed belongs to the national minority group, risks of bias are raised (Robson, 2002; King *et al.,* 1994), in particular when conducting research on specific groups and with groups within the 'group'. In this case my subjects tend to lean towards a categorisation of 'elites' or 'experts' given their representative roles. Nevertheless, what is intriguing is the fact that many of the interview subjects wear several 'hats'. Several of those

interviewed perform different duties in their roles as representatives of the minority. Some of them are part of the government and hold MEP positions. Others hold functions both in European-level organisations and domestically. It is also common that their work is split between a 'normal' job and that of representing the national minority group. At the same time, next to formal political activities as agenda setters, they are also part of the minority community and participate in the daily activities. This gives an important added value to the research, given interviewees' ability to draw on their different experiences and multiple perspectives. The same can be said for the FUEN secretariat, where both the director and the president were also members of the German minority, while the ABTTF in Germany is also staffed by members of the Turkish minority. This is just one instance of the multiple arenas that many of the subjects move between. Another strategy in countering potential bias due to the overly 'expert'-oriented methodology was the inclusion of interviews with academic experts and by drawing on other data discussed above.

Regarding language, I needed an interpreter to conduct most of the interviews with the representatives of the Turkish minority in Greece. Regarding the other to cases, the interviews were either conducted in English or in German. Those done in German were transcribed into English. Given that many of the minority actors are frequent travellers, activists and lobbyists in different countries and operate in different setting, their level of English was pretty advanced.

A final point needs to be made about the data collection process. Despite the challenges regarding limited time, given that the research looked at three different national minorities in three different countries, the field research developed into a highly transnational process during eight months. This was something that I had not anticipated before. But in order to grasp the field and the actual function of each group across European spaces, I had to accept that the field research shifted from being a classic, community-based approach (Robson, 2002), to a highly transnational process. This does, of course, follow from the fact that I chose to look at what is categorised as 'experts' or even 'elites' (ibid) who are increasingly available across European multilevel structures. However, given that community-based field research appeared insufficient, due to the fact that many minority actors today frequently move between different levels of the European political system and perform different roles, it also meant a multiplication of my travels, including periods of being away from home. This contributed with another significant input, namely the very meaning of having to engage in a transnational process in order to grasp the field. This experience confirms Geertz's (1995: 119) observation, that the 'Field' itself is a powerful disciplinary force. In fact, this very experience I obtained provided an important insight into recent developments among national minority groups, how they use Europe and what implications this very practice is understood to

have.

I travelled a lot during the eight months. Apart from the small villages and towns across Western Thrace, the impressive governmental buildings of Bucharest, the highly multicultural Transylvania, a crisis-prone Thessaloniki or the agricultural lands of South Jutland, the field research also led me back to Brussels a few times. It also led me to the Annual FUEN meetings, where representatives of all three national minority groups are members and participate actively; even more so today than when I initiated my research in 2010. Similarly, I attended a number of conferences where the topics of each national minority group were covered or debated in a more practical fashion among the key actors. This provided for additional, but crucial, observations on how their claims are framed, not only by national minorities, but also by others. And it provided an insight into shifting priorities and expectations of Europe by European national minority groups. For example, when contrasting the observations from my first FUEN Annual meeting which I attended in 2010 to the latest from 2013, there is a remarkable change in rhetoric, strategies and behaviour among the many members.

3.7 Other implications

It is worthwhile mentioning that my secondary data consists largely of Anglo-Saxon literature. Most of the secondary data used is linked to the fields of European studies, international relations, studies of European legal standards and, to a lesser extent, sociology. This bears the risk that certain definitions are nuanced by a European 'mode of thinking' and scholarship, in particular where certain definitions are applied against the background of Anglo-Saxon notions. But through participation in numerous multinational conferences and multicultural environments, where I have presented parts of my ongoing research and discussed many of my ideas, I have also developed and evaluated some of the approaches to many concepts, not least by reflecting on their usage, definition and application in a different manner.

At the same time, when my linguistic abilities have allowed, I have relied on media sources in the languages from each case. This is however mainly limited to sources in German and Danish, and as such in regard to the German minority in Denmark. Luckily, the case of the Hungarian minority enjoys a pretty good coverage in English, as well as in some Romanian news media. The case of the Turkish minority enjoys coverage in German because of the location of the base of the representative body ABTTF in the German city of Witten. In fact, ABTTF updates the most necessary items linked to the region and the Turkish minority and its own regular activities across Europe on a daily basis. Moreover, thanks to social media such as Facebook, I have also been able to follow important news and updates from each region. Facebook is actively used by the

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activists/representatives interviewed for spreading news and recent updates on minority matters, but also for sustaining a transnational network. FUEN in particular sustains much of its contact between its minority members via social media such as Facebook. In fact, nearly half of my interviewees from Greece and Romania use the tool actively and on a daily basis, where they present their ongoing work, recent debates and varied claims.

Chapter 4: European-level norms and rules pertaining to national minority groups

4.1 Introduction

With the renewed interest in national minority rights among European international organisations in the early 1990s, numerous binding and non-binding measures have emerged. While this internationalisation or Europeanisation of minority paradigms made important contributions to the consolidation of minority rights in Europe, it has at the same time resulted in a diversified system of mechanisms. Despite a general consensus underpinning different approaches among European organisations, different institutional mechanisms and logics continue to shape the application and implementation of national minority provisions, with mixed legal and political consequences for domestic policies. Besides national and international law, also supranational law accompanied the European 'minority-speak'. Some research has attempted to make sense of the different instruments in Europe (De Witte, 2004; Toggenburg, 2004; Ahmed, 2010; 2011; Shoraka, 2010), as a result of the multiplied, and sometimes disconnected, institutional arrangements. Others have tried to make sense of an emerging synergy between international instruments and minority rights in Europe, including the role played by European and international human rights instruments (Hofmann and Friberg, 2004; Henrard and Dunber, 2008). This chapter provides a review of legal and political mechanisms, focusing strictly on the CoE and the EU pertaining to national minority rights. I do not apply any hierarchical ranking to the instruments of the two institutions; instead they are discussed in terms of their ability to fulfil the three Ps through different legal and political measures. Similarly, despite the CoE's clearer approach on national minority rights provisions and its very *raison d'être* to protect human rights in Europe, I do not view its role as superior to the EU's minority approach. Following a review of CoE instruments, a more detailed account of EU legal and political instruments is provided which will cover developments starting from the Maastricht Treaty up until the Lisbon Treaty. Ultimately, the instruments reviewed under the realm of the two European institutions will help to establish my independent variable, namely *European-level norms and rules pertaining to national minority rights*.

An analysis of the nature of different European-level instruments and their legal and political measures provides a necessary review of what is politically and legally possible across EU law and policy and through CoE instruments. While the CoE functions as one of the leading standard-setters on minority rights in Europe (Hofmann, 2005; Weller, 2008), the EU lacks comparable competences on national minority rights (see Toggenburg and McLaughlin, 2011). Instead, the EU provides a diverse mixture of mechanisms which are dispersed across EU secondary legislation, different policy programmes and indirect tools relevant for the accommodation of national minority groups.

In accordance with the general arguments that one joint 'integrated' European legal order does not constitute a coherent scientific object (Kjær *et al*., 2008: 1), and that there are different, but cross-cutting, legal layers and political processes, it is assumed that Europeanisation is a useful concept for understanding current national minority policy in Europe through the interconnection between the EU and the CoE.

4.2 Two arenas: the EU and the CoE

This chapter looks at two legal and political arenas in Europe, which are increasingly making inroads into national legal and political structures, namely the EU and the CoE. The CoE draws on the principle of international human rights (see ECHR preamble) and has established legal standards regarding both general human rights and specific national minority rights. The protection of human rights is upheld by judicial mechanisms ensuring that CoE principles and norms are respected across the CoE member states, while the protection of national minorities is monitored by expert bodies. The EU, on the other hand, is a treaty-driven entity and the enforcement of EU law can take precedence over national legal systems. The EU has developed policies on almost everything and there are hardly any public policies that remain within the exclusive control and responsibility of the member states (De Witte, 2004: 110). It is nearly impossible to identify a domestic law in which there is no EU influence. With this ongoing legal fusion, the EU legal order constitutes perhaps one of the strongest components of domestic legislation, at least with regard to the 28 member states. Although the exact numbers of this legal fusion are difficult to define, approximately some 80 per cent of domestic legislation are said to contain an EU component (Wallace *et al.,* 2010: 9). This has only increased now that the nature and scope of EU policymaking extends beyond the original regulation of the European single market. The most general principle about EU law is that it has so-called attributed competence (Craig and de Burca, 2011: 73). This can be defined by two central limitations, namely that a purpose must be mentioned for which the EU is entitled to act and the level of acting is in turn limited by the conferral of powers (ibid). Purpose and competences are conferred on the EU by the EU treaties. However, this is still implicit with regard to human rights law, and especially regarding national minority rights. Instead, the EU constitutes a legal sphere based on mixed competence structures, conferring selected amounts of power to the EU institutions on some policy areas, while many other policy areas are jointly managed with national governments. While EU policies exist for nearly every public policy, EU treaties also stipulate the extent and purpose of each competence (ibid: 72), when delegating the power to enforce EU legislation to domestic institutions. National minority rights, however, are still largely a national matter, given that there is no explicit competence which the EU can use to harmonise domestic legislation on minority rights. However, there are a few

developments in EU policy, law and norms and which can help to address issues related to national minorities. These will be discussed along the three Ps.

The above characteristics are central for understanding the impact of Europeanisation on national minority policies and on national minority groups. European-level standards pertaining to national minority groups in Europe are closely tied to CoE developments. The literature on minority studies agrees that the CoE constitutes the most influential source of domestic minority rights legislation and policy (Hofmann, 2005; Malloy, 2005a; Weller, 2008). The CoE has basically laid the groundwork for human rights standards in Europe since 1950s, possessing what is argued to be the strongest legal document on human rights in Europe (Malloy, 2013b: 53), namely the ECHR. Inspired by several events of the early 1990s involving ethnic and minority conflict across Europe and in the immediate European neighbourhood, the CoE joined the development of national minority standards and norms in Europe (Kymlicka, 2008: 32). Accordingly, the CoE developed two multilateral instruments which set out norms and standards pertaining to national minority groups and minority languages: the European Charter for Regional and Minority Languages (ECRML) in 1992 and the Framework Convention for the Protection of National Minority Groups (FCNM) in 1995. Both documents are based on the idea of implementation through expertise, monitoring and recommendations, which require a system of reports by ratifying states, but also interaction with governments and national minorities.

The ECRML and the FCNM explain why the CoE is often considered the forerunner in Europe of the protection of national minority groups, and for being ahead of the EU. However, one also needs to account for the very essence of the CoE, which is constructed on principles aimed at ensuring and promoting human rights throughout the CoE region (Alston and Weiler, 1999: 28). This same principle is reaffirmed across most of its documents. This sits in contrast with the EU, whose centre of gravity has often been described to lay elsewhere, and that the EU is concerned primarily with ensuring a functional single market (Douglas-Scott, 2011: 646). Consequently, some of the EU's key competences have developed with the aim of regulating free movement, trade and competition law, rather than social and political regulation (Sand, 2008: 89). Nevertheless, the EU's excessive market orientation has gradually been accompanied by a series of principles, which frequently, albeit not exclusively, are influenced by other European organisations, international standards and the application of those standards within the national law of the member states (Alston and Weiler, 1999: 28). In fact, EU human rights policy could be said to resemble an area where the sources of inspiration originate from very different forums and arenas (Røddik, Christensen, 2007: 17).

4.3 The CoE and national minority rules and norms

4.3.1 European Convention on Human Rights and the European Court of Human Rights: relevance for national minority rights in Europe

A most central document on individual human rights in Europe and beyond, is European Convention on Human Rights (ECHR) of 1950, whose *raison d'être* is to protect universal human rights. Although the ECHR addresses *individual* human rights and aims to ensure that states comply with human rights obligations, the guarantees provided by the ECHR can also have a bearing on national minorities by incorporating rights which are important for minority groups. For example, there are a number of rights that minorities can use to protect their concerns, especially those involving minority language, religion and culture (DeWitte, 2008; Ahmed, 2011). Other possibilities include the right to existence, to anti-discrimination, to pluralism, to questions over identity, to freedom of expression or to freedom of participation.

The use of the ECHR by national minority groups for minority related claims has increased in the two past decades. The instrument posits one particular advantage vis-à-vis most other European-level instruments pertaining to the protection of national minority groups, namely the strongest monitoring mechanism in the form of a court system, the European Court of Human Rights (ECtHR), which is situated in Strasbourg. The ECtHR was installed in order to ensure the observance of the ECHR, by providing the possibility for individual complaints against violations of the ECHR by contracting states. ECtHR's jurisdiction is also compulsory and binding (Article 46, ECHR), thus providing one of the strongest judicial mechanisms of human rights protection in Europe. Given the number of states which are bound by the framework of the ECHR, it is often argued that the ECtHR is a final arbiter for human rights abuses made by either national or local authorities in Europe (Pentassuglia, 2004: 14-15). Moreover, the ECHR is the only mechanism and instrument of which all members of both the EU and the CoE are members which, coupled with the fact that it relies on a judicial monitoring body, which makes the court rulings applicable to all EU member states. This is further reinforced by the scope of individual application embedded in the ECHR and the ECtHR system. In case of violation of any ECHR article, besides states parties, the Court may receive applications from individuals, groups of individuals or non-governmental organisations (NGOs), provided that states have accepted the right to individual petition and that all domestic remedies have been exhausted (de Varennes, 2004: 84). Moreover, the ECtHR can only hear cases which are based on complaints relating to rights listed in the ECHR and about matters which are the responsibility of a public authority (ibid: 85). This latter aspect is relevant for national minority groups, given that violations of many minority rights are often committed by either state or public authorities in European states. Consequently, this aspect has also provided for a use of both ECHR and ECtHR by national minority groups in Europe, where the two instruments had, by 2013,

adjudicated over 100 cases pertaining to national minority petitions (Malloy, 2013b: 54).

Given that the rights which are stipulated in the ECHR concern primarily individual human rights, it is crucial to review what the links to national minority groups are within the instrument, followed by how they have been used by national minorities and in what policy fields.

There are two anti-discrimination clauses in the ECHR which are relevant for national minority groups. First, Article 14 of the ECHR prohibits discrimination to the enjoyment of rights and freedoms set forth in ECHR based on a number of grounds. Those grounds include 'association with a national minority'. More precisely, Article 14 stresses

> ... [t]he enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

However, Article 14 cannot be invoked on its own. Instead it needs to be read in conjunction with another right laid down in the ECHR. That is, for Article 14 to be invoked, discrimination always needs to be claimed together with another right guaranteed under the ECHR. Therefore, national minorities claiming discrimination need to link the reason for discrimination to another right guaranteed by the ECHR and not to anything else. For example, discrimination by national minority groups can be claimed in relation to the freedom of assembly and association (Article 11 ECHR) or freedom of expression (Article 10 ECHR). Article 14 can also provide an important basis for national minority groups claiming to suffer discrimination based on the freedom of thought, conscience and religion which is laid down in Article 9 ECHR. It is then also in that circumstance when discrimination is claimed together with another freedom that claims can be brought to the ECtHR. As such, ECHR provides a good basis for the protection of some national minority rights, given that reasons for discrimination of national minority groups often involve discrimination based on religion, different opinions or the right to establish and run political or cultural minority associations. As an ECHR provision, it applies automatically to all states that have ratified the Convention, while rulings on violations of any of the content of Article 14 lead to the imposition of legal obligations upon the states parties and public authorities involved.

A second link between the ECHR and national minority groups is also in line with the area of anti-discrimination, namely the amended Protocol 12 of 2000. Protocol 12 reinterprets what is already stated in the above Article 14, however, it extends the limits of Article 14 by guaranteeing an *independent* right of anti-discrimination to persons on grounds of national minority groups (Ahmed, 2011: 19). That is, whereas Article 14 does not apply on its own and can thus only be used together with another freedom guaranteed by the ECHR, Protocol 12 can be used alone. Another

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important aspect is that Protocol 12 requires that states take positive measures, where necessary, in order to ensure that discrimination on the grounds spelled out in Article 14 does not take place (Malloy, 2013b: 55). Protocol 12 adds an additional aspect to the list of grounds for prohibiting discrimination, namely *"No one shall be discriminated against by any public authority"*. It needs to be noted, however, that for the content of Protocol 12 to be become applicable, states need to ratify it, as it is not automatically applicable across CoE members who are parties of the ECHR. To date, 17 states have ratified Protocol 12 out of which six are EU member states. Besides the reference to national minorities in Article 14 of the ECHR and in Protocol 12, there is no other mentioning of minorities in the ECtHR.

ECtHR case law has ruled in favour of minorities most effectively in areas such as religion, freedom of association and freedom of expression. Although these are individual human rights *per se*, the ECtHR has embedded minority protection within the broader system of human rights protection (Pentassuglia, 2004: 15-16). For instance, in the case of *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria* (ECtHR, 29225/95), the ECtHR found a violation of the freedom of assembly guaranteed under Article 11 of the ECHR. The dispute was basically about the Bulgarian courts' refusal to allow the registration of a Macedonian minority association which aimed to unite Macedonian minority in Bulgaria on a regional and cultural basis. The refusal was based on that "the aims of the association were directed against the units of the nation, that it advocated ethnic hatred and that it was dangerous for the territorial integrity of Bulgaria" (ibid). The ECtHR found that there was no justifiable reason in the above for refusing the registration of the association, for which a breach of Article 11 ECHR was found (ibid). In 1998, the ECtHR made a similar judgement in *Sidiropoulos v. Greece* (ECtHR, 26695/95), where Greece had refused to register an association upon request of the Macedonian minority, based on that such association would undermine Greece's territorial integrity (ibid). The ECtHR concluded that there was nothing objectionable in having a cultural organisation claiming the existence of a Macedonian minority in Greece, and that refusing to register such a private entity constituted a violation of freedom of association as guaranteed under Article 11 of the ECHR (de Varennes, 2004: 88; ECHR, 26695/95).

Moreover, the ECHR has also been used in rulings involving culture and language issues of minorities (De Varennes, 2004: 88). For example, Article 10 on the freedom of expression has been used in rulings on the right to have public displays in a minority language, or to use the minority language in public or private matters (ibid). The above conclusions demonstrate support for minority activity in the state where the given minority group lives. Given that ECHR content consists of undeniable human rights, freedom of association, for instance, does not stop applying to people just because they are minority members. In fact, similar action has been undertaken by the

ECtHR in its case law on a number of occasions, which indicates that it is supportive of the recognition of certain minority groups, regardless of what their actual status is domestically, or whether they are recognised as minority groups in domestic legislation, but also regardless of the fact that the ECHR does not really address the issue of national minority protection directly. This is a highly relevant clause for the preservation and survival of national minorities, where Europe can assist with clear legal mechanisms.

Another relevant minority aspect raised by the ECtHR is the religious perspective of minorities. Discrimination based on religious grounds among national minority groups can be claimed based on Article 14 ECHR together with Article 9 ECHR. Given that many national minority groups in Europe have a different religion from that of the majority population and the fact that religion can be important for the conduct of the minority community and minority life, the ECHR can become important in those instances where breaches are made of the right to free enjoyment of religion. For example, in the case of the Turkish minority in Greece, which is also a Muslim minority, existing legislation recognises the role of a religious leader, the 'Mufti', and provides the freedom to the minority members to freely elect such a leader (Athens Treaty, 1920). The Greek authorities intervened in this freedom granted through the Athens Treaty of 1920 by applying new legislation with which Greek authorities started to appoint Muftis independently, thus intervening in the religious freedom of the Turkish minority in Greece. Consequently, Greece has also convicted the directly elected Muftis for "usurping the functions of a minister of a known religion" and for "manifesting their religion publicly" (ECtHR, 50776/99; ECtHR, 38178/97). There are two case laws in which ECtHR has found a violation of Article 9 ECHR by Greece, namely in *Serif v. Greece* (ECtHR, 38178/97) and *Agga v. Greece* (ECtHR, 50776/99). Article 9 ECHR guarantees freedom to conduct religious activities, regardless of whether those concerned are minority members or not.

At the outset of the above and despite many controversies over how and whether an individually-oriented instrument can help to protect national minority rights, there is a promising remit for protection of some rights relevant for national minorities. The case law above and some the content of the ECHR has proven to be applicable, and been used to create guidelines on minority protection through the ECtHR (Topidi, 2010: 27). Moreover, it is also through the cases lodged with the ECtHR by national minority associations and by individual members of minorities that an increased significance of the ECtHR has been established as a European-level instrument incorporating questions pertaining to national minority groups. Some argue that this has been particularly so during the past 20 years (Shoraka, 2010), which coincides with the general development and internationalisation of minority rights since early 1990s, but also other parallel developments within the overall CoE realm. Moreover, and in relation to this dissertation, a large number of

ECtHR cases have emerged from different minorities in Greece, where the Turkish minority of Western Thrace is among the most active minority groups to use the ECHR and the ECtHR (Tsitselikis, 2012: 185). Whereas outcomes of ECtHR cases have often resulted in financial remuneration to the complainant, it is still controversial what type of pressure it has unleashed upon the Greek legal order, given that legislation did not change with regard to the recognition of national minorities and that the status of banned or rejected minority associations has not been lifted by the Greek authorities. This very link and interaction will be discussed in more detail in Part II in the dissertation.

4.3.2 The Framework Convention for the Protection of National Minorities

Besides human rights documents, the CoE has also initiated specific minority strategies and provisions. The CoE established the first ever legally binding multilateral instruments aiming to protect national minorities in Europe, namely the FCNM. It is also nearly the only multilateral document which refers specifically to *national* minorities. The FCNM opened for ratification in 1995 for all CoE members. The introductory paragraph of the FCNM stipulates that "*the protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation*" (Article 1, FCNM). To date, 41 states have ratified the FCNM out of which 24 are EU member states. Three out of the present EU member states have not ratified the FCNM, namely Belgium, Greece and Luxemburg, and France has neither signed nor ratified the instrument (DeWitte, 2008: 2).

With the establishment of the FCNM, the CoE reaffirmed that minority protection is a legitimate concern of all states and a legitimate concern for those states that engage in the implementation of international human rights, including non-CoE member states– that is, more or less all states around the world (Spiliopoulou Åkermark, 2008). This marks a clear international purview, instigating the need for transnational practices and common efforts for the sake of FCNM implementation. There are additional novelties embedded in the function and set-up of the FCNM. Being an article-based framework, it sets out principles for numerous state-level undertakings, asking states to apply and implement those principles domestically. This very system also makes the FCNM a contract-based model vis-à-vis the CoE and the states, concerning the accommodation of national minority rights (Malloy, 2005: 73).

The FCNM consists of 32 articles, 19 of which pertain to specific minority rights and issues, whereas the rest stipulate more general implementation regulations, monitoring practices and reporting rules imposed upon states that ratify the FCNM. The 19 programmatic provisions cover several

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areas pertaining to national minorities, ranging across anti-discrimination; linguistic freedom; education, access to and use of media; use of minority languages in private and public spheres; topographical names in minority languages; equality etc. Like many international documents, the FCNM follows some classic 'convention' principles within its structure on national minority rights. It starts with a section that sets out the general principles and which locates minority rights under the wider, international, human rights (Articles 1-3). A second section outlines the concrete measures which the contracting parties need to implement, thus stipulating the different policy domains specific to national minorities (Articles 4-19) and a third part concludes with more details on the interpretation of the document (Articles 20-23), and reiterates what has already been concluded in general international law; namely that an implementation of minority rights may not be carried out to such a extent that it jeopardises the territorial integrity of the state (Article 21 FCNM).

The implementation process starts with a signature which is followed by ratification of the document, after which states develop specific state reports agreed upon with the CoE. It is the full responsibility of the state that ratifies the FCNM to ensure that the provisions in the document are in force in their country (Phillips, 2004: 111). Similarly, it is also a state responsibility to transpose the FCNM provisions into domestic legal systems through national legislation and appropriate governmental policies (ibid: 109). While the convention states that the parties are under a legally binding obligation to ensure the compatibility of their domestic legislation and its practical application with the principles enshrined in the FCNM, they are at the same time not obliged to ensure the direct applicability of their undertakings at the national level (Hofmann, 2005: 5). Nor is it possible to bring the interpretation and application of the standards before the ECtHR, as in the case of the rights provided by the ECHR. It is consequently often considered an instrument offering norms that states parties to the instrument *should* implement into national law (Lantschner, 2008). That is, being a 'framework' it means that the principles that are set out must be translated into domestic law as best as possible by the ratifying states (Malloy, 2013b: 56). Thus, the FCNM puts together a catalogue of specific minority rights with a legal resonance and value upon states (Topidi, 2010: 30), but without granting rights to members of national minorities directly. Moreover, the FCNM is also widely considered soft law due to the lack of judicial enforcement by domestic courts. But on the other hand, the lack of judicial enforcement, when contrasted to the ECHR, does not diminish the significance of the FCNM and the transparency which accompanies implementation and domestic monitoring. According to Kymlicka, although these types of declarations and conventions are not legally or judicially enforceable, they do have a 'bite' (Kymlicka, 2007). When contrasted with many EU legal and policy notions such as the 'direct effect',

'supremacy' or the application of EU law to individuals within the member states, the FCNM is a state contracting instrument. Those states that become parties are subjected to a monitoring of their compliance with the principles stipulated in the convention, where weaknesses and failures to comply generate either criticism or recommendations.

The implementation of the FCNM in the states parties is conducted through a supervisory mechanism, rather than a judicial implementation system (de Varennes, 2004: 83). Each country is asked to submit a report every five years, which is the starting point of a monitoring cycle. Such initial state reports review a range of domestic legislation, policies, minority participation, the role of minority associations in cross-level representation and other relevant structural arrangements (Topidi, 2005: 575). Although specific state officials normally draw up state reports, they are often also drafted in cooperation with minority organisations and minority actors (ibid). Yet, this very practice still differs across the states that are contracted to the FCNM. It has been recently noted that while some states compile their reports in cooperation with relevant national minority bodies or minority members themselves, it is also still practice that specific state ministries are responsible for many state's reports (Kempf, 2013).

The final responsibility for monitoring the FCNM lies with the Committee of Ministers of the CoE, while, technically, monitoring is done by a group of independent experts nominated by states who make up the Advisory Committee of the FCNM. By departing from the state report which each member of the FCNM is asked to provide when ratifying the instrument, the Advisory Committee reviews the content in accordance with the FCNM content, by also conducting country visits as an integral part of the review process. Accordingly, technical monitoring is conducted through periodic visits to the states and to minority regions. The country visits involve an article-by-article evaluation of the state report (Articles 1-19) (Phillips, 2004: 113). Based on this evaluation, the Advisory Committee adopts an opinion to which the state has the opportunity to respond by providing a so-called 'state comment'. Finally, all of the above-described stages consisting of state report, Advisory Committee opinion and state comment are reviewed by the Committee of Ministers, which ultimately closes the monitoring cycle by adopting a resolution which contains conclusions on the implementation process and recommendations to each state to be considered. The conclusions often contain recommendations on how to improve certain measures and how to consider the rights of national minorities in relation to broader public policy or legal developments within the state. Similarly, the Committee of Ministers often encourages states parties to follow up the conclusions and recommendations domestically by engaging in dialogue and to find measures in order to ensure implementation of the FCNM (see Henrard, 2003/4). Currently, the FCNM

monitoring has finalised its third monitoring cycle and states are entering the fourth round.

It is relevant to emphasise that the FCNM does not contain a definition of the concept of national minority, given that there is no general definition agreed upon by the CoE members (Phillips, 2004: 111). Governments that sign and ratify the FCNM can choose which national minority groups should be covered by the provisions, a decision which is expected to be made in good faith and in accordance with general principles of international law and the fundamental principles as set out in Article 3 FCNM (ibid). However, once they have made this choice, the full package of 19 articles which pertain specifically to different minority rights become a full obligation, to be considered in relation to that specific national minority group. In other words, whereas many other international instruments allow for a so-called à la carte method between the different articles, this is not the case with the FCNM. Originally, the FCNM did not invite states to declare themselves which minorities were to be covered by the institutions. This is a freedom that states seized on their own initiative in 1995 when the CoE opened for signatures. Technically, it is not allowed under international law to make reservations when acceding to a treaty unless the treaty in question makes provisions for such (Article 19, Vienna Convention, 1986). However, with regard to the FCNM, some states have made specific declarations unilaterally, providing a clear demarcation of their intention with regard to the FCNM and which national minorities will be covered by the instrument. This will be further discussed in part two of this dissertation in relation to Denmark.

The FCNM and the monitoring process do not only address states, even if states are the key contractors of the instrument. It is largely through the monitoring process that the instrument has been expanded to encompass input and participation of national minority actors and bodies (Kempf, 2013). The monitoring process conducted by the Advisory Committee does not only rely on information provided by public authorities. Information gathering and the evaluation of the implementation progress includes additional perspectives. The Advisory Committee also pays direct visits to minority institutions, NGOs and other civil society institutions as an integral part of the monitoring process. As such, it has also become a known and used instrument among national minority organisations and actors, given the demand for their input and other information which is perhaps not provided by state authorities. At the same time, whereas the evaluation process relies on much more diverse and dispersed information gathering, it also establishes a new forum for minorities to articulate their own positions and experiences along CoE principles and standards.

4.3.3 European Charter for Regional or Minority Languages

A second document under the CoE ambit, following a similar principle in terms of implementation and monitoring, is the ECRML. It was adopted and opened for signature in 1992, entering into force

in 1998 together with the FCNM. To date, 25 states have ratified the ECRML, of which 17 are EU member states, with no less than 11 EU member states remaining outside the ECRML realm. However, this document differs in that it aims exclusively at the protection of minority and regional languages, thus it contains no protective standards of the national minority groups (Oeter, 2004). Instead, it draws on the principle that Europe is a richer place through multilingualism, which it sets out to protect, but also to promote smaller languages that do not necessarily receive sufficient support through existing legislation and measures. The overall purpose of the ECRML is to promote the use and visibility of minority languages in public and private spaces across the CoE member states.

Even though the ECRML does not list regional or minority languages to which the ECRML content shall apply, it specifies that regional and minority languages are those "traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population" (Article 1, ECRML). Moreover, the definition in Article 1 also specifies that the language should be different from the official language spoken in the state and that this does not include dialects or languages of migrants (ibid). Instead, regional and minority languages are conceived as the mode of expression in a specific area, but also as languages which are used on a dispersed basis among people residing in one country (ibid). By underlining a distinction between migrant and other regional and minority languages, the ECRML is often interpreted as an important instrument to the speakers of national minority languages in Europe (de Varennes, 2004; Malloy, 2005a).

Given the variety of minority language situations in Europe, the ECRML establishes a so-called à la carte system (de Varennes, 2004). In other words it consists of two parts, which do not necessarily have a direct application to all minority language upon ratification. Whereas Part II applies equally to all the languages chosen to be protected by a contracting state, Part III provides for a specific selection of clauses applicable to selected minority languages, as such laying the basis for a so-called differential approach. Part II enlists basic principles that states need to adopt. These include, for example, the recognition of languages as an expression of cultural wealth, respect for the regions or the protected minority languages, prohibition against redistricting with a view to separating language groups, the need for positive action to protect the languages, guaranteeing teaching and study of the protected languages, introduction to non-speakers of the languages, allowing minority language groups to interrelate, elimination of discrimination on the basis of minority language, promotion of respect between different language minorities, and the establishment of bodies representing the interests of language minorities concerned (Part II, Article 7). With this, the ECRML clearly takes on the task of recommending and encouraging states to take

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measures in order to protect and promote regional and minority languages. Moreover, there is also a preservation dimension cutting across the objectives listed in Part II, for example in the facilitation and encouragement of language use and commitments to forms in which this can be achieved.

Part III outlines more specific measures to be undertaken by states parties. It elaborates in detail how states should implement the above principles across the areas of education, in judicial relations, with administrative authorities and public services, the media, economic and social life and in transfrontier exchanges. Thus, Part III spells out in even more detail, what states need to consider with their commitments.

Just like the FCNM, the ECRML also provides discretion for states to specify the languages within their territories which are eligible for the protection and promotion provided by the ECRML. However, it differs from the FCNM in that the states parties can commit to the ECRML in 'differential' ways. Whereas states parties can choose to commit to Part II on the part of some languages, their commitments can be different with regard to Part III. While this risks providing for even more leeway than the FCNM, the ECRML explanatory report of the ECRML considers that this flexibility "takes into account the major differences in the de facto situations of regional and minority languages (such as number of speakers, degree of fragmentation etc), and it has regard to the costs entailed by many of the provisions and the varying administrative and financial capacity of the European states" (ECRML explanatory report quoted in Oeter, 2004: 134). All ratifying states are required to introduce the necessary arrangements domestically and to set up a special body monitoring the ECRML (Part III, ECRML). It is sometimes argued that this clause explains the lower number of ratifying states compared to the FCNM. However, at the same time, such a requirement also ensures that the principles as laid down in the document enter the domestic institutions and policies.

The ECRML follows a similar monitoring system to the FCNM, namely through periodic visits by the Committee of Ministers, which monitors the implementation of each undertaking. Monitoring also provides for input from NGOs and/or minority associations (Part IV, ECRML). But the Committee of Ministers also engages in unexpected visits of the regions, without announcing its visit in advance. Moreover, the Committee of Ministers also issues a report on the implementation progress to the Parliamentary Assembly every second year.

4.4 The EU and national minority rights

This section looks at the relevant EU law and policies pertaining to national minority groups. EU law and policy is discussed according to the potential to fulfil protection, preservation and

promotion of national minority groups and their identities.

Probably because there have been fewer clear landmarks relating to the protection of minority right in EU law and policy compared to the CoE, there has naturally also been less interest in studying the EU as an avenue to protect, preserve and promote national minority groups and their identities. The main difference between EU law and CoE-law with regard to minority protection is that the EU does not possess any tradition or practice of ratifying international instruments on minority rights. EU law lacks a catalogue of minority rights which must be implemented by EU member states. And, there is still no competence in the EU treaties which could enable EU institutions to pass legislation which would take precedence over national provisions and legislation on minority rights. As such, it lacks clear benchmarks on implementation strategies of minority rights and there are no expert monitoring processes in place comparable to the Advisory Committee and the Committee of Ministers described above. Yet, the present state of EU law and policy reflects a number of unconnected sources relevant for some aspects of national minority groups. In order to understand the variety of sources which emerge with EU law, it is important to understand that the EU can act only according to the competences which the EU treaties accord to it (Craig and de Burca, 2011: 73). There are today three specific competences categorised in EU treaties; namely *exclusive competence, shared competence* and the *competence to take supporting, coordinating or supplementary action* (ibid: 75). This categorisation is relevant for understanding in what ways the EU can act on matters relevant for national minorities, particularly as an EU approach is located within all three competences, although the two last competences are the most common.

According to the above, whereas EU treaties set out the policy areas in which the EU can act, they also stipulate in what way the EU can act. Whereas the treaties allow the EU to legislate in some policy areas, the EU can also act through the creation of ideas in other policy areas. Both aspects are relevant for national minority rights. So far, scholars of EU law and minorities have often viewed the EU as a provider of soft mechanisms of advantage to minorities which help to advance mobility, provide financial programming and new forms of and arenas for participation (Toggenburg, 2004: 16-21). With this, the predominant vision is that the EU power matters by supporting and supplementing actions of member states towards national minority groups, rather than imposing directly enforceable rules leading to harmonisation of domestic law and regulation on minority rights (De Witte, 2004: 118). As such, throughout most of the 1980s and the 1990s, a general norm was for minority measures to be enacted as an integral part of a measure whose aim is defined under a different policy heading (ibid: 121). Although such an indirect approach remains relevant concerning some aspects of national minority groups, the legal basis in EU treaties has also

developed. This relates in particular to changes in human rights, the inclusion of the term 'minority' in EU treaties, secondary law development in the field of anti-discrimination, but also perhaps an ever-larger number of supplementary actions across several policy fields. Delineating what this precisely means is the task of the subsequent sections.

4.4.1 EU law and national minority rights

The standing of general minority rights in EU primary law is ambiguous. EU primary law is the EU treaties, resembling a package of provisions which in turn grant varied competences to the EU as a way to attain different Union objectives (Craig and de Burca, 2011: 103). Whereas primary sources of law include the originality of the policy domains as initially defined in the treaties, secondary law corresponds to legislation which is not mentioned in the treaties, but which is developed in order to implement EU primary law. There are three central instruments used for the exercise of EU's competences, namely regulations, directives and decisions. These three instruments are often used together in order to make law, by either being the foundational primary law or by being adopted as secondary legislation in order to implement primary law (Craig and de Burca, 2011: 104-107). The most significant link between the EU primary law and national minorities is the mentioning of the term 'minority' within the list of EU founding values in Article 6 of the Treaty of the European Union (TEU). However, despite this mentioning of 'minority' in EU primary law, the law does not grant specific legislative competences to the EU to engage in the protection of minorities (Toggenburg and McLaughlin, 2011: 503). However, values and norms constitute an interesting part of the overall EU legal system with implications on EU institutions. Like many general principles or unwritten sources of law, they provide guidance for judicial review and for interpreting particular Treaty Articles (Craig and de Burca, 2011: 109). For example, the ECJ can decide what is actually intended and the purpose of a particular value and/or norm which appears in EU primary law, although such a principle lacks an EU competence. As the ECJ has been delegated the sole right to make judicial decisions, it can actually load values from EU primary law with specific content and details. Thus the values can be viewed as supporters of the overall legal structure.

Other important links between EU law and the protection of national minority groups are highlighted in the general human rights principles and in EU anti-discrimination legislation. While the former is a basic tenet of EU, it is now upheld by a written list of fundamental rights as enshrined in the Charter of Fundamental Rights (the Charter). EU anti-discrimination legislation is developed through secondary legislation and exists today in form of a number of EU directives. This secondary legislation is based on Article 19 TFEU which gives the EU a competence to legislate in the field of anti-discrimination, stipulating that the EU "may take appropriate action to combat

discrimination based on sex, *racial or ethnic origin*, religion or belief, disability, age or sexual orientation". This package of legislation has no direct effect per se, which means that it cannot be invoked and relied on by individuals before national courts (Craig and de Burca, 2011: 180). Instead, it is directed at member states and aims at harmonising national anti-discrimination legislation in relation to the given grounds.

Alongside primary law, general principles and secondary legislation, EU treaties also convey principles within EU law and policy relevant for national minority groups. Although principles appear in EU primary law, they tend to be of a limited scope. A fresh EU position and role arose from the *diversity rhetoric* which became an objective of a number of EU policies (De Witte, 2004: 118). For example, several EU policy areas mention the mottos of *'united in diversity'* or *'Europe of people'* (Toggenburg, 2004: 13). Such principles are embedded in EU approaches providing a united front in the areas of culture, education and language. This burgeoning use of slogans and mottos, which focuses on "*creating an ever closer union among the people of Europe",* has also been embraced by minorities (Topidi, 2010: 97). Under EU culture policy (Article 167, TFEU) for instance, the EU states that *cultural diversity should be promoted and respected.* EU education policy (Article 165, TFEU) reaffirms the role of cultural and linguistic diversity as important aspects of education, for which the EU should take *supportive* and *promotional* measures. The diversity rhetoric appears in the EU treaty under a number of policy areas (Article 3.3, TEU; 165.1 TFEU; 167.1 TFEU; 207.4 TFEU) and has been loaded with more detailed goals. By making use of the subsidiary basis (Article 5.3, TEU), the implementation of the diversity principle in the area of culture, for instance, has required the EU to *"support and supplement the member states"* in their actions to fulfil the objectives of the policy (Topidi, 2010: 98). The resources which function in this way aim at supplementing particular policy areas without superseding domestic competences and without entailing harmonisation of domestic law. Instead of passing legislation which harmonises domestic legislation, the EU can pass binding acts in these areas, such as political ideas, soft law in form of guidance on best practice, monitoring or other legal incentive measures (Craig and de Burca, 2011: 86).

Of relevance to national minority groups, the above forms of regulation are most common in the fields of culture and language, and financial incentives are provided for regional development (Toggenburg, 2008: 100; Ahmed, 2010: 278). This category of soft law rests on a number of different mechanisms, such as recommendations, Commission opinions, policy guidelines, action plans and EU resolutions, but also recommendations by other international organs. Although this style of policy regulation and implementation is sometimes argued to be a loose form of governance due to the lack of clear prescriptions on implementation, it also instigates a new readiness relevant

for national minority groups as it contributes to keeping the issue alive and can generate both direct and indirect pressure on member states.

Looking for direct legal links in EU law has often proved insufficient, compound by a weak legal basis in the area of minority rights (De Witte, 2004: 110). Such a gap could be filled by taking stock of both hard and soft jurisprudence measures. Soft law originates from international law and is used as a reference to several international declarations and documents. It is often defined as a package of "law consisting of documents that are not legally binding upon states (and hence not directly enforceable in courts and tribunals by individuals) but that nonetheless may have an impact upon international relations and ultimately international law" (Lantschner, 2008). Instruments that build on non-binding tools within EU structures, here characterised as supplementary mechanisms, but also norms which could eventually develop into legal competences, should not be underestimated. Although soft measures do not necessarily create legal obligation upon the member states and do not generate direct effect, as the EU holds no formal powers in this area (Ahmed and Hervey, 2003/4: 50), there is a potential for a different type of power and influence through soft instruments (Ahmed, 2010: 284).

The different resources of EU law outlined above do not necessarily exclude each other and often operate concurrently and/or in parallel to each other. An EU policy is often developed through a mixture of resources and instruments, where both hard and soft law inform and supplement each other (Craig and de Burca, 2011). The key difference between them is the form of implementation and the nature of application. In order to understand what consequences such varied mechanisms can have for national minority groups, the different types of mechanisms and their possible outcomes related to national minority groups will be set out below.

4.4.2 EU competence structures

Above we have seen that the EU possesses a number of different resources in order to regulate a policy field. This section reviews the extent of competences attached to different policy areas specific to national minorities. In general, EU law binds its member states to a legal structure which builds on the principle that EU action is subject to the conferral of power (Article 5.2, TEU). With this, what is conferred upon the EU in the treaties establishes what type of competences the EU holds. In those areas where the EU holds an exclusive competence, legislation will have a direct legal effect over national law and will entail a process of harmonisation (Article 2.1, TFEU). It is also the exclusive competences and the direct applicability which constitute a supranational regulation. But EU competences can also be shared between the EU and the member states, as stipulated in the same article under the second paragraph. And thirdly, there are also some policy areas which

function under the logic whereby the role of the EU is limited to a supportive and coordinating one (Article 2.5, TFEU). What commonly fall under the first category of exclusive EU power are policy areas concerning monetary policy, competition rules or customs union (Article 3, TFEU). Shared competences are spread across a number of policy areas, such as agriculture, environment and social policy (Article 4, TFEU). And the areas in which the EU provides a supportive and coordinating role are, for instance, those of culture, education and tourism (Article 6, TFEU). The area of national minorities serves a good example of a 'policy' which must be understood by taking stock of all three competence types.

A further difference between some of the functions outlined above is their object of application. The ECJ has been one of the driving forces in extending the application of EU law to individuals (Alston, 1999), by developing EU principles to govern the judicial realm of the EU. For instance, in *Van Gend en Loos (*ECJ, C26/62, 1963), the ECJ ruled that Article 12 of the TEC should be interpreted as producing direct effects and creating individual rights, thus implying that the latter followed from, but were not necessarily a condition for the former. Through a number of subsequent ECJ decisions, additional judicial rights have been handed down to EU nationals, establishing the structures for individual petitions in relation to EU law. This particular development can be seen against the background of the sources that the ECJ has had at its disposal when determining individual and human rights oriented rulings.

International agreements and conventions constitute an integral part of EU general principles of law (Article 6.3, TEU) and the ECJ has leaned on both sources when making related rulings (including on minority rights). By making use of the general principles which emerge with international legal sources, EU law has developed further, providing an opportunity for the EU to enforce rules in those areas in which the EU lacks clear competence (Craig and de Burca, 2011: 109). Although the EU has expanded its own competences in the area of human rights, many EU human rights standards were developed under the ambit of ECJ case law, in which the court has ruled through reference to non-EU sources (Topidi, 2010: 51-52).

Implicit, indirect and soft legislation and norms are thus largely characteristic of the link between EU law and policy and national minority rights. For instance, economic development and the promotion of EU programmes aiming at cross-border cooperation have proved relevant for national minority groups (McGarry *et al.*, 2006: 9; Malloy, 2010b: 4). While the conventional wisdom continues to centre on the role of human rights and anti-discrimination as the key cluster for the protection of national minorities (Pentassuglia, 2004), this dissertation acknowledges that there are alternative ways offered by EU frameworks. Recently, a number of EU legal scholars

highlighted the role of the EU's 'mixed' legal structure as a guideline, which not only dictates several policy areas, but it also produces (new) implicit principles (De Witte, 2004; Ahmed, 2010; Topidi, 2010). Some examples of this are EU policies on culture, language and regional development, which rely on different forms of governance and are regulated through different mechanisms and strategies.

Article 288 TFEU states that EU secondary law is to be developed through three formal methods of law making, namely regulations, directives and decisions. These resources are formal and they are used to develop the policy areas that fall under exclusive or shared competence structures (Craig and de Burca, 2011: 104). Article 288 also stipulates that for the exercise of EU competences, EU institutions may also adopt recommendations, opinions and soft law. Recommendations and opinions do not prescribe a binding force and are commonly referred to as *informal methods* for developing policy (ibid: 107). Alongside recommendations and opinions, one can also add resolutions, action plans and guidelines as other soft approaches. These resources can be understood as resources by which the EU aims at a minimum harmonisation of domestic legislation leaving it up to the member states to work out how to achieve some policy objectives. One common distinction between the two sets of legal instruments is that regulations, directives and decisions resemble a more traditional and hierarchical form of lawmaking and policymaking, whereas instruments such as recommendations and opinions resemble 'new' and 'alternative' forms of governance (ibid). The formal measures are often loaded with details and contain prescriptive content. Whereas regulations are generally directly applicable to all member states, directives leave some choice to the member states regarding form and method of implementation and decisions are binding but tend to specify those to whom they are binding (Craig and de Burca, 2011: 105-106). The less formal measures contain less prescription on implementation; instead they set rules through guidelines and best practice principles, often instigating no binding effect.

There are several reasons for the division between the different instruments and competences in EU law. According to Toggenburg (2004: 10), one reason is that EU member states do not want to enter a too close cooperation on all policy areas or harmonisation of national legislation, but prefer instead to develop some policies through alternative methods. Alternative methods of policy coordination are known as 'new governance approaches' and were created for those policy fields, which made it hard for states to agree on or enter into close cooperation (Radaelli, 2008). Therefore, soft mechanisms were created. However, policymaking through soft law has also attained an important standing, which may produce significant outcomes (Ahmed, 2010). Policy areas that are coordinated through new governance measures often rely on informal strategies and they involve a wide range of institutions, not necessarily the formal 'trio' of the Commission, the

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Council and the European Parliament. When referring to national minority groups, a further differentiation can be made, namely between those instruments that that are directly aimed at national minority groups and those that are not.

The protection dimension is perhaps the clearest one when assessing EU frameworks. Although there is no explicit mechanism and competence on minority protection, EU frameworks touch upon protection through basic EU values, human rights principles and anti-discrimination legislation. EU culture and language policy will be assessed for its potential to fulfil preservation of national minority groups. The two policy strands highlight relevant content, which contributes to the preservation of minority cultures and minority languages in Europe. The EU's ability to contribute to promotion of national minority groups and their identities is evaluated through practical consequences stemming from EU regional development policies, with a particular emphasis on EU regulation of cross-border cooperation and various financial programmes.

Although there are other relevant elements in EU frameworks which could matter for national minority policy and for national minority groups, such as citizenship policy or immigration regulation (De Witte, 2004 and Sasse, 2004), this chapter does not look at those debates. Moreover, the role of the Copenhagen Criteria is treated as more than a *de facto* instrument of EU external relations and for accession states, as it is believed to have triggered a broader debate and helped to establish a new norm within the EU. Similarly, the double standard accusations are also believed to bear importance for all EU member states, in particular by affecting readiness and willingness to engage in Europeanisation.

4.4.3 EU law and policy on the *protection* of national minority groups

This section takes off from an examination of individual human rights protection across the EU framework as a way to protect national minorities. Sometimes it is argued that the way human rights are protected within a system helps to determine how minority rights are protected (Pentassuglia, 2004). This links to the idea that with solid human rights legislation in place, minority rights are easier to accommodate (ibid).

An EU human rights policy has until recently been difficult to locate within EU legal structures. Despite the preoccupation with establishing common rules on a functional internal market, human rights have developed into a common policy objective. Weiler and Alston argued in the 1990s, that as the common market integration and economic links intensified, there were good reasons for extending common standards and policies on human rights, as the one can hardly function without the other (1999: 16). Since the Amsterdam Treaty in 1997, the founding values of the EU include that *"the Union is founded on the principles of liberty, democracy, respect for human rights and*

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fundamental freedoms and the rule of law" (Article 2, TEU). This content is often considered to have installed a new legal basis within EU primary law for the protection of human rights, given that the founding values enlisted in Article 2 TEU often provide sufficient substance for both protection and remedy (Topidi, 2010). In other words, the role played by the EU founding values implies that all common decisions and acts within the EU are (indirectly) bound by human rights constraints. That is, when the EU is formulating policies, it is bound by human rights principles.

Article 6 TEU contains more relevant aspects on human rights. It stipulates that each EU member state must respect fundamental rights, as *"guaranteed by the European Convention for the Protection of Human rights and fundamental freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to all Member States, as general principles of Community Law"* (Article 6 (2), TEU). This terminology is crucial for understanding the intertwined relationship between EU law, national legislation and international commitments on human rights that the individual member states are bound by, but which the EU is also confronted with while drawing up its human rights policy and legislation (Craig and de Burca, 2011). This is where the key paradox emerges. On the one hand, EU institutions are bound to respect a general principle, which is also subjected to legal review by the ECJ. On the other hand, being a so-called 'general principle of law', entails that the member states need to respect those principles only when implementing EU law.

The ECJ is also bound to review member states performance only when they act under EU law. This particular relationship has been considered to be a limitation to the development of a clear EU human rights policy by many legal scholars (Alston and Weiler, 1999; De Witte, 2004), given that it provides unwarranted leeway to member states and their human rights practice across policy areas that are not covered by EU law. However, at the same time, it is explicitly stated that all policy areas which are regulated by the EU or that fall within the reach of EU law can, and should, be subjected to its human rights policy (Alston, 1999).

The EU legal commitment to human rights is reaffirmed in Article 7 of TEU, which provides EU institutions with a right to take measures in order to prevent and sanction human rights violations (or in the case of breaching any of the founding values listed in Article 2). States that breach human rights in a serious and persistent way are, according to Article 7, subject to the imposition of sanctions and infringements (Alston, 1999). Article 7 provides a so-called warning mechanism, allowing EU institutions to send recommendations to the member states if the risk of a serious breach of the values of Article 2 is detected. This normally emerges in tandem with periodic reports by the EP or the Commission on Human Rights (De Witte, 2004), or through the recent work

delegated to the Fundamental Rights Agency (FRA). In other words, for Article 7 to gain significance or substance, it is dependent on updated information, statistics and regular monitoring processes of member states' human rights records. Article 7 can also be relevant for national minority rights, as a serious breach of human rights of members belonging to a minority also triggers the use of mechanisms as laid down in Article 7 (De Witte, 2004: 114-115). However, with the introduction of the word minority in Article 2 through the Lisbon Treaty, breaches of minority rights are also subject to protection within the scope of Article 7 (Ahmed, 2011: 70-71).

As well as the above developments, EU human rights policy has evolved by means of judicial decisions by the ECJ. It is well known that the ECJ performs an important role in filling the legal gaps left by the EU treaties (Røddik and Christensen, 2007: 14-15), by assisting with judicial interpretations. As the original EU treaties contained no provisions on the protection of human rights, demands which have tested EU's ability to ensure human rights have often landed in front of the ECJ. Already in the early 1960s the ECJ affirmed that respect for human rights was part of the legal heritage of the entire Community (ibid: 11). By declaring, for instance, that 'general principles of EC law' incorporate protection for human rights, the ECJ also closed some gaps between EU law and human rights (Topidi, 2010: 64). Similarly, the ECJ also made international human rights treaties an integral part of the general principles as these were already part of all member states' legal systems. This is, in general, ECJ's main strength, not only in the context of human rights, but also in other policy fields, where the ECJ has ample space to develop policy areas through judicial enforcement and resultant entitlements (Craig and de Burca, 2011). It was mainly in the context of implementing existing EU law that the ECJ could go on to develop a case law that affected the protection of human rights when implementing other EU-level rules domestically.

The judicial task of the ECJ as a powerful source of law in Europe has gradually helped to develop the recognition of human rights as fundamental principles within the EU by drawing upon domestic legal systems of the member states. During the early days, some ECJ case law showed an opposite trend to such development. For example, in the 1960s, the ECJ pointed out that it could only apply and interpret EU law, thereby excluding application and reference to national law in its rulings (Topidi, 2010: 63). This was seen in the case *Costa versus ENEL* in 1964 (ECJ, C6/64, 1964), where the ECJ underlined the significance of EU *versus* national law and which led the ECJ to decline aspects of human rights. Through this case law the ECJ underlined the significance of EU law in relation to national law, highlighting that the former could claim supremacy over national legislation. The role of human rights as a general principle of EU law started to be derived from existing principles of member states in latter case law. Reference to human rights protection made its breakthroughs in *Stauder v. City of Ulm* case (ECJ, C29/69, 1969), the *Internationale*

Handelsgesellschaft case (ECJ, C11/70, 1970) and *Nold v. Commission* case (ECJ, C4/73, 1974). In all three cases, the ECJ clarified that protection of human rights had to be considered in relation to EU's objectives, especially as human rights are common principles of the member states (Topidi, 2010: 65). Besides reference to national traditions, the ECJ also started to refer to international treaties, such as the ECtHR, which is also common to the national constitutional traditions (Voßkuhle, 2010: 3). As such, the ECJ tied the role of human rights principles to EU law through judicial decisions by citing the content of 'other sources', which helped to fill an important gap in EU law, as there were no written principles back then. Thus, by interpreting other legal sources and applying them to the EU legal context, the ECJ created new concepts and definitions and inserted them into the EU understandings of human and fundamental rights.

As noted above, legal sources used by the ECJ often emanate from national constitutional provisions and international instruments, especially those regarding human rights (see Article 6, TEU). Beside the appearance of general principles common to the constitutional traditions of member states, the role of international instruments is of particular relevance in the context of human rights, given its contribution to the development of both case law and human rights policies at the EU level. With the Lisbon Treaty entering into force in 2009, the EU has also finally acceded to the ECHR (Article 6 (2), TEU). Whether this will alter the situation is still uncertain, given the wording in the second part of Article 6, which provides that "such accession shall not affect the Union's competences as defined in the Treaties" (Weiß, 2011: 91). At the same time, experts highlight that there will be a need for closer coordination between the Strasbourg and the Luxembourg jurisdictions (Voßkuhle, 2010: 3), highlighting a new synergy between two important actors for ensuring that human rights are respected in Europe.

Finally, the EU human rights legal situation has been further developed through introduction of the Charter for Fundamental Rights. The Charter gained the same status and legal value as the EU treaties through the Lisbon Treaty in 2009. Article 6 (1) of the TEU states that *"the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, which shall have the same legal value as the Treaties".* At the same time, it is indicated that the Charter *"shall not extend in any way the competences of the Union as defined in the Treaties"* (Article 6 (1), TEU). It thus maintains that it has no aim to extend the competences of the EU but sets out explicitly a common list of values. The usefulness of the Charter was established before it became legally binding through the Lisbon Treaty. The ECJ has incorporated the Charter into EU law by referring to it on several occasions in different rulings, ever since it was adopted during the Nice Summit (Hillion, 2003: 725), thus giving it a declaratory meaning before it was legally adopted. The original aim of the Charter was to provide the EU with a catalogue of fundamental rights, also

including content which is useful for minority protection, such as Articles 21 on anti-discrimination and 22 on cultural, religious and linguistic diversity. Thus, regardless of the Charter's reserved position and significance for EU law at large, it contains useful components to be developed further. For instance, Article 51 of the Charter refers to the binding nature that its provisions would entail upon the EU institutions and regulations. This would also imply that the content which specifies minority-related features would gain the same legal impact upon the institutions and for the policymaking. Such a catalogue of rights and principles is in general considered to be a substantive basis for judging states' performance (De Witte, 2004: 114), and to construct mechanisms and institutional roles (Craig and de Burca, 2011). So apart from EU institutions, it is also applicable against states when implementing EU law. It is a well-known phenomenon that for a human rights legal order to function, it needs to have a fixed framework of rights and provisions. As it is also an important piece of information for the institutions and not only for the ECJ and its case law, as well as for other policymakers, it is likely to have implications not only on judgements going before EU courts, but also national courts.

The above discussion on the development of EU human rights policy shows a mixed scenario, holding perhaps a more normative standing than a legal one (Føllesdal and Butenschøn, 2006: 143), given the predominant use of principles and a minor procedure of suspension and judicial control. The ways in which the above principles are promoted and exercised also takes different expressions. For instance, the normative standpoint has established a general institutional readiness to act against human rights infringements. The Charter is a good innovation as it provides a set of minimum standards for the EU. While the Charter provides a new catalogue of rights and principles, it can also help to structure the institutional work among EU institutions on human rights more efficiently, now that there is a clear framework. As such, it can be expected that it will bring the EU institutions into new situations, where fundamental rights will be considered when implementing other legislation and policies. Moreover, FRA fulfils the role of a monitoring agency in the EU. For any policy to be effective and to involve institutions efficiently, detailed, systematic and reliable information is necessary for actors constructing or implementing policies (Alston, 1999: 13). Thus, although it has been argued that the FRA has limited influence on the human rights situation within the EU, given that it cannot deliver legally binding decisions and does not assess infringements of the members states (Toggenburg, 2010: 389) it assists EU institutions by providing important information which can be used to frame decisions and identify legislative and policy priorities, as well as for deciding how to allocate financial resources in the field of human rights. It also serves as a network of networks (ibid) in which important knowledge and information about civil society is being transmitted.

The EP also issues regular reports on the human rights situation in EU member states. Although this reporting system is a soft mechanism and does not produce any binding rules, the ECJ may take over where the EP competences are limited. Consequently, the ECJ can issue recommendations on legal content. In sum, the above shows that the development of EU human rights has been gradual, and often slow. However, it is significant here, as the way that human rights are becoming accommodated can also produce consequences for national minority rights. In what follows, I turn to more national minority-specific actions undertaken by the EU.

4.4.3.1 From external political criteria to internal founding value

> *"The protection of minorities is ensured in the first place by the effective establishment of democracy. The European Council recalls the fundamental nature of the principle of non-discrimination. It stresses the need to protect human rights whether or not the persons concerned belong to minorities. The European Council reiterates the importance of respecting the cultural identity as well as rights enjoyed by members of minorities which such persons should be able to exercise in common with other members of their group. Respect of this principle will favour political, social and economic developments"* (EC, Luxemburg, 1991)*.*

> *"Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union"*(EC, Copenhagen, 1993).

With the collapse of the Soviet Union and the break-up of Yugoslavia, the EU Council also started to consider the issue of minority rights. The two statements above, taken from the Luxemburg and Copenhagen Presidency Conclusions of 1991 and 1993, mark important turns in the EU's approach and commitment to minority rights, initiated by the EU highest political decision forum, namely the European Council. Inspired by the danger of conflict due to unsettled minority demands, not least in those countries that aspired to EU membership, the EU responded with a conditionality package, translated into the Copenhagen Criteria. The Copenhagen Criteria formulated a number of conditions that had to be met in order to qualify for EU membership. Within the political conditions of the Copenhagen Criteria, a specific condition required the need to fulfil the *respect for and protection of minority rights*, and to demonstrate *stability of institutions* in order to qualify for EU membership. This marked a significant difference from earlier EU enlargement rounds, as the *respect for* and *protection of minorities* had not been demanded during the enlargement rounds prior to 1990 (Sasse, 2004: 61). The implementation of the Copenhagen Criteria, including that of minority protection, was monitored by the European Commission through regular reports and by the European Council's Accession Partnerships' Programme (Hoffmeister, 2004: 93-6). Accordingly, this contributed to the salience of minority rights at an EU level and among existing (older) member states, while it became even more prominent across the political agendas and legal structures of the

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candidate states that had to fulfil the criteria in order to qualify for EU membership.

The above externally-imposed criteria on minority rights did not translate into an internal consensus within the EU or any rule applicable to all EU member states. That is, the Amsterdam Treaty in 1997 incorporated most values listed in the Copenhagen Criteria into the amended Article 6 (1), TEU, by listing the following norms: "liberty, democracy, respect for human rights and fundamental freedoms and the rule of law". However, it opted out of incorporating 'respect for minorities' as a founding value in EU treaties (Bolzano Declaration, 2004). Thus, the pre-enlargement minority norms and associated institutional requirements remained an enlargement strategy, without necessarily affecting the competences of EU law (Sasse, 2004: 64-65).

However, although the external criteria did not translate into internal values common to all EU member states, interesting developments took place from this time onwards in the 'EU-speak of minorities', in which the Copenhagen momentum should not be underestimated. For instance, the very incorporation of minority rights within the EU enlargement strategy signalled an implicit difference between human rights and the need to ensure distinct minority rights protection at EU level, instigating a new institutional and political fact (Sasse, 2004: 79). It not only provided a new avenue for minority protection across the Central and Eastern European States it also created a new discourse among EU institutions and political actors who tried to activate the same discourse for internal application (Toggenburg, 2004: 31). For instance, expanding the scope of the values of Article 2 TEU (former Article 6 at that time) to also encompass respect for minorities launched a heated debate within the EU. The decision to exclude this particular value from the *acquis* and Article 6, TEU caused strong disagreements following which the EU had to defend its stance from the emerging accusations of double standards (Lerch and Schwellnus, 2006: 313). The double standard accusations were based on the fact that the EU promoted minority rights and required reform in domestic minority protection among accession countries, but by exempting existing member states from demands on minority rights protection (ibid). The Commission defended itself against the accusations by stating that the reason for leaving out minority rights from the amendment of (former) Article 6, TEU, was that all the political criteria which were defined in Copenhagen had already been enshrined as constitutional principles, stating that the (former) Article 6, TEU already included the protection of minorities (Commission, 2002; 2003).

The internal acquis was amended to include the aspect of minority rights in 2000. As the Lisbon Treaty entered into force in 2009, it also finally resolved the issue regarding (former) Article 6, TEU, which became Article 2, TEU. Article 2, TEU extended the list of EU founding values to include *"respect for the persons belonging to minorities"* (Article 2, TEU). This became an important

landmark for minorities given the direct reference in EU primary law. The inclusion of the term as a founding value of the EU, next to the Charter's legal acquisition, through the Lisbon Treaty, provided a new impetus for the development of national minority rights for EU institutions and the member states, at least while acting under EU law. In principle, both the EU institutions and the member states could face sanctions if they do not adhere to the values listed in Article 2, TEU. Just as in the case of human rights, Article 7, TEU now also applies to respect for persons belonging to minorities of Article 2, TEU. That is, when there is a clear risk of a serious breach by a member state to the values referred to in Article 2, member states may become subject to sanctions or be suspended (Article 7, TEU).

The fact that minority protection is included as a founding value of the EU closes one division that has existed within the EU on minority rights ever since the EU was created. Although the inclusion of the value needs to be accompanied by additional tools on special rights, including a policy template, it is a step forward considering the significant variation in member states' constitutional traditions regarding minority protection. It must be noted that the area of minority protection was difficult to establish as a common principle of EU law, given the inherent difficulty of agreeing what such a principle should entail. At the same time, making minority rights a basic value adds a new and concrete definition which can be used for legal clarification, especially by the ECJ.

As in the case of human rights, the ECJ has touched upon a few relevant minority aspects through the performance of its judicial role, albeit to a lesser extent. The internal market regulation has not been easy to align with requirements and expectations which arise from many national minority groups in Europe. But at the same time, parts of market regulations have proved to be highly relevant for some aspects of national minorities, by enabling a number of relevant opportunities.

Two pieces of relevant ECJ case law have dealt with conflicts between market regulation and aspects of minority rights, and especially over the use of minority languages. In *Mutsch* (ECJ, C137/84) and *Bickel Franz* (ECJ C274/96), the ECJ ruled that where national norms provide specific residents living in regions with special language rights they need to be extended to all EU citizens who find themselves "in the same circumstances (ECJ, C137/84) or whose language is the same" (ECJ C274/96). This relates to the very nature of the rights and principles which are granted to *all* EU citizens under the principle of free movement as stipulated in Article 3, TEU. Access to such recognition under EU law is of significance for national minority groups. The case law cited above means that all linguistic minorities who speak a language that also happens to be an official language of the EU, may use that same language in their correspondence with the EU, regardless of which country of residence such groups have (Toggenburg, 2008: 110-11). This ruling

demonstrates that the ECJ has the ability to move the award of rights on the basis of freedom of movement of workers, to that of recipients of services (Topidi, 2010: 93).

In order to complete this section which deals with the link between minority protection and EU law, a brief overview of the Charter and how it can matter for national minorities is provided. The Charter became legally binding through the Lisbon Treaty. Article 6 (1) of the TEU discloses that the Charter shall have *the same legal value as the Treaties*. Thus it was not incorporated into the treaty itself, but is expected to operate concurrently with EU law. At its most fundamental, the Charter extended the standing of human rights and, to a lesser extent, the standing of minority rights. The application of the Charter is defined in Article 51, indicating that the provisions are directed at *institutions, bodies, offices and agencies of the Union with due regard to the principle of subsidiarity* (Article 51, Charter). Regarding the member states, the Charter addresses them only when implementing EU law, which in a way remains unchanged from the pre-Charter legal environment. Although the actual operation of the Charter within the EU is still in its infancy, it provides a basis for the ECJ to take action within more areas than previously, not least as a consequence of the abolition of the pillar structure (Weiß, 2011: 71). That is, the ECJ may operate within a broader range of areas pertinent to national minorities than what it could earlier, based on new elements relevant for both human and national minority rights.

The Charter links to national minorities through an explicit reference to a *national minority* in Article 21. This article lists the grounds on which discrimination is prohibited within the Union, for the first time in EU history covering national minorities. Article 21 lists additional characteristics which may become useful for national minorities in the context of discrimination, namely race, colour, ethnicity and language. This provides a new basis for members of national minorities to raise claims on discrimination when acting within the scope of EU law.

Besides Article 21 on anti-discrimination, the Charter also reconfirms the 'diversity' principle, using a similar rhetoric to that already laid down in Article 167, TFEU. Article 21 primarily addresses a number of principles without extending any rights. It indicates that institutions should 'respect cultural, religious and linguistic diversity'. Again, these principles address relevant issues for national minorities. Although Article 22 of the Charter does not specify what is meant by diversity, experts often argue that it is an undeniable fact that national minorities do fit into the EU's rich cultural and linguistic diversity (Toggenburg, 2004; De Witte, 2004; Topidi, 2010).

While the Charter imposes new incentives upon EU institutions that need to be considered when implementing EU law, it also provides an opportunity for ECJ interpretation, enabling new links to be made between national minority groups and actions involving EU law. Moreover, it also provides

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a new judicial passage for national minority members in which they can refer directly to their national minority membership when evoking EU law, especially in cases of discrimination.

4.4.3.2 Anti-discrimination (secondary) legislation

With the Amsterdam Treaty, an important legal competence was introduced within EU primary law which links to the protection of national minority groups, namely Article 19 TFEU (former Article 13). Article 19 TFEU extends the grounds on which anti-discrimination is prohibited, by including racial and ethnic origin. The article does not contain a direct prohibition of discrimination on grounds which are enlisted and it is not directly effective (Craig and de Burca, 2011: 868). Instead, Article 19 TFEU provides the EU with a legal basis to take action to combat discrimination on those new grounds, which include racial and ethnic origin. As already observed above, anti-discrimination legislation and the protection of national minorities are closely intertwined. Therefore, the emergence of anti-discrimination legislation at the EU level addressing the aspect of ethnicity and race is considered an important landmark in the development of an overall EU approach to the protection of national minorities. More precisely, Article 19, TFEU states:

> *Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.*

The main significance is marked in the expansion of the earlier anti-discrimination tradition, which had been narrowly defined and largely constructed to suit economic needs (Articles 7, 48 and 220, EEC). Before the Amsterdam Treaty of 1999, EU action in the field of anti-discrimination had been largely limited to sex discrimination in the workplace (Craig and de Burca, 2011: 855). Although Article 19 TFEU is not directly effective and does not directly refer to national minorities or to collective anti-discrimination, the inclusion of the terms *racial* and *ethnicity*, can apply to individuals belonging to national minority group (Hillion, 2003: 722-723).

Based on the objectives of Article 19 TFEU, the EU adopted the Racial Directive (2000/43/EC), prohibiting discrimination specifically on the grounds of racial and ethnic origin in contexts such as social protection, health care, housing and education (Article 3, Racial Directive). The directive reiterates the grounds on which discrimination is prohibited, by repeating the grounds which are stipulated in Article 19 TFEU, but it also established guidance on how this legislation should be transposed into national anti-discrimination legislation. For example, the Directive asks member states to establish a so-called equality body in order to promote equal treatment of all persons without discrimination based on racial and ethnic origin (Article 13, Racial Directive). Such bodies

are asked to provide reports and other important data over the situation of progress in their countries. Regarding victims of discrimination, the bodies are asked to provide assistance in pursuing complaints (Craig and de Burca, 2011: 870). Similarly, the directive serves as a control mechanism that member states do not apply the directive for reducing protection against discrimination. According to De Witte, the general wording in the Racial Directive provides protection against invidious discrimination in the EU (De Witte, 2004: 116).

Article 19 TFEU also spawned another directive which could have an impact on minorities, namely the Employment Equality Directive 2000 (2000/78). This directive covers more grounds on which discrimination is prohibited in contexts of employment. The grounds are sexual orientation, religious belief, age, and disability (Article 2, Employment Directive). Given its application to the area of employment, the link to the protection of national minorities is narrower in the case of this directive, in which the major relevance links to the right to freedom from religious discrimination in employment (Ahmed, 2011: 93). Although relevant for national minorities that have a religion different from that of the majority, it is perhaps more relevant for ethnic minorities and immigrant groups in labour contexts in EU member states, rather than historically settled national minority groups.

The two directives stemming from Article 19 TFEU constitute legally binding EU texts. But directives also have their weakness, not least regarding their legal application. The very nature of an EU directive is that they are binding as to the end to be achieved while leaving some choices as to form and method to the member states (Craig and de Burca, 2011: 106). That is, discretion is given to the states regarding how to implement EU directives. Consequently, delays in directive implementation are a long- standing issue across the EU, arguably because of the very fact that they provide for national flexibility (ibid: 106).

The preceding sections have attempted to show how EU law has addressed the issue of national minority rights, albeit often indirectly. In practice, there are a few openings that can be used by national minority groups to cater for increased protection and rights vis-à-vis EU institutions and the national level. At the same time, a 'pure' supranational policy is limited, in the sense that EU regulations and directives are not provided with enough power to demand harmonisation over national legislation. This might be strengthened through the consequence of direct effect after recourse to the ECJ; especially if an EU founding value is breached, including anti-discrimination on the basis of national minority membership. Moreover, the values which demand respect for both human and minority rights establish obligations on EU member states when they act under EU law, inducing them to respect those values as committing to the overall implementation. This is

particularly evident through the intertwined relation between Articles 2, 6 and 7 of TEU, which spell out and provide for follow-up consequences in case of a breach of a founding value.

4.4.4 EU law and policy on the *preservation* and *promotion* of national minority groups

A major contribution to the preservation of national minorities and their identities stems from the promotion of the diversity principle throughout EU frameworks, which emerged with the Maastricht Treaty and EU culture policy, back then Article 128 of the TEC and today Article 167 of the TFEU. Symbolically, the EU acknowledged that culture is an important part of European integration, as none of its member states is culturally homogenous. Scholars also understand the diversity slogan as a relevant route for the better accommodation of minorities within the EU (Toggenburg, 2004: 10-11). This introduction marked a new endeavour by providing the EU with a competence on culture for the first time. More precisely, Article 167 TFEU asks the EU to contribute to the preservation and protection of the cultures of its member states, while respecting national and regional diversity (Article 167, TFEU). It is of a non-binding nature wherein the EU is expected to supplement and complement member state activities in the field of culture, but by refraining from any measures of legal harmonisation of the laws and regulations of the member states (DeWitte, 2004: 118) on cultural issues. Consequently, EU activity in this field does not necessarily guarantee clear legal entitlements on cultural questions in EU member states. This relates to the reading of the treaty content which confers how the objectives of the culture policy should be implemented and met. Wordings such as *support* and *complement* define EU action under the EU cultural policy (ibid). The objectives and provisions of EU culture policy grant the EU institutions a facilitating role, by stipulating the necessity of *respecting*, *contributing to* and *fostering* the preservation of cultural and linguistic diversity as an integral part of EU action. A similar commitment is reaffirmed in the Charter on the respect of cultural, religious and linguistic diversity.

It should be noted that although no formal or binding instruments exist for the management of EU cultural policies since there is no conferral of powers to develop mechanisms in this policy field, the EU can impose demands and pressure for their implementation if necessary. For example, EU's role in the field of culture was reiterated in paragraph 4 of Article 167, TFEU, which states that the "Union shall take cultural aspects into account in its actions under the provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures" (Article 176(4), TFEU). This same endeavour was reaffirmed in Article 22 of the Charter, which repeated that the EU shall respect cultural, religious and linguistic diversity. Article 3, TEU also refers to cultural and linguistic diversity as an EU value which shall be respected and that the EU shall ensure that Europe's cultural heritage is safeguarded and enhanced (Article 3(3), TEU). Such mainstreaming

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commitment was also affirmed in a speech by Romano Prodi on the role of culture in the EU, when he stated: *"there is a greater sensitivity towards the many different identities that make up our continent. The objective of safeguarding diversity, particularly cultural and linguistic diversity, is a thread that now runs through all our policies"* (Prodi, 24 January 2003). Towards this end, the EU has increasingly become very clear that it views its own contribution to the flourishing of all cultures in Europe as an obligation. This obligation is, however, not equivalent to a competence to regulate the cultural policies of the member states.

The requirements described above, as set out in the EU treaties, have so far only been implemented through soft instruments such as periodical programmes and budgetary schemes. The main reason for this is because there is no competence to implement the culture policy through hard law. The resources which the EU then develops in order to implement some of its non-binding commitments, have been described as a combination of more hybrid models of EU involvement in specific policy fields (Malloy, 2010b). As of yet, the programmes Kaleidoscope, Ariane and Raphael ran until 1999, which were then replaced by the periodic programme known as Culture 2000 Programme, which ran from 2000-2006 (Decision 508/2000/EC), while the current programme is referred to as the Culture Programme 2007-2013 (Decision 1855/2006/EC). The programmes can be characterised as putting their effort towards the goal of seeing the full coordination of EU cultural policies within all member states so that the objectives set out in EU treaties may be (increasingly) fulfilled. However, objectives around the preservation of cultural and linguistic diversity differ from one programme to the next. For example, the current Culture Programme 2007-2013 states the objectives of the promotion of transnational mobility of cultural players, the encouragement of the transnational circulation of cultural works, and the encouragement of intercultural dialogue within the EU (Commission, 2010). Moreover, the rationale of the Culture Programme 2007-2013 rests on the perceived benefits that cultural and linguistic cooperation can produce for the overall European integration process. The Commission also performs an active role in the field of culture with its introduction of the 'European agenda for culture in a globalised world' (Commission, 2007).

The role that the EU has defined for itself in the area of culture and European cultural policy as envisaged by the EU treaties can be described as a mechanism with certain benefits for minority groups. The relevance of such EU-promoted activity is demonstrated through acts which aim at the support and the supplementation of domestic action in the area of cultural and linguistic diversity. Second, the principal support in this area is provided through the establishment of a budget. EU assistance in lessening financial burdens which directly relate to minority issues and which would not exist were the minority dimension not present within a particular context is integral to efforts of support and supplementation. These efforts are usually accompanied by awareness rising and

increased transnational interaction. One cultural programme in particular, the Ariane Programme (Decision 2085/97/EC), considered a minority provision (stricto sensu), aimed not only at supporting the production of books relating to particular minority groups, but also to organise events related to cultural education surrounding particular minority groups, illustrating not only the desire on the part of the EU to preserve minority culture and heritage, but also the desire to enhance and support the educational sector of minorities to ever greater extents.

Issues over minority languages were the first initiatives linked to minorities to be initially approached by EU institutions, especially by the EP. Today, EU language policy holds a weaker base in EU treaties than culture. Language as a *sui generis* EU policy area does not figure in EU treaties on its own. Instead language is integrated within other policy areas, especially in EU cultural policies which often embed 'languages' into the broader area of European cultural heritage (Topidi, 2010: 103). Several scholars have also understood that by defining EU cultural policies, the EU automatically incorporated language as a defining principle (Kronenethal, 2003). As such, an EU language policy relates to the same clauses in the EU treaties as cultural policy, largely defined by the commitments made by the EU to respect cultural and *linguistic* diversity, and the stated objectives to safeguard and enhance such diversity in Europe as envisaged in Article 3 (3), TEU; 167, TFEU, and Article 22, Charter. Links between minority languages and EU frameworks can also be traced to EU education policy (Article 165(2), TFEU) in which the EU commits to supporting and supplementing member state action on vocational training (Ò Riagáin, 2002).

Although the issue of regional and minority languages is longstanding among EU institutions, this issue was initially a complicated one. The EP was the first institution to pay attention to minority languages, attempting to insert the issue into the European agenda. The initial activities culminated in a number of non-binding resolutions, in which the EP recommended a range of measures on how to increase support and promotion of regional and minority languages in the areas of culture, education, media, and public policy (Kronenethal, 2003). The resolutions were, however, never adopted due to a lack of support from the remaining EU institutions. Despite the lack of support to adopt the resolutions and to make them binding vis-à-vis the member states, they have served as a catalyst for future developments, culminating in the setting up of numerous budgetary lines and in the establishment of an EP Intergroup for Traditional Minorities, National Communities and Languages. With this, the EP has also emerged as the most minority-friendly EU institution (Toggenburg, 2004: 6).

Another complex issue in relation to efforts to protect minority languages, is basically how to interpret the phrase 'linguistic diversity', which appears, for example, in articles Article 3 (3), TEU

and Article 22 of the Charter. This issue is ambiguous because of the question as to whether or not this phrase should be interpreted as a clause directly relevant for regional and minority languages (Topidi, 2010: 103). Toggenburg (2004: 13) argues that the diversity objective of the EU serves a dual function, one *between* states and one *within* states. At the same time, he also underlines that the EU's so-called 'diversity acquis' provides a useful protective shield against harmonising forces of the Common market, which covers minorities (ibid). Despite the different interpretations of the term diversity in the EU treaties, it has served as a yardstick for the development of different institutional initiatives on the promotion of the use of and respect for minority languages in the EU (DeWitte, 2004: 121-122). Nearly every EU institution has proceeded with a number of initiatives relating to the promotion of linguistic diversity, characterised by political support normally adopted in policy fields that lack clear legal principles. The most common tools are provided through an allocation of expenditure, programmes and projects. The backbone of such initiatives revolves around the means to promote and support national and transnational projects, adding minority languages as an important factor within language development.

The European Council in support of the EP established a resolution on the promotion of linguistic diversity in 2002, thereby demonstrating that the Council openly seeks to encourage member states to *preserve and enhance the linguistic diversity of the Union* (Resolution 23/02/2002). This resolution developed along a broader endeavour to promote linguistic diversity and language learning within the EU which resulted in 2001 being commemorated as the 'European Year of Languages'. These two developments paved the way towards the creation of an Action Plan by the Commission to address new goals on language learning. Although the key ambitions of this initiative revolved around aims to promote language learning across the Union as a whole, it informed the member states that the linguistic situation is an important aspect of the Union, calling for the development of national action plans to meet the common goals. Although the above EU-level initiatives do not equal a full-fledged minority policy, they display a willingness on the part of the EU to promote regional and minority languages as an integral part of European common heritage.

The above combination of institutional and economic readiness has informed further projects relating to the promotion of and research into minority languages. The European Bureau for Lesser-Used Languages (EBLUL) and Mercator are examples of such initiatives which were established not only to promote minority languages through research and documentation, but also to establish a European-based network in this field. Although both have operated without a clear legal basis at the EU level, they have contributed to an increased awareness of certain minority languages and documented information on the multiplicity of lesser-used languages in EU member

states. These initiatives have also contributed to increased levels of cross-border networking (Ò Riagáin, 2002). Moreover, both the EBLUL and Mercator have been upheld and promoted through the EP Intergroup for Traditional Minorities. This EP Intergroup for Minorities was established through a vote in December 2009 by a number of MEPs and is instilled with the function of promoting the awareness of national and linguistic minority issues in Europe. Originally established in 1983, the present incarnation of the EP Intergroup for Traditional Minorities continues the long tradition of the EP of using the cross-party intergroup as the forum to focus on and develop policy regarding the national and linguistic minority question (Gál and Hicks, 2010). A body like this can enable new mobilisation efforts through pan-European approaches on national minority matters, maximise the scope of different EU resources available for minority groups, and keep the topic alive at the EU level. At the same time, the EP Intergroup for minorities also serves an important link to Brussels and as a channel for lobby activities for minority actors.

The Charter can also be considered to add an indirect legal basis which can be used by institutions to initiate further programmes for the preservation of minority languages in the EU. The wording in Article 22 of the Charter reaffirms the role of 'linguistic diversity', adding new substance to both linguistic and cultural interpretations by the institutions and in particular the ECJ. This clause has already inspired the Commission to initiate further programmes on regional and minority languages (Ò Riagáin, 2002).

Nearly each agenda and programme presented above rests on a fixed budget, providing opportunities to apply for funding. This should not be underestimated, given that experts often argue that "money is often the ''be-all and end-all" of minority issues' (Batt and Amato, 1998). Thus, EU-level funding is clearly a new form of entering the discourses of accommodating the particular needs of national minority groups, especially where national funding is scarce on related matters.

The matter of the usage of minority languages within the EU has landed in front of the ECJ on a number of occasions. In fact, such a matter also corresponds to the only minority-related issue which has been tried by the ECJ and in which the ECJ took a clear stance in favour of minority language use. There are in particular two cases in which the ECJ has ruled in favour of linguistic minority groups, namely the *Mutsch* (ECJ C137/84) and the *Bickel and Franz* cases (ECJ C274/96). Basically, these two ECJ rulings provided a legal precedent on the right to use a minority language in criminal proceedings in another EU member state, as long as the language in question is one of the official languages of the EU. That is, the two case laws underline the right for linguistic minorities who speak a language which is also an official language of the EU to use that language when corresponding with the EU independent from their country of residence (Toggenburg, 2004:

18). It is thus a right emerging with the framework for sustaining the Common market and although aimed at all citizens of the EU, it has a special significance for some national minorities.

In all, the two policy areas above rely on recommendations and guidelines aimed at supporting and supplementing domestic approaches. Hard law tools are, however, not excluded from culture and language policy, as demonstrated by the above ECJ case law on minority languages. Commitments to respect and to promote diversity, influencing both EU culture and language policy, are highly relevant for the preservation of national minority groups, their languages and identities, as it helps to ensure their existence and survival. Some scholars view the relationship between EU attention to minority languages and minority language communities as an important morale booster (Batt and Amato, 1998). Similarly, the mere idea that the issue of minority languages and cultural promotion have made it onto the EU agenda provides support for a new type of confidence, contributing to new mobilisation to preserve minority languages and cultures. How this is played out in reality will be assessed in chapter eight below.

4.4.4.2 EU Regional development policy and national minority groups

National minority groups, their activities and cultures can also be promoted through processes of social and economic integration. EU regional development policy has not only facilitated access to resources in terms of funds for European regions in an attempt to reduce disparities between regions, but it also allows for the development of new activities which can facilitate political and societal participation of minorities. Thus the politics of regional integration can ´help to ascertain the role and visibility of minority groups in minority-inhabited regions, despite the fact that the EU treaty content on regional policy does not relate to minorities *per se* (Ahmed, 2011: 104). Malloy (2011: 52) has suggested that EU regional policy, for instance, addresses issues which are at the core of minority rights in Europe, namely the right to participate in the management of regional affairs and the right to cooperate across boundaries. As the EU provides new instruments and principles for socio-economic integration through regional development policies, it is also likely to contribute to the promotion of minority participation, supporting the cultivation of identities and cultures. That is, socio-economic integration and participation that it requires, can help to make regions, or the homelands of minorities, more attuned to the visibility of the minority culture in the region. This can help to ensure that new forms for cultivating minority cultures, languages and other traditions are in place for future generations, in particular through new forms of cooperation in relation to European regional policy implementation and cross-border cooperation.

Possibilities for the promotion of minority groups and their identities through regional development can be linked to the practical consequences stemming from EU regional development

policy and the economic assistance attached to this policy domain in Articles 174-178 of the TFEU. This includes action which aims to produce better education output, increased employability, encourage industrial growth and social development of regions (Ahmed, 2011: 104). EU regional development policies are implemented through periodic initiatives and funded through budgetary schemes. Within the bulk of the regional policy is also the idea that regional policy does not necessarily need to run through the logic of the centralised state; instead it incorporates subsequent levels for implementation and management of regional questions. Basically, when contrasted with exclusive national control over regional matters and distribution of funds, many arrangements emanating from European-initiated programmes on local or territorial cooperation require that certain decision-making mechanisms are facilitated and devolved to regional levels (Batt and Amato, 1998). This is relevant for minority groups living in fixed regions and clustered territories, especially where they constitute a large part of the population. Some of the minority-relevant gains which emerge with EU-induced regional policy are especially reflected in the support which can be used to promote minorities to engage in the management of regional development. This can help to ensure survival but also possibility to promote cultural traits of regions, which often only minority members are thoroughly aware of. As such, allowing national minorities to join the management of regional development, or to have a say in it, and to cooperate across borders with its kin-state, can contribute to a promoting of a given national minority in a given region.

Research has shown how minorities can become active participants in EU-initiated programmes, such as those that aim at economic development in border regions (Malloy *et al.*, 2007: 26-27). Similarly, changes in minority-inhabited regions in the direction of more autonomous practices and increased political activity have been linked to EU regional policy and structural strategies (Anagnostou and Triandafyllidou, 2007). As such, a thorough effort on the part of EU institutions on the regulation of regional development policies can provide support to activities that stimulate promotion of minority groups by informing new forms of mobilisation among subnational groups. EU regional policy stems from early ideas on introducing measures that can help "reduce disparities between the levels of development of various regions and the backwardness of the least favoured regions" (Article 174, TFEU). It is also the idea to provide subsidies for poorer and peripheral regions which scholars consider one of the key advantages for minority groups belonging to the EU (McGarry *et al.*, 2006). With periodic enlargement rounds, and problems relating to the growth in regional disparities across all EU member states, the scope of regional policy became an even greater concern to the EU. This culminated not only in a shift in regional policy, but it also contributed to a systematic division between numerous EU funds concerned with specific regional sectors and objectives. It is in line with this evolution and specification of the

funding opportunities, that the EU marks relevant approaches which can be used by minority groups to not only develop own regions according to own needs, but also to promote their identities and cultures once engaged in development strategies.

The legal basis and authority that the EU holds in the area of regional development is well established within EU treaties. Article 3 of TEU declares that the EU shall 'promote territorial cohesion' among the member states as one of the key objectives of the Union. This objective is furnished with a list of objectives for the fulfilment of EU regional policy, the form of governance to be used and a financial scheme for its implementation. Article 174, TFEU, specifies that the EU has the competence to strengthen the economic and social cohesion of the EU, with particular attention given to "reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions". In general, the policy aims at making regions more equal, which may positively affect minorities living in poorer or peripheral regions. Article 175 of TEU reads that "member states shall conduct their economic policies in coordination with one another in order to attain the aim of reducing regional disparities". Similarly, the formulation and implementation of EU policies and actions, including the implementation of the internal market, shall take into account the objectives set out in Article 174 and shall contribute to their achievement. This general policy objective is funded through Structural Funds, the European Agricultural Guidance and Guarantee Fund, the Guidance Section, the European Social Fund, the European Regional Development Fund, the European Investment Bank and the other existing financial instruments. Nearly a third of the entire EU budget is provided on a periodic basis directly related to the achievement of certain regional policy objectives. The chief aims of the overall funding can be sorted into: 1) promoting the development and structural adjustment of regions whose development is lagging behind: 2) encouraging economic and social conversion of areas facing structural difficulties: 3) and the modernisation of policies and systems of education, training and employment (Psychogiopolou, 2006).

The aim of attaining economic and social cohesion within the EU relates to the importance of connecting European regions and stimulating interregional cooperation where, for instance, the European Social Fund supports action in the areas of economic inclusion, social inclusion and integration of disadvantaged people. Similarly, by focusing specifically on the reduction of imbalances between regions, the ERDF finances the objectives of territorial cooperation for which it has established the INTERREG initiative with a particular focus on fostering interregional cooperation. The INTERREG constitutes primarily cross-border, transnational and interregional cooperation, with a particular emphasis on the integration of remote European regions. Although the INTERREG does not make any explicit reference to minorities, it does highlight some content

which could be relevant for historical minorities living in fixed regions. For example, cross-border and transnational cooperation can help to supply minorities with cultural contacts and material goods from their kin-state, supporting the promotion of their cultural traits. Similarly, by backing up the right to participation in the management of regional affairs and the right to engage in cross-border and transnational cooperation, initiatives like the INTERREG also help to activate and promote minority group participation.

Another initiative at the EU level which can help to address the promotion of minority groups and their activities is rooted in the EU's attempts to standardise cross-border cooperation by providing it with a legal basis. In 2006, the EU created the European Grouping of Territorial Cooperation (EGTC) with the aim to facilitate and to promote horizontally spread territorial cooperation among European regions (Regulation 1082/2006). Based on Article 175 TFEU, cross-border, transnational and interregional cooperation is provided a legal basis with the EGTC (Article 1 EGTC). With the aim of strengthening European social and economic cohesion, the EGTC supports the reduction of barriers to territorial cooperation. Likewise, this legal framework with a basis in the treaties of the EU also encourages development of horizontal cooperation by incorporating regional and local authorities into the process, bringing the policy implementation process beyond the scope of state-level actors. Some scholars have argued that instruments like the EGTC are relevant for minority-inhabited regions, and especially for minorities living in border regions (Woelk *et al.*, 2007; Klatt and Kühl, 2006/7). Such instruments may have the unintentional effect of enhancing minority participation in regional and cross-border affairs, for example as observed in the German and Danish border region where regional policy has warranted attention on increased minority participation in not only regional matters, but also in minority politics (Malloy, 2011). Through changes in territorial structures, the many processes of EU policymaking contribute to the establishment of new spaces and platforms for networking and interaction among actors other than state and governmental officials and, as such, provide an important insight into how national minority can be promoted by formalising cross-border cooperation between a minority and its kin-state.

4.5 Conclusion: European-level norms and rules

Cooperation between the CoE and the EU in the field of national minority rights emerged primarily with the broader concretisation of national minority rights in the early 1990s. Another important reason for their cooperation was the lack of minority rights in EU frameworks when it became needed for the purpose of recent EU enlargement rounds. Since the early 1990s, the EU has been slowly integrating CoE principles into own work. For example, whereas the drafting of the Copenhagen Criteria drew inspiration from the FCNM, the EU also demanded that the accession

countries ratify the FCNM and the ECHR before qualifying for EU membership (see Sasse, 2004). Similarly, the FCNM served as an important benchmark to the European Commission as it evaluated the enlargement progress of the accession states. The referencing of the FCNM in the Commission reports has also helped to establish new understandings on minority rights in the EU. Although the EU legal basis pertaining to national minority groups has developed since the early 1990s, and especially since the Lisbon Treaty reforms and the Charter of Fundamental Rights, the FCNM provides several aspects which do not appear anywhere in the EU frameworks. However, when taken together, they have the ability to advance protection, preservation and promotion. And they have the potential to exert pressure on domestic national minority policy conduct, as well as to affect national minority identities, mobilisation and actorness through the different policies and norms. By combining the two arenas, better grounds for assessing European-level impact through more than the perspective of protection are provided. EU frameworks establish new initiatives which are supportive of several aspects of preservation and promotion, given the cultural, linguistic and regional development undertakings. The EU has the ability to supplement CoE principles through bigger budgets, something which the CoE cannot offer in the same way. The CoE, on the other hand, can help to fill parts of the legal vacuum in EU law pertaining to national minority groups, namely through the existence of benchmarks on human rights and special national minority rights.

Chapter 5: Europe 'hits' domestic national minority policy

In Europe, domestic national minority policies differ markedly (Ringelheim, 2008: 48). Differences are found in, for instance, interchangeable use of terms such as *ethnic* and *national* minority in domestic constitutions and legal frameworks (Malloy, 2005a). The status of different minority groups is closely informed by divergent domestic understandings of membership and belonging, where historical events have often been decisive. Other differences are found in domestic constitutions. Some constitutions make direct references to minorities, but leave the list open as to which those minorities are, such as Sweden and Romania (Marko, 2008: 19-22). Other constitutions follow up their reference with a list of specific minorities in their constitutions, such as Slovenia and Finland. There are also states that refrain from any reference to minorities in their constitutions, such as Greece, France and Turkey (ibid). These are just some differences found between European countries and their approaches to accommodating national minorities. This chapter presents the necessary background to the arrival at existing national minority approaches in Denmark, Romania and Greece, by highlighting some of the major points where differences are encountered between each domestic policy and European-level norms and rules. This will help to understand the degree of adaptational pressure.

5.1 Denmark: careful and selective acceptance of European national minority rules and norms

Denmark has the reputation of being an active supporter of human rights developments in Europe (Gil-Robles, 2004: 4), and it has also pressured for an inclusion of national minority rights within the ECHR during the drafting process of the instrument. The then Danish Representative, Herrmond Lannung, was highly motivated by the existence of a Danish minority in Schleswig (Germany), for which he argued that "it is necessary to extend, supplement and elaborate human rights in order that national minorities may secure the right to a free national life and protection" (Lannung quoted in Malloy, 2013b: 54). However, regarding deepening of supranational integration within the EU, Denmark has acquired a different position. The most central reason for this is the domestic divisions between pro-integration and EU-sceptical forces. For a long time, the general position held in Denmark was that the EU should be constructed on nation-states, with provisions of intergovernmental cooperation and economic integration (Laursen, 2005). The division over deeper integration was demonstrated through the rejection of Maastricht Treaty in 1992 in a referendum. The rejection led to the establishment of a special agreement between the EU and Denmark in which specific opt-outs from full participation in the Maastricht Treaty were laid down. The opt-outs mean that Denmark stays out of the Justice and Home Affairs developments regulating border control, asylum, immigration and civil law; Union citizenship; defence cooperation and the

common currency (Adler-Nissen, 2008: 666). This set of opt-outs has also given Denmark a special label in relation to EU (supranational) policy (ibid: 664) one which is known as 'minimalist', closely underpinned by public scepticism towards a supranational EU. It was only after having negotiated these special opt-outs that the Danish citizens accepted the Maastricht Treaty, through a new referendum in 1993 (Laursen, 1994).

However, despite the opt-outs, divisions in Denmark persist between the public opinion and the economic and political elite in Denmark. Whereas the political and economic elite have taken several steps in favour of European integration by, for instance, modifying the opt-out undertaken in relation to border control, asylum, immigration and civil laws, citizens tend to be more sceptical. Thus, the history of rejection of the idea of a supranational EU, coupled with the reluctant public support which does not always match the Danish parliament, has also led to the emergence of an odd EU partner. Such image was further reinforced by other reactions against deepening of European integration, often triggered by fears of legal and political infringement on national sovereignty (Wind, 2012: 148). It has been argued that the more European integration progressed, the more it became perceived as a threat to the loss of national identity in Denmark (ibid: 150). A good illustration of this are the recent debates in 2010 on the reintroduction of border controls in Denmark, although it jeopardised a breach with the most central EU values, namely freedom of movement. Although the above reservations primarily concern economic, legal and administrative policy areas, reservations were also observed in relation to cross-border cooperation between Denmark and Germany. As Denmark joined the EU in 1973, the Schleswig-Holstein government showed an interest in increased cooperation with Denmark. The immediate reactions in Denmark were, however, defensive and protective (Klatt, 2006: 249), largely due to the prevailed image that the border resembled protection against the German power (Malloy, 2011: 50). Developments in cross-border cooperation emerged first at the end of 1980s, as border relations stopped being considered a foreign policy issue. In all, reservations in the context of supranational integration and the selective interaction with European-level developments has characterised the attitude undertaken by Denmark vis-à-vis some international development, yet it tends to differ across different policy areas.

The above review is relevant for understanding the Danish approach to European-level rules and norms on national minority rights, which can be understood as a combination of progressive status-quo, careful selectivity and reluctance towards changing existing national minority policy. Although Denmark is committed to some of the key European instruments on national minority rights, such as the FCNM and the ECRML, it does so in a careful fashion, based on a *one-minority* interpretation and application. The following sections will review the cornerstones of the Danish national

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minority policy, which has been in place since 1955. The key feature of this national minority policy is its specific design and application to only the German national minority in South Jutland. This has important consequences for the understanding of other interactions with Europe.

The German minority in southern Denmark numbers approximately 15000 people and it became a minority in Denmark in 1920 when plebiscites ended the former Duchy of Schleswig, a region of the former Danish conglomerate state (Klatt, 2005: 142). The former duchy encompassed the northern part of Germany, known as South Schleswig, and the southern part of Denmark, known as South Jutland/North Schleswig, in which both Danish and German cultures were living side by side (Rerup, 1994: 262-263; Kühl and Weller, 2005: 16-17). As the duchy was coming to an end, two plebiscites were held in the northern and southern parts of Schleswig, determining the future of the territorial division and offering people an option to decide to which nation-state they would like to belong (Christiansen and Teebeken, 2001: 16-17). While the plebiscite outcomes established the border between Germany and Denmark, they also created two national minorities, a Danish minority in Germany and a German minority in the southern part of Denmark. In the northern parts of the former duchy, what today is the Danish South Jutland and home to the German minority, the outcomes were clearly pro-Denmark, that is, 75% voted for reunification, whereas 25% preferred to remain with Germany. The 25% largely corresponded to local pro-Germany majorities, mainly concentrated in cities of Aabenraa, Tønder and Sønderborg (Kühl, 2005a: 34-37), which today remain the main cities inhabited by the German minority.

Although the immediate post-1920 period leading up to the end of the Second World War saw demands for border revision by the German minority (and the kin-state Germany) (Christiansen and Teebeken, 2001: 16-17), the border has been sustained. In the aftermath of the Second World War, following tension, conflict and occupation by the German forces, the German minority finally declared its full loyalty to Denmark and gave its recognition to the border. With the loyalty declaration, the minority also demanded equal and full civic rights in return from Denmark (Kühl, 2005a: 43). The remainder of this section will deal specifically with the period following this declaration of loyalty, with a look at the establishment of provisions ensuring special minority rights to the German minority, but also at the emergence of European standards in the Danish minority policy related to the German minority.

Ever since the plebiscite outcomes in 1920, which created a German national minority in Denmark, and the gradual acceptance of this border, some of the main concerns of the German minority have revolved around the development and maintenance of a so-called 'cultural autonomy' (Lubowitz, 2005: 270). Integral to the cultural autonomy as demanded by the German minority is access to,

and control over, private schools, kindergartens, political representation and cultural facilities such as autonomous minority associations (ibid). All elements have been enabled over the years, largely with the support of the Bonn-Copenhagen declaration of 1955. Private schools were established in 1946, with subsidies provided by the Danish authorities (Kühl, 2005a: 43); closely followed by kindergartens. Political representation has been present at all levels, including one mandate in the Danish Folketing, which lasted until 1973. Since then, the parliamentary representation has been substituted by the setup of a Secretariat of the German Minority in Copenhagen, with a direct connection to the Prime Minister's office. At the municipal and local level in South Jutland, the minority is represented politically and culturally through the political party known as Schleswigsche Partei – Schleswigian Party – (SP) and the main umbrella organisation Bund Deutscher Nordschleswiger – Association of German Northschleswigans – (BDN).

The above developments following 1955 were preceded by a number of important negotiations, which invited several international and European factors, and especially the kin-state Germany (West Germany at that time). The need for a sustainable framework for the entire Schleswig region, which was divided between two national groups, became a concern during the Versailles negotiations in 1919. Consequently, Articles 109-114 of the Versailles Treaty declared that the population of North and Central Schleswig were to vote through a plebiscite on which nation-state they would like to belong to and also to draw a border (Christiansen and Teebeken, 2001: 15; Lubowitz, 2005: 101). A few decades later geopolitical concerns in Europe about not only the maintenance of peaceful relations between Germany and Denmark, but also the broader Cold War environment in Europe, reintroduced the role of international and European actors to the Schleswig region. This led to a number of changes which were important for the region and for the two national minority groups. For one, through close interaction with allied powers following the end of the Second World War, Denmark abandoned its traditional politics of neutrality by joining the emerging security arrangements, such as NATO, in 1949 (Witte, 2005: 227). And second, NATO membership also meant entering joint security cooperation with West Germany, which also joined NATO in 1955 (ibid). NATO negotiations focused on eliminating the risk of a divided Europe, in particular along the German border. With the ambition of ensuring peaceful relations and eliminating risks of border revisions due to unfulfilled minority claims on each side of the border, and thereby also risks for sparking conflict, several NATO powers encouraged negotiations between Germany and Denmark, which paved the way for the Bonn-Copenhagen declarations in 1955 (Kühl, 2005a: 49).

Both post-war situations above not only (re)introduced the international and European involvement into the region, but they also showed how the Schleswig question became influenced

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by wider European developments throughout the 20th century, by again turning into a concern of geopolitics. The minority issue became integral to the establishment of good relations between Germany and Denmark, generating the need to provide guarantees to each minority group through mutual declarations. Through bilateral negotiations and under the supervision of the European community in tandem with NATO membership negotiations and the Cold War atmosphere in Europe, Germany and Denmark managed to lay down the key necessities of each minority group into unilateral, but parallel, declarations addressing each minority group (Kühl and Weller, 2005). In 1955, Chancellor Konrad Adenauer of Germany and Prime Minister Hans Christian Hansen of Denmark signed the Bonn-Copenhagen Declarations, preceded by lengthy supervision and involvement of the allied powers pushing for bilateral dialogue between Denmark and Germany (Witte, 2005: 234). The resulting declarations thus emerged through bilateral negotiations, but the declarations are not bilateral treaties under international law and they are not legally binding upon the two parties. Instead, they are declarations of intent and principle, constructed on the idea that those who wish to be German are Germans and those who wish to be Danes are Danes (Simonis, 2005: 13). There are no complex legal paragraphs in the declarations, but rather minimalist and conclusive statements pointing to general civil liberties and the consequences thereof for the minority policy (Kühl and Weller, 2005: 15). It is this basis which has accorded the German minority its 'Bill of Rights' in Denmark and which commits the two states to minority protection according to a so-called 'spirit of the declarations' (ibid: 23). But it also provides a political value to Germany and Denmark and their bilateral relations (Rerup, 1995), thus signalling a bilateral reciprocity.

Since then, the Copenhagen Declaration, being one half of the declaration dedicated to the German minority in Denmark, sets out the status and rights which today still provide the basis for national minority protection in Denmark (Østergaard, 1996). Apart from confirming general civic rights and liberties for the German minority in the first part of the declaration, with a specific reference to Article 14 of the ECHR, the declaration also includes special minority rights. These range from the right to profess one's loyalty to the German people and German culture to the right to speak the German language freely and to use it in administrative agencies; the right to setup own schools and kindergartens; the involvement of the German minority in local committees of representation; free use of radio; equal access to assistance and benefits from public funds; right to minority newspapers and public funding of those newspapers; and to free kin-state contacts (Copenhagen Declaration, 1955). The provisions which provide for autonomous functions, such as education, are financially supported by both Germany and Denmark, including the government of Schleswig-Holstein, whereas Denmark holds the key duties for ensuring that Danish legislation does not

contradict any of the provisions. The model is sustained and is taken seriously by both parties. Regarding Denmark and its duties, an interviewee in the region highlights that:

> … in case of any breaches by Danish authorities of the Copenhagen Declaration content – Danish authorities do listen to critique and they take obligations flowing from the declaration into consideration (Klatt, interview).

The Bonn-Copenhagen declarations are understood by many to be crucial benchmarks for the development of good relations between Germany and Denmark and the population in the border region following 1955, but also for tying the two states into a successful minority policy (Kühl, 2005b). However, the two states have also joined European economic and political cooperation, providing an additional element for understanding the impact of Europeanisation on Danish national minority policy and on the development of the German minority. (West) Germany formed part of the original six founding members of the European Coal and Steel Community (ECSC) in 1951, whereas Denmark joined what had by then become the European Economic Community (EEC) in 1973. With regard to the CoE, Denmark was a founding a member in 1949, whereas Germany joined one year later in 1950. Today, the representatives of the German minority consider that embedding Germany and Denmark in joint development under the process of European integration, has helped to sustain the overall minority policy. According to the former representative at the Secretariat in Copenhagen Siegfried Matlok, "the entire conditions and frames changed with the Danish EU membership in 1973" (Matlok, interview). He explains that the EU and NATO introduced elements that helped the relationship to develop in a better direction than previously: "What I mean is that the current situation of the minority is perhaps the best one in 150 years" (ibid). Many minority actors of the German minority share his opinion. There is an overall agreement that the process of European integration, and especially the EU membership of Germany and Denmark, has helped to establish a new atmosphere in the region, in which a mental perspective of the minority has also developed. For example, Peter Iver Johannsen, the former secretary general of the BDN, explains that through the European integration process:

> Denmark reoriented its focus and gaze southwards. And through the EU entrance, Germany became the largest and main business partner of Denmark. When the focus shifted to the south, then the border region also became a focus. Therefore, the minority was given a larger attention and it was realised that the minority could also be a beneficial factor in this entire process and not only a burden. With this, it was realised that bilingualism was a useful thing, to make them understandable by using the minority, as knowledge in German was not so good. And it was also realised that the minority also possessed a good network in Germany, which became useful factors (Johannsen, interview).

Another statement considers that as:

> Europe has grown together, the image of each other has also improved and the relations have improved. The cooperation has never been as good as now, and this is important for

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the minority' (Jürgensen, interview).

Thus, the joint memberships of European-level organisations have helped to improve the relations between Germany and Denmark, by also supporting an environment in which trust towards the Bonn-Copenhagen Declarations could develop (Kühl, 2005b). However, the joint memberships also helped to improve the situation in the border region, by offering a new arena for practical cooperation at the level of the population. The weight of this particular development will be explored later on in the dissertation.

Since 1955, the Danish minority policy, as based on the Bonn-Copenhagen declarations, has been accompanied by emerging European-level rules and norms on minority rights. This is especially evident since the early 1990s, in tandem with the increased elaboration of national minority rights among European-level organisations, as seen in chapter four. In 1997, Denmark ratified the Framework Convention for the Protection of National Minorities (FCNM), indicating that the convention applies specifically to the German national minority in South Jutland (FCNM, DK, State Report, 1999). Given that the FCNM lacks a definition of a national minority, it is left up to the states parties to determine the content of the notion (FCNM Explanatory Report, p. 13), but also to decide which minorities that should be covered by the provisions. Consequently, the Danish interpretation made reference to notions such as "minorities created by the upheavals of European history, territorial limitations and traditional geographical area" (FCNM, DK, State Report, 1999). Denmark also highlighted: "Denmark's declaration reflects the fact that the border between the Kingdom of Denmark and the Federal Republic of Germany actually does not delimit the areas inhabited by the two peoples" (ibid). This particular reference has strong implications for the Danish understanding of the term 'national minority group', the reasoning behind the application of the FCNM, but also the impact of Europeanisation on domestic minority policy.

In the year 2000, Denmark also ratified the ECRML pursuing the same principle of interpretation as with the FCNM, hence committing specifically to the protection of the German language as a national minority language in Denmark (ECRML, DK, State Report, 2002). The process leading to ratification of the ECRML triggered a discussion among the Danish public, in which the very relevance of implementing such a Charter was questioned and even opposed, especially given the longstanding peaceful relations between Denmark and Germany (Christiansen and Teebeken, 2001, 22-23). However, this discussion on the actual need and relevance of the Charter had little effect on public policy procedures, as the Danish Parliament voted unanimously for the ratification of the ECRML (ibid).

The choice to apply the ECRML and the FCNM only to the German minority and the German

language has not gone uncriticised by the European organisations, and particularly by the advisory committee monitoring the FCNM and the committee of experts monitoring the ECRML. Criticism also followed from minority experts and academics across Europe. For example, Denmark was criticised for making an over-narrow interpretation of the FCNM (Eide, 2008: 9). By restricting the application only to the German minority, it was argued that Denmark gives the entire instrument weak application (ibid) especially since there are more minority groups with a historical presence in Denmark that qualify for minority protection under the FCNM. Such criticism is also repeatedly levelled in the monitoring processes by the Advisory Committee and the Committee of Experts, where it has been highlighted that Denmark should reconsider its application and provide solid reasons for its narrow interpretation and application, in particular as it excludes other groups with longstanding ties in Denmark from enjoying protection under the FCNM (Heintze, 2005: 116). The Advisory Committee argues that Denmark excludes the application to groups such as the Roma, the Faeroese and Greenlanders, who all have a historical presence in Denmark, (FCNM, DK, AC opinion, 1999). Other reports highlight that "the personal scope of application of the FCNM in Denmark, limited to the German minority in South Jutland has not been satisfactorily addressed by Danish authorities". The Danish approach has even been considered to be incompatible with the overarching purpose of the FCNM, urging Denmark to re-examine its interpretation and application (ibid). At the same time, the Committee of Experts monitoring the ECRML also reminds Denmark of other regional and minority languages spoken in Denmark, such as Romany and the languages of Greenland and the Faroe Islands (ECRML, DK, Committee Evaluation, 2003).

In response to the above criticism raised by the CoE and minority experts, Denmark insists on the following understanding of national minority group: "the fact that the Convention is aimed at minorities created by the upheavals of European history must be taken into account when determining the notion of national minority in relation to the Framework Convention" (FCNM, DK, State Comment, 2000: 2). Moreover it is reiterated that "several of the provisions in the Convention contain territorial limitations, dealing with areas which are inhabited by persons belonging to national minorities, traditionally or in substantial numbers" (ibid). It is thus the lack of a definition provided by the FCNM, which provided a justifiable ground for Denmark to reject the above opinions raised by the CoE. Denmark repeatedly argues that neither the FCNM, nor any other international instrument for that matter, have reached any definition of the notion national minority, in effect leaving it up to the states to determine the content of the notion through actual practice (Heintze, 2005: 116-117). With regard to the remarks raised over specific minorities, such as the Roma or the populations of the Faroe Islands and Greenland, the FCNM is not understood to apply to matters that result from home rule arrangements and which are not regarded as

minorities in the Danish Realm (FCNM, DK, State Comment, 2000: 3). Moreover, Danish state commentary also points out that "not all ethnic, cultural, linguistic or religious differences are necessarily tantamount to the existence of a national minority. The Danish government thus holds the view that immigrants and refugees cannot be considered to be covered by the notion of national minority" (ibid).

Denmark also makes a specific distinction related to the formation of different minority groups. For example, newly formed groups such as the Roma do not have any historic, longstanding and coherent ties with Denmark, but are either immigrants or refugees (FCNM, DK, State Comment, 2000). With regard to the people of Greenland and the Faroe Islands, they are subject to other specific bills and home rule arrangements, which credit them with extensive self-rule arrangements (ibid). These arguments only confirm an interpretation which is a construct of historical ties and clear territorial links in Denmark, and as such these are understood as the most central characteristics of national minority groups which make them eligible for minority protection as set out by CoE's national minority standards. The limitations presented by Denmark regarding historical ties and territorial specificity are also used as a mechanism to justify the exclusion of other groups than the German minority. For instance, the first state report submitted by Denmark on the implementation of the ECRML contended "speakers of the Romani language only arrived in Denmark in the late 1960s […] and that Romani have thus no *historical* or *long-term* affiliation to Denmark" (emphasis added, ECRML, DK, State Report, 2002: 5). With regard to the Faroe Islands and Greenland, Denmark again referred to the two Home Rule Acts of 1948 and 1978 respectively, arguing, "each island enjoys considerable autonomy in internal affairs, including specific language policies, applying to the language speakers of both islands" (ibid: 4).

Regarding the German minority in South Jutland, Denmark has committed to all the Articles of the FCNM and the ECRML on the part of the German national minority and the German minority language respectively. Even if the existing minority protection, which is provided by the Copenhagen Declaration of 1955, covered the most important minority claims, some new obligations and commitments have emerged through Denmark's ratification of the FCNM and the ECRML. New obligations do not necessarily replace previous minority policy of Denmark towards the German minority, but they do locate the conduct of the overall public policy and domestic legislation in a new light. New commitments raise, for example, attention to the need to promote the German language in local and regional media and to support the use of the minority language in the public sphere. Moreover, such European-level instruments also impose the need to ensure that national strategies on political reforms in Denmark do not harm the German minority. In fact, most of the obligations which emanate from instruments like the FCNM and the ECRML address the state

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level, by asking for commitments that touch upon public policy measures and call for more active government action.

With regard to European-level instruments on general human rights, Denmark holds a good compliance record. Denmark acceded to the ECHR in 1953, while being a founding member of the CoE in 1949. Ever since, Denmark has a good reputation for its active involvement in the European human rights regime (Gil-Robles, 2004: 4). But in those cases where the ECHR has tried to expand its coverage to encompass national minority protection, Denmark has taken a more reserved position. As seen in chapter four, the only reference to national minorities in the original ECHR text can be found in Article 14, which prohibits discrimination on the grounds of association with a national minority (Article 14, ECHR). For a national minority to claim discrimination based on Article 14, it needs to relate the claim to another right provided by the ECHR, as such Article 14 ECHR does not stand on its own as a protective mechanism. Because of this 'weakness', the ECHR has attempted to enhance the scope of minority rights protection by introducing Protocol 12 which expands the demand as stipulated in Article 14 of ECHR that "discrimination is prohibited *in the exercise of the rights otherwise granted* by the Convention on the grounds….." (emphasis added, Article 14, ECHR). That is, while Article 14 can only be applied in cases of discrimination in combination with other rights in the ECHR (de Varennes, 2004: 92), Protocol 12 goes beyond this scope, by addressing the issue of anti-discrimination more broadly, including the grounds of national minority belonging (Protocol 12, ECHR). Protocol 12 also asks states to take positive measures in order to ensure that discrimination on the grounds mentioned in Article 14 ECHR does not happen (Malloy, 2013b: 55). But Denmark has not signed Protocol 12. Denmark has often explained that it is unwilling to sign and ratify Protocol 12 because it considers its wording to be so wide as to create uncertainty both as regards its likely scope and the number of cases to be generated (ECRI, 2012: 11).

The EU Racial Equality Directive (2000/43/EC), which prohibits discrimination on grounds of racial and ethnic origin, was successfully transposed to Denmark in 2003. Denmark adopted the Act of Ethnic Equal Treatment (Danish ministry, 2003), which implemented parts of the general requirements on, and principles of, equal treatment. One of the breakthroughs of the Racial Directive and the requirements it makes of member states is the introduction of a special equality body which is expected to promote equal treatment at the national level as arising from the Directive (Article 13, Racial Equality Directive). In Denmark, the particular task was delegated to the Danish Institute for Human Rights (DIHR), providing it with the mandate to assist victims of differential treatment with the processing of their complaints; to investigate differential treatment; to issue reports on differential treatment; and to make recommendations on the fight against

differential treatment (Part 4, Act 374, 2003). While some EU member states, such as Sweden, Romania and Spain, chose not to restrict their anti-discrimination legislation to the grounds mentioned in the Directive and have opted for broader lists of prohibited grounds (Commission, 2006), Denmark has stayed in line with the grounds listed in the Directive, also opting out of introducing positive action as stipulated in Article 5 of the Racial Directive. Interviews with representatives of the German minority showed that anti-discrimination legislation such as that emanating from the EU's Racial Directive, and the legal reforms that it has triggered in Denmark so far, do not necessarily bear any implications for the German minority. So far, the Directive content has been evoked in case law related to dress codes and religious symbols in Denmark. These perspectives are not considered to be highly relevant or to bear consequences for the German minority. In fact, the interviews also confirm this view, by overtly arguing that anti-discrimination is covered by the Copenhagen Declaration and that Europe does not necessarily contribute any new content to this particular aspect of minority protection, at least with regard to the situation of the German minority. For example, one interviewee explains that "regarding discrimination, I must say that we have a positive atmosphere here that we have worked out alone between Denmark and Germany; there are rather other issues that are more important to us" (Johannsen, interview). However, the German minority welcomes this development at the European level and sees it as a relevant tool for other regions, even if less so to their own situation. Instead, importance is attached to other opportunities emerging through European integration, the EU and the CoE instruments. These are, amongst others, economic development, language promotion, regional activities and the indirect contribution to improved cross-border interaction and facilities.

Despite a number of reservations about full adoption of European-level norms and rules on national minority groups, including a narrow interpretation of the FCNM and ECRML, Denmark has reinforced its commitment to protection, but also preservation and promotion of the German minority in Southern Jutland. This is especially illustrated in the requirement to define a national minority as ratifying the FCNM and the ECRML, given that the two instruments do not provide defining parameters. Consequently, Denmark has demonstrated criteria with which it defines the German minority as a national minority group, by highlighting terms such as historical links, traditional existence, homeland and territorial presence (FCNM, DK, State Report, 1999). Thus, the initial emergence of European-level norms and rules pertaining to national minority groups has contributed to the reinforcement of an old issue, as a reminder of the importance of historical recognition of a national minority. Europe asks states to define who their national minorities are today, even if it does not provide a definition. Similarly, European-level approaches remind countries that protection and well-being of national minorities is a state-level duty and there is

encouragement for more activity on the part of states, which combines both legal and political aspects. But as much as the meeting between European-level norms and rules have reinforced an old issue, they have also contributed to an identification of several weaknesses in Danish minority policy which have not necessarily been known before. This is especially evident in relation to the recognition of other possible national minority groups in Denmark and in relation to the common assumption that the German minority is well integrated and bilingual, for which there is less need for support and special services. This ambiguous approach on the part of Denmark raises a number of incompatibilities with European-level principles, but it also helps to understand the subsequent pressure from European bodies and actors. The nature of this European pressure, and its implications for Danish minority policy, but in particular concerning the German minority, will be discussed in chapter six.

Figure 6: Overview I: The German Minority in Denmark

Umbrella organisation:	Bund Deutscher Nordschleswiger (Aabenraa)
Area:	South Denmark, South Jutland
Population:	15 000 members out of 250.000 Inhabitants (area)
Language:	German
Political representation:	Schleswigian Party (SP) The Secretariat of the German minority in Copenhagen The Liaison Committee
Existence:	10 February 1920, plebiscite
Relevant Frameworks:	Bonn-Copenhagen Declarations, 1955 (the Copenhagen declaration applies to the German minority and the Bonn declaration applies to the Danish minority in North Germany)
Status:	National Minority, Copenhagen Declaration of 1955

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5.2 Romania: gradual adaptation to European national minority rules and norms

In the past two decades, Romania has been through a fast-paced transition, in which European-level norms and rules have been present throughout the general restoration of democratic consolidation, political reform and legal developments. As argued by Sedelmeier, the Europeanisation process in Central and Eastern Europe conforms to a general democratic motor of change in many of the recent EU accession waves (Sedelmeier, 2012: 830). But it is specifically through this particular process that European-level minority rights norms and rules have intervened in Romanian ways of dealing with minority rights, making the development of minority rights an important benchmark of the overall democratisation and transition process (Ram, 2003). The process of reform in Romania departed from a nearly non-existent national minority model, at least when understood in terms of special rights provision by state bodies and public policy procedures.

This section looks at the emergence of and the role of European-level norms and rules on the development of national minority rights in Romania since the early 1990s, with a special focus on the Hungarian minority and the achievement of special rights in domestic law and public policy procedures. Although European-level norms and rules have been significant for other minority groups in the multinational and multicultural state of Romania, especially by contributing to renewed attention and initiatives on the Roma minority, the Hungarian minority was the group that drew the immediate attention of European-level bodies in the early 1990s (Ram, 2009: 181; Horváth, 2011). Some of the main reasons for this were the tensions triggered through unfulfilled minority claims by the large and well organised Hungarian national minority, which started to challenge the political unwillingness of the Romanian nationalist government and the status quo of the national minority policy. Besides domestic tension, pressure from the kin-state Hungary regarding the protection of Hungarian abroad took a new dimension after communism had fallen (Bárdi, 2011). The case of the Hungarian minority is also relevant because of the fast growing activism across different levels domestically, but also at the European level. The early 1990s in Romania illustrated an intertwined relation between ongoing democratisation and unresolved ethnic issues, consequently engaging a plethora of different international and European-level bodies in the drawing up of Romanian policy regarding national minorities. Different concerns drew the European community's attention. With this, Romania also constitutes an interesting case study for this dissertation, given that it is often argued that early 1990s Romania was considered to be in one of the worst starting positions for a move towards democracy and minority rights (Ram, 2003: 5), with a weak tradition of special minority rights. It not only had one of the worst human rights records in Europe, as noted by the CoE (CoE, 1993a), but it was even considered among the worst countries in the world regarding the respect for civil and political rights (Ram, 2009: 180).

Today, it is increasingly argued by several experts that Romania has one of the most comprehensive frameworks on minority protection in Europe (Constantin, 2008), at least with regard to legal content and political possibilities. In fact, throughout my field research, minority actors representing other minority groups in Europe often referred to Romania as a model case of minority protection in Europe (Habipoglu, interview; J. Diedrichsen, interview). However, the arrival at the current national minority model in Romania, which is today upheld by a diverse combination of public policy measures, constitutional clauses, institutional bodies and representation of the minority across most levels of the Romanian political spectrum, needs to account for a combination of domestic and European factors. The steady process of change in Romania was also due to exceptional European-level involvement, such as the EU conditionality in order to qualify for EU membership. This instrument has been applied to most post-communist states wanting to join the EU, which has overlapped closely with their ongoing democratisation processes, in tandem with the general endeavour to 'return to Europe' (Grabbe, 2006: 100). As such, the reforms of the domestic national minority policies and legislation were highly relevant to this intertwined relation of internal democratisation, or even state building as argued by some (Culic, 2003), and the endeavour to join the European integration process. Consequently, the formulation of minority rights became central to Romania in the 1990s, as in the entire post-communist region.

According to the latest census of 2011 in Romania, there are approximately 1.4 million ethnic Hungarians, constituting approximately 6.7% of the Romanian population (Kiss and Gergǒ, 2012). The principal Romanian areas inhabited by the Hungarian minority lie in the region of Transylvania, stretching along the Carpathian basin, corresponding to areas that prior to the First World War belonged to Hungary. In 1920, through the peace treaty of Trianon, signed between the allied powers and Hungary following succession from the Austro-Hungarian Empire, Transylvania and its high numbers of Hungarian people were ceded to Romania (Vardy, 1983). The Trianon Treaty not only defined the border of the newly created Hungarian monarchy of 1920, but it also allocated large areas which had previously belonged to the Austro-Hungarian empire, and which were inhabited by ethnic Hungarians, to neighbouring countries (ibid). Following the territorial divisions of the Trianon Treaty, approximately 60% of Hungarians, who had previously lived in Hungary, were ceded to the closest neighbouring countries, with the most significant communities in territories assigned to Romania, Slovakia (Czechoslovakia at that time), Serbia, Slovenia (the Kingdom of Serbs, Croats and Slovenes at that time) and Austria (Trianon Treaty, Section III, Articles 45 – 47). It was also through the division of the former empire that the Hungarians became one of Europe's largest national minority groups, scattered across most countries in Central

Europe. The whole of Transylvania, which back then was inhabited by approximately 1.6 million Hungarians, was ceded to Romania according to the Trianon Treaty, therefore no plebiscite was held like, for example, in the Danish-German border region at about the same time.

Since the 1950s, the Hungarians in Romania have increasingly settled into three distinct demographic situations of minority settlement in Romania. The first demographic settlement corresponds to the central part in Transylvania, which is still considered the main region of the Hungarian minority, the so-called 'Szeklerland area'. In this region the Hungarian minority makes up a local majority in three counties, namely Harghita County, Covasna County and Mures County. Next, the Hungarian minority makes up a significant share of the population in the north western part of Romania, also known as the 'Partium' region (Tátrai, 2011: 362). This region covers the immediate Romanian-Hungarian border where Romanians and Hungarians make up approximately 50% each of the population in a significant number of counties. These numbers have shifted throughout the last decades, largely due to broader demographic trends, where the Hungarian minority has declined in number across significant areas of Transylvania. Nonetheless, they still remain a relevant community in terms of numbers and cultural affiliation to their kin-state Hungary, and they are presently the most mobilised minority group in Romania when it comes to reproduction of identity, culture and language (Horváth, 2011), if not even the whole of Europe. There is also a third settlement situation with numerous smaller communities constituting about 5% to 10% of the local population. These are largely dispersed across different parts of Western Romania and Transylvania, including larger cities such as Cluj Napoca and Brasov, formerly important Hungarian centres.

Over time, the legal framework for the protection of the Hungarian minority in Romania has been subject to many changes, and prone to different minority rights regimes. Following the end of the First World War, the general post-war Europe embraced the principles of nation-state sovereignty and self-determination, which sometimes provided little space for active state-level support to retain distinct linguistic and cultural identities of minorities (Jackson-Preece, 1998). One of the major challenges confronting the newly created and multi-national Romanian state was that the national political elites at that time targeted the homogenisation of the population, rather than maintenance of pluralism (Gallagher, 1995). It did, however, allow the Hungarian minority some basic functions related to language, and educational and cultural centres. However, most of those functions were curtailed through the installation of a communist government in 1945 in Romania. During the communist regime in Romania, which existed between 1947 and 1989, minorities in Romania continued to suffer forced assimilation and the denial of minority rights (Galbreath and McEvoy, 2012: 146). In addition to the general restrictions on civil, political, economic and social

rights exercised over the entire Romanian population during the communist regime, the Hungarian minority experienced significant losses of property, education rights and the abolition of the right to use the Hungarian language freely (Gallagher, 1995). In other words, the communist regime removed the legal status which had addressed some specific conditions of minority protection (Horváth, 2011). Hungarian-owned properties were confiscated, ethnic political representation was forbidden and cultural autonomy reduced to the minimum (Zoltán Novák, 2011: 299). Instead, the backbone of the communist understanding of minority rights was constructed on the principle of 'equality', undermining the existence of any 'difference' based on ethnicity or cultural/linguistic belonging (Rechel, 2009). As such, even with the collapse of the communist regime in 1989, Romanian minority policy suffered from a legacy of assimilation. There was not only a lack of tools and models which could be used to accommodate minority rights, but there was also in fact an immediate lack of willingness among the post-communist elites.

Following the dissolution of the Ceausescu's regime in 1989, minority demands, in particular those from the Hungarian minority, peaked to a remarkable extent, reflecting a new era of not only the desire to 'return to Europe', but also the desire to construct a new national minority model which could incorporate all the national minority groups of Romania, and especially the specific demands claimed by the Hungarian minority. It is precisely in this vein that the attention from European-level bodies and organisations increased towards Romania.

The general status and continued claim for special minority rights by the Hungarian minority needs to be seen in the light of a number of historical issues specific to the region and this minority. For one, minority questions are closely informed by geopolitical concerns, coupled with border changes throughout the region. Through numerous border shifts, various annexation practices across the region and the so-called 'Trianon trauma' (Vardy, 1983: 22), the status of Transylvania has for a long period, and still is, closely acquainted with the question of autonomy (Bárdi, 2011), as was confirmed in interviews with various members of the Hungarian minority and political actors. For example, the minister of environment during the time of interviewing and vice president of DAHR, explains that "autonomy has always been a goal, both personal and cultural autonomy and we need constitutional rights for this" (Borbély, interview). It is often the claim for autonomy which has served as a trigger for not only political confrontation in Romanian politics, but which has also paved the way as a strategy for Hungarian minority actors when framing their claims vis-à-vis the Romanian government. It was precisely such a 'threat' to endorse autonomy that we saw deployed by the Hungarian minority in the early 1990s as leverage when demanding a stronger political voice and changes to the existing national minority rights.

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The first post-communist government in Romania was formed by a nationalist coalition and it included members of the former communist regime (Csergo, 2002). This government initiated a state building process which was largely exclusive of institutional and political responses to national minority issues (Sasse, 2004: 78). In fact, a general post-communist political trend evolved around a strengthening of the central state and the position of the 'titular nationality' (Potier, 2001), corresponding to that of the majority population. This trend was not only observable in Romania. Latvia, for instance, introduced legislation following the collapse of communism which strengthened the position of Latvian at the expense of Russian, particularly in relation to citizenship and public participation, minority language rights, and education (Galbreath and McEvoy, 2012). Similarly, Slovakia also introduced a language law, known as the State Language Act of 1995, which aimed at the protection of the Slovak language in the public discourse and official communication, by largely restricting the visibility of minority languages (Sasse, 2004; Auer, 2009: 203). In Romania, the immediate post-communist developments were shadowed by similar trends whereby governments sought to strengthen newly regained independence and the Romanian identity. The first post-communist constitution of 1991 defined Romania as a 'unitary state' (Article 1, Romanian Constitution, 1991). This not only sat uncomfortably with the multicultural reality of the country, but it also sat uncomfortably with the general principles of special rights for national minority groups and provided a limited constitutional guarantee and recognition of national minorities. Romania also enacted a language law which limited public administration to the use of the Romanian language (Galbreath and McEvoy, 2012: 146). In 1995, another law was enacted on education, which restricted minority language use in schools (Ram, 2009). In relation to education, other government decisions imposed that subjects like history and geography were to be taught in the Romanian language only (Galbreath and McEvoy, 2012: 147).

At the same time, a few provisions favourable towards national minorities were adopted by the Romanian Parliament as early as 1991. For example, a new Election Law was introduced in 1992, followed by the establishment of a Council for National Minorities (National Council) in 1993, which was composed of representatives of national minorities and it was provided with the responsibility to distribute funds for minority activities (Constantin, 2008: 140). The National Council also served as an advisory body to the Romanian government. The Election Law, on the other hand, accorded a seat to each national minority by allowing national minority groups a lower threshold of votes and providing them with one mandate in the Romanian Parliament. Although significant, both measures have been described as rather formal and often portrayed as 'showcases' for the West (Csergo, 2002: 23; Ram, 2003). Presence in Parliament through one seat and access to a National Council did not contribute to change on the ground and placed very little emphasis on

improving the status of national minority groups. Likewise, they did not really install institutional practices or any legal content supportive of cultural reproduction of national minorities. The Election Law of 1992, which provided a seat to each national minority group, was not a consequence of active minority campaigning in Romania. It was a governmental initiative of the first post-communist regime, and provided an early signal to the West and the EU that the Romanian government protects its minorities (Sasse, 2004: 75). Although the Election Law appeared progressive in wording, it ended up mainly benefiting the smallest minority groups, as they were guaranteed a seat in Parliament, without having to pass the three percent threshold point through elections (Deets, 2002: 46). This was also facilitated by to the establishment of the National Council which funds one organisation per minority, which supports political proliferation of small minorities (Sasse, 2004: 76). However, the rules excluded proportional electoral processes relevant for larger national minorities, such as the Hungarian minority, who were highly critical of the election law (Csergo, 2002). In fact, the early post-communist government and its policies prevented reforms of institutional and legal frameworks that could protect the interests of national minorities and promote their distinct identities through cultural, linguistic or educational guarantees. More significantly, they were detrimental for Romania's largest national minority group, the Hungarians, whose claims differed from other (smaller) national minority groups in Romania. Their main claims concerned language, education and property (Ram, 2009), for which governmental presence was considered to be main way to ensure developments in favour of national minorities.

Strong dissatisfaction arose from the Hungarian minority in Romania in the period 1990 – 1995. There was one issue which attracted particular attention of not only the international and European communities, but also Hungary as a kin-state. The main critique concerned the low level of support provided by public institutions to national minorities, and the fact that minority claims were still regarded as illegitimate claims by the immediate post-communist government (Csergo, 2002). This was linked to battles over language rights (Gallagher, 1995), and especially to the language law, which basically only permitted the Romanian language to be used in public administration (Law No. 69, 1991). But it also concerned the lack of political representation. The decisions taken by the first post-Communist government were accused of being reactions to the fear autonomy claims among the Hungarians, which had started to be expressed among the Hungarian in Romania due to dissatisfaction of Romania's minority policy (Galbreath and McEvoy, 2012: 146; Ram, 2003). Galbreath and McEvoy describe the above immediate post-communist period as one in which the 'Hungarian question' was put firmly on the table, which caused tension and controversy over progress (2012: 146-147), but which also affected interstate relations

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between Romania and Hungary.

Major changes to the nationalistically inspired state building, emerged in 1996 as a new, left wing, government was formed (Horváth, 2011: 492). This government also incorporated, for the first time in history, a political party of the Hungarian minority, namely the Democratic Alliance of Hungarians in Romania (DAHR). DAHR was created in 1989 on the same day as the Communist regime collapsed, with the central ambition to represent the Hungarian minority in Romania (DAHR, 2012). In fact, several Hungarian minority activists had become active in the uprisings against Ceausescu in 1989, strongly inspired by the protest initiated in the city of Timisoara in 1989 by Tokes Lazslo (Los Angeles Times, 1990). Tokes Laszlo later also became a member of DAHR with a seat in the EP through his party affiliation. DAHR generally stands on the centre-right of the political spectrum, but its overall aim is to represent the Hungarian minority in Romanian politics (DAHR, 2012). The DAHR failed to join the first government coalition in 1991, by not gaining sufficient votes. But with the formation of a non-nationalist coalition in 1996, DAHR not only joined the coalition, but its members were also appointed to ministerial posts representing the interests of the Hungarian minority (Constantin, 2008: 141). This provided a new bargaining possibility in Romanian politics, the ability to vote for laws with effects on the Hungarian minority and to amend earlier laws detrimental to the Hungarian minority. Their entrance into government did not mean that minority issues were solved right away, or that the Romanian elite shifted to a more positive attitude towards minority questions. Yet, DAHR's presence in government helped to tone down autonomy claims of the Hungarian minority and to build a cooperative partnership with the other political parties in Romanian government. Likewise, the kin-state Hungary was also appeased by DAHR's governmental presence in Romania, which helped to improve the interstate relations.

The new government of 1996 made a shift in the overall perspective on the state building process of Romania. The previous nationalist-inspired state building was replaced by a more (ethnic) pluralist vision (Csergo, 2002: 13). This triggered shifts within the political agenda and spelled out a more proactive commitment to the European integration process. However, the legislation as introduced by the nationalist government, with detrimental consequences for national minorities, was not removed or overruled immediately. In fact, in 1996 those earlier legacies continued to cause delays to new minority laws. But with DAHR in government, a gradual consensus started to be established, creating the backbone for amending the previously introduced restrictions on language use, education and public administration (ibid). This development also contributed to a lifting of the minority policy from the state of inertia and deadlock in which it wallowed in early 1991, by contributing to a climate more conducive to fulfilling the criteria and pressure imposed by European organisations regarding minority rights. Moreover, with the changes in the government

in 1996, new change agents started to emerge in Romanian politics, with a new level of determination to meet the pressure emerging from Europe regarding minority rights.

It is in this same vein that several European-level norms and rules pertaining to national minority rights made it into Romania. Before the arrival of EU conditionality, other bodies paid attention to the situation of the Hungarian minority, and especially to the development of national minority legislation and policy in Romania. The key reason for this early multidimensional attention by different bodies was not only the ongoing democratic transition, but also the general governmental opposition in the early 1990s towards reforms in domestic minority policy, and its insistence on policies with detrimental effects. The CoE and the OSCE were the first to react. While both institutions encouraged Romania to consider the introduction of special policies regarding the Hungarian minority (Galbreath and McEvoy, 2012: 165), they were also struck by the generally poor human rights record (CoE, 1995) and the fear that the situation could escalate into ethnic conflict. Before Romania became a member of the CoE in 1993, an entry had been postponed due to CoE's criticism of Romania's poor human rights record, including the treatment of minorities (CoE, 1993b). Similarly, the OSCE, concerned about the risks of conflict that unsettled minority questions could generate, became engaged from the outset by encouraging Romania to settle the issue over education in minority languages (OSCE, HCNM, 1993). Education and language rights were the greatest concerns of the Hungarian minority, which had produced ethnic tensions in the immediate post-communist period. Therefore, both the CoE and the OSCE expressed concerns over legislation introduced by the first post-communist government in the period of 1990-1995, especially since the legislation did not contribute to any advancement of minority rights claimed by the Hungarian minority. During the same period, NATO also engaged in Romania through a quiet diplomacy, aiming largely at improved interstate relations between Romania and Hungary. With that aim, NATO pushed the two countries towards signing a Treaty of Friendship in an attempt to ensure good neighbourly relations and regional stability (Constantin, 2008: 140). For a long time, the issue of Transylvania and the Hungarian minority had been an obstacle to good relations between the two countries (Associated Press, 1996), which European organisations wanted to settle once and for all. Consequently, the Treaty of Friendship contained aspects regarding the protection of national minorities, in which Hungary as a kin-state became highly active and imposed several demands with regard to education rights of the Hungarian minority (ibid). In an interview, the head of the anti-discrimination office in Bucharest spoke about the breakthrough in Romanian minority policy which emerged through the interstate negotiations as monitored and supervised by NATO:

> We went through two main processes in Romania throughout the last 20 years. One of them is the process of integration into NATO, and the other one integration into the EU. These are

linked together with the evolution of the Hungarian national minorities and the relation between the Hungarian minority and Romanian majority. It was the integration into NATO of different countries from the region which was linked to the subject of how to solve the different problems between minorities and majorities in the region. And first of all, it was an obligation of trust prescribed to Romania and to Hungary. Hungary had to implement the same principles in order to be accepted into NATO. The first step was made in 1995 and 1996 when Hungary and Romania signed the treaty of friendship, and in this treaty there were some provisions on national minorities and their protection. This was a first step to move forward for the two countries and to get them accepted into NATO. Hungary was accepted in 2002 and Romania in 2004' (Ferenc, interview).

By focusing on an assurance of peaceful relations, NATO managed to put minority rights to the fore, making them an important precondition for regional security and neighbourly relations. The negotiations focused on the need for legislative change in order to provide the 'extras' required by the Hungarian people living in Romania. In fact, this was also considered to be urgent (Horváth, 2011: 493). The above involvement of NATO and the OSCE was, however, primarily present during the period when security issues had to be settled between the two countries, but rather lost its significance as ethnic tensions diminished and Romania's minority policy started to develop. With the signing of the Treaty of Friendship between Hungary and Romania in 1996, the roles of both NATO and the OSCE were replaced by questions of policy development, implementation and legislation, which is where the EU and the CoE became some of the primary actors and sources of change.

The CoE engaged in a supervisory role of Romania with regard to the country's membership application in 1990. This culminated in a four year-long scrutiny and preparatory period, paving ways for CoE membership in 1993 (Ram, 2003: 9). The following year, Romania signed the ECHR and the 1201 Recommendation, the latter being the additional protocol on the rights of national minorities to the ECHR (PACE, 1993c). In 1995, Romania signed the FCNM, on the very same day that the convention opened up for signature and became the first country to ratify the FCNM (Palermo, 2008; Eide, 2008), demonstrating an important commitment to European values and norms. By ratifying the FCNM Romania undertook broad application of the provisions, identifying 20 national minority groups to be covered by the convention. The same year, Romania signed the ECRML, which however was ratified much later and entered into force first in 2008 (Constantin, 2006/7). In fact, the ratification of the ECRML lasted longer in most Central and Eastern European states when contrasted to the ratification of the FCNM. It is argued that the reason for this is the specific obligation to establish a committee monitoring compliance with the ECRML (Sasse, 2004: 72). Similarly, the implementation of the ECRML often requires several costs for states, given that they need to undertake several promotional initiatives (Oeter, 2004: 134). In Romania, the ECRML

ratification in 2008 culminated in the adaptation of a so-called Ratification Law, recognising 20 minority languages (Article 2, Ratification law), corresponding to the same 20 national minorities that are represented in the Romanian Parliament and that are subject to protection under the FCNM. With the above, Romania accepted new international obligations, in fact by giving precedence to international law over domestic law (Article 11, Romanian Constitution), as such also prompting new constitutional and political obligations on the protection and promotion of minority languages. Thus at the level of adoption of international and European treaties and legislation, Romania showed a good performance record by signing the necessary treaties and by establishing a link between national legal developments and European-level demands.

Romania differs from Denmark on the interpretation and application of both the FCNM and the ECRML, due to a much broader application and interpretation of the treaty. In fact, Romania was not only the first European country to ratify the FCNM, but it was also the country which made it apply to the highest number of national minorities. At the same time, given the broad interpretation and application, Romania pursues a differential implementation principle of the ECRML regarding the 20 minority languages (Horváth, 2011). That is, Romania does not commit to all the provisions of the ECRML on the part of all minority languages. Some of the 20 minority languages are, rather, provided a minimal degree of support and protection, whereas others enjoy the maximum protection and full ECRML application. With this, Romania has established an hierarchy in its protection of minority languages, according to which Hungarian and German minority languages enjoy the maximum degree of rights, which is implemented by the provision of available mother-tongue education across all educational levels (Constantin, 2006/7: 577). Other minority languages are only provided access to vocational training in their minority language. More precisely, ten out of the twenty minority languages are covered by Part II of the Charter, while the remaining ten, in addition to Part II also enjoy specific protection in accordance with the provisions under Part III of the ECRML (ibid).

With regard to the EU, the first Association Agreement was signed in 1995, on the same day as the FCNM was signed (Ram, 2003). The actual EU accession process was launched in 1998. As discussed in chapter four, many parts of the EU's political accession conditionality incorporated already existing norms on minority protection from the CoE and the OSCE (Sasse, 2004: 62) and many of their norms and rules were a precondition for EU membership. The European Commission monitored the implementation of the conditionality in Romania through annual regular reports during 1998-2004. In the state reports on Romania the Hungarian minority figure occasionally in relation to the assessment of the political criteria, raising some of the most pressing issues of the minority, namely minority language, minority education and regional administration (Commission

Reports on Romania, 1998 – 2004). A gradual progress in domestic minority policy mirrors the pace of criticism raised by the Commission. For example, some points that were noted as critical in early state reports are later described by the Commission as showing 'satisfactory change'. Moreover, the monitoring conducted by European Union Monitoring and Advocacy Programme (EUMAP) in 2002 took note of a comprehensive development concerning Romania's approach to minority protection, to which Romania became committed through the EU accession process, in particular regarding policies to eliminate discrimination and to promote the issue of national minority identities (EUMAP, 2002: 23-24).

Although the initial institutional capacity for change was low, the Romanian Parliament was able to rely on emergency ordinances in order to pass some of the most crucial laws as a way to meet the conditionality-imposed requirements. At the same time, this form of legal adoption was also criticised in the Commission reports on Romania. The Commission criticised the use of emergency ordinances as they were damaging for democratic development and they blurred the role of the legislative and the executive powers in Romania (Commission Report on Romania, 1998). However, two of the most crucial legal changes pertaining to national minority rights were adopted through emergency ordinances, in response to EU pressure and advocacy by DAHR. In fact, the issuing of emergency ordinance legislation concerning the Hungarian minority often occurred in tandem with crucial EU summits, meetings and shortly before periodical reports had to be brought out by the Commission (Ram, 2003: 44). For example, new laws on education were adopted in 1997 and 1999 respectively, both much more in line with the demands of the Hungarian minority. The first version from 1997 was adopted through an emergency ordinance, whereas the law from 1999 went through a referendum (Ram, 2009: 183). The rather restrictive law on Local Public Administration, which restricted the language of public affairs to only Romanian, was also replaced through an emergency ordinance in 1997, which changed the language rules in minority-inhabited areas. More concretely, this latter law stipulated that citizens belonging to a national minority which makes up at least 20% of the inhabitants of an administrative territorial unit shall enjoy the right to use their mother tongue when dealing with local administration authorities, something which is also set out in the FCNM and other conventions and international treaties to which Romania is party. Because both these laws of great significance to the Hungarian minority went through as emergency ordinances, the immediate implementation was largely contentious, and they were even rejected by some Romanian politicians (ibid). But, on the other hand, the above also shows that it was possible to get through even the most controversial legislation by harnessing the desire to 'return to Europe' and to join the European integration process.

The above gradual reforms and developments are also important as they contributed to making

minority rights a salient issue in Romanian legal development, leading to a gradual incorporation of minority policies within public policy procedures throughout the 1990s. As argued by Ram (2003: 17) "EU membership objective wholly altered the approach to domestic policymaking in Romania, making international approval a critical element as well as a useful tool". This also applied to other standards under the CoE, OSCE and NATO realms and the gradual constitutional and legal amendments to minority-related questions were part and parcel of the commitments to Europe and effort to meet the standards that were expected by that obligation. Gradually, post-communist constitutional developments helped to recast earlier (exclusionary) definitions pertaining to human rights and minority rights. In the many interviews with DAHR politicians carried out for this dissertation, they almost universally expressed the belief that the development would have been different without European pressure. For example, Lorant Vincze from the EP explains:

> Changes were always linked somehow to the EU integration process. Without it, you know if Romania had decided to join the Russian Federation, none of the changes [*in national minority legislation*] would have happened. Due to the EU integration process and the decision by the Romanian majority to join the integration process and to fulfil the criteria – all fed into the changes (Vincze, interview).

One of the key principles which mark the unlocking of the early 1990s state of inertia is that the understanding of national minority protection moved from a paradigm of equality towards a model that started to contain a plural and multicultural vision as a principle of legal and policy development.

Beside the need to meet the Copenhagen Criteria as a precondition for EU membership, Romania also had to implement the full *acquis communitaire* into domestic legislation. This also meant having to transpose EU anti-discrimination legislation as stipulated in Article 19, TFEU, including the EU Racial Equality Directive. The Directive required institutional and legal amendments, including the introduction of a specific body. The implementation of the directive resulted in a new domestic law in 2002 on the prevention of and punishment for all forms of discrimination (Law No. 42, 2002). Moreover, the transposition of the EU Racial Directive also led to the establishment of the National Council for Combating Discrimination (NCCD). The NCCD was charged with the responsibility for implementing the Racial Directive in Romania and to make sure that domestic legislation complies with the European-level obligations on anti-discrimination. In line with the implementation of anti-discrimination legislation, Romania committed to a broader interpretation of the prohibited grounds which were listed in the Racial Directive, by actually extending domestic legislation beyond those features required by the Directive. It was not only one of the first countries to fully transpose the directive, but it has also been concluded that the legal developments on discrimination in Romania give the country the most comprehensive anti-discrimination

framework of all the EU candidate states (Open Society Institute, 2001: 393). Similarly, Schwellnus also argued that Romania is a front-runner with frequent and severe sanctions against detected acts of discrimination (2009: 42). Just as in the case of the German minority in Denmark, the general anti-discrimination clauses have been predominantly used by the Roma minority living in Romania. However, it is also useful for some areas in which the Hungarian minority constitutes a majority. The leader of the NCCD, who is a DAHR member, also shares this information:

> The question is then how can minorities benefit from this law? Of course ethnicity is one of the criteria which are stipulated in the law as being forbidden to discriminate on, to make a difference based on this criterion. Based on our law, any citizen belonging to a national minority could go directly to the court to make a complaint against someone who discriminated against him, or any minority public institution against the state; it depends largely on the case. Of course, mostly the Roma are using these legal tools, but we have complaints coming from the Hungarian minority. Here we discuss the complaints linked to the use of mother tongue in public administration, complaints linked to hate speech against the Hungarians, and also linked to access to education and services in mother tongue. These are the main complaints coming from the Hungarian minority (Ferenc, interview).

Other DAHR members also welcome the development of the anti-discrimination legislation, but it is rarely understood as the most important development over the last decades for the Hungarian minority. Instead, what most DAHR members share as the ultimate, and most significant achievement, is their presence in Romanian politics and government, followed by education and language rights. Autonomous minority education, language rights and political participation are not only the necessary goals to be sustained, but it also around this spectrum that the DAHR members expect European-level support.

The case of Romania, and the development of special national minority rights in response to European pressure, differs from the other two cases in this dissertation. One important factor for this is the presence of an exceptional tool of Europeanisation, namely EU conditionality. Given the general ambition throughout the 1990s in Romania to return to Europe and to join the EU, the EU-imposed conditionality is considered to have produced some of the most far-reaching effects in favour of a minority-friendly environment (Ram, 2003). For instance, the issue of establishing the right for national minorities to education in their mother tongue across all educational levels, including the introduction of specifically Hungarian sections at universities, was repeatedly raised in state reports by the Commission (Commission Report on Romania 1998; 1999). Through critique, recommendations and supervision of reform, Europe became a parameter that was present in the ongoing domestic reform of national minority policies. Romania moved from an exclusionary system to more plural structures, at least regarding the development of public policy procedures that protect and support the Hungarian minority, by also contributing to a climate in which the Hungarian minority can participate in Romanian politics and vote for own laws. Although

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there are other national minority groups in Romania which are covered by the same introduction of Romanian legal and political systems in the 1990s, it is the Hungarian minority which provides a good example of the most essential implications, especially as it makes use of nearly all the minority rights that are provided by the new frameworks. However, the Hungarian minority has also been involved in the process of change, by helping to affect the outcomes. The Hungarian minority differs to other national minorities in Romania in its active stance in the formation of minority rights and general participation in public policy establishment (Horváth, 2011). This can also be contrasted to other, smaller, minority groups in Romania, which do not necessarily require the same extent of distinct measures on minority education, language or political representation. But the conditions for the improvement of minority rights cannot be explained solely through European linkages and as a consequence of the processes linked to membership qualification. One needs to account for how, in what way and through what means this European linkage interacted with domestic and interstate factors. This relationship will be unpacked in chapter six.
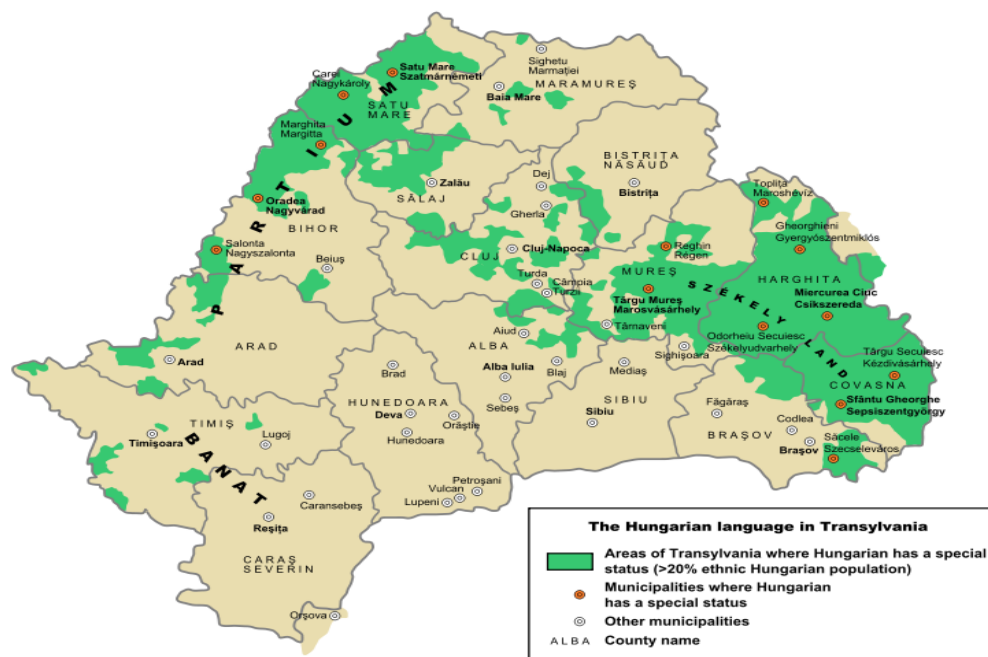
Figure 7: Overview II: The Hungarian Minority in Romania

Umbrella organization:	Democratic Alliance for Hungarian in Romania (Cluj Napoca)
Area:	North-West Romania, Transylvania
Population:	1 400 000 (2011) 6,7% of the Romanian Population
Language:	Hungarian
Political representation:	DAHR in Romanian government and Parliament since 1996 European Parliament

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Existence:	1 December 1918
Relevant Frameworks:	Trianon Treaty, 1920
	Treaty of Friendship between Hungary and Romania, 1996
Status:	National Minority, Article 6 Romanian Constitution

5.3 Greece: weak acceptance of European national minority norms and rules

Despite the highly multicultural blend and the heterogeneity of Greece, official recognition is given to only one minority group, namely the Turkish (Muslim) minority residing in Western Thrace. This recognition dates back to 1923 and the Peace Treaty of Lausanne (hereafter the Lausanne Treaty) signed during the era of the League of Nations. The main achievement of the treaty was the ending of the wars between the Ottoman Empire and several European states and the establishment of the modern border between Turkey and Greece. It designed commitments on minority protection which apply to Greece and Turkey (see introduction and preamble of the Lausanne Treaty). The Lausanne Treaty is the only treaty to have survived the League of Nations, and is still binding today (Boussiakou, 2008b: 2). It is thus indicative of the patterns typical of the League of Nations era, which aimed at protection of minorities from changing borders and in the emergence of new states (Thornberry, 1991).

Regarding minority protection, Section I, Chapter III, Articles 37-45 of the Lausanne Treaty entail a list of minority rights which Greece needs to provide in accordance with international law. It thus constitutes the key bill of rights for the Turkish-speaking Muslim minority, by also obliging Greece to protect this minority group. Apart from the obligation to protect the Turkish minority's fundamental rights (Articles 38 and 39, Lausanne Treaty) the treaty content entails a number of special rights to the Turkish minority. More specifically, the rights provided range from the fields of administrative, legal/judicial and educational autonomy to the Turkish minority (Article 38-44, Lausanne Treaty). The right to receive education in the mother tongue is provided by additional bilateral agreements between Greece and Turkey, namely the Educational Agreement of 1951 and the bilateral Cultural Protocol of 1968 (Boussiakou, 2008b: 5). Regarding religion, besides the rights conferred by the Lausanne Treaty, the Treaty of Athens of 1913 allowed freedom to choose own religious leaders. In addition to the above, Greece is also a member of the ECHR.

The provision of minority rights within the Lausanne Treaty also holds a reciprocal prescription in that it addresses both Greece and Turkey. While Greece is expected to guarantee the protection of the Turkish-speaking Muslim minority in Greece in the region of Western Thrace, Turkey is expected to fulfil the same guarantees to the Christian minority in Istanbul (Article 45, Lausanne

Treaty). It is argued that this very clause also allows for each kin-state to get involved in cases of breaches by the other state against the minority (Anagnostou, 2005). Basically, Article 45 lays the basis for the principle of reciprocity (Turgay, 2009: 1529) by indicating that "the rights conferred by the provisions of the present Section on the non-Muslim minorities of Turkey will be similarly conferred by Greece on the Muslim minority in her territory" (Article 45, Lausanne Treaty).

The way to the recognition of the Turkish minority in the Lausanne Treaty was preceded by a population exchange between Greece and the Ottoman Empire. In the early 1920s, Turkish nationals of Greek origin in Turkey and Greek nationals of Turkish origin in Greece were exchanged between the two countries. The exchange process was an attempt to escape the formation of extensively large minority populations due to the foreseen emergence of new borders in the region, which would also mean escaping the need to guarantee minority protection in the future (Clark, 2006). Nevertheless, the population exchange exempted the Muslim inhabitants of Western Thrace (Articles 1 & 2, Convention on Exchange, 1923). A substantial population of Turkish origin which had settled in Greece during the Ottoman period remained in the region of Western Thrace, and today form the *Turkish-speaking Muslim minority*, or what will be referred to as the *Turkish minority* in this dissertation.

Today approximately 120 000 people belong to the Turkish minority and reside in Western Thrace (Anagnostou and Triandafyllidou, 2007: 36). The largest part of the minority population is still settled in the original areas of Western Thrace in the cities of Xhanti and Komotini and their surrounding villages. The region covers the north eastern part of Greece, known as the region of Eastern Macedonia and Thrace, encompassing the prefectures of Xanthi, Rhodope and Evros (ibid). Apart from seaside to the south and mountains to the north bordering Bulgaria, the region shares a direct land border with the minority's kin-state Turkey to the east. This small borderland is not only an important border between an EU and a non-EU state, but is also an important geopolitical hotspot which has attracted various external forces. It also marks a special cultural-historical boundary between East and West. Although the minority is recognised primarily along religious lines, largely an effect of the definition 'Muslim' bestowed in the Lausanne Treaty, the minority also possesses significant cultural and linguistic attachments to Turkishness to which it has increasingly turned throughout the past decades (Anagnostou and Triandafyllidou, 2007). Their identification thus possesses the dual embrace of Turkishness and of the Muslim religion, both being powerful sources of social life and politicisation, and both underpin their claims (Dragona, 2004).

Regarding the domestic national minority policy of Greece, throughout most of the 20th century, Greek minority policy was almost exclusively based on the rules laid down in the Lausanne Treaty.

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In fact, the treaty was the main evidence for the existence of a minority group in Greece and proof that Greece also recognises that there is a minority on Greek territory. Nowhere else across the Greek legislation or within constitutional principles is there any content of the notion 'minority' or minority rights, nor is there any content on the recognition of other minority groups in Greece (Anagnostou, 2005; Tsistelikis, 2012). This is despite the fact that numerous minorities have formed in Greece throughout the past centuries, coupled with an international pressure to expand the recognition of not only minorities but also that of minority protection (Eide, 2008). As noted by the Greek Helsinki Monitor (GHM) and the Minority Rights Group (MRG) in a joint report (1999:2), Greece repeatedly claims that there are no minorities in Greece, but only Greek citizens and recent immigrants. The joint report also notes (1999:20) that Greece "lacks a policy to promote diversity and minority cultures and that there are no substantial subsidies granted to minority associations". Due to this attitude, the Lausanne Treaty is particularly interesting as it provides the main guarantee for the existence of a Turkish minority in Greece and it provides the central legal basis which commits Greece to minority protection across a number of minority-related fields. This is also especially interesting when placed in the current European context.

Some of the special rights and freedoms granted to the Turkish minority originate from the Ottoman era and the treaty inherits several Ottoman prescripts regarding the organisation of the minority. Freedoms granted are linked to religious life, administration and juridical aspects which follow from the religious traditions of how to manage aspects of, for example, family life (Boussiakou, 2008a). In the religious field, the Athens Agreements of 1913, signed between the Ottoman Empire and Greece, grant an autonomous right to the Turkish minority to elect own religious leaders, the so-called Muftis (ibid). This right is also reconfirmed in Article 40 of the Lausanne Treaty. Free election of Muftis was also supported through Greek national legislation until 1990, when it was replaced by a presidential decree which removed the minority's ability to choose their own religious leaders and made the appointment of Muftis a state duty. In general, freedom to elect own religious leaders is important for the maintenance of the distinct life style and identity of the Turkish minority, living in a different political and legal setting, in particular as a Mufti fills an essential spiritual and symbolic function for an Islamic community. Apart from their religious duties, Muftis also practice some supervisory and judicial roles for community members. For instance, they supervise the properties of foundations, the so-called Waqf's (Tsitselikis, 2012) and they are overseeing marriages and divorces (Boussaikou, 2008a). Thus the fact that a Mufti holds a central role in the conduct of minority community law, by exercising juridical duties as well as spiritual functions on matters such as divorce, heritage and child care (ibid), corresponds to a strong factor of trust and identification for the minority. At the same time, private charitable

foundations, the so-called Waqf's, resemble another Ottoman inheritance. According to the tradition, foundations and charities are supposed to be managed by the members of the community, in the absence of formal administrative structures, standing at the core of both the religious and social lives of Muslims, but also in the organisation of community life (ibid).

Besides religious freedom, the Lausanne Treaty, together with other bilateral protocols drawn between Greece and Turkey, grants the minority to receive education in the Turkish language. Articles 40 and 41 of the Lausanne Treaty provide rights to education in the mother tongue and the right to manage educational institutions (see articles 40 – 41, Lausanne Treaty). Moreover, the abovementioned Protocol of 1968 provides for the principle of non-interference with students' ethnic identity and religious faith through education (Cultural Protocol, 1968), an Educational Agreement signed between Greece and Turkey in 1951 provides a right for educational exchanges to take place between Greece and Turkey permitting students to follow degrees and diplomas in the other country (Educational Agreement, 1951). This latter bilateral accord between Greece and Turkey was replaced in 2000 by a Bilateral Agreement on Cultural Cooperation, which is still committed to cooperation in the field of education, but arguably updated to conform with recent international instruments on minority education (Boussaikou, 2008b: 7).

One central element of concern and dispute between the minority and the Greek state is the issue of terminology by which the minority group is framed, affecting the overall recognition and protection. The Lausanne Treaty defines the Turkish minority as a religious minority, by describing the minority as a 'Muslim minority' (Article 45, Lausanne Treaty). This terminology reflects the historical context in which the Treaty was drafted in 1923. That is, the terminology was strongly reflective of the inheritance established during the Ottoman millet system of governance in which groups were not defined along ethnic, cultural or linguistic lines of belonging, but they were rather determined by their religious belonging (Demetriou, 2003: 97). Both Greece and Turkey followed this mode of interpretation as framing the Lausanne Treaty, by invoking the terms 'non-Muslim minority' and 'Muslim minority' respectively (Articles 37-45, the Lausanne Treaty). Given that Greece does not contain any reference to either national minority group, or that of minority rights in its constitutional and political frameworks, the situation of the Turkish minority is therefore largely reliant on the terminology provided by the Lausanne Treaty. As European organisations have started to use the terminology of national minority since the early 1990s, the Greek government has made sure to justify its rejection of European-level instruments by pointing to that the Lausanne Treaty speaks only of a 'Muslim' minority, for which it sees no justifiable reason to claim any ethnic identity or Turkishness (Hammarberg, 2009: 4). It is also observed that Greece's attitude towards the ethnic Turkish minority is nowhere more evident than in its continued official

denial of the Turkish identity (Human Rights Watch, 1999: 2). This very battleground over the recognition of the Turkish ethnic identity has also established the basis for other denials and rejections, most evident in a banning of numerous minority associations in Western Thrace bearing the word 'Turkish' in their titles (Memisoglu, 2007). This has culminated in the dissolution of existing associations, such as the Union of Turkish Teachers of Western Thrace, the Union of Turkish Youth of Komotini and the Turkish Association of Xanthi during 1984-2001 (HRWF, 2012). Other associations have not been allowed to register, based on the same grounds.

At the minority level, on the other hand, there is an increased attachment to an ethnic Turkish identity. Beside their Muslim faith, the minority wants to label its minority associations as 'Turkish' and the overall aim is to be referred to according to ethnicity (Human Rights Watch, 1999; Hammarberg, 2009). Most of the people interviewed in the region make claims of Turkishness. One interviewee explains that "in fact we are not only Muslims; we are also the offspring of the Ottoman Empire, which means that we are Turkish people" (Rusen, interview).

Since the early 1990s, the international community has increased its support and sympathy for the minority's claim for a Turkish ethnic identity. For example, the ECtHR has, on several occasions, provided unanimous decisions in support of the claims by the minority to name their minority associations as Turkish associations. Three case laws were issued on the basis of Article 11 ECHR which guarantees freedom of assembly and association together with Article 14 ECHR which prohibits discrimination. Each one of them concerns the banning or rejection of registration of minority associations by Greek courts on the ground that they refer to a Turkish minority in their titles. In 2005, the Grand Chamber of the ECtHR ruled in *Tourkiki Enosi Xanthis and Others v. Greece* (ECtHR, 26698/05) that the Turkish Union of Xanthi had not done anything contrary to Greek public policy by using the word 'Turkish' in its label or that the members had done anything that threatened the social cohesion and solidarity in Greece (ibid). Similarly, two more ECtHR case rulings highlighted the same point and found a violation of Article 11 and 14 ECGR, namely the *Emin and Others v. Greece* (ECtHR, 34144/05), which concerned the dismissed registration of the Cultural Association of Turkish Women in Rodopi and the *Bekir Ousta and Others v. Greece* (ECtHR, 35151/05), in which the registration of the Evros Minority Youth Association was also rejected because of the term 'Turkish which. According to Greek courts, the requests for registration by both associations had been dismissed because they were making an incorrect interpretation of the orignin of the members because the Lausanne Treaty recognises only a Muslim minority, and not a Turkish minority (ECtHR, 34144/05; ECtHR, 35151/05). With this opinion, the Greek courts found that the titles of both associations were confusing in the Greek society and that they were contrary to public policy (ECtHR, 34144/05; ECtHR, 35151/05). All three ECtHR cases were returned to

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Greece and Greece was asked to apply the decisions domestically, by returning the 'legality' to the minority associations and allowing them their free operation. Greek courts have, however, often replied that they are not obliged to follow the decisions of the ECtHR in those cases where domestic law sees a threat to democratic society or which runs contrary to public policy of Greece.

Another point of conflict between the minority and the Greek government which has also led to violations of the ECHR has been that of religion, which brings to the light the problem of free election of Muftis. Although existing treaties and legislation allow for Muftis to be directly elected by minority members (Treaty of Athens, 1913), Greece has denounced these rights by introducing own measures. Basically, a legal change was introduced in 1991 which changed the system by which a Mufti is selected in Western Thrace, allowing the Greek government to appoint own candidates as Muftis, (Hüseyinoglu, 2010: 7), instead of through free elections among the minority members. Consequently, in the early 1990s, the Greek authorities appointed one Mufti in each of the cities of Xanthi and Komotini, where both are still in charge. This change has been justified by the fact that since Muftis exercise important judicial functions, judges could not be elected by the people, but by the state (OSCE, Greek delegation, 2003). Another reason mentioned was that Greece fears too much autonomous practices of Sharia law in the Greek society and this resembles a way to control this (Turgay, 2009: 1531). The ECtHR case *Sherif v. Greece (*ECtHR, 38178/97) shows some of this controversy. In 1990 Ibrahim Serif was elected Mufti of Rodopi according to the existing legal frameworks which allow elections among the minority members to be organised. Shortly after, as Greece changed this law and started to appoint own Muftis, the elected Mufti of Rodopi was also prosecuted by Greek courts for having acted as a religious leader although there was no right to do so and for manifesting his religion in public *(*ECtHR, 38178/97). The elected Mufti of Rodopi took recourse to the ECtHR, claiming that his conviction in Greece amounted to a violation of Article 9 ECHR, based on the right of freedom of thought, conscience and religion. Without necessarily addressing the issue of free elections of Muftis, the ECtHR, in *Sherif v. Greece (*ECtHR, 38178/97), found a clear violation of religious freedom.

Throughout the 20th century, the self-identification of the Turkish minority has started to change, illustrated by an interchangeable reference to *Muslim* and *Turkish* both among the minority members as among the Greek authorities. For example, although the Lausanne Treaty makes an explicit reference to a Muslim minority in Greece, Greece allowed the minority to frame itself as a Turkish minority until the 1960s and even to name its minority associations accordingly. Under the inspiration and influence of the secular Atatürk politics which were developing in the kin-state Turkey at that time (Turgay, 2009: 1530), large parts of the minority started to use the notions of *Turkish* and *Turkishness* as their identification marker. Minority associations were also allowed to

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be labelled as 'Turkish' associations at that time. This was curtailed with the deterioration of interstate relations between Greece and Turkey, especially because of the erupted violence in Cyprus. Consequently, Greece turned to repression and discrimination within its minority policy towards the Turkish minority in Western Thrace, which led to a strong rejection of a Turkish identity in Greece (Anagnostou and Triandafyllidou, 2007). This rejection, in fact, still prevails regarding free identification of the minority, although a number of other discriminatory measures were lifted throughout the 1990s (Anagnostou, 2005). However, the issue of identification and recognition continues to direct large parts of Greece's policy towards the minority in Western Thrace, with implications for their adherence to existing bilateral and international obligations. And, more importantly for the purpose of this dissertation, the very issue of rejecting the above identification also affects the impact of Europeanisation when the domestic-level norms and rules confront the European-level norms and rules.

There are a number of important factors undermining the overall adherence and full application of the minority model granted by the Lausanne Treaty. However, two major factors stand out here. The first one links to the negative repercussions of deteriorating interstate relations between Greece and Turkey since the 1950s, making minority protection of each minority a matter of what has been described as 'misconstrued principle of reciprocity' (Rozakis, 1996; Anagnostou, 2005). As seen above, the Cypriot conflict in the 1950s triggered a shift in both states' approaches to minority issues, with important repercussions for the treatment of the Turkish minority in Western Thrace. Besides the prohibition of public use of the terms *Turkish* or *Turkish minority* in Western Thrace and the dissolution of minority associations that bore the word Turk or Turkish (Anagnostou, 2005; Hüseyinoglu, 2010), the period from 1960 onwards also saw the installation of several discriminatory measures against the members of the Turkish minority, coupled with breaches of numerous basic human rights (Hüseyinoglu, 2010; Tsitselikis; 2012; Anagnostou, 2005; Human Rights Watch, 1999). For example, the Turkish minority was systematically excluded from acquiring property, receiving bank loans, taking driving licences and even finding employment (Human Rights Watch, 1999). These practices remained in place throughout the Greek civil war in the 1970s. The following seven-year-long Junta regime in 1967-1974, did not lift any of the previously institutionalised practices, but it actually made them worse. Minority discrimination escalated even more in the course of 1983 as the Turkish Republic of Northern Cyprus declared independence. In all, the period between the 1950s and early 1990s hosted a series of discriminatory practices and policies by the Greek authorities, largely as a side effect of worsened interstate relations, guided by a misuse of the reciprocity principle.

Moreover, in the 1960s, at the time of the Cold War, and in an attempt to specifically prevent ethnic

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Macedonian refugees from returning to Greece (Anagnostou, 2005), the Greek government introduced the controversial Article 19 of the Citizenship Law. Article 19 contained a clause which entailed that individuals who were not ethnically Greek and who had left the country without the intention of returning could be deprived of their citizenship (Anagnostou, 2005: 337). The most central notion of that reading, which had the most far reaching consequences for not only the Turkish minority, but also other historical minorities in Greece, was the issue of *non-ethnic Greek*, serving an important parameter of interpretation to Greek legislation and administration between 1955 and 1998.

A second factor which has undermined the overall adherence and application of the minority model granted through the Lausanne Treaty and other bilateral agreements is a domestic one and relates to the widespread interference by Greek authorities and officials in what is supposed to be free minority matters. Although the interference is affected by the broader interstate and geopolitical outplays in the region in the period 1950-1990, there has been a vast inconsistency in the Greek approach to the management of minority rights. Besides the interference within the right of the minority to freely elect own religious leaders and to name the minority associations in reference to 'Turkish", further freedom has been curtailed. The right to manage the charitable foundations, the so-called Wakfs, has been replaced by new undertakings and measures in which the state administers the charities and runs the central boards, thus taking away the control from the minority members (Hüseyinoglu, 2010: 10). Regarding the freedom of education, Human Rights Watch identifies that the educational system of the Turkish minority has been damaged by the low administrative efforts of Greek authorities, poorly educated teaching staff, a lack of secondary schools, outdated textbooks and a weak curriculum for bilingual education (Human Rights Watch, 1999: 24).

Another domestic factor needs to be considered alongside the above, namely the powerful national ideology of Greece which affects not only the rejection of national minority issues in Greece, but also the understanding of *belonging* to the Greek nation. For Greeks, national ideology and orthodoxy forged a direct link to membership in the Greek nation (Tsitselikis, 2012: 8). Greek citizenship policy is heavily constructed around concepts of Greekness, the Greek nation and orthodoxy (Christopoulos and Tsitselikis, 2003). The history and development of state institutions and laws has systematically privileged the interest of state unity, largely at the expense of individual rights and minorities (Anagnostou, 2005: 336). This often led to that Muslims and other minorities became prevented from full membership and inclusion as members of the Greek nation. It is also often argued that the inbuilt legacy that combines the traditional principles of *Hellenism* and *Greekness* continues to shape the Greek understanding of minority issues (Christopoulos and

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Tsitselikis, 2003). Hellenism is a historical artefact-come-construction that reappears across Greek society and political profiling, even affecting policy procedures to a large extent. Such a domestic understanding has effects on the framing of national legislation and policy procedures, including the implementation of international and European-level norms and rules. But this also obstructs possible extensions of already established principles, such as those granted by the Lausanne Treaty. This approach also influences the understandings of European-level rules and norms, which are rather constructed on the idea of a *national* minorities and special rights and encourage states to become more active concerning the protection of minority identities.

The above developments in Greece, reflecting reciprocal kin-state dynamics, governmental overrun of existing rights through interference and a national ideology praising *Greekness*, not only affects the compliance with the Lausanne Treaty, but it also affects Greek commitments to European-level norms and rules on minority rights which are pointing in a different direction.

Greece joined the main European human rights developments by ratifying the ECHR in 1974 in tandem with its transition to democracy. In 1981 it joined the EU, while NATO membership took place already in 1952. However, none of these accession processes paid much attention to minority rights, or more specifically to the situation of the Turkish minority. International and European-level actors started to react to the above developments first in the late 1980s and in the 1990s, prompted by the general emergence of national rights and human rights concerns at the European level. As seen in chapter four, Europe set out new approaches and norms on national minority rights first in the early 1990s, by also pushing states to redefine domestic minority models according to the European principles. Greece was not the immediate case of concern, but it did gain attention as the European integration process proceeded and European-level actors and bodies began to scrutinise the domestic opposition to minority rights (Rozakis, 1996). European-level attention increased with Greece's rejection of CoE's national minority norms and rules, namely the FCNM and the ECRML. Although Greece signed the FCNM in 1998, it has not followed up with ratification and the ECRML has not even been signed. With this rejection, scrutiny of minority policy only increased. Despite the rejection, domestic approach to minority issues saw some minor alterations through changes in elite behaviour in the early 1990s. This was, however, coupled with a significant discontent emerging from the minority itself, which was taking a new level of expression – not only targeting the Greek government, but it was largely doing so through European-level organisations.

Two important changes took place in the domestic minority policy in the 1990s relevant to the Turkish minority. First, the Greek state declared an end to discrimination against the Turkish

minority, by introducing a new approach aiming specifically at the Turkish minority, known as *isonomia-isopoliteia*, namely, *legal equality–equal citizenship* (Anagnostou, 2005: 340). The equality proclamation occurred in 1991 with the Greek Prime Minister Mitsotakis' visit to the region of Western Thrace, following mass protests from the minority against the widespread discrimination. With the equality declaration, basic citizenship rights which had been curtailed in the period 1955 – 1990 were returned to the minority, making them equal in Greek law.

A second change in line with the return of basic citizenship rights emerged with the removal of Article 19 in 1998, thus eliminating the guiding principle of *non-ethnic Greeks* as a parameter for depriving those people that had left Greece for a longer period of their citizenship. Since 1955, Greek authorities had applied the tool as a means of removing Greek citizenship from approximately 60 000 people belonging to the Turkish minority (Anagnostou, 2005). While this had automatic consequences on the numbers of the Turkish minority in Greece, it also produced a significant number of stateless people, generating strong criticism from European bodies and especially the EU and the CoE. Following intense pressure from the European community, and in particular the CoE throughout the 1990s on the removal of Article 19, Greece finally abolished the restrictive tool in 1998. In this same period, Greece also signed the FCNM, whose ratification, however, is still pending. The period in which the above changes took place has been described as one of liberalisation of minority rights under the initiative of the Greek government (Anagnostou and Triandafyllidou, 2007: 24). The actual pressure paving the way to the above changes, the process of Europeanisation and the outcomes are explored in the next chapter.

Figure 7: Overview III: The Turkish Minority in Greece

Umbrella organisation:	Federation of Western Thrace Turks in Europe, Witten
Area:	Western Thrace, north-eastern Greece
Population:	120 000 – 150 000, 1% of Greek population
Language:	Turkish
Political representation:	2 MPs in Greek Parliament
	FEP
Existence:	1923, The Peace Treaty of Lausanne
Relevant Frameworks:	Athens Agreements, 1913
	The Lausanne Peace Treaty, 1923
Status:	Muslim Minority (religious), Lausanne Treaty of 1923

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Chapter 6: Europeanisation of public policy and domestic legislation: processes and outcomes

This chapter assesses the process of change in domestic policy brought about through European-level norms and rules. How state institutions and actors react to European-level norms and rules relating to national minority groups is central in this chapter. The previous chapter introduced some key events in which domestic legislation and public policy procedures were likely to produce different degrees of adaptational pressure. In this chapter, I address three different Europeanisation processes with a focus on public policy change pertaining to national minority groups. I start by looking at the emergence of pressure from Europe in each case, which is determined by different degrees of fit between Europe and the domestic level. The extent of fit is illustrated by outlining the characteristics of each national minority policy and the general approach to national minority groups prior to the emergence of European-level pressure and the outlook of the policy afterwards. The pressure concerns either the need to establish a new policy, to modify parts of existing domestic national minority models or to engage in new supportive activity.

6.1. Public policy, Europeanisation and national minority groups

A good place to examine change pertaining to national minority rights as a consequence of Europeanisation is within domestic public policy. In minority studies, it has been argued that public policy is a way for governments to show that they want to include national minorities that are not members of the majority in the affairs and management of society (Malloy, 2005a: 35). Public policy corresponds to more than legislation and constitutional principles. We have seen at the beginning of this dissertation that recent minority studies have started to apply broader approaches to national minority rights, given that an exclusive focus on law and legal norms does not sufficiently account for the dynamics of change. Public policy entails more, as it includes practice, policy styles and policy instruments. In Europeanisation research, public policy is a common domain of Europeanisation and a dependent variable. Radaelli (2003: 35) differentiates between different domains of Europeanisation according to the question of what is being Europeanised. Accordingly, he provides a distinction between three domains: domestic structures, public policy and cognitive and normative structures (ibid). Whereas the first domain tends to refer to political systems and legal structures, public policy covers actors, policy problems, styles, instruments and resources (2003: 34-37). Europe can affect values, norms and discourses through cognitive and normative structures (Surel, 2000). Similarly, Europeanisation of domestic public policy has a greater impact than the other two domains, by also establishing Europeanisation patterns such as convergence, vertical or horizontal transfer and even profound domestic change (Radaelli, 2003: 36).

For Europeanisation to contribute to differences in domestic public policy pertaining to national minority groups, modifications in the direction of a more favourable national minority policy are expected, and this emerges through an interaction with Europe-level norms and rules. Changes can also be expected in formal constitutional amendments granting recognition, decrees or the establishment of special bodies or institutions dealing specifically with minority-related issues. Similarly, changes in favour of special rights can occur through the abolition of existing (discriminatory) laws and policies. Apart from the adoption of legal measures, public policy change also encompasses changes in institutional practices, procedures and policy conduct. These latter sets of changes are normally initiated through governmental measures or through governmental support, and aim at facilitating the existence and maintenance of national minority groups. It is about making public policy more conducive to the well-being and respect of national minorities (Malloy, 2005a: 35). Similarly, domestic policy changes in relation to national minority groups can emphasise closer relations and negotiations with minority actors and minority communities. Other examples entail enhanced possibilities for preservation of minority identities and promotion of national minority groups and their cultures through economic and political means. Thus, public policies provide an important linkage between the state and national minority groups, given that it is often the content and conduct of public policy which helps to determine not only the success of a national minority policy, but also the relation between the majority and the national minority. Thus although change is looked for among state institutions, the focus is also on the changed conduct and conception of political activity, public policy procedures and constitutional principles.

6.2 Compatibility, adaptational pressure and Europeanisation

6.2.1 Denmark: good compatibility, low pressure….. Or?

Although there is a good level of compatibility between European-level norms and rules and Danish minority policy applying exclusively to the German minority, this does not mean that there is no pressure exerted by Europe or that no effects have been produced with implications for public policy concepts and conduct in Denmark.

Pressure from Europe is two-fold. First, criticism is raised through CoE monitoring processes about Denmark's narrow interpretation (and therefore application) of the FCNM and the ECRML. A second, but somewhat softer source of pressure, has surfaced over the conduct of minority policy in Denmark, which is not always entirely conducive to the full well-being of the German minority in South Jutland. The latter pressure figures around Denmark's unstructured efforts to promote the use of the German language and culture in South Jutland, given repeated findings by the CoE on the weak use of the German language in the public sphere, weak provision of German language media

services, including low visibility of the minority language in the region where the minority resides. More specific reference is made to the lack of media broadcasting, lack of bilingual signs and weak capacity to use German in administrative matters (FCNM, DK, AC Opinion, 2011; ECRML, Committee Evaluation, 2007; 2010). The use of the German language remains primarily reserved to private use among minority members and in closed interaction within minority associations. Similarly, domestic public policy conduct has had to confront reminders from the CoE that broader structural rearrangements in Denmark need to be determined with the consent of the German national minority.

Minority actors interviewed in South Jutland raise some of the above concerns. There is a general perception that there is a lack of state-level promotion of German language and culture. For example, this perception was exemplified in relation to the Danish government's decision not to provide German translations of government documents, rather providing English translations (J. Diedrichsen, interview; Jürgensen, interview). The secretariat of the German minority in Copenhagen noted that during the Danish EU Presidency of 2012, the presidency website contained information only in Danish and partly in English, thus ignoring the fact that German is also a language spoken in Denmark and by Danish citizens (J. Diedrichsen, interview). Disappointment was also expressed at the lack of language promotion in the region of Southern Jutland and the fact that this created risks for the survival of the German language and culture in Denmark, irrespective of the fact that nearly all members of the German minority are bilingual and well integrated within the Danish society (Hansen and Matlok, 2004).

Members of the German minority expressed a particular disappointment over the lack of promotion by Denmark, arguing that legislation addressing anti-discrimination was not a key necessity today, given that legislation was already a well-established phenomenon, upheld by the bilateral relations between Denmark and Germany (Johannsen, interview). Some distinction is made between different European-level instruments and their relevance for the German minority. For example, even if the implementation of the EU Racial Directive in Denmark contributed to the Danish anti-discrimination legislation at large, especially by providing a more transparent monitoring process and by setting-up a special body dealing specifically with anti-discrimination (Justesen, 2011), this particular aspect is not of high priority to the German minority, nor do minority members experience any changes as a consequence of Europeanised anti-discrimination legislation. It is the specific terminology which is used in the EU Racial Directive, namely the words *racial* and *ethnic*, which is perceived as less relevant by the German minority in South Jutland. For example, a researcher at a border region institute in South Jutland explains this very perception as follows:

> ...you can't really apply the EU Racial Directive to the minority here, of course,

discrimination is part of the Bonn-Copenhagen declarations and these are in turn also parts of each state's constitution, so I don't think that it is an issue of turning to the EU Racial Directive here. I don't think that there has been a case here that somebody did not get a job based on their minority membership…. (Klatt, interview).

Similarly, other interviewees belonging to the German minority also see less need for altering existing anti-discrimination protection through European legislation and policy as a means to improve the protection of the minority, given that this was well developed in Denmark and secured by the Copenhagen Declaration (Johannsen, interview). In fact, it appears that the consideration of minority members as co-citizens affects how minority rights are prioritised by the German minority members and how minority claims have shifted within the agendas of the national minority group. In a context where equal rights are ensured and protected through existing frameworks, as provided by the Copenhagen Declaration, other instruments that support preservation and strengthen commitments to promotion of their distinct identity are more important.

The arrival at the above level of protection and its contribution to equality needs to be understood from a historical perspective. The Bonn-Copenhagen Declarations of 1955 were declarations of intent (Kühl, 2005a) without being legally binding. In chapter five, we saw that a minority solution in the region of Schleswig emerged at a time when the international and European community deemed it important to have a stable German-Danish border (Lubowitz, 2005). The achievement of regional stability became a condition for (West) Germany's pending NATO application, which consequently promoted the need for good relations between Denmark and Germany. The minority issue also became embedded in these broader geopolitical developments and, in particular, through (West) Germany's NATO accession (ibid). However, despite the lack of legal enforceability of the Bonn-Copenhagen declarations, they gradually fostered tolerance and trust between Denmark and Germany (Nyrup Rasmussen, 1993). In fact, much of the minority politics regarding the two national minorities continues to rely on trust between the two states, which has developed gradually since 1955. It has also proceeded with the development of a good level of understanding on either side of the border (Kühl, 2005a). To what extent this form of politics still matters today and whether it affects Europeanisation will be discussed later.

Minority actors in the region attach importance to the Copenhagen Declaration, by perceiving it as the "key guarantee of minority protection of the German minority" (Jessen, interview). However, this generally high level of satisfaction over equal rights and anti-discrimination does not mean that European-level rules and norms have not had any effect on the minority policy. In fact, application of FCNM and the ECRML has highlighted that Denmark needs to become more proactive in relation to promotion and preservation of the German language and culture in the territories where the minority resides. Similarly, minority members welcome European-level developments that support

such endeavours and that push states towards paying more attention to the existence of national minorities (C. Hansen, interview). In this same vein, the technical removal of the border between Germany and Denmark is understood as perhaps one of the most important factors making the German culture and language more visible and accepted in the region (Toft, interview). By facilitating day-to-day contact with the kin-state Germany, the functioning of German minority schools has also benefitted through removed obstacles for both formal and informal contacts with schools in Germany (C. Diedrichsen, interview). The members of the German minority have also looked for new ways to strengthen their visibility and preservation in the region. As such, what appear to be relevant for them are not only minority-oriented instruments, but also being able to anchor their activity in broader European political developments, but also developments that apply to all EU citizens. For example, the head of the major minority association (BDN) Heinrich Jürgensen, attaches importance to an indirect contribution emerging with Europe's focus on establishing formal cross-border cooperation:

> When you look at the entire picture, cross-border cooperation has grown stronger and more intensive because support for cross-border projects has increased. This cross-border cooperation and more intensive co-working have been largely pushed for and promoted by the German minority and we have actually defined a lot of our existence in terms of that cross-border cooperation. Similarly, we have also taken on the so-called bridge-building function, since we know both sides and thereby we have contributed getting more cross-border projects for the region. So the German minority has served somehow as an idea-maker and idea-contributor and this is a promotional stand that we are taking. That is an important part of the cooperation in general. And in this respect, the EU is supportive and has enabled this to grow as it supports and promotes projects and provides money that stimulates all this. And Europe has grown together through which also the image of each other has improved and the relationships have improved. This cooperation has never been as good as now and this is a positive thing for the minority (Jürgensen, interview).

Although European-level pressure did not necessarily alter, rearrange or replace the content of the Copenhagen Declaration, the Danish authorities have had to reconfirm their commitment to the German minority at a new level. This is, for example, done by having to justify why the German minority qualifies as a national minority, but no other groups in Denmark do. This was required due to the ratification of the FCNM and the ECRML, given that both instruments oblige Denmark to clarify existing minority policy and the guiding principles of its national minority policy. As seen in Chapter five, Denmark has clarified the ways in which it understands that the German minority differs from other ethnic groups in Denmark and why the German minority qualifies as a national minority in contrast to other minority groups in Denmark. Denmark justifies its choice by pointing to the lack of a definition of the notion of national minority within the FCNM, or in any other international instrument (FCNM, DK, State Comment, 2005: 2). With this, Denmark understands it to be a national duty to determine the personal scope of the FCNM through best practice (ibid).

Accordingly, by referring to notions such as *territorial limitation*, *inhabited traditionally*, *minorities created by the upheavals of European history*, Denmark identifies the German minority in South Jutland as a national minority covered by the FCNM (FCNM, DK, State Report, 1999; 2004; 2010). The application of the ECRML is also interpreted using similar reasoning, where it is argued, "In the view of the Danish Government, a national minority is characterised by being a minority population group that above all has long, historical and firm affiliation to the state under consideration – as opposed to groups of refugees and immigrants in general" (ECRML, DK, State Report, 2006: 5). With this, Denmark has set limitations on who counts as a national minority and who qualifies for protection under recent European instruments.

Following articulation of this interpretation, Denmark was asked to provide better grounds for excluding groups such as the Roma, Greenlanders and the Faeroese from the implementation of the FCNM and the ECRML. In particular, the CoE's expert bodies have repeatedly reiterated that the "personal scope of application of the FCNM merits further consideration by the Government of Denmark with those concerned" or that the "restrictive personal scope continues to be of concern" (CoM, DK, Resolution, 2001; 2005). The Advisory Committee also considers that given the historic presence of Roma in Denmark, persons belonging to the Roma community cannot a *priori* be excluded from the personal scope of application of the FCNM (FCNM, DK, AC opinion, 2005: 12). The Advisory Committee also highlights that, in fact, most European countries have recognised the Roma as a national minority and that persons belonging to the Roma in Denmark have indicated that they would like protection under the FCNM (ibid). Similar remarks are raised in the ECRML monitoring, where Denmark has been asked to clarify whether the Romani language is spoken in Denmark (CoM, DK, Recommendation, 2007) and to consider a possible application of the ECRML to Faeroese and Greenlandic (CoM, DK, Recommendation, 2004).

In response to the above, Denmark repeatedly declares that the Roma hold no historic ties to Denmark; that the Roma are either immigrants or refugees; and that not many of them are Danish citizens, which consequently prevents them from qualifying for national minority status when contrasted to the German minority. With this, Denmark articulates the elements of citizenship, historical ties and specific territory (FCNM, DK, State Comments, 2001; ECRML, DK, State Report, 2006) as preconditions in its interpretation of the notion of national minority. In fact, the second state report on the implementation of the ECRML submitted by Denmark indicates, "the Danish Government has to acknowledge that unfortunately the question of the recognition of Roma as a minority language continues to be one of the issues that give rise to disagreement" (ECRML, DK, State Report, 2006: 6). The latest Advisory Committee opinion on the implementation of the FCNM in Denmark repeated its concerns over the narrowness of the Danish position, by claiming that "in

view of the growing cultural diversity of Danish society, the Advisory Committee considers that the protection of the Framework Convention should be extended to groups currently not protected by this instrument if they were to request this at some future date. As such, the Advisory Committee "encourages the Danish authorities to bear this in mind" (FCNM, DK, AC opinion, 2011: 9).

Thus one of the central incompatibilities between Danish and European-level norms and rules revolves around the narrow interpretation of the concept of *national minority.* The identification of only the German minority as a national minority enjoying protection under the scope of the FCNM, and their language under the ECRML, became one of the first, but also key remarks raised by the Advisory Committee and the Committee of Ministers. In fact, Denmark's interpretation drastically limits the application of the FCNM and the ECRML, and possibly also other instruments emerging from the EU level. That is, the demarcation is also likely to inform the Danish attitude when responding to other European-level developments pertaining to national minority groups.

Consequently, scholars also often exemplify Denmark as an exceptional state party of the FCNM (De Witte *et al.,* 2008; Eide, 2008; Heintze, 2005), which can also be extended to the ECRML. The Danish attitude has been described as a "strategic undertaking by which Denmark attempts to limit the potential beneficiaries of minority rights instruments" (Phillips, 2004: 114). The above pressure from the FCNM and the ECRML highlights inconsistency between Denmark and its obligations to CoE norms and rules in general, especially when considering some of basic founding values of the FCNM and ECRML. For instance, Article 5 of the FCNM indicates that the states parties should "undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identities, namely their religion, language, traditions and cultural heritage" (CoE, FCNM, Article 5). Similarly, ECRML is constructed on the idea of promotion, where for instance the entire Part III is devoted to measures aimed at a promotion of regional and minority languages (CoE, ECRML, Part III).

Given the need to justify and clarify the rather limited and narrow application of the term national minority, state activity towards the German minority has also been affected. One of the major implications relates to the fact that promotional practices have been pushed to the fore through the CoE, thus imposing an expectation that Denmark will ensure that public policy is conducted in accordance with the needs of the German minority. Consequently, Denmark's approach towards promotional practices pertaining to German language and culture at regional level has come under close scrutiny, due to the need to clarify why Denmark commits to the protection of only this national minority and not of other minority groups.

Alongside the above-mentioned definitional clarifications/limitations which reconfirmed the status

of the German minority as a national minority subject now not only to protection under Danish law, but also under European rules and norms, closer scrutiny of the German minority's situation has ensued. The article-by-article monitoring of the FCNM has often raised the following conclusions in its reports: 1.) Lack of provision of radio and television broadcasting German language programmes (FCNM, DK, AC opinions, 2001; 2004); 2.) Concerns over potential impact of the local government reforms in Denmark (2004) on the political representation of the German minority at the regional and municipal level (FCNM, DK, AC opinion, 2004); 3.) Lack of awareness and information across local and regional levels on the obligations emanating from the FCNM (FCNM, DK, AC opinions, 2001; 2004; 2011); and 4.) Lack of use of German within administrative authorities and lack of bilingual sign posting (FCNM, DK, AC opinion, 2004). In fact, it is normally a state duty to provide information about the obligations of the FCNM, once a state party commits to the FCNM provisions.

The ECRML monitoring process has raised similar criticisms as the FCNM, with specific reference to the situation of the German national minority language. Besides the issue of narrow interpretation of the instrument, with some substantial concerns over the lack of commitments to the Greenlandic, Faroese and Romani languages, weak resonance is noted regarding the commitment to promote the German language within the public sphere. The Committee of Ministers notes that the German language in South Jutland remains overly limited to private use among minority members. The ECRML monitoring has repeatedly raised the issues of: 1.) Lack of use of German language within administrative authorities (CoM, DK Recommendation, 2004); 2.) Lack of radio and television broadcasting in German (ibid); and 3.) The general use of German in public life beyond the autonomous organisations is limited (CoM, DK Recommendation, 2004; 2007; 2011). In all, most of the recommendations and criticism raised by the CoE so far focus on the weak efforts to promote German culture and language in the region of South Jutland. The lack of support and promotion of the German language appears to be one of the major issues with which the German national minority is confronted today.

The Danish attitude on these issues can be discerned in some of its responses to CoE monitoring. Denmark has repeatedly argued in its state reports on the implementation of the ECRML that a proactive approach towards a minority language policy has not been a priority given that "all members of the minority community are fluent in Danish" (ECRML, DK, State report, 2001). This same opinion has mirrored public reactions in Denmark in relation to the ratification of the ECRML in early 2000. Pre-ratification discussions gave rise to public reactions in which it was claimed that, "given the historical roots that the German minority has in South Jutland..." (Teebken and Christiansen, 2001: 22-23) and the fact the "German minority is bilingual" (CoM, DK Recommendation, 2004), it makes little sense to undertake new supportive measures. Such Danish

reaction gives rise to one of the core incompatibilities with the ECRML, whose key concerns are exactly opposite to the Danish observations and opinion, namely they seek a commitment to the promotion of regional and minority languages in private and public life (see preamble of ECRML), in line with the general desire to preserve European linguistic heritage, ensure the survival of minority and regional languages and to promote cultural diversity (ibid). As such, whether minority groups are bilingual and fully integrated into a society should not be detrimental to their promotion, or for establishing services in order to support the preservation of their identity.

A similar issue was raised in the second state report implementing the FCNM, indicating that "Danish is spoken and understood by the overwhelming majority of members of the German minority" (FCNM, DK, State Report, 2004: 6). This was used to justify the reason for making information on the FCNM available in only Danish and English, but not in German. Members of the German minority have addressed the above opinions in a commentary to the second state report implementing the FCNM, by stating that:

> We are again and again annoyed to hear that most members of the German minority are bilingual. The fact that we are actively making efforts to become bilingual thus turns into a disadvantage for cultivating our German language (Hansen and Matlok, 2004).

Similarly, another minority actor interviewed indicates:

> …yes, one of our main ambitions is to be integrated, which we are nearly fully, but we do not want to be assimilated. That means that we continue to practice our culture and to have our schools and for us as a minority, the main marker is the language. (Jürgensen, interview).

The daily newspaper, Der Nordschleswiger, catering for the minority needs of the German minority also reported in 2004 that the German minority in Denmark has two wishes: to be able to speak German in public matters and to enjoy radio broadcasts in German (Der Nordschleswiger, 2004). The chief editor of the above newspaper confirms that "one needs to set and find a balance between identity and integration, integration does not necessarily mean giving up an identity, but a balance needs to be found" (Matlok, interview).

The issue of language and its visibility thus reflects a minor conflict between the principles of integration and assimilation of the German minority in Denmark. Whereas the German minority had a goal to become integrated in the Danish society following the Second World War, which it has also achieved, that same element has undermined proactivism on the part of the Danish state to fully support the cultural and linguistic uniqueness of the minority. The need for more active state support appears to have become accentuated through recent European-level instruments on national minority rights. It is in this vein that instruments like the ECRML and the FCNM can serve as a reminder to European states, that despite a good level of integration, special minority rights

are still important for the survival of a national minority.

The Advisory Committee is in clear disagreement with Denmark on this point. It is of the opinion "that the use of a minority language in public life, especially in dealings with the administrative authorities, is a key means of enabling persons belonging to a national minority to preserve their linguistic identity and of making those belonging to the majority population more aware of the identity of the minority" (FCNM, DK, AC Opinion, 2011: 18). The second monitoring round on the implementation of the ECRML also raised issues regarding measures undertaken to increase awareness and understanding of German as a regional and minority language in Denmark (CoM, DK Recommendation, 2007). Such a specific recommendation is an indication that a more proactive stance is necessary, which would also contribute to a strengthening of German culture and language in South Jutland, supporting preservation of the minority at large.

Some of the above inconsistency, as raised by CoE's expert bodies during their monitoring processes, has been taken into consideration by Danish authorities responsible for the implementation of the FCNM and the ECRML. In general, Denmark expresses its support for implementation of the norms and rules in relation to the German minority, acknowledging that such rules and norms are significant for the German minority and for the spirit of the Copenhagen Declaration (Kühl, 2005a). Some changes in acknowledgement of this are manifest in a growing number of bilingual staff in municipalities where the minority live, including the provision of public information on the policy of bilingualism (FCNM, DK, AC opinion, 2011), which had been largely absent from many services in South Jutland prior to the FCNM. Many members of the minority interviewed in the region argue that this is one of the main implications of both ECRML and the FCNM. Regarding language, one interviewee argues that the ECRML has contributed to "minority language rights being ensured in the region" (Matlok, interview). Another interviewee attaches relevance to the fact that "both monitoring processes are public and transparent and this reminds Denmark that there is something to consider in the region and that it actually is a national matter" (Johannsen, interview). Similarly, other minority members consider the two CoE instruments as relevant, especially insofar as some minority rights are articulated and delivered in a new way (Tästensen, interview), drawing attention to the use of, and respect for, of the minority language. Regarding the specific use of language, the chief editor of Der Nordschleswiger maintains that:

> …every 2-3 years we have visits from the Committee of Ministers monitoring the ECRML. They test and control whether the minority language rights are supported and promoted and if anything needs to be changed. And as a consequence of these regular Committee visits, many changes and improvements have taken place because it is decided in the Committee of Ministers at the CoE level. And that is of course an important control mechanism on how minority politics are developing in Europe. The CoE is definitely an important player for the minority here. So it is has also turned into some sort of *vice* to the

EU, it all kind of goes together (Matlok, interview).

The criticism that has been raised by the ECRML regarding lack of media coverage in the German language, bilingual signs and public use of German in South Jutland has seen mixed results so far. On the one hand, recommendations from the CoE bodies have culminated in a number of promotional practices by the Danish state, such as increased finances and subsidies by the state. For example, issues which were raised on the lack of broadcasting in German in the Danish media (CoM, DK Recommendation, 2004), resulted in a grant of 250 000 DKK by the Ministry of Culture to be used to pay for broadcasting time in existing minority broadcasts (State Report, ECRML, Denmark, 2006: 11). Beside the distribution of finances, an increased dialogue between the German minority and the Ministry of Culture at state level has been initiated, which shows closer interaction with and attention towards the German minority. The distribution of booklets on CoE norms across municipalities has also taken place (FCNM, DK, State Comments, 2011). At the same time, reluctance and reservation are also noted in relation to an expansion of German-language broadcasting into national-level services. Although the CoE reiterates that Article 9 of the FCNM encompasses creating possibilities for broadcasting in the minority language, state activity has not followed this direction (FCNM, DK, AC opinion, 2000: 8). German language news is commissioned through Der Nordschleswiger and 'Radio Mojn' (FCNM, DK, State Report, 2004: 20), but features insufficiently in the broader Danish media and broadcasts. In a commentary on the second state report by minority members in 2004, conducting private broadcasting is argued to have the following consequences: "...first, it imposes considerable financial costs as airtime has to be brought and second, it prevents, of course, the bringing about of the same media effects as could be achieved if it was an integrated part of the channel 'Radio Denmark' regulated by public law: for example by means of a window programme financially supported by the Danish State" (Hansen and Matlok, 2004). Similarly, a number of minority members highlight the lack of state support and space for broadcasting. For example, the secretary general of BDN explains that:

> ...although Denmark has committed to certain things, these have not been enforced yet, like for instance providing a window in the regional radio broadcasting which has a large audience. Instead the government gave us money to run our own broadcasting in a much smaller window, which has a smaller audience (Jessen, interview).

Thus the possibility of implementing broadcasting within Danish national stations and radio broadcasts has not been taken up. Danish authorities often maintain that, should national radio stations start to broadcast programmes in German, this would mean an interference with the independence of the media (ECRML, DK, Committee of Experts, 2011: 7). The Minister of Culture in Denmark has also raised that the existing contributions done by the national media "provide sufficient coverage of the German speaking minority, as the public service providers are obliged to

offer programmes that reflect the multitude of cultural interests that exist in the Danish society" (ibid: 10).

Another issue which has been illuminated by the CoE is the lack of bilingual signage in South Jutland. At the time of ratifying the FCNM and the ECRML, signs and topographical indications in German in the region of South Jutland were practically non-existent. The monitoring expert bodies have, in particular, reacted to the following view which was expressed by the Danish government in its first state report on the FCNM: "signs are less clear and less readable if bilingual. When aimed at road users, such signs must therefore be considered to have a negative impact on road traffic safety" (FCNM, DK, State Report, 1999). In general, the minority members argue that they would like to have bilingual signs in the region. For instance, one interviewee argues that even if such bilingualism in South Jutland is not the key priority, given that education and financial stability are key priorities, the effort undertaken due to CoE pressure has helped to improve visibility of the language and culture of the German minority in the region (Toft, interview). The latest state commentary by Denmark indicates that bilingual signs are now used in several areas in South Jutland. For example, the Municipality of Aabenraa has installed certain signs with service directions in German, such as giving directions to German institutions and to the German library (FCNM, DK, State Comment, 2011: 9).

Another concern was raised about the risks of undermining effective participation of the German minority at the municipal and regional level as a consequence of local government reforms in Denmark in 2005/6. The reforms initiated by the Danish government, aimed to reorganise Danish municipalities, which implied a merging of several smaller regions into fewer, larger regions. For the region of South Jutland, it meant that the back then 23 municipalities were to be merged into five larger municipalities, as such replacing the former county of South Jutland with a larger region known as 'Region South Denmark' (H.H. Hansen, interview). For national minorities living compactly in specific regions, regional and local reforms can have significant repercussions on political representation. It is a common risk that minorities become 'invisible' in municipal and regional representation when smaller units are merged into larger regions. The problem is also acknowledged in European-level instruments on national minority rights, Article 15 FCNM asks states to create necessary conditions for effective participation of national minorities in fields affecting them. Local government reforms can have repercussions on several minority services and facilities, such as minority education and daycare, which are normally run by well defined regional and local units (Article 15 FCNM). The proposed reform, which implied a significant reduction in the number of municipalities inhabited by the German minority in South Jutland, became perceived as a threat for the political representation of the German minority. As noted by the German *Spiegel*

in 2004, the SP, representing around 20 000 people, of whom the majority are members of the German minority, would have hardly had any chance to be elected into municipal or regional politics (Der Spiegel, 2004). Minority actors in the region also saw the situation as a risk to German political representation at the local and regional level, a first clear risk since the 1920s (Toft, interview). Similarly, it has been described as "endangering the basis of the German minority" (Hansen and Matlok, 2004), and by some as even putting them in "danger of dying out as a minority" (Gerhard Mammen, quoted in Spiegel, 2004). It was posited as one of the most serious risks that could disrupt political and social representation since the Bonn-Copenhagen declaration of 1955, by also affecting deeper sentiments in the region, such as trust and co-existence. The kin-state Germany also expressed its opinion, demanding that Denmark ensures the German minority would not be affected by the reforms (Kühl, 2011). It thus became not only a European-level concern, but also a matter which reintroduced interstate relations.

In search of solutions and ideas on how to solve what was perceived as a threat to the minority and its preservation in the region, the German minority turned to its transnational network, particularly the Federal Union of European Nationalities (FUEN). The German minority looked for examples and solutions of other minorities in Europe which had experienced similar changes. Moreover, the representatives of the German minority also used the content of the FCNM, in particular by referring to Article 15 regarding the safeguarding of participation in matters that affect minorities (Article 15, FCNM). In a comment on the implementation of the FCNM made by the German minority, attention was drawn to the obligation for Denmark to pay attention to the German minority according to the intentions of the FCNM (Hansen and Matlok, 2004). In fact, several interviewees consider that reference to commitments flowing from the FCNM, and in particular to Article 15, served as an important parameter in the discussions and negotiations with the Danish government (Johannsen, interview). Some of the interviewees even believe that the 'threat' of using the CoE level in case of risks of damage to the German minority representation, had an indirect impact on the Danish government in its search for a solution (H.H. Hansen, interview). One interviewee puts it as follows: "the references to the FCNM made Denmark listen to us in a different way" (Jürgensen, interview).

The former BDN chair and FUEN president, Hans Heinrich Hansen, became one of the key activists in relation to the above process of regional restructuring. Being the president of FUEN and also former chairman of the BDN, Hansen made use of his European links in order to propose a possible solution to the Danish government. His position and activism is important for understanding the interweaving process and varied sources of pressure that mattered for finding a final solution, leading to the establishment of a special provision relating to the German minority. Hans Heinrich

Hansen relied on FUEN links as a source of technical advice. Together with other minority actors of the German minority, he framed the fears and dangers of the local reforms with reference to the FCNM clauses, by underlining that their proposals and claims in fact conformed to European-level rules and norms (H.H. Hansen, interview). The final proposal, inspired by the example of the German minority in Hungary, was delivered to the Danish government by proposing a so-called '25% idea' on political participation (ibid), namely an exceptional observatory status. This basically means that a seat is guaranteed to the SP where it obtains more than 25% of votes, but without any rights to vote for the so-called 'cheapest seat'. If the SP does not make it to the threshold of 25%, it will be part of an advisory committee (BDN, 2011a).

The above-described issue of possible risks on the German minority as a consequence of the local government reforms in Denmark also figured centrally in recommendations and comments of the CoE's monitoring bodies. The two bodies not only expressed their concerns, but they also linked the issue to the general intentions of the FCNM and the ECRML. For instance, the Committee of Ministers, in its second resolution on the implementation of the FCNM in Denmark, argued that Denmark needs to ensure "that the implementation of administrative reform does not have any adverse impact on the effective participation of the German minority at the municipal levels or on the system of German minority schools and day care facilities" (CoM, Resolution, DK 2005). Similarly, the Advisory Committee also treated the administrative reforms as an outstanding issue in its second Opinion on Denmark in 2005 under the evaluation of Article 15 of the FCNM, by arguing that appropriate solutions needed to be found in order to ensure effective participation as guaranteed under Article 15 of the FCNM (FCNM, DK, AC Opinion, 2005: 29).

The above example of local government reforms shows how the German national minority in South Jutland was not taken into consideration in initial planning by the Danish government. It also shows that the issue of national minority rights is not always integral to overall public policy and law making in Denmark, at least not as a separate policy concern. However, the issue of local government reforms and the German minority is also the only aspect which has culminated in clear legal changes in Danish public policy pertaining to the German minority and its participation. A special arrangement was established through the introduction of Order no. 869 in 2005, which deals specifically with political representation of the German minority in four new municipalities. It basically meant that the German minority under the representation of the SP, which will continue to run in local and regional elections in those municipalities where the German minority lives, is exempted from certain voting regulations. In those instances where it does not reach the 25% threshold, it is credited with a consultative status (BDN, 2011a). The solution clearly points in the direction of special solutions, based on meeting the demands and concerns expressed by not only

the German minority, but also by Germany and the CoE. Compliance with the FCNM was put to test in this context, albeit implicitly. The exact role played by CoE in this respect is difficult to encapsulate, given the rather soft wording used by the Advisory Committee and the Committee of Ministers, although it is understood by the minority actors of the German minority to have been important. It clearly added strength to position of the German minority by acting as an external 'guardian' through reactions, comments and recommendations, including a general concern for the destiny of the German minority.

Although CoE's monitoring process does not produce enforceable measures, the comments, resolutions and recommendations have gained an important standing in many domestic settings in Europe. Minority experts in Europe often argue that the CoE monitoring process should not be underestimated with regard to its potential to generate pressure on states parties (Eide, 2008: 15). Henrard (2008: 92) also confirms that the monitoring process by the AC is a significant one, as it aims at improving the actual practice of minority protection in European states, not just states coming to terms with legal standards on minority protection. As such, the FCNM holds a clear ambition for the extension of not only special rights but also special practices, by inclining states towards promotional and supportive action.

The CoE often highlighted the issue of state-level support for the German minority, be it technical, symbolic or financial. With this, it became important to reconsider how existing practices could be renewed. Minority representatives that participate in the monitoring processes often argue that the CoE adds important aspects by forcing Denmark to listen (Toft, interview). Moreover, it also gives the Secretariat in Copenhagen a new basis to take on in the Danish Folketing when proposing minority-relevant issues (J. Diedrichsen, interview). The Secretariat arranges conferences and debates on the progress of the two CoE instruments on a regular basis, by bringing together Danish politicians, minority members and even politicians from Germany (Malloy, *et al.,* 2007). The website of the Secretariat contains useful information on Danish commitments to the FCNM and the ECRML, in German and in Danish (see tyskesekretariat.dk). In this case Danish obligations obtained through the ratification of CoE instruments reinforce the issue of commitment, by giving the minority issues more domestic publicity.

At the same time, one factor contributing to the aforementioned alterations is good relations with Germany. Although the Bonn-Copenhagen declarations of 1955 are not legally binding (Kühl, 2005a), they have established a bond between the two countries with regard to the treatment of each kin-minority. As such, the minority issue is incorporated within the overall interstate relations, which in the past have proven to be decisive for how minority rights are accommodated.

Even if interstate relations are peaceful, cooperation has intensified during times of European integration and instability is unlikely, minority issues do appear as an issue in interstate relations. A recent illustration of this was demonstrated in 2010-2011 when the government of Schleswig Holstein cut educational funds only to the Danish minority schools in north Germany, while maintaining the same level of financial subsidies to all other schools (Kühl, 2011). Consequently, the so-called budget cuts became a concern that reached both national levels, as such demonstrating that it is still possible to revive the historical role of the kin-state (Matlok, 2010), it serves as an important point of pressure in relation to upholding state support to each minority group. This issue will be discussed in more detail in chapter seven as an important intervening variable for explaining Europeanisation.

Danish willingness to join European-level developments pertaining to national minority rules and norms also needs to account for the existence of kin-state relations that were established through the Bonn-Copenhagen declaration. That is, the willingness of the Danish authorities to support the German minority reflects an important element of interstate relations, which does not exist with regard to other minority groups in Denmark. For example, the same year that Denmark ratified the FCNM in relation to the German minority, Germany also declared that among the national minority groups that were protected by the FCNM in Germany are the Danes of German citizenship living in Schleswig-Holstein (FCNM, Germany, State Report, 2000: 4). Similarly, as mentioned above, the 2007 local government reforms also demonstrated that interstate relations are not dormant in this case. The German minority is thus the only national minority group in Denmark that has a kin-state relationship and one which is highly relevant and important to Denmark. At the same time, Denmark has taken on an exceptional role with regard to its relation to Roma and Sinti when contrasted to many other European states. Among the Scandinavian neighbours, Denmark is the only country which does not recognise the Roma as a national minority. It is thus an exception with regard to the otherwise successful story of Scandinavian national minority policy responses to the FCNM. It is often argued by experts that the Scandinavian countries have been very successful in implementing the FCNM, as it has led to recognition of new national minority groups (Hofmann, 2013). With the implementation of the FCNM and the ECRML in Scandinavia, a shift is noted in state officials' rhetoric, which now increasingly speaks of minority 'rights' and not only minority principles (ibid). This is a recent development in Scandinavia. Thus given the extensive scope of application in, for instance, Sweden, Norway and Finland, Denmark is clearly an exception which sticks to a historically-established equilibrium that is tied in by kin-state interactions and relations. Although changes are evident in the overall approach towards the German minority in South Jutland, they would have most probably been different in the absence of the historically established

bonds to Germany, the lock-in effect of the Copenhagen Declaration and the nature of the relations between the two countries. This is indeed also upheld by the good relations between minority and majority at the local and regional level which have evolved since the end of the Second World War. One interviewee highlights that in the case of legal changes and introduction of more protective measures:

> I need to say that we are living in a positive minority climate where we have worked out together with the Germans and Danish some good agreements and there the EU is actually far behind. I rather think that the EU can learn more from us, and not the opposite (Johannsen, interview).

A final factor in the above compromise is the way in which European-level norms and rules are internalised by Danish authorities and what kinds of outcomes are produced with this. In general, there are several instances of 'downloading' and 'copyism' of European-level rules and norms on national minority rights by the Danish authorities. Although Denmark has committed to some of the major developments, its commitments rarely extend beyond mere absorption into more transformative effects. European-level instruments are supportive of deeper transformation and an expansion of state commitments to national minorities, which in principle is also about replacement of existing frameworks and practices. Denmark has made some reforms to existing (German) national minority policy; however, this has not meant that the reforms have replaced older practices of the policy. For example, what often appears across the different reports is that "there is no reason to amend legislation in Denmark", "no need to engage in translation or administrative assistance in German due to high degree of bilingualism among the German minority" or to "extend the national minority criterion to groups which are formed through other processes than upheavals of European history". There is a two-fold reason for this attitude in Denmark. For one, many European-level instruments on national minority rights leave substantial discretion to states to freely decide upon which groups the instruments should apply to (Weller, 2008: 2). Secondly, Denmark's performance vis-à-vis some European level requirements has sometimes followed the path of selectiveness and caution, which is mitigated by an existing paradigm on national minority rights with a unique historical and interstate significance. Beside the exclusion of Roma as a possible national minority group in Denmark, a similar development is also evident in recent approaches to immigration and asylum policies in Denmark (Green-Pedersen and Krogstrup, 2008). At the same time broad definitions and vague norms, which could be useful for national minority groups, are also criticised by Denmark, especially in relation to Protocol 12 ECHR, which has still not been signed because of the Danish view that it provides too broad an understanding of discrimination. Thus the outcomes in Denmark rest on a weakness among the European-level norms and rules pertaining to national minority as a factor which allows Denmark

to pursue a narrow compliance model. However, we have also seen how Europeanisation is easier where kin-state relations are established and upheld by some sort of 'contract'. It is also under this condition that Denmark is giving Europeanisation a chance, by acknowledging the relevance of some European-level promotions with regard to the German minority. It thus needs to balance its rejection of extending norms towards other groups, with staying open to extending some practices to the German minority in South Jutland.

An important political value was established in 1955 with the Bonn-Copenhagen Declarations, which has been paramount for sustaining good relations as the necessary guarantees were given to the two minority groups. As such, good interstate relations with Germany have also been an important element in the overall compatibility between European and domestic norms with regard to the German minority, but also one of the reasons for the willingness to engage with additional commitments and changes stemming from the EU and the CoE.

When contrasting the domestic and the European levels in the context of the German minority in Denmark and the Danish minority approach, there is not much pressure for change due to a fairly good fit between European-level rules and norms and the Danish minority model applicable to the German minority. As seen above, this does not necessarily mean the maintenance of status quo or a lack of domestic change. Instead of expansion of rights and introduction of new frameworks pertaining to the German minority, there is, firstly, a confirmation of existing rights, confirmed through the delimitation of the scope of application of the FCNM and the ECRML to only the German minority. With this, the existing framework in the form of the Copenhagen Declaration has been accompanied by a number of promotional practices within public policy. European-level norms and rules have especially motivated the Danish government to think of norms beyond the Copenhagen Declaration and to accept that there is also a European-level source to be considered. At the same time, there is also a greater expectation among minority actors of more proactivism by the Danish state in order to ensure that FCNM and ECRML undertakings are fulfilled. Along with the kin-state, the CoE can also be understood to have served as a 'counter-measure' against domestic developments or ignorance, as illustrated during the process leading up to the local government reforms in 2007, by raising the issue in its monitoring process. Thus, the three-fold pressure from the kin-state, Europe and from the German minority induces Denmark to react and stretch some previous practices.

Given that issues have been raised through CoE monitoring, especially those regarding weak language promotion in public life, broadcasting and bilingual sign posting, has also had an impact on the minority members, adding a new inspiration and motivation to pursue demands in these

fields. From the perspective of the minority actors though, it is in particular the improved majority-minority relations Denmark's EU membership and the removal of borders following the introduction of the Schengen Agreement, that have provided some of the most important 'real life' effects of European integration. There is a fair consensus that the Schengen Agreement has been the European-level development with the most important direct implications for the German minority. For instance, one interviewee argues:

> The opening of the borders has made an important change. Prior to the opening of the borders it was pretty evident that communication between the two groups of people was different and that has changed a lot throughout the last years (Grella, interview).

He also reiterates that Schengen has had consequences by making the minority much more visible in the region (ibid). Other minority actors also considered border removal significant for the overall positioning of the minority as it has enabled a context for cross-border activity to flourish and for closer ties to Germany. With easier contact with the German media, culture and societal life across the border, the German identity of the minority group in South Jutland is also argued to have benefitted (Johannsen, interview). As such, Europeanisation seems to be played out more directly in the very border region, rather than at the level of governmental public policy. Importantly, daily practices of the German minority have become easier, in particular through cooperation between Germany and Denmark in the borderlands on several levels (Teebken and Christiansen, 2001: 23). As already concluded by other studies (Malloy *et al.*, 2007; Klatt, 2005), the two governments agree that the process of European integration has been a beneficial development for minority policy in the German-Danish border region. Whereas it has been beneficial for the maintenance of existing minority models, it has also been important for anchoring more recent regional development in European-level principles. The achievement of good relations and stable borders has been a gradual process, which involves not only several actors, but it also reflects European developments.

In sum, the compatibility of national minority policy at the European and Danish levels became evident in the early 1990s, in tandem with general shifts on national minority rights among European institutions (and internationally) (Jackson-Preece, 1998; Malloy, 2005a). Chapter five established the case of the German national minority, showing that pressure from Europe on Denmark is not very high. But European-level rules and norms have contributed to showing the policy conducted in relation to the German minority in a new light. What appears to be low pressure and good compatibility between Denmark and European-level norms and rules needs to account for several decisions made by Denmark vis-à-vis European-level understandings of national minority rights. Relatively good conformity on the part of the German minority is largely upheld by a historical context in which interstate relations have contributed to the achievement of a

context of trust. The specific historical relationship between Denmark and Germany has also contributed to the recognition of the German national minority, by introducing national minority policy and minority rights into Danish law. At the same time, higher pressure is applied on Denmark's understanding and recognition of national minority groups. This paints a controversial picture of Denmark. Whereas Denmark is a fairly good performer in the context of the German minority, it is at the same time criticised for its reluctance and distinct attitude towards encompassing principles of pluralism and recognising other historical minorities in Denmark. However, given that this thesis looks specifically at the German minority in Denmark, some practices which are specific to this minority group have also been shown in a new light. This is in turn argued to be reinforced by the Danish limitation on recognising only the German national minority, for which Denmark needs to demonstrate why the German minority deserve differential treatment and special rights but not other groups in Denmark.

The Danish commitments undertaken in relation to European-level minority rights reflect a selective and careful approach, characterised by narrow interpretations, careful application and reservations, something which can be contrasted to Radaelli's notion of simple coping or simple learning (Radaelli, 2003: 39). One of the key reasons why Denmark took a narrow and careful commitment to European national minority rights is rooted in the existence of a well-established unilateral framework which guarantees the necessary protection of the German national minority. That is, while the Copenhagen Declaration of 1955 provides a solid basis for necessary minority services by guaranteeing protection to the German minority in South Jutland, it also undermines some of the readiness to move beyond that status quo in the overall Danish national minority policy. Thus, what at first glance appears to be an instance of low misfit between the Danish minority policy and European-level norms and rules, needs to account for the distinction between a *German national minority policy* and that of a *national* minority policy in general. Only by understanding the two distinct forms within the Danish national minority approach, including how they developed, is it possible to establish the degree of Europeanisation once European-level norms and rules interact with domestic and interstate elements. Similarly, it is also the existing minority policy that affects the way in which Denmark embraces some of the recently developed European requirements on national minority groups. Given generally peaceful relations which have given the German minority several freedoms as a distinct group in Denmark, it has often been assumed that this good 'minority arrangement' is not necessarily in need of any specific alterations or change. Even the literature has argued that several European-level developments in the ambit of national minority rights principles fall short of the statements of intent made in the Bonn-Copenhagen declarations (Malloy, 2005: 188). However, such a critique has not necessarily addressed current

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European-level instruments which are promotional in nature, requiring state bodies to become more active and engage in the promotion of minority language and culture. For example, both the FCNM and the ECRML, to which Denmark is party, incline towards more proactivism on the part of state authorities. In fact, proactivism in Denmark on the part of the German minority can even be argued to have become inactive, if not even dormant, largely due to the assumptions at the national level that the German minority is a well-integrated and protected community (State Report, FCNM, Denmark, 1999), but also given that the Copenhagen Declaration fulfils most central minority demands. Similarly, CoE instruments often remind state authorities about how broader changes of domestic policymaking and legislation can harm national minority groups directly or indirectly. At the same time, at the EU level, a similar approach has emerged through the attachment to cultural diversity enshrined in Article 167 TFEU and now in Article 22 of the Charter. They highlight that cultural diversity is a principle which should be embraced by the member states (Article 167, TFEU; Article 22, Charter).

6.2.2 Romania: high, but *exceptional* pressure and gradually constructed compatibility

Recently, Romania has been described as an ideal model of national minority rights in Europe (J. Diedrichsen, interview). Some argue that it even has one of the most comprehensive national minority policies in Europe (Hunor, 2012), and one interviewee even exemplifies Romania as a "positive example on how to deal with minority questions in post-1989 Europe" (Ferenc, interview). Melanie Ram (2009) also poses the question of whether the development of a national minority policy in Romania is one of "from laggard to leader". It is justifiable to make such claims, in particular regarding the progress made over the last 20 years in Romania.

What started as a paradigm of assimilation in the early 1990s has seen the gradual incorporation of special minority rights within the public policy domain in Romania. Some research has made a distinction between three phases in the development of Romanian national minority policy. Horváth (2011: 491) views these three stages as follows: 1990-1996 as one of political ethnic-nationalism; 1996-2000 as one in which bargaining about the change of direction in minority policy took place; and 2000-2010 as a period in which public policy procedures started to develop in support of minorities. Gallagher also understands the period 1990-1996 as one which largely undermined ethnic pluralism, by rather conducting an assimilative mode of national minority policy (Gallagher, 1995). Although the third phase as suggested by Horváth is characteristic of the high level of institutionalisation of minority rights as discussed in chapter five, a number of important issues have still not been solved regarding the claims of the Hungarian minority in Romania. One important reason for this links to the historical development of the region when

large parts of the Hungarian people became minority groups in neighbouring countries to Hungary. Ever since, the agenda of the Hungarian minority in Romania has returned to ideas of how to retain full control over territory and minority-related affairs. Such desire is also the backdrop for the still-pending draft law on national minority rights currently in the Romanian parliament. Both Hungarians and Romanians consider that the reason for not ratifying the law is intrinsically linked to the notion of cultural autonomy. For example, the head of office of the Department of Interethnic Relations (DIR) in Romania explains the problem as follows:

> The draft law would provide a framework, as we don't have a law on minority protection. This law would put all existing regulations under one common framework and in one document. You can always easily change certain provisions of some laws, like education and culture, by modifying these laws. But having a separate law that includes all provisions, one point can make it harder to take the already existing measures. This is why the Hungarians are fighting for having this law adopted. The law also includes cultural autonomy, which already exists but this law would give it a legal framework. Since 2004, it is an ongoing struggle. In 2005, the law was handed into Parliament and to the senate. The senate returned it to the chamber of deputies, asking for more provisions, and this is where it has stayed since then, nothing has happened. But it would provide cultural autonomy and legal background, as a new basis and this is where most problems are encountered, as they don't want this (Janosi, interview).

Several draft laws have been drafted since 1993, but they have repeatedly failed to gain acceptance in the Romanian Parliament, whereas other minority-related legislation has been passed. Yet, even if this issue handicaps a full transformation, one should not discount other essential developments in Romania's national minority policy, where current conditions correspond well to the above suggestion by Horváth (2011: 491), namely a model in which public policy procedures have developed in support of national minority rights. In order to understand what accounts for the pace of change in this particular context, one need to consider the role played by Europe and its intersection with domestic factors, including the role of interstate relations specific to the Hungarian minority. There are in fact few policy areas where interstate relations are so present as in the case of minority rights, and in particular with regard to the Hungarian minority and Hungary as a kin-state.

Despite a highly challenging negotiation process at the domestic level which ensued with the democratisation process and nation-building throughout the 1990s, European-level rules and norms accounted for an important share in the change. Romania moved from the non-existence of minority issues within the overall public policy to the integration of numerous minority provisions within the overall Romanian public policy. The overwhelming desire to 'return' to Europe (Grabbe, 2006: 100), established a momentum which incorporated pressure from not only the EU and the CoE, but also from the NATO and the OSCE. Although it can be difficult to disentangle the precise

activities undertaken by each organisation in the early 1990s, different organisations have mattered during particular points in time and some of them still do. As seen in chapter five, European-level pressure has been mostly channelled through the EU and the CoE in Romania throughout the 1990s until the mid 2000s. CoE monitoring continues through the ratification of both the ECRML and the FCNM by Romania, whereas the EU membership has a more multidimensional impact and will be discussed in more detail below. NATO and OSCE also played a role in the early 1990s, largely under the principle of ensuring regional security and eliminating risks for ethnic conflict. NATO, for instance, undertook a diplomatic role by pushing Romania and Hungary towards signing a Treaty of Friendship in 1996 (Bárdi, 2011b). The preceding Treaty negotiations, however, demonstrated well the weight minority rights have in interstate relations, especially as the negotiations between Romania and Hungary provided an incentive to affect each other's domestic national minority policy. In fact, an earlier version of the treaty between the two countries had been rejected by Hungary because it lacked content on minority rights (Galbreath and McEvoy, 2012: 156). However, as improved dialogue between Hungary and Romania became the interest of both the EU and NATO, these organisations helped to guide both states towards a solution. This process marked the importance of kin-state relations, which continued to matter in future Europeanisation processes. Just as in the case of Denmark, some of the changes in Romania's national minority policy demonstrate a close interaction between domestic and interstate developments, which also helps to determine the overall Europeanisation process.

The early 1990s were characterised by low compatibility between Romania and European-level norms and rules due to the absence of a minority rights model in Romania, largely as a consequence of the legacies of the former Communist regime. As aforementioned, policies on minority protection initiated by the first post-communist government differed considerably from what today characterises European-level minority rights, upheld by joint efforts of the CoE and the EU (but also other organisations). The first elections held after Ceausescu's collapse in 1989 culminated in the installation of a nationalistic government, which became devoted to a nation-building project, largely to the exclusion of national minority rights (Csergo, 2002; Deets, 2002). This first government coalition consisted of many politicians from the former communist regime, forming the so-called National Salvation Front (NFS). Here one needs to reiterate that several actors of the new government had been part of the Ceausescu regime, which focused on assimilating Hungarians in a policy aimed at eliminating the Hungarian threat (Galbreath and McEvoy, 2012: 157). Thus, although the new government did not necessarily try to reproduce the earlier policy of assimilation, it also did little to introduce new measures, and engaged in a nation-building process in favour of the Romanian language, culture and traditions (Horváth, 2011). Moreover, the threatening vision of

the Hungarian minority did not vanish among Romanian politicians. In fact, and as will be shown later on, it took longer to overcome earlier perceptions, which still prevail today, at least with regard to the final piece of legislation on the Draft Minority Law in Romania. Yet the combination of both prevailing communist legacy and the nationalist agenda of the early 1990s sat uncomfortably with the idea of special minority rights as encouraged through Europe.

The most critical juncture when the prevailing status quo of the early 1990s began to be challenged, and which attracted European and international attention to the minority issue, emerged with the eruption of ethnic clashes between Romanians and Hungarians in the city of Tirgu Mures in March 1990 (Szarka, 2011). Romania was the first place in Central Eastern Europe which demonstrated the risk of serious ethnic conflict. The ethnic clashes in Tirgu Mures resulted in six deaths and almost 300 injuries (Nine O'Clock, 2011). One central grievance behind the violence was unfulfilled demands for education in the Hungarian language, a right that had long been denied throughout the Communist regime. Beside concerns to revive language usage and regain Hungarian-owned property which had been confiscated by the Communist regime (Galbreath and McEvoy, 2012), the education issue was one of the central claims made by the Hungarian minority in post-communist Romania (Ram, 2009: 183). These demands were, however, hampered by the immediate post-communist nation-building process. With the escalation of ethnic conflict in Yugoslavia at about the same time, the incident in Tirgu Mures grew to an international concern. At the same time, pressed by the kin-state Hungary, the issue of minority rights was not only incorporated within the overall democratic development of Romania, but it also became an issue of geopolitical concern to the international community in the early 1990s.

Throughout the latter half of the 1990s and the 2000s, a substantial number of gaps between Romanian and European minority policy regimes have been closed. Such processes not only helped to lift Romania from a state of inertia towards a position of strong accommodation of minority rights, but they also helped to establish a relatively sustainable, but diversified, framework at the domestic level to deal with national minority rights. It is only possible to understand the process of domestic change by contrasting the starting point, namely the immediate 1990s, with the achievements that have been put in place up until the present day. The process of change has not been smooth and it involved a complex interaction of different variables and actors, including exceptional pressure to introduce new concepts and institutional bodies. Regardless of whether one wants to understand the implications of such changes on the Hungarian minority or any other minority group in Romania, it is the Hungarian issue which provided the essential dynamics surrounding the process of change in national minority policy. For example, as seen above, it was the Hungarian minority which attracted the first attention from international actors in the early

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1990s, as such embedding minority rights into the democratisation process from early on. Similarly, due to the kin-state linkage, stability concerns and the resultant solutions with implications for the overall minority policy in Romania were also promoted through the Hungarian minority. And, the Hungarian minority demonstrated some of the activism among all minority groups in Romania at that time. In all, the case of the Hungarian minority is well suited to demonstrate not only the pace of change, but also the role that specific intervening variables play in linking European-induced pressure to domestic change.

Despite early statements that European integration was one of the key foreign policy goals by Romanian politicians (Ram, 2003), it was not until the mid-1990s that the major signs of a functional democracy were installed in Romania, namely elections in November 1996 (Geoana, 1997: 17). A new left-wing coalition was formed, which included representation of the Hungarian minority in the form of DAHR. It was the first time that the Hungarian minority was represented in Romanian government. The new government confirmed that NATO and EU membership were the major foreign policy goals of the new coalition (ibid). It also made a new commitment to the reconstruction of policy choices and public policy procedures, in favour of a more pluralist approach (Csergo, 2002: 13). Introduction of new policies and legislation followed the change in government in 1996 and public policy started to be drafted to include considerations of national minority rights. It is also during this same period that the 'beginning of the change of direction in minority policy' was observed, which contrasted considerably with the earlier 'political ethno-nationalism' principle (Horváth, 2011: 491). Similarly, this government's commitments to join both NATO and the EU, or as Grabbe (2006: 100) puts it 'to return to Europe', started to determine domestic developments to a much higher extent than the first government. It is also in this period that changes in domestic minority policy started to coincide with European-level pressure.

The change in government, and in particular the inclusion of DAHR, was in itself a development welcomed by European institutions, especially by the EU (State Report, Romania, 1998). In general, the very fact that DAHR was invited to join the government was indicative of a more minority-friendly climate (Constantin, 2007: 84). This was understood by some political actors at the time as important for the overall international reputation of Romania, but also as a good example for Europe (Ram, 2003: 38), by showing that Romania was taking care of its ethnic relations. However, DAHR's presence in government also helped to accelerate a complicated, but effective, process of Europeanisation. The overall process, which helped to lift the Romanian minority policy from a state of inertia, can be understood in terms of gradual change combining new legislative reforms, shifts in policy choices and public policy procedure changes.

A few changes that had been initiated in the early 1990s by the first government should be also mentioned. Changes in the Romanian constitution were introduced already in 1991, in which the first government established the notorious provision granting a parliamentary seat to all national minorities (Horváth, 2011: 491). Law No. 68/1992 on the election to the Chamber of Deputies and the Senate provided each national minority with one mandate in the Romanian parliament (Article 4, Law No. 68/1992). Consequently, through this law, each national minority that gained a seat in the Parliament also became *de facto* recognised as a national minority, culminating in 20 minorities gaining the status of national minority following the first elections (Constantin, 2007: 82-83). This development of parliamentary representation has been described as a process in which "it had become customary to accept ethnic minority organisations as political participants and to support their representation in Parliament" (Horváth, 2011: 494).

Moreover, in 1993, all national minorities which held a seat in the Parliament were given the opportunity to articulate their interests through the newly-established Council of National Minorities. This body was given consultative status in relation to the Government of Romania (Horváth, 2011: 475). However, although the Council was composed of representatives of national minorities, during the first nationalist coalition, its function remained largely symbolic, rather than being a source of effective minority politics (Constantin, 2008: 140). Both reforms above are argued to have been instances of a showcase for the benefit of the West, aiming to demonstrate that Romania was committing to the development of a national minority policy at this time (Ram, 2003; Sasse, 2004). It was argued that what appeared to be beneficial to minorities was the mere result of a will to produce 'good performance', with little actual relevance and effectiveness for national minority groups (Sasse, 2004: 75-75; Csergo, 2002: 13). Interviewees also argued that parliamentary presence for national minorities sometimes signalled a misleading development in that it made European actors think that the situation was good. For example, a member of the Hungarian minority argued that:

> ...by being in government, for all those years, having ministries and so on, made Western politicians and Europe think that the minority question in Romania had been solved [....] Western politicians could not understand that the situation is bad when the minority sits in government and has ministers (Sandor, interview).

Similarly, DAHR is also argued to have given the new coalition of 1996 international credibility in relation to the overarching commitment to European integration (Bárdi, 2013c: 528). As such it helped to show that Romania was well on its way in the process towards European integration. One DAHR member further explained "Romania felt that they needed to prove the fact that they are very open and that we are, in government, equal to everybody" (Hegedüs, interview). The president of the first post-communist coalition, Ion Iliescu, also expressed publicly that "Romania commits itself

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in directly assimilating European standards" (Iliescu, 1995), by referring to the reforms which allowed national minorities to join Parliament and to be represented in the National Council. Another spokesman of the Romanian mission responsible for the negotiation talks also pointed out to the EU Commission that "the Hungarian minority is part of the coalition government… it is represented in all the structures of the state, including ministers and state secretaries" (EU observer, 2006).

Further examples of 'goodwill' performance were demonstrated in the quick passing of legislation, such as a new education law, passed in 1995 (Law No. 84/1995), just one month before the submission of the application for EU membership (Ram, 2003: 43). In fact, a few years earlier both the OSCE and the CoE had expressed their concern over the lack of proper education legislation which could help to accommodate minority education (Galbreath and McEvoy, 2012). However, the education law of 1995 had restriction on minority rights, and especially on some of the essential claims of the Hungarian minority. For example, it restricted teaching in the Hungarian language and the establishment of a Hungarian University (Constantin, 2008). As seen above, it was precisely these claims that had led to the eruption of violent clashes in Tirgu Mures in 1990. A Hungarian university has been one of the major demands among minority actors of the Hungarian minority. This issue touches upon another highly delicate element, namely the issue of language, especially as the demand for minority education among the Hungarian minority means "education *in* the mother tongue and not *of* mother tongue" (M. Attilla, interview). Thus, even if the above reforms marked important steps towards the alteration of an otherwise stagnant minority model and policy, the reforms had little significance for the Hungarian national minority in Romania. Given the large size of the Hungarian minority, its demographic weight in significant parts of Transylvania and the goal of protecting, preserving and promoting its minority culture, language and even to ensure political participation in order to fulfil its goals, DAHR considered that changes were necessary across several and in specific public policies clauses. Thus, the key concerns of DAHR in 1996, in tandem with their entrance into government, revolved around an assurance of language rights, education rights and political participation for not only the Hungarian community, but for national minorities at large (Horváth, 2011).

The arrival of DAHR in the Romanian government as a representative of the Hungarian minority is in itself an interesting development which deserves closer examination, and will be central in several sections of this dissertation. One primary change following the formation of the new government coalition was the establishment of the so-called Department for Interethnic Relations (DIR), dealing specifically with minority questions. The department was led by a minister belonging to DAHR. DIR has had, and in fact still has, a significant role at the level of executive power as it can

initiate important draft decisions, it exercises rights of endorsement and countersignature in the case of draft decisions submitted by governmental departments, and it supervises compliance with minority protection laws (Horváth, 2011: 496). This institutional reform was not demanded by the EU or the CoE, nor was it an integral part of the Copenhagen Criteria. However, it did occur in accordance with the general concerns expressed about Romania's democratic development and as such was a timely development. Moreover, DAHR members realised early on that the best way to achieve their goals was through governmental presence, for which they mobilised into a political movement on the same day as the communist regime collapsed in 1989 (DAHR, 2012). A second goal of DAHR was to work for Romania's EU accession (Béla, 2004). One of the DAHR members, also active in the European Parliament, explained how DAHR actually introduced the idea of the EU into Romanian politics in the early 1990s, by pointing out that "we were the first organisation in Romania that started to speak about Europe" (Vincze, interview). According to Lorant Vincze, nobody else looked towards the EU in a serious way in Romania in the early 1990s (ibid). Within that context, he explains the role of the DAHR as follows:

> Before accession, we had several times visits from the secretary of state for European integration in the Romanian government. So we embraced the EU project at the political level. But also by proposing laws and forcing Romanian political parties to become more European, because it is a thing of mentality and not just what you do and what kind of legislative action you take. You have to change the mentality of people (ibid).

Many DAHR members themselves share the opinion that their inclusion in the Romanian government has made an important difference to Romania's EU accession process (Sógor, interview). Their contribution can be understood along two major dimensions. For one, and as seen above, their presence in government signalled that majority and minority relations were developing in a positive direction, as such relieving concerns over instability and ethnic conflict as feared in the early 1990s. And secondly, their activity contributed to the gradual, albeit difficult, establishment of a more minority friendly environment, which facilitated realising several EU accession political criteria requirements. In 2004, three years before Romania's EU accession, Marko Béla, the former president of DAHR, was elected Deputy Prime Minister responsible for Education, Culture and European Integration (DAHR, 2012). Moreover, the above-mentioned DIR, also headed by a DAHR member, became an important link between the CoE instruments and Romania. The head of DIR, Marko Attila, explains how he and his organisation have been active in not only the implementation of the Copenhagen Criteria, by also in promoting the adoption of minority legislation:

> In the department here we were the key structure in government promoting the law on education in 2005. And also the law on public administration in 2001 which was necessary for EU accession. So these laws were prepared in this house and department mainly (M.

Attilla, interview).

Moreover, he also explains "thanks to DAHR's governmental presence, we could influence how European-level funds were flowing in Romania, by trying to direct them towards minority inhabited regions, which was not the focus of other politicians" (ibid). Thus even if the entrance of DAHR into government did not solve all minority issues, it corresponded to the historical achievement of co-existence and was important evidence of progress, for which the European integration process was an important inspiration.

Since the establishment of DAHR in 1989, it has espoused strong European aspirations (DAHR; 2012). These grew stronger as it started to establish transnational links throughout the 1990s, such as to the EPP, FUEN, the Unrepresented Nations and Peoples' Organisation (UNPO) and to other Hungarian minorities in Europe. In fact, DAHR became a member of the former EDU (today EPP), several years before Romania joined the EU (Bárdi, 2013c: 526). Similarly, as the communist regimes collapsed, the contacts between the Hungarian minority in Romania and its kin-state Hungary gained a new dimension and intensity (Szarka, 2013). With improved relations between Hungary and Romania, following the signature of the Treaty of Friendship, interstate relations between Hungary and Romania also improved. This was supported by shifts in the Romanian approach to minority protection, which had been demanded by Hungary during the negotiation phase of the Treaty of Friendship in 1996 (Galbreath and McEvoy, 2012: 157). Moreover, the growth of links followed more emotional paths between the Hungarian minority and its kin-state. That is, while Hungary shared an interest in general cross-border interaction, it also saw it as an opportunity to revive older ideas of reunification with its kin-people, a vision also expressed towards the Hungarian minorities living in Serbia and Slovakia (Csergo, 2002). Interest in the neighbourhood and in Hungarians abroad was politically loaded to both Romania and Hungary (Galbreath and McEvoy, 2012: 157). Whereas Hungary saw an opportunity to become reunited with its kin-minorities through the process of European integration, Romania, on the other hand, considered the post-communist environment as threatening to the unity of Romania, given the risk of old ideas for reunification of Hungarians gaining new life (ibid). NATO stepped in with diplomatic advocacy, and succeeded in embedding good neighbourly relations into both the EU and NATO accession of the two countries. It was no coincidence that the Treaty of Friendship between Romania and Hungary placed some of the strongest focus on the inviolability of borders and treatment of minorities. Over the years, Hungary gained an even stronger attraction force among the Hungarian minority in Romania (and in other neighbouring countries), as it came to be considered as much more prosperous and closer to Europe throughout the late 1990s and early 2000s (Borbély, interview).

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As Romania began its EU accession process, the Copenhagen Criteria and Commission monitoring often raised issues of compatibility between domestic and European-level norms and rules. Conditionality in general builds on the idea of adaptation and transformation of political objects and standards (Grabbe, 2006). Moreover, it is also argued that enlargement and adaptation are interlocking processes, as accession states need to prepare themselves to cope with new systems and norms (Geoana, 1997: 15). Transposition of the Copenhagen Criteria involved several overlapping factors alongside EU-induced pressure. As seen in chapter four, minority rights were seen as part of the proof of democratisation throughout Central and Eastern Europe by the EU (and CoE and OSCE a few years earlier), so that minority questions became an important goal in the fulfilment of the Copenhagen Criteria (Ram, 2003). As the EU embedded 'respect for and protection of minority' within the accession criteria, it made minority questions more salient to the 1996 government coalition which aspired to join the EU. Improved minority rights were one of DAHR's major goals, whereas the remaining Romanian political elite shared an interest in EU accession.

Two relatively fast legal changes touching upon minority questions took place alongside the early Commission reporting process of 1998. Ever since the restrictive Education Law of 1995 was introduced by the first post-communist government, DAHR was determined to transform this law. However, the issue of minority language and education proved highly contentious, even within the new government coalition (Constantin, 2007: 85). In fact, it is even argued that commitments to minority rights were not taken seriously by the new government (Deets, 2002; Horváth, 2011) and were prone to fractious negotiations. DAHR presented a new draft of the Education Law as it entered the government, which however failed to garner sufficient support and be passed in Parliament (Bárdi, 2011c). However, the first report and opinion by the Commission evaluating Romania's EU membership application in 1997 coincided with approval of the Education Law in Parliament in the form of an emergency ordinance (ibid). The amended law satisfied one of the Hungarian minority's key claims, namely a right to use their language at all levels of education, as such education *in* the mother tongue (Law No. 36/1997).

A similar process preceded the negotiations of a new Law on Public Administration, also adopted through an emergency ordinance in 1997 after long and complicated government negotiations (Ram, 2003: 44-45; 2009: 182-183). The amended law provided a right to use minority languages in public administration in those communities where at least 20 percent of the population belong to a national minority. This latter amendment is highly relevant for a national minority like the Hungarian one in Romania, given its demographic weight across several communities in Transylvania, providing a good basis for both preservation and promotion. Thus, while both laws had been strongly demanded by the Hungarian minority ever since its entrance into the Romanian

government (Sasse, 2004), they were strongly opposed by the other parties in government, as well as by still strong opposition parties, who feared that this would significantly extend minority rights in Romania (Ram, 2003: 44). However, the timing of their adaptation and the use of emergency ordinances, despite ambiguous negotiations and disagreements, occurred in tandem with the Commission' monitoring of Romania's membership progress. In the Opinion evaluating Romania's membership application, the Commission reported, "a new education act should shortly replace that of June 1995 which limited the scope of teaching in a minority language and increased the percentage of teaching in Romanian" (State Report, Romania, 1997: 43). This signalled a recommendation by the Commission in which Romania was expected to change the law. When early Commission reports are contrasted with final reports, the issue of the Hungarian minority appears less, and is rather replaced by concerns over the Roma minority. Regarding the Hungarian minority, the Commission observed the changes as *successful reforms* and *satisfactory achievements* (State Report, Romania, 2000; 2001).

Besides EU conditionality arising from the Copenhagen Criteria, Romania also had to implement the *acquis* in order to qualify for EU membership. Regarding minorities, Romania had to align domestic anti-discrimination legislation to the principles laid down in the *acquis*, especially transposition of the Racial Directive into domestic legislation. In 2000, Romania adopted an Ordinance on the Prevention and Punishment of all Forms of Discrimination, which became law in 2002. At the time, it was argued that with this law, Romania provided the most comprehensive anti-discrimination framework among EU candidate states at that time (Open Society Institute, 2001: 393). Romania had in fact gone furthest with regard to the introduction of positive action, moving beyond the scope of grounds recommended in the Racial Directive (State Report, Romania, 2003). Similarly, the Racial Directive required the establishment of an equality body for the promotion of equal treatment and for ensuring the implementation of the Directive (Article 13, Directive 2000/43/EC). In 2002 the National Council for Combating Discrimination (NCCD) was established, which also made Romania the first candidate country to introduce an equality body to deal with anti-discrimination issues. In 2001 the Commission welcomed this development by pointing out that it had "proved impossible to enforce anti-discrimination legislation without such a body" (State Report, Romania, 2001: 28). In 2003 the Commission noted that the NCCD "has made significant progress during its first year activity and the issuing of decisions sanctioning cases of discrimination has been an important demonstration of its authority" (State Report, Romania, 2003: 22). More precisely, "since NCCD started its activities in 2002, it had received over 450 petitions, carried out 37 investigations and applied sanctions in 31 cases" (ibid). The NCCD is staffed by a DAHR member, who explained that:

NCCD implements the two EU directives and other international agreements and conventions on the protection of national minorities. Our main activity focuses on prevention and combating of discrimination. Prevention means raising government campaigns, training and education in the field of anti-discrimination for general groups such as citizens, schools, workers, judges, and teachers and so on. We are also resolving complaints coming from citizens or NGOs linked to discrimination (Ferenc, interview).

Next to legal and institutional developments, in the 1990s many NGOs and bodies specialised in minority issues were created in Romania, serving important functions in the interpretation of European-level norms and rules on minority rights, but also for the development of transnational dialogue. For instance, the Institute for Research on Minorities in Cluj Napoca not only assists the government with relevant research, recommendations and statistics, but an employ also tells how the institute creates own shadow reports on the implementation of the FCNM and the ECRML in Romania (Kiss, interview). DIR is another example, which conducts research and statistical reviews, assisting with important information on what the rights of national minorities in Romania are. DIR fills an important consultancy function to the government on minority questions, as such providing another example of political cooperation. Publications by NGOs have also increased throughout the past decade, scrutinising Romania's minority rights system and the adherence to European legislation. These publications are available in English and known to European organisations. The standing and expertise of independent bodies thus helps to uphold the achievements of the past decades and these would, most probably, be some of the first to react in case of reversals in domestic minority policy. Marko Attila, the head of DIR, reiterates that DIR is the department responsible not only for ratification and monitoring of international documents, but also for upholding the general achievements through early warning systems, for which it can also rely on transnational and European contacts (M. Attilla, interview). With the web of new introductions and reforms due to the objective of joining the EU and the European integration process as a whole, gradual reforms were made, culminating in a system which holds the Romanian national minority policy together. This system contains important elements of protection, preservation and promotion of national minority groups and it is upheld by governmental and civil society actors. This points towards a structural reorganisation of the environment in which public policy is practiced and determined, in which procedures have become more inclusive of minority questions and committed to cooperative structures through separate bodies concerned specifically with minority issues.

Next to the EU, domestic change can also be linked to the implementation of FCNM and the ECRML. Both were signed in 1995, one month before Romania submitted its EU membership application in July 1995. The two instruments have primarily assisted in clarification of several domestic rules and norms by, for instance, adding support to existing language laws in Romania and for drafting

other legislation. The FCNM applies to 16 national minorities in Romania and the ECRML applies to 20 minority languages, out of which the common principles of Part II apply only to ten of the 20 languages, whereas another ten are covered by both Part II and the more specific undertakings in Part III (Committee of Experts, Recommendation, Romania, 2012). The Hungarian language is covered by both Part II and Part III. As chapter four showed, the ECRML is an à la carte document, allowing contracting parties to undertake differentiated approaches and commitments to different minority languages (Oeter, 2004: 134). In Romania the ECRML was implemented in such a differentiating fashion with regard to the 20 minority languages, in contrast to the FCNM. That is, all articles of the FCNM apply equally to the same national minorities which have been identified under the convention. The ECRML, on the other hand, allows states to determine which of the specific provisions of Part III apply to each language, according to the situation of each language (see Explanatory Report, ECRML). The key reason for the differential application regarding the ECRML is related to the different situations among the 20 national minorities in Romania. Consequently, separate and relatively different chapters regulate the situation of each minority language (Horváth, 2011: 494). Members of staff at DIR responsible for the ratification of the ECRML, argue that not all of the 20 minority languages are understood to be in need of the same degree of linguistic promotion and protection (Janosi, interview). In fact, some of the smaller national minorities of Romania have been defined as so-called 'boutique minorities', given that they are primarily concerned with regular access to folklore and ritual traditions (ibid). At the same time, there are some 'middle-sized' minorities which demand education *of* their mother tongue, but not necessarily education *in* their mother tongue (Constantin, 2006/7). And thirdly there are the large ones, like the Hungarians, whose demands stretch in the direction of full cultural autonomy. The Hungarian language enjoys the maximum possible protection of the ECRML, including both Part II and Part III (ibid). Such domestic diversity was an important reason why it took 13 years to ratify the ECRML. One member of DIR states that it was precisely the "à la carte system with different levels of protection of each language which caused, not only a huge political debate, but also the fact that it took a long time to ratify" (Janosi, interview). Similarly, given that DAHR was not in government during 2000-2004, not much happened to the ECRML (ibid).

The first monitoring round of the ECRML and its application in Romania was finalised in 2012. Minority actors welcome the ECRML, especially since it addresses important claims of the Hungarian minority. For example, the ECRML not only identifies language usage as essential, but it also pushes states towards clear measures on how to manage this in specific areas. In this regard, the ECRML has sparked a new debate on the percentage thresholds where, for instance, the Committee of Ministers has encouraged Romania to "reconsider the thresholds for official use of

minority languages in administration" (ECRML, CoM, Romania, 2012). Although the threshold norm is not a new debate in Romania, there are now discussions on how to lower the existing 20 percent threshold for minority language use in public affairs. Many Hungarian minority actors want it lowered to 15 percent, in particular given that the Hungarian minority often constitutes around 10-17 percent of the population in many parts of Transylvania (Horváth, interview). Another minority actor welcomed the ECRML precisely because of the threshold issues, by claiming that: "it is a very good tool for us to claim politically a decrease of the 20 percent limit for the use of mother tongue. I think therefore that the ECRML will be useful and very good for us for many years to come" (M. Attilla, interview).

Regarding the FCNM, all articles apply equally to the 16 national minorities which have been identified by Romania for the application of the FCNM. After ratification in 1998, domestic awareness of the FCNM in Romania was limited. For example, the Romanian constitutional court stated in a decision in 1999 that the FCNM had not been ratified (FCNM, Romania, AC opinion, 1999: 4). However, with the EU accession process, awareness of the FCNM and its significance has grown, not least because the European Commission referred to the FCNM on several occasions, but also made the ratification of the FCNM a condition for EU membership (Sasse, 2004).

The above process of change, however, also needs to account for the role played by the kin-state Hungary. Hungary had a strong interest in Romania's EU accession. According to a DAHR member, this interest was both emotional and practical, by "welcoming especially a final reunification with Hungarians living in Romania, as in other neighbouring countries" (M. Attilla, interview). Although such ideas have existed ever since the Trianon Treaty of 1920, they gained new weight with the European integration process (Csergo, 2002). The integration project provided a new basis for kin-minority relations, partly explaining Hungary's activism during Romania's accession process. In 2003, as Hungary was approaching its own EU accession, it signalled a keen interest in being involved in Romania's EU accession talks (EurActive, 2003). Hungary also shared an interest in the Hungarian representation in the Romanian government through DAHR, for which it provided financial support. DAHR members explain that a special link was established following the end of communism. One DAHR member explains "with Hungarian members in the Romanian Parliament and their activism in Romanian politics at large, it was also easier to establish more formal links between Hungary and Romania" (K. Attilla, interview). Given the likelihood of Romania's EU membership in 2007, Hungary put great effort into aiding Romania in the process. European organisations, on the other hand, saw an opportunity for "easing the historic burdens between the two countries" (Bárdi, 2011b), by embedding good relations within overall requirements of membership, as seen above in the case of NATO. Moreover, given that Hungary became an EU

member three years before Romania, in 2004, it served as a motivating factor not only to DAHR to push for European integration, but it was a push for Romania as well. Bilateral developments took on a new pace in the period 2004-2007, when the labour market for Romanian citizens was opened up and eased mobility across the borders. A DAHR member explains the pre-accession relations with Hungary as follows:

> Before Romania's EU accession, Hungary served a centre for economic, migration and cultural aspects of the minority, but also as a modernisation source. Since Romania did not have access to the rest of the EU, we looked towards Hungary for good examples (Székely, interview).

Most DAHR members also saw it as their duty to promote the goal of European integration on a regular basis across Romanian politics. For instance, the former head of DAHR, Marko Béla, often argued that Romania's EU accession process would resemble a reunification with the kin-state for Hungarians living abroad. In a speech made in 2005 in Budapest, he held that: "Romania's EU accession on the set date is of special importance to the Hungarians in Romania, since this means the lifting of the frontier and reunification of the Hungarian nation" (Béla, 2005). Again, other interviewees also indicate that the key goal during that 3-year period, 2004-2007, revolved around the EU accession of Romania, nourishing the links to Hungary but also domestic activism in terms of cross-level representation of Hungarians living in Romania (Vincze, interview).

Although kin-state politics were not decisive for the fulfilment of the EU accession requirements and the extent of change of Romania's national minority policy, they served an important function for the development of an even more active player in Romanian politics. DAHR developed into an effective combination of both veto player and norm entrepreneur, given the governmental presence, kin-state support and already established links at the transnational and European level. While the clearest goal of DAHR was to affect Romanian legislation in favour of minority rights and to attain representation for Hungarians in Romanian politics, it was not limited to only minority issues. DAHR also become devoted to development of Romanian politics at large, especially since it has formed part of the government during three mandates, having entered the fourth one in 2012. However, in the pre-accession phase to the EU, DAHR members relied on European-level examples in their argumentation when pressing for laws to be adopted in the Romanian government. It thus sought to reproduce what had been set as a goal and anchored it in the overall political and legal developments (Ram, 2003). For example, although the two aforementioned laws had been adopted through emergency ordinances they nonetheless represented important achievements not only to the Hungarians in Romania, but to other minorities too and, at the same time, were beneficial for Romania's accession progress and an indicator of good democratic development. As such, DAHR held a multiple function and a channelling role, concerned with its own representation, EU

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accession, advancement of minority rights, but also with the general progress of Romanian democracy and politics. The role of DAHR as a change agent will be discussed further in chapter seven.

In many of the changes raised above, incompatibility with European level norms and rules served as an important parameter which helped to change the state of inertia in Romania's minority policy. As such, the Hungarian minority fits well with the goodness of fit model and the proposed Europeanisation outcomes: namely inertia, absorption, transformation and retrenchment (Héritier *et al.,* 2001; Radaelli, 2003). Above we saw a gradual and relatively linear movement from the state of inertia to accommodation, in which Europe served as a tipping point between the different outcomes, although the spaces between the major tipping points have been filled by domestic factors and interstate factors. Early efforts of the first government introduced reforms without altering the logic of policy conduct or its meaning; instead changes reflected the desire to perform well. This is similar to the Danish case, where absorbed rules do not transform existing structures and legacies. Inertia was also lifted through improved relations between the Hungarian minority and the Romanian majority, which received support through interstate interaction. From 1996 onwards, accommodation became possible with the change in government and stronger commitment to European integration. Still, persistent contestation among politicians over minority rights prevented transformation from taking place at this time. Despite the pragmatic attitude towards EU membership, originally driven by economic incentives (Ram, 2003; 2009), the objective of EU membership and joining European integration did matter. For instance, already in the early 1990s, legal changes by the nationalist government were articulated towards Europe and were portrayed as acts which resonated well with European values. Ion Iliescu wanted to show that Romania was on the correct path. Already then Europe became an indirect source affecting domestic performance and choices. Similarly, later changes of significance to the Hungarian minority, but also national minority policy in general, occurred in conjunction with important EU accession moments. There is also good reason to believe that the very wording of European Commission reports and the CoE mattered, given that contentious legal amendments were adopted in tandem with monitoring by these bodies. European organisations helped minority actors to push through very controversial legislation that would have been unthinkable a few years earlier. Some scholars also conclude that such changes and reforms would not have been possible without the EU factor (Ram, 2009) and the direct and indirect pressure that it had on domestic developments.

Although reform of national minority rights was aided by European integration, domestic and contextual factors help one to understand the process of change. A common push for change is linked to the aspiration to 'return to Europe' which Romania shared with most Central and Eastern

European states in the early 1990s (Grabbe, 2006). This return meant not only economic and political development, but also a search for new legitimacy. This affected how the EU was perceived, but also the power and strength of its legitimacy. Sedelmeier, for example, describes this phenomenon as being dependent on national identification with the EU and more general normative attitudes towards European integration (Sedelmeier, 2012: 830). Through the desire to return to Europe, a positive perception of the European integration process was created, affecting how European-level rules and the EU were perceived. Similarly, a vision of Europe as an ideal of civilisation, with a distinct set of values emerged across most Central and Eastern European countries, and turned into a crucial component in the implementation of the Copenhagen Criteria (Grabbe, 2006: 53). In Romania, the EU in particular was perceived along such lines. For example, an interviewee stated, "although the EU has no specific tool with a legislative force on minorities, it is basically the spirit of the EU and the idea of the EU which is one of the supportive tools" (Borbély, interview). Another minority actor maintained that some of the main gains of joining European integration was that new values emerged in Romania, affecting overall thinking, whereas real facts in terms of concrete gains remain low (Bodor, interview). Even if this legitimating force led to mixed results across Central and Eastern European countries and was not sufficient for transformation of domestic national minority policy, it became anchored in Romanian politics and ongoing negotiations. Early acts of imitation helped to mobilise more active change agents, who were not only concerned with good performance, but also with the belief in the importance of national minority rights. It is first in this circumstance that we can see the tipping point from absorption to more transformative behaviour, even if not across the full political spectrum.

Even if the accession process and gradual compliance often resembled a pragmatic approach by political actors, it is argued by several interviewees that this mode of coping with Europe "luckily also turned into normality in Romania" (M. Attilla, interview). That is, domestic changes which were installed through the interaction with Europe in Romania remained in place. Others explain that "at the national level, few people would do anything which contradicts European instruments" (Sandor, interview), which is exemplified through the standing that CoE recommendations have received in Romania:

> 15 years ago if somebody showed you a piece of paper coming the CoE with some recommendations the reply would be 'ahhh it is only recommendation'. But now, recommendations are also taken into consideration even more than before. Criticism from the advisory committee has been useful in changing this attitude (M. Attilla, interview).

The above 'normality' achievement requires, however, constant and continued negotiations in domestic politics. As one DAHR member put it, "in order to preserve the achievements since the early 1990s, constant struggle and governmental negotiations are necessary" (K. Attilla, interview).

Minority rights as such can be understood as having become an element of overall public policy procedures, or, subject to normal political procedures. This is interesting given that other areas of Romanian political life have reversed since 2007 (EUobserver, 2013). For example, criticism is directed at the continued use of emergency ordinances instead of parliamentary legislature procedures (ibid). The degree of 'normality' does not mean that all problems have been solved, as there are in particular different voices within the Hungarian minority itself. There are diverging opinions on the controversial claim over territorial autonomy, which continue to complicate many negotiations with the Romanian majority. Interviewees confirm this by claiming that the term 'autonomy' is still a taboo in Romanian politics, although minority rights are accepted (M. Attilla, interview; Sógor, interview). Still, this does not take away from the multicultural turn and the gradual construction of a more pluralist Romanian politics, which can be illustrated in the context of national minority rights. When contrasted to the starting point in the early 1990s, today the minority policy corresponds more closely to European-level norms and rules, even if the present study does not account in detail for later stages of local and regional implementation, which could help to capture the actual empowerment dynamics of minority communities (see for instance Schwellnus and Balazc, 2013). In all, the arrival at a climate of greater tolerance and normalisation was supported through Europeanisation forces, by embedding national minority discourses within the overall political sphere.

The prevailing conflicts over the pending draft law on national minority rights and the rejection of collective autonomy (and territorial autonomy) do not prevent the outcome of Europeanisation as transformation. There is still reluctance to accept some claims which continue to be shaped by shared domestic understandings and which are enmeshed in the special context in which the minority discourse has developed in Romania. There is a general fear of losing territory and a fear of Hungary's bid for Transylvania. Such understandings are a result of history and a lack of political will among many Romanian politicians regarding minority rights. At the same time, the reform is unlikely to be reversed, given its anchoring across different, but linked, policy fields in Romanian politics. The goodness of fit model has been helpful for capturing the complicated process of change, and in particular the central role that intervening variables play in linking pressure and change. The case of Romania and the Hungarian minority also demonstrates that change agents can be created through European-level pressure, or at least gain new roles and significance. In this case, change agents were created from within the minority, who not only gained from the process of change, but they also gained a new inspiration from the process.

Just like in the previous case, the Europeanisation outcomes would have been different if assessing change for another group, say in the context of the Roma. So far, we have seen how kin-states

contribute to the overall environment of change, by either facilitating it or impeding it during specific time periods, but also by affecting the change agents. As the Roma lack a kin-state, this factor would also be missing and with it the possibility that change is pushed for strongly by an external factor. Kin-states do not only perform their own activity and support their kin-minorities, but they also become part of Europeanisation processes. In both cases so far, kin-states have been drawn in due to geopolitical concerns and negotiations with the host-state as they wanted to join European or international organisations. Although such a role appears to be gradually declining now that many European states are part of the EU, minority rights constitute an area where kin-states are still likely to be involved. Similarly, we also saw that European-level organisations have for a long time focused their attention on minority groups where problems between the kin and the host state exist. Even if this is being replaced by more normative approaches, Europe has not managed to replace the role of the kin-state. The next case is an intriguing illustration of how the kin-state matters, even when a kin-state becomes passive.

6.2.3 Greece: high pressure, low compatibility, low change

Several points of pressure from Europe emerged regarding Greece's domestic approach to minority rights since 1990s. Some small accommodation of minority rights took place in the early 1990s. For example, the arbitrary Article 19 was removed in 1998 and official discrimination practices were ended through the government's extension of the equality principles to the Turkish minority. Both changes occurred in conjunction with European-level pressure in the form of criticism, recommendations and shaming. That is, by the end of the 1980s, the Greek approach to national minority rights and human rights in general became internationalised in a new way. European organisations started to react to the mistreatment of the Turkish minority by Greek authorities, arguing that there was a breach of fundamental human rights (CoE, 1991). Similarly, with the internationalisation of the problem, European-level organisations also noted that Greece lacked a minority policy with which it could satisfy minority claims. With this, Greece reacted to European-level pressure by removing Article 19 and by declaring that it would stop the discrimination against the Turkish minority. This also occurred in conjunction with the signing of the FCNM in 1998. However, since then, the pace of change in public policy has stagnated and reversed into a state of inertia, although strong pressure from Europe persists. Thus the case of Greece helps to illustrate how strong pressure from Europe does not necessarily lead to domestic change, and instead becomes a factor explaining a lack of change (Cowles *et al.*, 2001). For example, Radaelli and Exadaktylos (forthcoming, 2014) showed recently how over-strong pressure from Europe resulted in non-Europeanisation of Greek economic policy development, given the lack of sufficient domestic capacity to deal with the demands from Europe. Regarding minority rights, incompatibility between

Europe and Greece has increased along some of the following dimensions: domestic denial of the existence of national minorities in Greece; a refusal to join European-level developments pertaining to national minority protection; state interference in existing minority freedoms; and a failure to transpose ECtHR case law into domestic legislation. So far, despite significant pressure, not much change has occurred.

Between 1955 and 1998, minority policy and minority protection in Greece was largely dormant. Since the Greek Civil War in the late 1940s, throughout the Junta regime in the late 1960s, and for most part of the Cold War period, Greek political elites denied the existence of minorities, while existing minority rights which had been granted to the Turkish minority through the Lausanne Treaty were undermined. As seen in chapter five, basic citizenship rights were largely withheld throughout the above period (Anagnostou, 2005: 338). The deprivation of citizenship, as based on Article 19 of the Greek citizenship code, it was argued, was a part of the broader set of informal, but widespread, restrictive measures in relation to minorities taken by the Greek government (ibid). Other examples were prohibitions on acquiring property, receiving driving licences or finding employment (Hüseyinolgu, 2010). Such acts, largely driven by a homogenising idea of the Greek nation, were detrimental to the Turkish minority in Western Thrace. Greek legislation not only constrained minority rights, but national policy also deprived the Turkish minority of citizenship rights. European-level pressure targeted both dimensions. For example, Greek citizenship policy back then undermined some of the fundamental freedoms of the EU and citizenship obtained through EU law, such as the principle of free movement. The deprivation of citizenship domestically automatically restricted free movement, which can be interpreted as an indirect instance of discrimination (Ahmed, 2011: 82). Consequently, this meant breaches of EU anti-discrimination legislation, more specifically Article 13 TEU on racial and ethnic discrimination, if domestic law presents obstacles to the entitlements in Article 13 (ibid). Similarly, Greek policy sat in contrast to ongoing developments on the protection of national minorities in Europe, including the general human rights norms which prohibited discrimination based on ethnic, religious or national belonging (Tsitselikis, 2012). With the increase in European-level norms and rules on national minority rights, as seen in chapter four, incompatibility between Greece and Europe was even more accentuated.

Two important changes took place in the early 1990s, closing some of the gaps between Greek minority policy and European-level norms and rules. In 1989, after decades of discriminatory acts against the Turkish minority and rejection of fundamental rights, massive protests erupted in the town of Komotini in Western Thrace (Anagnostou, 2005). The final eruption of the protests was preceded by the imprisoning of the famous Ahmet Sadik, a political activist and member of the

Turkish minority who was accused and convicted of disrupting the public peace for referring to the inhabitants of Western Thrace as 'Turks' (see ECtHR, 18877/91). In a combination of growing protests and dissatisfaction among the minority members over Greek repression and denial of ethnic identity, coupled with European-level criticism, Greece's approach to the Turkish minority came under careful scrutiny from European bodies. Discontent was especially expressed by the EU, the CoE and transnational NGOs, targeting not only Greek rejection of minority rights, but also the denial of basic human rights (Anagnostou, 2005; Tsistelikis, 2012). Consequently, in 1991, the prime minister of Greece at that time, Constantinos Mitsotakis, visited Western Thrace where he announced, "mistakes have been made in the past" (Helsinki Watch, 1990: 2). The same year, he went on to proclaim the notorious doctrine of '*Isonomia-Isopoliteia'*, namely 'legal equality-equal citizenship' (Tsistelikis, 2012: 130). As a new guiding principle, the proclaimed equality focused on the return of basic citizenship rights to the Turkish minority of Western Thrace. It provided them with a constitutional standing as equal citizens and emphasised the improvement of education to the minority (Anagnostou, 2005). In 1998, Article 19 was abolished, under strong pressure from the CoE, thus ending the removal of citizenship for those who had left Greece temporarily, which had affected approximately 60 000 members of the Turkish minority (ibid).

A European dimension was evident in both changes. Given that Greek practices stood at odds with emerging norms and rules on national minority rights among European organisations, with support from NGOs and several visits by human rights bodies to Western Thrace, the 1990s became the decade in which the problems of the Western Thrace Turks became known to Europe. In 1990 the former Helsinki Watch reported on the above problems in a famous report, called 'Destroying Ethnic Identity: the Turks of Greece' (Helsinki Watch, 1990). Human Rights Watch continued the campaign, by issuing detailed reports in 1992 and in 1999 (Human Rights Watch, 1992; 1999). The Federation of Western Thrace Turks in Europe (ABTTF) took form, with its headquarters in Germany and several associations across other towns in Europe. The ABTTF's main reason for establishing itself outside of Greece was to represent the Turkish minority in Europe, by engaging in numerous lobbying and awareness activities. Minority actors consider it easier to access European organisations with a presence in Germany. For example, the president of ABTTF explains:

> ...it was due to the ongoing discrimination in Greece that we decided to establish our organisations in Germany, in this way showing that we are against Greek discrimination [...] we want to show through European examples that there is no reason to fear minorities (Habipoglu, interview).

Another minority actor active in Western Thrace explains that:

> ...the ABTTF was created at a time when it was strictly forbidden to establish an NGO in Greece with the label Turkish on it. And it was also difficult to run a campaign from here to

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the rest of the world, due to politics, travel costs, economic reasons etc. It was easier to run a campaign from the centre of Europe that was the main reason for establishing the federation in Germany (Kabza, interview).

Such a combination of factors not only culminated in a so-called internationalisation of the Turkish minority's situation, it also led to the international condemnation of minority practices in Greece, and focused on the formal removal of the above acts. The CoE became especially involved in relation to Article 19, by pressing for its removal on several occasions. For example, the European Commission against Racism and Intolerance (ECRI) reported in 1997 "Greece needs to bring the Citizenship Code into line with common European law without further delay" (ECRI, 1997: 6).

Given that Greece was concerned with its overall position in the European integration process and with economic development at that time, including how to accelerate modernisation of the country through European integration, European-level criticism over minority rights became salient for domestic actors in a new way. Some have linked the above shifts to ongoing processes of modernisation in Greece at that time, in which national interests were laid down in the so-called 'Samitis-project' (Featherstone, 2005). The key idea of the project was to strengthen the overall European integration process of Greece and to improve European and transatlantic links following the end of the Cold War (ibid). Anagnostou, on the other hand, links the above changes to the shaming approaches conducted by European organisations, which created a climate at European level that was highly critical of Greek national practices (Anagnostou, 2005). Anagnostou also described the above changes as a process of Europeanisation of Greek minority policy. The above processes thus show that European-induced pressure can be linked to domestic change in the 1990s.

Despite the above changes, which helped to end a 40-year long stalemate in minority rights in Greece, by returning basic citizenship rights and by installing a policy of equality, changes have not kept pace. Greek minority policy did not shift its emphasis towards European-level norms and rules. No change is noted in the content of the constitution or at the policy level in favour of minority rights in line with the developments at the European level. Greece continues to deny the existence of national minorities. Greece has not signed European-level documents on national minority rights, such as the ECRML and the FCNM. And Greece still fails to fulfil the rights granted to the Turkish minority in the Lausanne Treaty. Breaches of human rights have also been highlighted throughout Europe when the Turkish minority has taken active recourse to the ECtHR, as such challenging state reluctance through the paradigm of human rights. Many minority actors argue that Greece assumed new principles of equality in 1990, which were also felt in the community life of the minority. However, it is also argued that provision of basic rights was not

sufficient, as they do not extend the rights of national minorities. A minority activist from Western Thrace describes the ambiguous change as follows:

>...There was a change in Greek minority policy in 1991, and we believe that this was after pressure from Europe. What happened was that Greece announced the policy of equality for all citizens before the law. And since then the minority got its basic citizenship rights, but no minority rights, only citizenship rights. And this was the slight, however, for us, significant change, as we believe that this happened because of European pressure, international institutions and international media (Kabza, interview).

Thus, while Greece (re)introduced the principle of equality, practically applicable to all Greek citizens, it did not alter special national minority rights. Greece insists on an interpretation of the Turkish minority as a religious group, in line with the Lausanne Treaty. It is in Greece's rejection of the ethnic identity of the Turkish minority that a number of misfits with European-level norms and rules surface, in particular when considering the milestones of a national minority policy. The steady proliferation of European-level norms and rules regarding national minority rights did not coincide with modifications in Greek legislation and public policy. Limitations of Greek minority rights policies have often been linked to the dominance of nationalistic ideology in Greek politics (Christopoulos and Tsitselikis, 2003: 83), which has framed the emergence of Greek nationalism. In the area of minority rights, this tends to become highly visible. That is, it is argued that Greek policy towards minorities remains caught in a powerful national ideology which obstructs recognition of ethnic identity and differences (Tsitselikis, 2012: 8). Such a national ideology and orthodoxy also forged a direct link to membership in Greece (ibid.). The Greek national ideology built largely on the notion of 'Hellenism', an historical construct with connotations of superiority drawn from ancient times and which has become embedded through history vis-à-vis 'otherness', which has often been linked to conquests played out in the region (Sotiropoulos, 2004). Throughout the 20th century, the existence of racial/ethnic minorities was viewed by the relatively young state (1832) as a taboo area, with dangerous implications for Greece's own ethnic and territorial integrity (ibid). The fear is also rooted in what it means to be Greek vis-à-vis other former powers in the region (Christopoulos and Tsitselikis, 2003). This led to that Muslim and other minority groups were often prevented from full membership as members of the Greek nation (Tsitselikis, 2012: 8). The strong imprint of this ideology also prevents Greece from embracing cultural diversity as a national principle. There are no notions of cultural pluralism or multiculturalism across the Greek state apparatus which could serve as a guiding principle to interpret legislation. Domestic law as such shows strong resistance to accommodate a range of burgeoning international norms and regulations on minority rights (ibid: 535). Instead, it is commonplace for notions such as Greek Orthodox Christianity and Greek ethnicity to surface as guiding legal principles for the

interpretation of membership in the Greek nation (Tsitselikis and Christopoulos, 2003).

Minority actors are aware of the dominant position of notions such as Hellenism and Greek Orthodoxy in Greek law and politics and Greek nationalism at large. For example, the ABTTF president identifies the underlying reasoning with which Greece has interpreted Article 19: namely by relying on the notion of 'Hellenism which is equated to being Greek orthodox or ethnic Greek and nothing else' (Habipoglu, interview). Another minority actor even links the problems of the minority to the very fact that the Greek state continues to see itself as "superior and with aristocratic blood" (Uzun, interview). The above has implications for how national minority rights are interpreted as will be demonstrated below in the context of rejection of minority associations and full freedom of minority activities. Several misfits which emerge between Greece and Europe are linked to Greek nationalism. The overall Greek nationalism is also likely to affect Europeanisation processes, by obstructing the internalisation of European-level norms and rules pertaining to national minority rights.

Whereas the Greek nationalism is evident in many policy areas, it is particularly accentuated in a policy area like minority rights, causing, among other things, continued denial of minorities and serves to justify state interference in existing minority rights. It is also in this context that Europeanisation takes shape. Historically, Greek minority politics were defined by the idea that the presence of ethnic minorities is threatening to national integrity (Sitaropuolos, 2004: 207). This is still evident today, especially regarding claims for ethnic identification among the Turkish minority. Human Rights Watch, for instance, noted that (1999: 2) "the Greek state has for the most part been unable to accept the fact that one can be a loyal Greek citizen and, at the same time, an ethnic Turk proud of his or her culture and religion". Minority members are aware that they are viewed with suspicion. For example, one minority member argues that "Greece still regards our associations as threatening, despite the fact that international and European standards have ruled in favour of our claims, in front of the ECtHR" (Uzun, interview). This is further described as "having fear of the other" (Mustafaoglu, interview). The prohibition on registering associations with the terms 'Turk' or 'Turkish' in their title, are perhaps the best evidence of this. ECtHR case law often showed that the reasoning for banning associations is intrinsically linked to the conception of 'threat' among Greek authorities and domestic courts (Hammarberg, 2009). Greek courts have repeatedly maintained that the visibility of notions such as Turk or Turkish in labels, may undermine Greek territorial integrity, and thereby also be detrimental to the public order (ECtHR, 26698/05). Other conduct has been influenced by the perception of threat, for example the state's interference in the free elections of Muftis. This fear provides the backbone of the current minority politics in Greece,

and helps make sense of controversies when minority policy is placed in a wider European context.

As reviewed in chapter five, communities that were exempted from the population exchange between Greece and the former Ottoman Empire in 1923, were subject to special minority protection as laid down in the Lausanne Treaty. The Lausanne Treaty provides evidence of the existence of the Turkish minority and the formal obligation that Greece should provide minority protection (Articles 37-45, Lausanne Treaty). The significance of the Lausanne Treaty to the minority is unquestionable. It is perceived as a constitution and guarantee for the minority's existence in Greece, but also as a justification for their demands. Accordingly, minority actors argue that the "Lausanne Treaty is the main evidence of our existence here" (Kara, interview), with some even wondering "why somebody would even consider replacing it?" (I. Serif, interview). Another point raised was that "as far as the minority is concerned, there is no need to change anything […] what we ask for is full implementation of the Lausanne Treaty" (Kabza, interview). Another minority expert explains that questions over the Lausanne Treaty are very sensitive:

> ...because it is part of a bigger picture, it deals with borders between Greece and Turkey and with the position of the new Turkish state in Europe. So nobody wants to change anything, not even a comma in the treaty (Tsitselikis, interview).

This is not surprising, given that the Lausanne Treaty grants some rights which do not exist anywhere else in Greek public policy and legislation. Minority rights granted through the Lausanne Treaty cover equality before law, free use of the minority language, free exercise of religion and minority control over religious affairs (Lausanne Treaty, Articles 37-45). Minority members enjoy protection under domestic legislation as Greek citizens in accordance with the general provisions of the constitution, such as Article 4, which addresses equality to all Greek citizens (Article 4, Greek Constitution). Moreover, Greek legislation also provides for the free enjoyment of civil rights, independent of religious belonging (Article 13, Greek Constitution). Apart from the provision of equal rights as Greek citizens, special rights as a distinct group are otherwise only found in the Lausanne Treaty.

Minority rights arising from the Lausanne Treaty reflect an Ottoman system and organisation of society, in which religion serves as the key parameter of belonging and community definition (Tsitselikis, 2012). It is also through the Lausanne Treaty that the permission to practice Islamic law was confirmed to the minority, which was originally established in the final period of the Ottoman Empire in 1913 and the Treaty of Athens. This law does not extend to all Muslims in Greece, but only to the Turks of Western Thrace who had been exempt from the population exchange. Consequently, the Turkish minority was granted particular religious rights to be

practiced in the lands of Western Thrace, such as the right to exercise religion freely and to elect religious leaders freely (Hüseyinoglu, 2010: 7). Linked to the religious inheritance, the Lausanne Treaty also established the rights to manage and control, at own expense, religious charities, the so-called 'Wakfs', which is also limited to the areas of Western Thrace. With this, a duty is imposed upon Greece to take measures so that issues of family law or personal status of the members of the minority are made in accordance with their customs (Velivasaki, 2011: 458; Tsitselikis, 2012). However, the Lausanne Treaty also added other rights which do not necessarily hold religious connotations, namely rights to establish minority schools and to conduct free education (Article 38, 40, Lausanne Treaty; Velivasaki, 2011: 458).

Today, religion as a marker of identification is considered insufficient for the minority claims of the Turkish minority. The minority shares the will to be recognised in ethnic and national terms, although Greece maintains that they are merely a 'Muslim community', but for the rest that they are Greek citizens and enjoy equal rights like everybody (Katrinis, 2010). Greece prefers to recognise the minority only along religious lines. It is also a cautious way for Greece to commit to minority protection, by avoiding recognition along ethnic or national lines, in order to avoid clashes with the Greek nationalism. Today, however, several religious practices have become a matter of conflict, which has culminated in the removal of several freedoms and interference by Greek authorities. As seen above, the most intriguing factor surfaces as the Turkish minority requests elements akin to the status of a national minority. It is also suggested that one of the key incompatibilities stretches along this evolving dimension, especially given that European-level norms and rules are defined in terms of *national* minority rights (Kabza, interview).

Greek authorities are often caught arguing that there are no minorities in Greece (UNCHR, 2003). As seen above, there are no provisions for the recognition of national minority groups in Greece. The Minority Rights Group International (2013) also noted that there are no substantial subsidies granted to minority associations. The refusal to accord national minority status to existing minority communities and the narrow interpretation of what constitutes the Turkish minority already sits uncomfortably with several European-level principles. In fact, the persistent denial by Greek authorities of the existence of minorities other than 'Muslims' in Western Thrace has continued to be a matter of international and European criticism over the years. There are various reasons for intensified criticism. As mentioned above, domestic minority situations came under more scrutiny in the 1990s, in tandem with increased attention to minority questions among European organisations (Kymlicka, 2008). Second, transnational human rights affect issues of personhood and membership at the domestic level, even when there are no clear models to apply to individual states (Soysal, 1998). Thirdly, the overall Europeanisation of Greek politics does not exempt Greece

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from pressure on minority issues, even if political elites have been primarily concerned with economic Europeanisation and Europe was to modernise the Greek economy (Featherstone, 2005). And finally, increased lobbyism and activism from within the minority group and through different routes has helped to internationalise the problem and to accelerate pressure on Greece.

The CoE has maintained regular criticism since the early 1990s regarding various breaches. The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg (2009: 2), expressed concern over the Greek authorities' refusal to recognise the existence of any other kind of minority except for Muslims, and the undermining of minorities' ability to preserve many minority characteristics as a consequence of refusing the registration of minority associations. Such prohibition also harms the very reproduction and preservation of minority identities, which active state support and tolerance should be backing up (Article 7, FCNM). A similar recommendation came from the European Commission against Racism and Intolerance (ECRI) which has continued to urge Greece to acknowledge that there are numerous minorities in Greece and to recognise them (ECRI, 2003; 2009). However, European-level criticism also focuses on Greece's failure to fulfil existing rights and seeks to encourage Greece to stop interfering with minority freedoms. For example, Human Rights without Frontiers International (HRWF) concluded after a mission to Western Thrace in 2012 that "Greece needs to stop its interference with minority affairs in order to allow for a proper implementation of the Lausanne Treaty" (HRWF, 2012). Interference by replacing the Lausanne rights with new legislation is noted to have some of the strongest implications on minority rights in Greece (Human Rights Watch, 1999: 23). One example of this is a legislative bill known as the 240 Imams Law (3536/2007) adopted in 2007, which allows the state to appoint own Imams for duties in mosques. According to ABTTF, the law is an intervention in the religious freedom of the minority (ABTTF, 2013a). The same issue of state intervention is also noted in education and in the freedom of association. Greece's intervention in existing minority rights and low adherence to the Lausanne Treaty was also addressed at a conference held at the EP in November 2012, which brought together FUEN, MEPs, ABTTF and other human rights activists from Europe (ABTTF, 2012a). The FUEN president, Hans Heinrich Hansen concluded the EP meeting with: "the goodwill of Greece is a determining factor in the resolution of the problems the Turkish minority encounters in the region and Greece needs to stop considering the minority as a threat, but it should adopt it as an asset to the whole country" (ibid).

The above criticism has been intensified in the past 20 years, largely through active European-level lobbyism by minority members, transnational organisations and Diaspora networks. ABTTF's lobby activities are one reason why European-level criticism has been maintained and for the increasing visibility of the Turkish minority. The ABTTF operates in Europe through 30 associations and one

umbrella organisation and it has recently moved closer to European policymaking, by establishing a lobby office in Brussels. FUEN has become an important partner to the Turkish minority in Greece. Currently, three minority associations of the Turkish minority in Greece are members of FUEN, namely the ABTTF, the Western Thrace Minority University Graduates (WTMUGA) and Association and the Friendship, Equality and Peace Party (FEP). FUEN helps the Turkish minority to achieve publicity in Europe, by insisting on regular invitations to European conferences and seminars. Moreover, FUEN served as an important link to European-level institutions and other bodies, facilitating the development of lobbyism. There are two ways in which FUEN assists the Turkish minority associations in this respect. For one, FUEN often raises the issue of the Turkish minority on its own in front of European organisations and in public speeches. And second, given that many minority associations lack legal status and recognition domestically, FUEN is an important channel to reach out to European organisations, bodies and organisations on their own. For example, the ABTTF president argues that:

> ...given that we want to use European examples in order to demonstrate that minorities are not threats, we have also turned to FUEN, since it has represented minorities in Europe for many years. It was our goal to become a member for a long time, and in 2007 we got full membership (Habipoglu, interview).

FUEN is undoubtedly an essential actor for the Turkish minority and perhaps more relevant than in the other two cases where minority claims can be addressed through consultative dialogue and political means domestically.

The criticism, coupled with increasing awareness of the domestic situation, helps to clarify the fit between Greece and Europe regarding national minority rights. The most essential misfit constitutes a clash between domestic and European-level principles regarding the interpretation of national minority groups and national minority rights. The prevailing understanding in Greece of national minority rights is shaped by the history and development of state institutions and laws which have systematically privileged the interests of national unity, often at the expense of individual rights and minorities (Anagnostou, 2005: 336). Such shared understandings are evident in the conduct of Greek minority policy, but also affect public policy conduct at large. For example, denying a national identity to the Turkish minority corresponds to the idea of upholding national unity in the Greek sense, one which is primarily inclusive of Greek ethnic citizens. This creates a significant misfit with Europe and recent developments regarding national minority rights. Free identification is the backbone of most European-level instruments addressing national minority rights. In principle, national minority protection revolves around the idea of establishing equality based on difference (Henrard, 2008; Pentassuglia, 2004). The FCNM and the ECRML are about encouraging and promoting active state-level support, which is considered to be integral to the

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fulfilment of national minority protection (Henrard, 2000). Similarly, FCNM and ECRML promote a new understanding of national minority groups and their right to identification, with which the Greek minority policy demonstrates numerous incompatibilities. Even if it is sometimes difficult to enforce the principles as laid down in the FCNM and the ECRML upon states (Galbreath and McEvoy, 2012), incompatibility becomes accentuated by the denial of existence of diversity and free exercise of national minority identity.

Another incompatibility with Europe has been established through Greece's rejection of European norms and rules pertaining to national minority groups. Greece has not joined the major European-level minority developments, opting not to ratify FCNM and the ECRML, which aim at engaging states parties in new activity pertaining to national minorities. The Greek rejection can be understood as a consequence of the domestic rejection of the existence of national minorities. As such the domestic pattern is reproduced vis-à-vis Europe. In reference to FCNM, an interviewee maintains that "Greece actually does not want to ratify it because it is afraid that it will be obliged to recognise and provide more right and so on" (Mavrommatis, interview). Another minority activist states that:

> ...the ECRML is refused not only because of fear that it can extend our rights, but also those of the Macedonian minority in Greece [...] until the Macedonian issue is solved, we can forget about the FCNM and the ECRML (Kabza, interview).

Consequently, Greece belongs to the group of 'conscientious objectors', namely governments that deliberately refrain from ratifying the FCNM and the ECRML (De Witte, 2008: 2). This is despite the fact that it hosts numerous minority groups which qualify for a status as national minorities and protection under instruments such as the FCNM and the ECRML. An MP of the Turkish minority explains the reason for refusing to ratify the FCNM as follows:

> Well because it is about national minorities, and according to the Lausanne Treaty, we are a religious minority. But for a minority to be national or not, it should not be seen only through treaties. And it is not a law that needs to be argued 'law-wise', but what people feel is the real way to do it... (Mandaci, interview)

The repeated refusal to join CoE developments on national minority rights have also been criticised by European organisations, especially the CoE itself. For example, the Parliamentary Assembly of the CoE (PACE) issued a recent report in which it urged Greece to sign and ratify the FCNM and the ECRML (PACE, 2009a: 2; PACE, 2011). PACE also believes that a Greek ratification of the two documents could help to resolve the repeated usage of reciprocity, as used by Turkey and Greece, a product of each country's interpretation of Article 45 of the Lausanne Treaty (ibid).

Instead, having signed the ECHR in 1950, which also acquires the status of domestic law (Article 28

Greek Constitution); the ECHR resembles the key European-level hard law jurisprudence which can be employed by individuals to overrule otherwise conflicting domestic regulation (Velivasaki, 2011: 457; Tsitselikis, 2012). Similarly, it also resembles an additional source with which domestic legislation and lawyers can be pressured. As seen above, the ECHR and the ECtHR have issued numerous judgements supporting the Turkish minority, making several ECHR articles applicable to minority situations as well. Although the ECHR lacks clear minority rights, we saw in chapter four how burgeoning minority protection jurisprudence has emerged from ECtHR interpretations of the ECHR and specific minority cases (De Witte, 2008: 3). As such, it is primarily the standards emerging from European human rights legislation, mostly addressing individuals that serve as one of the key sources of pressure and Europeanisation on Greece. For the Turkish minority, it has become one of the main instruments used against Greece, followed by lobbying European-level institutions. The use of the ECHR and the ECtHR is widespread among minorities in Greece, perhaps a consequence of the fact that Greece has not ratified the FCNM or the ECRML. Beside the Macedonian minority in Greece, which accounts for the majority of ECHR cases appealed against Greece, the Turkish minority from Western Thrace has also become highly active in the Strasbourg court (Tsitselikis, 2012). So far, it has invoked Article 9 which protects freedom of religion or belief and Article 11 on the freedom of assembly and association in combination with Article 14 which prohibits discrimination based on association with a national minority. And most of the rulings have decided in favour of the plaintiffs. However, use of the ECHR by the Turkish minority has also extended the incompatibility between Greece and European-level norms and rules on minority rights. The incompatibility is extended due to distinct interpretations by domestic courts vis-à-vis the ECtHR, coupled with the repeated rejection of several ECtHR case rulings by Greece and its court system, which also means a rejection of ECHR norms protecting general human rights.

Although the decisions issued by the ECtHR are binding, Greek judicial authorities have not implemented them. In fact, some decisions issued 20 years ago are still pending today. In April 2013, the CoE's Committee of Ministers arranged a discussion forum in which the non-implementation of ECtHR rulings in Greece was addressed (CoM, 2013b). This forum urged Greece to consider the implementation of the case law into domestic legislation. The Mufti of Komotini, elected by the Turkish minority itself, shares his story about a case that he lodged at the ECtHR as Greek courts had convicted him as a religious leader which led to that he is not considered a Mufti in a legal sense:

> …in 1997, I finished a case in Greece and thereafter I applied to the ECtHR, where they ruled in favour of our claims, namely that we should have the right to elect our own Mufti and that they [Greece] should not appoint a Mufti on their own. The Greek government paid me 10 000 US Dollars, which was a fine that they had to pay to me, but they did not make any

changes based on the case and our claims, which was what we actually wanted to achieve. They [Greek authorities] continued to argue that it was not possible to implement what the ECtHR demanded (I. Serif, interview; ECtHR, 38178/97).

The above case shows a common discrepancy between Greece and the ECtHR regarding rulings which address aspects of national minorities. That is, despite the fact that the ECtHR ruled contrary to Greece and issued a penalty to be paid to Ibrahim Serif, the case law did not produce any legal or policy changes in Greece. Other ECtHR case law has further condemned and denounced the Greek state regarding full freedom of minorities. These include, inter alia, the dissolution of existing minority associations due to the label 'Turkish' in their titles or refusal by Greek authorities to register associations on the same ground. There are in particular three ECtHR decisions dealing with the issue of refusing and banning minority associations, known as *Tourkiki Enosi Xanthis and others v. Greece* (ECtHR, 26698/05), *Bekir Ousta and Others v. Greece* (ECtHR, 35151/05) and *Emin and Others v. Greece* (ECtHR, 34144/05). In all three cases, the ECtHR has found a violation of freedom of assembly and association (Article 11, ECHR) in conjunction with the prohibition of discrimination (Article 14, ECHR), by underlining that the activities of the associations did not amount any threat to a democratic society. But the discounting of the ECtHR case law by Greek courts has left many questions unanswered. There are a high number of unresolved cases, demonstrating another misfit between domestic remedy rules and the ECHR principles. The frustration over this point was raised by most people interviewed in Western Thrace, including Greek legal scholars. A minority member made the following criticism:

> I am a bit upset with the ECtHR, or with their decisions. Now, you know that in order to find your right, you have five levels, and this is the last level where you can go, which is the ECHR. When you start your fight, we say OK I go up to here, first instance court, then you go to the court of appeal and then you go the accession court. And then you say ok don't worry, I go to the ECtHR. Which I know is a place where I will definitely win. Ok, in the case of the Xanthi Turkish Union, the case came back to Greece, it was not implemented and then it goes back again to them. And now it has been 28 years, so how am I going to live? The thing is the system is perfect; the court perhaps works very well. But the problem is in the implementation. And again, because of politics, because the implementation is not from the Greek judges, it is from the politicians. If Papandreo says, excuse me this is a decision from the ECtHR, we have to pass it, otherwise they will make us withdraw. We have to do it and then finish. And no one can ask you why you implement this, it is a court decision. How should I say no to a court decision? And now what happens, what will happen is that OK we will bring the issue again, we will win again and then the court process will go to the Committee of Ministers, and in the Committee of Ministers some ministers who don't like Greece they will say listen you have five decisions that you have not implemented yet, why do you do that? And then another guy says oh you are speaking like that but you on the other hand have ten and so on (Kabza, interview).

Alongside the denial of Turkish identity and the unwillingness to recognise the existence of national minorities, the fate of the Turkish minority in Greece has also been affected by interstate relations

between Greece and Turkey (and Cyprus) (Christopoulos and Tsitselikis, 2003). Kin-state relations between Greece and Turkey differ from the other two cases in this dissertation. First, Turkey is not an EU member, and as such, not always subject to the same norms and rules. Second, Turkey has historically been a challenging power vis-à-vis Greece. For a long time, Greece viewed Turkey as its great enemy and the presence of the Turkish minority in Western Thrace has been a reminder of that enemy (Human Rights Watch, 1999). As Tocci (2008: 251) notes, the establishment and evolution of the kin-state relations has been critically defined by conflict, war and rapprochement with one another. When the relations have been good, the minority has benefited from it, whereas conflict with the kin-state has turned minorities into scapegoats facing discrimination, expulsion, violence and denial of rights (ibid). As noted by the elected Mufti of Xanthi, "because we are Turkish and we are neighbouring Turkey, we get to pay for the bad relations" (Mete, interview). It is in particular during the Cyprus conflict that Greece and Turkey activated their politics of reciprocity towards their minorities and made the conflict between Greek Cypriots and Turkish Cypriots a minority affair. Whereas Turkey engaged in widespread expulsion, discrimination and violence against the Greek minority in Istanbul, Greece responded to the violent events on Cyprus (between Greek Cypriots and Turkish Cypriots) and to the Turkish actions against the Greek minority through similar measures against the Turkish minority in Western Thrace (Tocci, 2008: 255). For example, an expert on minority issues in Greece explains that "associations lost their signs in the 1980s based on court decisions and this was a clear reaction to what happened in Cyprus, which only worsened with the proclamation of North Cyprus in 1983" (Tsitselikis, interview). It is in this same vein that other discriminatory measures were introduced against the minority, such as denial of the rights to buy property or get a driver's licence, coupled with the introduction of Article 19. Some of the above discriminatory measures were lifted as peace negotiations regarding Cyprus ensued, but also increasingly so through emerging European interest in the fate of the Turkish minority. An interviewee described how the stick of reciprocity dominated minority politics in the region for a long time, by arguing:

> Greece was always responding to the measures taken by the Turkish government to oppress the Greek minority in Turkey. So it is all a so-called ping-pong game, from different tables where they are exchanging the ball (Mavrommatis, interview).

Rapprochement between Greece and Turkey is also reflected in Greece's treatment of the Turkish minority. For example, Tocci concludes that the condition of minorities was at its best during the years of Greek-Turkish friendship during 1930s-1950s (2008: 269). It was also in this period that Greece largely adhered to the Lausanne Treaty and the minority was even allowed to define itself and its associations as Turkish. Minority actors often describe this period as the best one that they have known, by arguing that the ideal and dream is to return to the period before 1967 (Habipoglu,

interview). It was a period in which both countries adhered to the Lausanne Treaty, facilitated by good neighbourly relations and the absence of conflict between Greece and Turkey. Similar developments were not evident again until the late 1990s, corresponding to another phase of rapprochement. One important step towards rapprochement was the earthquakes of 1999 in both Greece and Turkey, which not only led to sudden cooperation in terms of rescue teams, but it also led the foreign ministers of each country to pay historical visits to the other country (New York Times, 1999), also known as the 'earthquake diplomacy' (Le Monde, 2000). Similarly, with reduced violence in Cyprus, both Turkey's and Greece's NATO membership managed to increase the sense of security in relation to the other. Being within the EU affected not only Greece's feeling of security, but it also made Turkey believe that Greece would not act alone on important security questions. In addition, Turkey came under strong scrutiny of European-level norms through the EU accession talks launched in 1999 and the accession negotiations of 2005. Even if current bilateral relations between Greece and Turkey do not address any hard political questions, cross-national interaction on softer matters has taken a new form. In those instances where interviewees refer to improved cross-border interaction between the two countries, they refer mainly to informal relations established in the economic sectors, through business cooperation and civil society contacts (Molla Isa, interview). The fact that Turkey's economy has developed has been a central factor for this (I. Serif, interview), making Turkey attractive not only to the Turkish minority, but also for the business sector of Western Thrace (Molla Isa, interview). The educational aspect of minority policy has benefited from the recent rapprochement during the 1990s, which allowed the exchange of teaching material, including the recognition of diplomas (Boussiakou, 2008b). Through other bilateral agreements, an intensive cross-border region has been established along the border dividing Western Thrace and Turkey, opening up local and regional goods and markets. This was also facilitated through the construction of a highway from Thrace to Turkey. In fact, the intensity of this cross-border cooperation does not differ much from other European border regions with a more formal status.

The above discussion demonstrated the determining role played by interstate relations, including the specific character that interstate relations can have on minorities in times of conflict and rapprochement, which also gives Europeanisation a special character. It shows especially that Europeanisation interacts with not only domestic factors, but also with interstate dynamics, which has the possibility to either facilitate or obstruct domestic change. Since the 1990s, the above processes have increasingly interacted with European integration, a process which encompasses Greece and, albeit to a lesser extent, also Turkey. Changes in the direction of more Europeanised minority policy first became possible with the absence of interstate conflict, which otherwise

dominated not only bilateral relations, but also the minority politics. However, even if interstate relations are today believed to be providing a smaller barrier for domestic change, domestic factors continue to reproduce some of the legacies established through the changing regional dynamics, which have helped to embed particular visions of minorities and state-minority relations within overall shared understandings. Domestic factors continue to affect the process of change, at least change regarding Greek public policy and domestic legislation in response to European-level pressure. Given similar development in both states, in which interstate relations have been pacified but domestic factors remain, it is no coincidence that both Greece and Turkey make up two of the four notorious objectors of the FCNM and the ECRML, anxious to change the status quo which has developed through action of reciprocity.

The kin-state relationship is central to the way that Europeanisation is affected in the context of Greece and national minority rights. It is also central for understanding why Greece refuses to adapt its minority policy to European-level norms and rules pertaining to national minority rights in the same way as the two previous case studies. Two factors are important. The first one is the specific shared understandings, based on prevailing Greek nationalism and the understanding and perception of Greekness, with strong attachments to Hellenism and Christian Orthodoxy. Some argue that this particular combination obstructs recognition of national minorities and legal norms from being elaborated (Christopoulos and Tsitselikis, 2003: 83). Featherstone also argued that despite Greek support for modernisation in the mid 1990s, old habits colour ways of doing things, such as clientelism, patronage and, on occasion, corruption (Featherstone, 2005: 224). Secondly, regional dynamics, and especially kin-state relations, have not only shaped domestic factors, but have hampered higher degrees of Europeanisation. This latter factor shows the weight of reciprocity, conflict and rapprochement as decisive elements for the Turkish minority. However, the two factors seem to be overlapping, given that Greek identity and ideology has often been shaped by relations with its neighbour Turkey and the varied episodes in their bilateral relations. This overlapping nature becomes intriguingly illustrated through the case of minority rights.

Regarding Europeanisation outcomes, the case confirms the paradoxical outcome in which too strong pressure results in a lack of change, rather than a high degree of change, as assumed by the rational institutionalist track in the goodness of fit model (Börzel and Risse, 2001). The state of inertia began to change in the early 1990s, facilitated by a short episode of political will for change of the Prime Minister Mitsotakis, who was largely concerned with the overall development of the Greek economy and modernisation process. However, the process of change was not continued and such readiness by the Greek government to support the Turkish minority has not been seen again. Greece reversed into inertia, given the failure to address the above misfits, which arose through

European-level pressure. Pressure is multidimensional and cuts across the basic need to recognise national minorities, to join European-level instruments on national minority rights, and to implement existing minority frameworks. Denial and interference are thus characteristic of current minority affairs, which also undermined the process of Europeanisation. Interstate relations with Turkey have hampered Europeanisation during a long time. Had Turkey taken steps to recognise national minorities, it is plausible that Greece would have followed suit. Accordingly, if Turkey would take steps towards signing and ratifying the ECRML and the FCNM, it is also plausible to suppose that Greece would also join. As such, interstate tensions are highly relevant, impeding both domestic liberalisation of minority rights and Europeanisation. For the time being however, the overly strong pressure seems to push for something beyond both the capacity of the state and willingness to embrace change.

Chapter 7: Domestic agents of change, shared understandings and kin-state dynamics

7.1 Introduction: Domestic factors and kin-state relations

The previous chapter looked at the process of adaptational pressure and how different outcomes of Europeanisation are generated. The main changes or lack of them were outlined for each domestic policy. It was shown how outcomes rested on a broad array of factors. In this chapter, the characteristics of three most central intervening variables are outlined in more detail, how they metabolise change, including their general position in the national minority policy. There are two categories of intervening variable affecting the process of change, namely *domestic factors* and *kin-state relations*.

The dissertation hypothesised that higher Europeanisation outcomes are more likely under the condition that there are active change agents that enjoy an established link to domestic policy making. Higher outcomes were expected with the existence of norm entrepreneurs by assuming that greater change is more likely through an internalisation of norms and identities triggering a process of social learning (Börzel and Risse, 2003). The role of shared understandings as an intervening variable is new to Europeanisation of minority rights. In this chapter the way in which shared understandings (in the form of deeper collective understandings) are typical of a national minority policy and how this matters for Europeanisation will be assessed. This assessment will also show that shared understandings are also typical to each national minority group as broader understandings often emerge through historical relations involving the minority, the host-state and the kin-state. The role of the kin-state is also a new intervening variable in Europeanisation and minority rights and it offers an alternative variable in which active kin-state support and the development of interstate relations between the two states either impedes or facilitates change. The central question addressed in this chapter is: What helps to explain the three different Europeanisation impacts?

7.2 The role of change agents

The previous chapter showed that Europeanisation is no linear or unidirectional process. Many Europeanisation studies acknowledge the role of domestic factors when seeking to explain differential Europeanisation over convergence (Héritier *et al.*, 1996; 2001; Ladrech, 2010). A national minority policy is no exception to this. The two preceding chapters demonstrated how change in domestic national minority policy is affected by an intersection of different factors. So far, the goodness of fit has been identified as the most central factor by establishing adaptational

pressure as the necessary mechanism of change. Yet, this does not provide sufficient information about what factors influence the process of change leading to the three different outcomes seen in chapter six. As seen in chapter two, Börzel and Risse (2003) refer to veto players, norm entrepreneurs, political culture and cooperative institutions as central facilitating factors. In accordance with the sociological institutionalist logic, pressure will be facilitated by the existence of a cooperative spirit and norm entrepreneurs at the domestic level, whereas the rationalist logic considers veto players and formal institutions to be central for change (Cowles *et al*., 2001; Börzel and Risse, 2003). This dissertation argues that change agents need to enjoy access to the government and decision making bodies. Outcomes will thus depend on the extent to which change agents are allowed to operate domestically. This in turn also hinges on domestic shared understandings attached to national minority policies. Shared understandings are broad and can refer to many things at the domestic level. However, in this case they are understood as the 'culture' within which national minority policies are interpreted and executed. In the first part of this chapter I look at norm entrepreneurs, veto players and shared understandings with reference to the changes discussed in the previous chapter, including the role of those intervening variables within the national minority policy at large. The second part looks at kin-state and interstate relations in all three cases, which will show how this variable is central to the outcomes although the behaviour of the kin-state differs across the three different cases.

7.2.1 Norm entrepreneurs and veto players

The concept of norm entrepreneurs as a source of domestic change originates from studies which look at the role of advocacy networks as essential factors for political and ideational change (Risse-Kappen, 1995; Keck and Sikkink, 1998). Advocacy networks are characterised through shared bonds regarding beliefs and values (Keck and Sikkink, 1998), whereas norm entrepreneurs constitute a separate branch by relying on *moral argumentation*, *consensual knowledge* and *strategic constructions* in order to persuade actors to redefine interests and identities, engaging them in processes of social learning (Börzel and Risse, 2003; Jackson-Preece, 2012). The main tool which norm entrepreneurs are expected to apply in their activity is that of *persuasion*. A norm entrepreneur can be either an individual or an organisation, however, *possessing the skills and resources to change things* (Checkel, 2012: 2). This dissertation hypothesised that with the existence of norm entrepreneurs, greater change in state policy is more likely given their desire to not only enforce legislation, but also to engage domestic actors and elites in social learning and to affect the development of new identities.

Besides norm entrepreneurs, the Europeanisation literature also identifies veto players as possible change agents, linking European-induced pressure to domestic change (Börzel and Risse, 2003;

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Haverland, 2000; Héritier *et al.,* 2001). The existence of veto players generates different expectations in contrast to norm entrepreneurs. Veto players can be either individual or collective, and their decisions to act are informed by clear preferences (Tsebelis, 2002). A common definition of veto players is that they are *individual or collective actors whose agreement is necessary for change of the status quo* (ibid: 19). Similarly, veto power has been described as including a formal right of rejection, capacity to obstruct, slow down or amend legislation or implementation (Caporaso, 2007: 31). Unlike the decisions and actions based on the logic of appropriateness, veto players' activities are driven by predefined preferences and calculation tactics, where the possible gains of change are decisive. Common strategies used are those of *bargaining* and *redistribution* of resources (Börzel and Risse, 2001). Veto players as such can also constitute coalitions which manage to exploit European policies in their own favour, and to overcome domestic opposition on a given issue. Moreover, whereas too many veto points can impede change (Haverland, 2000), pressure emerging from Europe due to a misfit can create opportunity structures for veto players to manoeuvre around domestic decisions (ibid).

In Denmark, although the German minority is small, it has acquired an active role in several matters of concern to it. While the Bonn-Copenhagen Declaration established a basis for good relations by committing Denmark and Germany to minority protection, practical arrangements have developed through dialogue between majority and minority. The emergence of Europeanisation has inspired minority actors to perform several acts of norm entrepreneurship, which in turn have also contributed to the way that Denmark acknowledges the need to renew several practices related to the promotion of the German minority. In other words, the small but active norm entrepreneurship from within the minority has helped to highlight obligations and expectations on the state to renew and strengthen its support.

Without argumentation and initiatives from the minority itself, several of the adjustments undertaken by Denmark would not have taken place. Many actions of the German minority can be linked to the predictions of norm entrepreneurs, given their common use of moral arguments by referring to the symbolic significance of the Bonn-Copenhagen Declaration. Similarly, by articulating elements such as 'we are a model' for Europe, the minority attempts to make some of its claims justifiable, by making it hard for the Danish government to reject obligations from Europe with implications on the German minority.

The way that the German minority has engaged in activities of norm entrepreneurship is facilitated by good political cooperation and dialogue with the Danish government and many years, now, of experience of negotiations regarding minority affairs. Through a web of institutions and

committees, both formal and voluntary, minority questions, regional affairs and cross-border cooperation are addressed through dialogue between national authorities and minority actors. With this, minority actors contribute not only to keeping the topic of minority rights alive in Denmark, but by referring to European-level obligations they also affect the willingness of Danish authorities and politicians to sustain active dialogue and to support the German minority. This particular form of minority activism, characterised by dialogue and persuasion, shows how state-level willingness is maintained, but it also shows that without the minority activism, state-level willingness to accept change would, most probably, have been different.

In assessing the above, one needs to understand the wider arrangements between the German minority and the Danish government. Although direct representation of the German minority in the Danish Parliament was removed in 1964 due to insufficient votes for the Schleswigian Party (SP), access to government and parliament was substituted by the setup of two specific forums for dialogue with the German minority. For one, a Liaison Committee was established in 1965, followed by a Secretariat of the German minority in Copenhagen (the Secretariat hereafter) in 1983. The Liaison Committee serves as a negotiation forum with the Danish parliament on minority-related questions, while the Secretariat is a permanent link to the Danish parliament and government. Whereas one person, directly elected by minority members, heads the Secretariat, the Liaison Committee consists of 14 members, including representatives of the German minority, the Danish government and members of each political party from the Danish parliament. The composition of members is renewed with each general election in Denmark (BDN, 2011b). The Committee addresses specific matters and affairs relevant to the German minority and thus serves as a forum for problem solving and dialogue over national issues which bear consequences for the minority. The Liaison Committee generally convenes once a year, but it can also convene upon request by the minority. A steady presence in the Danish government is provided through the Secretariat. It has the overarching task of representing the interests of the German minority in Danish national politics, as well as observing that parliamentary and governmental work is in tune with the needs of the German minority (BDN, 2011b). Besides serving as a link between national-level politics and the minority, the Secretariat fills an important function in dealings with European-level instruments pertaining to national minority rights. The representative of the Secretariat has, for example, been part of Danish delegations to international conferences dealing with minority questions several times (see for instance first ECRML State Report, 2003). In addition, the Secretariat engages in activities disseminating information about the role of the FCNM and the ECRML in Denmark, as well as other European-level developments relevant for national minorities. In cooperation with the Danish government, the Secretariat formed an informal working group in

the Ministry of Interior, which monitors the FCNM and the Charter. Similarly, when the Lisbon Treaty entered into force in 2009, the leader of the Secretariat issued a statement on what the reformed Treaty means for Europe's minorities (Diedrichsen, 2010), which was not only disseminated nationally, but also Europe-wide.

Although the Secretariat in Copenhagen performs a consultative role, its representation and dialogue with the Danish government are transparent (Malloy, *et al,* 2007). To compensate for the lack of formal political representation in the government, it is argued that this dialogue has become stronger and that the minority is taken seriously by the Danish ministry (J. Diedrichsen, interview). On the 20th anniversary of the Secretariat in 2003, the deputy prime minister of Denmark expressed high satisfaction with the achieved partnership that had developed between the Danish government and the Secretariat (Bendtsen, 2003). Similarly, the former chairman of the BDN, Hans Heinrich Hansen, noted during 10th Anniversary of the Secretariat, that the work conducted in Copenhagen by the Secretariat had not only become known to the public, but it had also contributed to greater degree of openness between the majority and minority (Hansen, 1993). This gradual development has helped to establish a good condition for persuasion from minority actors.

With the governmental links through the Secretariat and the Liaison Committee, the German minority is provided with the opportunity to affect the government's view of German minority needs. One of the central outcomes of this is the increased awareness that that the German minority possesses significant qualifications and capacities, which can also be important for Denmark. For example, the German minority was asked by the Danish government to act as a mediator in 1991 during an OSCE meeting about promoting efforts to bring new democracies together to discuss democratic approaches to national minority governance in Central and Eastern European countries (Malloy *et al.,* 2007: 13). Siegfried Matlok, the former leader of the Secretariat, was part of the Danish delegation to that OSCE conference. He explained how from the early 1990s onwards, the Secretariat became an integral participant in several other national delegations as minority politics in Europe started to internationalise and Europeanise. He emphasised that the very fact that Denmark allowed a national minority group to represent the whole country constituted an important change and one which was also made an impression on delegations from other countries (Matlok, 2001). In October 2000, at another OSCE meeting, the Danish delegation again included the German minority in the national representation (Matlok, 2000).

The Secretariat performs acts of norm entrepreneurship by keeping the topic of the minority alive in Denmark and by reminding the Danish authorities of the European-level commitments to national minority rights, especially regarding obligations flowing from the FCNM and the ECRML (J.

Diedrichsen, interview). The current head of the Secretariat is of the opinion "given the good dialogue between us, the Folketing listens most of the time to what we have to say and demonstrates generally a good will to consider concerns coming from the German minority" (ibid). Jan Diedrichsen also thought that it would have been different if he and the Secretariat had not been present: "when you draw attention to the German minority, they react; otherwise it could have easily been forgotten, because of our size here and the fact that we are living on the outskirts of Denmark" (ibid). For example, the combined reactions of the minority and the CoE regarding possible risks due to local government reforms have acted as a reminder that Denmark needs to consider the minority in relation to broader political changes in Denmark. National discussions on the reforms between minority representatives from the BDN and Prime Minister Anders Fogh Rasmussen in 2003, led to the realisation by the latter that local government reforms in Denmark should strive for a sustainable solution for the German minority (Hansen and Matlok, 2004). This is an instance of successful entrepreneurship through persuasion by drawing on European-level norms and rules to which Denmark is party.

Similarly, given that the German minority was not fully satisfied with Denmark's first state report on the implementation of the ECRML, especially regarding several opinions expressed by Danish authorities that there is *no need* to become more proactive, nor to support or protect the German language, the minority felt a need to submit an own version and opinion to the Committee of Experts. In this statement, the German minority argued that Danish authorities were wrong on several points, arguing that such a position at the level of the government posed a threat to the survival of the German minority (Hansen and Matlok, 2004). Not only did the German minority react to Denmark's opinion regarding less need to promote the German language due to the widespread bilingualism among the minority members, but the above reactions became further motivated by an event in which a Danish border town declined to accept the statutes of a German Club written in German on the grounds that the German minority was bilingual and well integrated (BDN, 2003). In 2003, BDN addressed several imbalances in Denmark's state reports which had been presented to the CoE. The minority demanded that the Danish government clarify some of its points which minority actors perceived as defensive and incorrect (ibid). This was especially directed at the misinterpretation that the German minority showed no interest in or need for bilingual signposting, or to have German-speaking staff in public offices. This opinion was justified by arguing that the German minority was a well-integrated group in Denmark, for which additional services of its promotion were not really necessary. As seen in chapter six, this stood at odds with both FCNM and ECRML and their fundamental aims, namely to commit state bodies to take a more proactive stance towards national minorities. Had it not been for the reactions of the German

minority, their public reports and demands for clarification on several points, adaptation to CoE's recommendations would have most probably not occurred. Slow changes started to take place in areas previously not covered by existing minority policy, in particular regarding dissemination of information, the increasing realisation that German-speaking staff is necessary in public spaces and that radio broadcasting is a fully justifiable demand. Bilingual signs have now also emerged. However, the interesting thing is that the monitoring processes of the ECRML and the FCNM have engaged minority actors to take new positions and to react to possible mistakes and errors by the government, which is here also argued to have made a difference.

Another relevant norm entrepreneur operating at the domestic level that helps to link the German minority and Europe, while also ensuring that the topic of the German minority is kept alive in Denmark, is the Federal Union of European Nationalities (FUEN). FUEN is a central partner and channel to Europe for all three national minority groups of this dissertation. However, the German minority enjoys a privileged status through direct representation. This has an impact on the position of the German minority associations, their acquisition of knowledge and their ability to engage in argumentation with Danish authorities. When interviewed the director and the president of FUEN, both demonstrated deep knowledge of European norms and rules and how to apply these in domestic affairs. Similarly, it also became evident that they see a lot of 'Europe' in the minority affairs of the German minority, given that they are working to advance a link between Europe and minorities through FUEN-related work. Their experience with European-level activism and lobbyism for different national minority groups has thus become an important resource in domestic matters as well. Both the director and the former president of FUEN use their knowledge accumulated through FUEN when arguing with and persuading Danish authorities and other official bodies about the course of minority policy. One example of this was the activity undertaken in relation to local government reforms in Denmark, where one of the main negotiators, Hans Heinrich Hansen, drew on his FUEN network and experience in order to establish a plan for South Jutland (H. H. Hansen, interview). Other minority actors also argue that the close link between the German minority and FUEN is a big advantage. For instance, one interviewee argues: "the FUEN links are very central for us and when you look at some of their work, this is how you notice the strength of the EU here. Most of our European contacts that exist have been established thanks to FUEN" (Johannsen, interview). Similarly, another interviewee reiterates:

> ...when something needs to be done and we don't know how to do it, then we do it via FUEN. FUEN is used for networking, resolutions and so on. I think that because of the FUEN we have discussion partners and when you form out a resolution then you have the entire FUEN behind you (Tästensen, interview).

In all, FUEN has a significant function as a norm entrepreneur by providing important knowledge,

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negotiation skills and persuasion mechanisms. Even if the outcomes of the activism are sometimes uncertain, the minority feels that they are heard and noticed, and they are made to feel even more a part of Europe by the regular updates transmitted through FUEN. Interviewees often argue that FUEN deals with the European questions and matters for the minority and that, as such, it serves an important function and is a source of information. This is undoubtedly a relevant and important resource for the minority. For instance, during internal meetings at the BDN where regular updates are presented by the head of the Secretariat in Copenhagen, Jan Diedrichsen, there is also an update of FUEN activities, given that he is also the director of FUEN. The activism within FUEN also seems to be making another relevant contribution, by inspiring a so-called 'outward' entrepreneurship. The German minority is increasingly attaching importance to cooperation between minorities as an important resource. As argued in an interview, "not only has the kin-state mattered nowadays, but the connection between minorities also" (Klatt, interview). Another interviewee indicated, "thanks to FUEN we are now working together with other minorities in Europe" (Jürgensen, interview). The above factors have made it onto the agenda of the German minority, contributing to making the minority more visible and heard.

Turning to Romania and the case of the Hungarian minority, the basic conditions differ greatly, which also affects the type of change agents. In the period 1990 to 1996 a national minority policy was absent in Romania, characterised by status quo in political attempts to advance national minority rights. Gradual changes which helped to lift the minority policy from a state of inertia to transformation became, however, possible due to a number of intervening variables. Whereas domestic political actors realised in the early 1990s that respect for minority rights was linked to their key foreign policy ambitions, namely European integration, not all actors were willing to engage in reform in order to lift the status quo of the minority policy. The first post-communist government rejected most ideas of enhanced minority rights (Bárdi, 2011c). Besides CoE membership in 1993 and Romania's accession to the ECHR in 1995, key changes in domestic public policy and law in favour of national minorities occurred after 1996 with DAHR's incorporation into government. Although DAHR was primarily concerned with the position of the Hungarian minority in Romania, it contributed to the general development of minority rights in Romania, affecting both public policy and legislation in a minority-friendly direction. The following sections look at the way in which DAHR established a position in Romanian politics and how it soon became an active change agent that affected change. This affected not only the standing of the Hungarian minority in Romania by advocating minority rights reforms, but it also made a contribution to the overall democratic consolidation and shifts towards pluralism. Whereas the political elite of Romania was prepared to comply with European-level rules as a means for achieving membership of NATO and

the EU, DAHR's activity helps to explain how the minority policy moved from mere inertia to transformation between 1990 and 2007. Similarly, many reforms in Romanian public policy at the outset of European-level pressure would have been difficult without DAHR's governmental presence and bargaining position.

DAHR was formed in 1989 and had two central ambitions. The first, and most essential, was to represent the Hungarian minority in the new Romanian political system, and in Europe (DAHR, 2012: 5). The first agenda built on the desire to ensure that post-communist policymaking and legal development in Romania embraced minority rights within overall democratic development. A second ambition was to support integration of Romania into the EU (ibid). This second ambition provided a pretext and guideline for DAHR's work throughout the 1990s, leading up to 2007. In the early 1990s DAHR sought allies in Europe, given the limited ability to address minority claims domestically during the first post-communist government. At that time, DAHR representatives expressed the view on several occasions that they "could not imagine a Romania outside the European community" (Vincze, interview). Consequently, DAHR became the first Romanian party to join the EDU in 1993, which later became EPP (Bárdi, 2011c: 526). Moreover, it became a member of transnational human rights and minority rights organisations, such as FUEN and UNPO. With the CoE membership of 1993, knowledge of the Hungarian minority in Romania also grew in Europe (ibid). Transnational links not only increased awareness of the Hungarian minority, but also provided an opportunity for the diffusion of ideas on minority issues and strengthened European aspirations, which became an integral part of DAHR's political agenda (Bárdi, 2011c). DAHR clearly saw strong value in Europe as a guarantor of minority rights, but also for its own activity.

DAHR's two ambitions became the principal forces reflecting its preferences, priorities and political agenda of early 1990s. The immediate mobilisation revolved around altering the status quo of national minority policy in Romania at the end of communism. In 1997, once EU membership talks had started and the political criteria had been presented to Romania, DAHR managed to replace earlier legislation on language and education through emergency ordinances, despite strong opposition from coalition partners (Bárdi, 2011c: 532). Bargaining continued on several questions. Eventually, support was yielded for state-sponsored higher education in the Hungarian language, the Hungarian minority obtained a permit to run its own University funded by Hungary and DAHR even managed to amend the constitution in 2003 in favour of minority language use (ibid). All these issues satisfied the EU and were referred to positively in the Commission reports of 1997-2006. As seen in chapter six, DAHR members also played an important role in the negotiation processes preceding Romania's NATO accession talks. As Bárdi (2011c: 531) puts it, "in 1993, the government made concessions specifically to some moderate DAHR politicians in separate bargaining". Another

DAHR member explains how the first talks on improved majority-minority relations were organised in 1991-1993 between DAHR representatives and Romanian politicians in San Francisco, largely under the initiative of the US state department and with NATO in the background (Ferenc, interview). These meetings were also known as the Neptune meetings, which generated extensive public discussions over why there was a need to engage in such debates with the Hungarians (ibid). From this time onwards, DAHR has been committed to political bargaining in Romania, in particular as agreements from DAHR became important in relation to many decisions.

The activity of DAHR during the process of change in Romania also shows how intervening variables can shift from being veto players to becoming norm entrepreneurs. Although bargaining was the key tool and strategy of DAHR, at the same time tolerance of minority demands and the attitude towards minority rights started to change, even among the majority of the Romanian political elite. In assessing DAHR's role during the EU accession process, Kelley and Ram have concluded that much of the change was possible due to the bargaining power of the DAHR in Romania (Kelley, 2004b: 149; Ram, 2009: 183). Their negotiations contributed to domestic legal amendments and helped to create a climate of compliance, which also helped to close the high degree of misfit with Europe. However, this process has also been described by minority actors as having generated deeper effects. That is, what started as political contestation and strategic bargaining became, according to several DAHR members who were active in the negotiations at that time, translated into normality in Romania. In other words, socialisation affects also occurred. Marko Attilla describes the process as one in which the pre-accession behaviour among the Romanian elite turned into 'normality' (M. Attilla, interview). Others argue that among all the changes, key effects are noted in the mentality and way of thinking on minority issues, whereas implementation of legislation still suffers, at times not even being followed up (K. Attilla, interview). Others argue that one of the reasons for this is that "after accession, there is no more monitoring", or "in Romania we need to make a difference between ratifying a convention and adopting a law and implementing it" (Ferenc, interview). At the same time, however, the development is also perceived as a positive example, due to the achievement of stability between ethnic groups (ibid), in which political cooperation between Hungarians and Romanians became 'normal' thinking (K. Attilla, interview) and this good, pre-accession performance has not reversed in the minds of people, even if practical implementation remains difficult (M. Attilla, interview). Even the Romanian public started to realise that this development was something normal (ibid). Minority actors in Romania are also proud that they are more advanced than other Western European countries in the field of minority rights, by referring often to Greece and France who normally object to the recognition of minorities (Ference, interview; Lorant Vincze, interview). This shows socialisation

and identity implications, despite technical problems surrounding implementation. As such, what started as acts of veto players in order to affect the original status quo and to push through own preferences through political means, has also translated into acts of norm entrepreneurs.

According to the interviewee's active in the Romanian government, without the involvement of DAHR many changes in Romanian minority policy would not have taken place. They also consider DAHR to have made difference to the EU-accession process of Romania at large. One actor argues:

> ...the strongest voices were among the Hungarians. I think that most of us knew that we needed to go to the EU and we needed Romania to go to the EU, because we knew that if Romania is in a better position, then we are also in a better position (M. Attilla, interview).

DAHR relied on European examples early on by claiming rights and making justifications for change in domestic policy. Given that Romania was the first country to ratify the FCNM (Eide, 2008: 6), and transnational links were established fairly early, domestic actors gained a new basis for their bargaining, but also for persuasion and argumentation. For example, through DAHR's EDU (later EPP) membership, examples from what was happening within the EP were used in Romania as well (M. Attilla, interview), while Hungary's faster accession served as another parameter from which lessons were drawn (Vincze, interview). DAHR's activity presented examples of alternatives and values which contrasted to earlier approaches in Romania. However, DAHR's activity in favour of minority rights did not cease with the EU accession in 2007 and it continues today. The activism which it established during the pre-accession phase has been sustained in post-enlargement Romania. One DAHR member explains, "because we are a minority, we always need to struggle more in government. But because we are minority, we also need to make sure to stay in government" (György, interview). Likewise, European-level norms continue to matter in the work of DAHR. Today, DAHR as a political party is even argued to be an integral part of the political system in Romania, thus it is not only understood as an ethnic party (Bárdi, 2011c), it is more than that. A good starting point for this was the EU pre-accession process in which DAHR developed into a political partner, by also working for common and shared goals together with Romanians.

In Greece active change agents at the domestic level are either absent or their ability to affect change is low. Political representation at the national level of the Turkish minority, or of minorities at large, is limited. There are currently two MPs representing the interests of the Turkish minority in the Greek Parliament consisting of 300 seats. These two have gained their seats by joining the mainstream political parties and not through own minority parties. In 1989 Greece changed the election law by setting a threshold of three percent of the nationwide vote for a party and for an independent candidate to be represented in the Parliament (Hayrullah, 2013: 255). Along with this law, a redistricting also occurred, whereby many districts, provinces and villages were lumped

together into larger districts (Turgay, 2009: 1536). Some argue that the new threshold for electing independent candidates and the redistricting were introduced following the election of the first independent Turkish MP into parliament in late 1980s (Hayrullah, 2013: 285). Ever since, Turkish minority parties or independent minority MPs have failed to make it into the national parliament, even when they gained sufficient votes in specific electoral districts (ibid). At the local level, the main so-called minority party is the FEP, which was created in 1991, has failed to pass the threshold whilst the changes in electoral districts only reduced the possibility of FEP reaching any substantial outcome through ballots.

According to the two MPs from the minority active in the Greek parliament during the 14th parliamentary term of Greece, opportunities to raise minority questions are limited. Both MPs were elected through the majority party back then, namely PASOK, by running as candidates in the districts of Xanthi and Komotini. The fact that they were candidates for the mainstream party was described as having undermined their possibility to express thoughts freely regarding minority affairs (Hayrullah, 2013: 285). Limitations to raise minority issues link to two specific issues: on the one hand, the Turkish MPs are reluctant to express opinions freely, based on the historical experience of 1990 when one independently elected Turkish MP, Ahmet Sadik, had referred to the minority as 'Turkish' during his electoral campaign for which he was expelled from his post and prosecuted by Greek courts (Anagnostou and Triandafyllidou, 2007: 11). The two MPs interviewed instead preferred to raise claims in reference to a 'Muslim' minority. On the other hand, there is a general perception that minority issues are 'ignored' or 'side-lined' in favour of other political topics. One of the MPs summarised his work in the Greek Parliament as follows:

> We have meetings in the Parliament and we make speeches, we ask questions to different ministries, to the government and try to get some kind of answers and solutions. However, there is no political willingness to do much… They don't have such willingness to solve the problems. These are not problems for which there are no solutions, but there is lack of willingness to solve them. The main problem is the relationship between Turkey and Greece and the nationality question which blocks most of our work (Mandaci, interview).

The other MP explained that there were many possibilities to raise questions and that he had acquired confidence to raise issues since the start of his political activity in 1995. However, there are "never any concrete answers to my claims and this has not changed since I have become active" (Haciosman, interview). According to Haciosman, what he is trying to do is to convince the parliament that "solving the minority problems would be better for everyone, not only for Turkish people, but also for Greek people" (ibid). More recently, the possibility to raise minority-related issues in parliament has been further undermined by the economic situation in Greece, the dominance of the Eurozone crisis and massive immigration into Greece. Both MPs describe the

current situation as a double challenge, where not only are minority rights undermined, but so too is the economic security of the minority (Mandaci, interview; Haciosman, interview). An additional development challenging to their work and which can have negative consequences for the minority is the emergence of extreme nationalism in Greek politics. Cetin Mandaci explains that the fear is rooted in the fact that "we are well aware from the past what this might mean for the minority, we have seen it before" (Mandaci, interview).

It is important to acknowledge that despite lack of change in Greek national minority policy, some actors have accumulated several characteristics of norm entrepreneur at the community level. The minority media of Western Thrace is one such example, which is capable of filtering and transferring European-level norms and values into minority discourse. For example, *Gündum* is a weekly newspaper with a broad coverage of local, regional, national and European-level news. The head office of Gündum is located in the town of Komotini and it is staffed by human rights activists, who are often involved in different lobbying activities at the European level. Accordingly, nearly the full team of Gündem possesses strong knowledge of European affairs, especially in relation to developments pertaining to human and minority rights in Europe. This often leads to regular European-level news being covered in the local newspaper. The news coverage raises awareness of legal opportunities, policy lines and other affairs in Europe in favour of national minorities. For example, as the chief editor of Gündum explains:

> ...especially the minority media here is very interested in these kinds of instruments, or whatever gives rights to minorities, we are always trying to find it out and to share it with our people. It is important to know that there is a right, and then the second point which is important is HOW to get this right. So what we are trying to do is to always investigate the international forum to see if there is anything new which will be favourable to the minority. We then try to translate it into Turkish and to put it into a newspaper article and to share it with our people. By saying look there is not only the Lausanne Treaty, there are also other rights that we can use, because we are members of the EU, we are also European citizens, and Greece is part of these treaties, it has signed and ratified these treaties and so forth (Kabza, interview).

Moreover, the weekly newspaper also establishes a link to ongoing lobbying activities undertaken by the European-based Federation of Western Thrace Turks in Europe (ABTTF) which has also turned into a significant actor regarding the position of the Turkish minority in Greece. The ABTTF interacts regularly with European bodies and raises awareness on the situation of the Turkish minority in Greece, and has increased the knowledge of the minority remarkably. Such news coverage underlines the trends and developments of minority norms in Europe, by demonstrating that there is a discourse which favours national minorities and their struggles (Kabza, interview). As such, the minority media can be understood as having made a particular contribution to the emergence of 'European' knowledge in the region. That knowledge has an impact on minority

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actors by providing legitimacy for claims. Throughout the interviews with various minority actors, I learned how well informed the Turkish minority was over different opportunities and minority instruments in Europe. As actors, they are well suited to debate and have discussions, it is rather their ability to do so with domestic authorities which is constrained and which helps to understand lack of change.

When contrasting news distribution of the local/regional media to that distributed through ABTTF, it becomes clear that they both rely on similar sources and contribute to the distribution of each other's news. For example, news, statements and newsletters which are reported through ABTTF, commonly appear in the local coverage provided by Gündum a few days later, whereas, news from local media often appears in ABTTF's coverage. This shows that there is close cooperation and interdependency between the varied actors who operate in distinct locations. It also demonstrates the role of European based news in the region, which is made highly accessible to the minority members, but especially to minority actors in community life. Thus, although it contributes to development at the community level, it has not necessarily contributed to changes in Greek public policy or legislation.

The existence of special bodies representing the minorities and conducting state-level negotiations is an important prerequisite for Europeanisation outcomes, in particular as minority rights are seldom initiated by the (majority) political elite alone or voluntarily. Having political representation is therefore important, however, of more importance is to have access to the government and decision-making arenas. The mere existence of minority associations, bodies or representatives operating independently of state-level support and without active dialogue with state authorities is highly unlikely to achieve changes in public policy. Western Thrace hosts a web of minority organisations and associations which are upholding community life and helping to sustain the culture and language at the local and regional level. Similarly, two MPs from the minority are present in the Greek parliament. However, despite this, there is little possibility to influence state policies and to generate special minority services. One central reason for the weak standing of minority organisations and limited ability to generate broader support in Greece is the fact that numerous minority bodies lack legal status and as such are not officially recognised by the Greek state as 'discussion partners'. Rejecting and banning several minority associations has also prevented minority associations from engaging in constructive dialogue with state authorities or from undertaking any bargaining strategies.

Although potential change agents formed from within the national minority as in the other two cases do exist in Greece, there are further factors which prevent them from acting in favour of

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change, despite the fact that high pressure from Europe constitutes a good condition for change in Greece. An important quality needed for change is that minority actors are given the ability to have a dialogue and to act domestically. This leads me into the next intervening variable, namely the role of shared understandings associated with national minority rights and how this affects not only the impact of Europeanisation, but also the ability of change agents to act domestically.

7.2.2 Shared understandings

Unlike change agents, shared understandings is a less static concept, it reflects several historical and cultural components. Shared understandings also tend to be largely context-based and unique to each country and to each national minority group, however, resembling a powerful variable in the way that impact of Europeanisation occurs. Early Europeanisation research identified prevailing collective understandings embedded in political and organisational cultures as a likely mediating factor for change (Colwes *et al.,* 2001: 10). This referred to the role of existing cultural understandings and to the realm in which actors can legitimately pursue interests (ibid). Shared understandings can refer to many things, as much as political and cultural understandings. A definition applied by Checkel in his study of changes in citizenship and membership is useful here. He defined shared understandings as *the norms of what it means to belong to a state and how people collectively view their nation-states* (Checkel, 2001: 181-182). He showed the role of such deeper understandings in the Europeanisation of German citizenship norms and policy (2001). In the context of national minority rights, deep-seated shared understandings are also expected to matter for a process of Europeanisation. This touches upon similar characteristics to citizenship and membership, but there are additional context-based elements. Domestic traditions relating to human and minority rights are central and, in particular, the specific arrangements by which the given national minority group came into existence. Existing arrangements and bilateral treaties also affect perceptions of national minority rights across states, influencing particular understandings attached to particular minority groups. Moreover, shared understanding can also be shaped by existing domestic frameworks on minority rights, the adherence of domestic actors to such frameworks and broader constitutional provisions pertaining to minorities, by either excluding or including national minority groups within the domestic public policy at large. Similarly, historical factors such as the role of the kin-state also influence the formation of shared understandings, as will be shown below. Consequently, such shared understandings are reinforced over time by becoming rooted in domestic institutions, legislation and public policy. Having seen the emergence of the three distinct understandings, below I turn to their role in affecting adaptational pressure emerging from Europe. As will become evident, shared understandings can either impede or facilitate change in national minority policies.

As seen in chapters five and six, the Danish understanding of a *national* minority policy can be understood as *German national minority* policy. This is one of the most crucial components of the Danish shared understandings regarding minority rights, which also influences the process of Europeanisation. Given that Denmark does not recognise other national minorities, by rejecting pressure to extend the scope of recognition Denmark reinforces the contours of shared understandings. However, delimiting its recognition to only one minority has also increased the need to balance against European criticism of the narrow interpretation by demonstrating good behaviour regarding the German national minority. Some of the changes described in chapter six, particularly those relating to the promotional tasks regarding the German language as stemming from the CoE obligations, were also driven by a need to demonstrate justification for the limited understanding of national minority groups. Although this might appear paradoxical, it has become an essential part of the shared understandings guiding Denmark's national minority policy. This has consequences for the Europeanisation process and Denmark's acceptance of European-level rules and norms pertaining to the German minority.

The above *one minority* approach as a principle of minority rights in Denmark is reinforced by historical decisions and majority-minority relations over time. The Bonn-Copenhagen Declaration of 1955 and interstate relations with Germany are important in this respect . Even if other attitudes have developed vis-à-vis other groups, including more streamlined attitudes in the field of immigration, this has not affected the overall shared understandings which guide the national minority policy on the part of the German minority. The Bonn-Copenhagen Declarations have become more than a political decision. The successful image of the bilateral models and the acknowledgement that this particular solution resembles a model for other minorities in Europe (Kühl, 2005a), has affected the understanding of minority politics in Denmark. Not only are the two countries motivated by mutual reciprocity, but the fact that their co-existence and cooperation in this field has achieved the status of an 'exemplary model in Europe', has also imposed a need to keep pace with this positioning, serving as an indirect pressure. Exemplification using the 'German-Danish model' only grew after 1989 with ethnic conflicts in other parts of Europe (Kühl and Weller, 2005). The idea of being a successful model has contributed to the shared understandings in place. For example, Denmark is prepared to accept changes regarding the German minority largely due to the desire to retain its image and for the sake of the Bonn-Copenhagen declarations. However, another effect of this is also that Denmark does not always feel the need to do much, whereby it instead continues to claim that its minority policy is a success which is exemplified world-wide. This is an important factor preventing Denmark from moving beyond the outcome of absorption.

In those cases where the FCNM and the ECRML have raised criticisms and asked for renewed

attention by the Danish government, reactions from the German minority have most of the time been acknowledged. In particular, given that attention to introducing bilingual signposting has been low, coupled with strong reactions among the Danish population in South Jutland against bilingual signs (Kühl, 2005a), this attitude seems to be changing following pressure from the FCNM and the ECRML. Thus retaining a stable and balanced border region, but also ensuring that the Danish minority in Germany is treated well, is integral to the Danish minority policy. The interesting thing in this all is also the principle of reciprocity. Although mutual reciprocity does not take the same expression as in the case of Greece-Turkey, Germany and Denmark associate their minority policies to the idea that 'what one does, the other ought to do as well'.

Perceptions of each other and perceptions of the kin-state are thus important to shared understandings and how this affects change. During a significant period of time, especially in the aftermath of the Second World War, Germany had a negative connotation in Europe (Risse, 2001), with no exception in Denmark. The memory of Nazi Germany and the Second World War were the key reasons for viewing Germany as an enemy and as a caricature of power (Lubowitz, 2005). This prevented the emergence of trust between majority and minority, affecting minority politics at large. However, this has seen a gradual shift since the 1950s. There are several reasons for this. One central reason is the intensified economic cooperation spurred by European integration (Klatt, 2005). With the introduction of the Schengen Agreement in Denmark the intensity of Denmark's bilateral cooperation with Germany increased remarkably. Cross-border cooperation, trade and business become technically easier after 2001. Today, Germany is Denmark's largest and arguably most important business partner. Economic cooperation and EU policy implementation require good relations and stable borders. Accordingly, Germany was slowly turning into a reliable partner. Hauke Grella argues there was one important development behind this:

> …earlier, the German minority here was viewed as a caricature of power and promotion of German interest, today, it is rather a matter of symbolism and a more positive approach of promoting Germany in Denmark (Grella, interview).

Shifts in foreign politics and demilitarisation of Germany (Kühl, 2005b) helped to improve relations between Denmark and Germany, by which the image of each other and in particular the image of Germany in Denmark changed (Lubowitz, 2005). Germany started to be perceived as a 'good European', something that the German minority in Denmark also began to imitate and to apply to its work. With the final declaration of loyalty from the German minority in 1955, the image of Germany and the minority also started to shift. The above-described developments helped to transform the shared understandings attached to the German minority in Denmark. Rather than an enemy, the minority started to be perceived as a partner (Johannsen, interview), which was also

reflected in shifting interstate relations. The arrival at the above understandings of each other also influenced the readiness to embrace European-level norms and rules which could affect domestic minority policy. Many of the changes would have been unthinkable several decades ago.

The above shows that shared understandings relevant for a national minority policy take shape through specific contexts and historical trajectories, which means they are difficult to conceptualise into a uniform definition. Shared understandings are therefore often unique in each country and to each group within one country. However, they correspond to a powerful source which guides not only readiness to embrace change, but also what is appropriate and acceptable behaviour, affecting the process of Europeanisation.

There are several aspects which are relevant to the shared understandings in Romania and for how minority policy developed from inertia to transformation. Assessing the role of shared understandings in Romania during the 1990s requires consideration of the transition from Communism to democracy and what this meant for the perception of minority groups and minority rights. Not only did Romania experience a transition of economy and politics, as well as pressure to modernise domestic financial sectors, but the democratic and economic transition was associated with rethinking concepts such as ethnicity, nationality and pluralism (Zoltán Novák, 2011: 299). This gave the shared understandings a particular outlook at the time that the domestic policy was exposed to Europeanisation as reform in minority policy began. Political development and the transition showed clashes between pragmatic leaders and political elite and political actors who were in search of a new identity. This is especially relevant in the context of national minority rights.

One of the major splits in Romania was between pragmatism and pro-European integration in the early 1990s. The early inertia was characteristic of a predominating persistence on the part of actors who claimed nation building on the basis of a unitary state and the so-called 'majority-nationalist' government (Csergo, 2002: 13). Whereas pragmatism was evident in the lack of consensus building and cost sharing culture (Dobre, 2004: 650), in the early 1990s it was placed under strong pressure for modernisation, democratisation and Europeanisation. However, opposition was still caught in the earlier traditions by which minorities, and in particular the Hungarian minority were viewed as a taboo and with fear (Bárdi, 2011c). Similarly, large parts of the immediate post-communist government consisted of nationalists who had pursued a largely assimilatory approach to national minority rights during communism (Zoltán Novák, 2011: 299). Part of that legacy which has been reproduced throughout much of the 20th century in Romania in relation to the Hungarian minority prevails today. For example, the refusal to adopt the Draft Law

on National Minorities in the Romanian Parliament is, according to most interviewees, rooted in the taboo associated with claims for autonomy among minorities. As a member of DAHR puts it, "unfortunately there is still a visible nationalist attitude in the Romanian society and it is made visible in relation to the draft law" (Borbély, interview). Rights are accepted, however, as long as they do not speak of collective minority rights which would grant strong autonomous functions to national minority groups. However, at the same time, other political forces in Romania have been inspired by ideas of pluralism and multiculturalism as an alternative to the earlier nationalist legacies (Bárdi, 2011c). It is also alongside this reconstruction, driven by the desire to join European-level institutions, but also to develop new parameters from the Romanian society, that shared understandings started to include principles with which preservation and promotion of national minorities could be furthered across the political and legal spectrum of Romania. The desire to demonstrate this was shown by being the first country in Europe to sign the FCNM, on the very day it opened up for signature. Moreover, Romania is the only country to have ratified the FCNM on the part of as many as 19 national minorities. For the opposition to the nationalist forces, Europe offered an alternative to the earlier legacies of communism and nationalism (Csergo, 2002). Without this trend it would have also been difficult to imagine a movement from inertia to transformation, or in other words, movement from non-existence of a minority policy to a policy in comparison with which many (western) European states fall short.

Shared understandings as an influence in the above movement from inertia to transformation can be argued to have been affected by increased perception of Europe's legitimacy. This was facilitated by the ongoing transition and desire to gain a new image for Romania. An essential by-product of European integration as a key foreign policy goal was that is affected identity development. As a consequence, a European-oriented identity was promoted. The collapse of communism meant that a new identity was highly desirable among the elite and the public, which also played a central role in how European-level norms and rules were perceived and what relevance they gained domestically. Sedelmeier describes such a phenomenon as being dependent on national identification with the EU and the more general normative attitudes towards European integration (Sedelmeier, 2012: 830). The vision to 'return to Europe' which was constructed with speed following the fall of Communism, rapidly triggered positive perceptions of the EU, which were helpful for legitimating new proposals and for justifying already-made changes regarding national minority rights. Interviewees often describe how Europe was important in providing examples by often referring to principles such as freedom of thought and freedom of expression. For example, a DAHR member explains one important attraction force to Europe, by referring to principles such as freedom of thought and freedom of expression, which turned into desirable elements in Romania

(György, interview). The vision of Europe as an ideal of civilisation with a distinct set of values provided a crucial component in the implementation of the Copenhagen Criteria (Grabbe, 2006: 53). One member of the Hungarian minority explains that had it not been for the visions related to civilisation or openness which Europe provided, Romania would have been in a much lower position today (Bodor, interview). Another interviewee explains how Europe has helped to change the rules of the game by putting a greater emphasis on rules of law, assisting in the establishment of a more favourable climate for minority-majority cooperation, even at the highest political level of Romania (Székely, interview). Similarly, Europe became perceived as a countermeasure against reversal of the democratic consolidation, an indirectly relevant element enabling the integration of minority rights within the overall public policy. Along the overall state of transition, change agents were provided the momentum to anchor their activity in new rhetoric, a rhetoric which gained the upper-hand in the Romanian society at large.

In all, given the multiple transitions in which Romania was captured, the transformation of shared understandings became more attuned towards European integration, serving as an intervening variable which established a favourable climate for active change agents. Interviewees point towards the strong acceptance among the public in Romania of European integration, in which even norms and rules related to national minority rights gained support. It was thus the recreation of the shared understandings which gave an important impetus to the way that Europeanisation outcomes were higher, but it also served an important context for the above mentioned change agents to engage in bargaining and argumentation. An important illustration of this is basically that DAHR members do not feel constrained from acting in Romania. They feel free to raise most issues and discuss most matters, which was unthinkable prior to the 1989.

In Greece, shared understandings and national traditions are highly central in order to explain the Europeanisation outcome of inertia. In this case shared understandings correspond to an intervening variable which limits Europeanisation effects. The special character of Greek nationalism and the perceptions of otherness have been closely informed by neighbouring Turkey, which in turn has continued to affect the way that Greece perceives the Turkish minority. Greece confirms parts of the goodness of fit model in that despite the presence of high adaptational pressure from the CoE and EU law, policy and norms, the necessary intervening variables which could help to facilitate adjustment to Europeanisation are weak or lack qualities that make change possible. This links to the sociological institutionalist arguments that high adaptational pressure is likely to meet inertia, preventing domestic change (Börzel and Risse, 2003: 70), as it falls beyond a country's capacity to adapt to new standards. Existing norms and rules in Greece, being deeply entrenched within nationalism, continue to deviate from European-level norms and rules

pertaining to national minority rights, such as norms of cultural diversity or commitments to preserve national minority groups. However, the Greek case also confirms a second sociological institutionalist perspective of the goodness of fit models, namely that change can be expected under conditions of crisis or external coercion (Börzel and Risse, 2003: 70). As seen in chapter six, during a brief period in the mid 1990s, Greece made commitments to a policy of equality which extended civil and political rights to the Turkish minority in Western Thrace. This change had preceded strong pressure from Europe and different international bodies (Anagnostou, 2005). As an expert on minority issues in Greece explains, "external pressure peaked as the multidimensional discrimination became known to Europe, especially after riots by the Turkish minority in Komotini in 1989" (Tsitselikis, interview). Another expert on minority issues in Greece described the changes in Greek policy in the 1990s as the "consequence of exceptional external pressure upon Greece regarding the need to adhere to not only minority rights, but also to human rights in general" (Gavrommatis, interview). The goal of strengthening the general European integration process spilled over into the pursuit of full equality domestically (Human Rights Watch, 1992). This process of change, however, involved the necessary facilitating factor in the form of a committed political party and prime minister, with a push from the US to ensure that domestic development kept a good pace (US Helsinki Commission, 2008). In this same vein, Turkey was becoming committed to its own Europeanisation process, as such also signalling potential changes in minority policy regarding the Greek minority in Istanbul. As such, in the early 1990s, external shock, crisis or external coercion (Börzel and Risse, 2003) led to change, but only an ad hoc change, which has not kept pace with reform. As observed by Anagnostou in 2005, the domestic preparedness and the Europeanisation process of Greek national minority rights which had started, had reversed back into a state of inertia by the late 1990s. The following sections assess the nature of change agents in Greece and interstate dynamics in order to explain the lack of change even under strong adaptational pressure from Europe and the reversal effects.

According to the goodness of fit model, there are good conditions for change in Greece because of there is a strong misfit which forms the basis for high adaptational pressure. This emerged with strong incompatibility between Greek understanding and management of minority rights and those at the European level. However, strong pressure did not lead to change. There are two important reasons for this. First, change agents are prevented from interacting in a systematic way with relevant governmental forces. Abilities to act as norm entrepreneurs are limited primarily to the community level, whereas acts of veto players are absent. Second, change agents' ability to act is affected by shared understandings of minority rights in Greece. This last factor is a combination of Greek nationalism and the special character of kin-state relations, which has shaped the specific

character attached to the Turkish minority. Minority rights in Greece are a product of the Lausanne Treaty, but this minority policy has not extended into the overall public policy procedures in Greece. Accordingly, this prevents change agents from operating freely, shared understandings are difficult to alter, and there is little willingness to internalise new norms and rules which could affect the status quo.

Ad-hocism and exceptionalism in Greece can be linked to what has been characterised by Featherstone as a political context which is split between conservative and modernising forces (Featherstone, 2005). In fact, such a split has prevented a domestic cooperative context from taking shape and informal political culture has been in a state of conflict in Greece throughout most of the 1990s. Pressure to modernise and liberalise domestic politics, as a consequence of having to adhere to European-level norms in mainstream areas such as economic policy, has consequently spilled over into other aspects of Greek public policy, very often causing domestic disagreements. Consequently, moments of change due to European pressure were mainly possible due to an ad hoc and exceptional willingness by a ruling political parties or specific actors at particular points in time.

The above context can be understood as an impediment for translating the many ad hoc instances into the creation of more permanent norm entrepreneurship or cooperative institutions, or even one in which minority actors could bargain or contest domestic public policy in order to gain from it.

Throughout the recent history of Greece, minority issues were predominantly perceived with tension and mistrust (Sitaropoulos, 2003). According to some scholars, such a perception is largely a phenomenon created by the idea that national minorities pose a threat to Greek national integrity (Turgay, 2009). Such a vision is only intensified by the Turkish minority's attempt to invoke rights linked to nationality and ethnic identification. In fact, in a judgement by the Greek Supreme Court on the Xanthi Turkish Union in 2005, which had already been ruled by the ECtHR, it was reiterated that the "Union should be dissolved since it constitutes an attempt to affirm the presence of a Turkish minority in Greece" (Pavlou, 2007). Similarly, the perception of Sharia law is also described as a paradox in the 21st century Greek society (Turgay, 2009: 1531), not fitting contemporary times. Both instances reflect official stand points given by Greek authorities, reconfirming a general attitude of intolerance towards the existence of minorities. Others argued that the lack of tolerance, or trust for that matter, towards minority associations also links to the broader lack of a solid civil society in Greece (Hüseyinoglu, 2010: 7- 8). This very lack is argued to also be a more general problem for full democratic party competition, which could in turn contribute to more

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transparency within society (Featherstone, 2005). Although this is not directly relevant for minorities, it does limit the operation of change agents lobbying for national minority rights domestically when contrasted to the other two cases. By banning minority associations on the grounds of ethnicity and by viewing minority associations as threatening public order, important qualities for group agency formation are withheld from the Turkish minority. Similarly, rejection and dissolution of minority associations also undermines the emergence of multiculturalism and cultural diversity in Greece, preventing tolerance from gaining foothold. Ultimately, this becomes an impediment to the establishment of a supportive environment within which national minorities could develop as partners in which dialogue could flourish. Instead, by using terms such as 'enemy' and 'threat' when referring to the minority, the emergence of domestic entrepreneurship is prevented from taking shape, an entrepreneurship which could help to break the existing status quo which continues to reject minority rights.

With the lack of strong civil society and well-functioning tradition of decentralised policy implementation, state-level intervention into the minority situation is very likely to take place, as shown in chapters five and six in the case of interference with the minority's religious and educational life. Such interventions undermine, not only the formation of change agents at the minority level, but also the willingness to internalise new norms and rules stemming from European-level instruments. National minority rights are about special rights, which normally invoke the extension of existing paradigms in order to provide conditions for equality for minority members.

The lack of change in Greek minority policy has also for a long time been a function of reciprocity between Greece and Turkey, based of Article 45 of the Lausanne Treaty (Turgay, 2009: 1538). Reciprocity became a guiding principle for Greek authorities regarding their domestic approach to minority rights throughout most of the past century, as demonstrated in chapter six. However, the terminology which arises from the Lausanne Treaty has had a further impact on Greece and its approach to minority rights. Given that the Lausanne Treaty defines the Turkish minority as a Muslim minority, it has helped Greece to justify its rejection of a Turkish national minority. For example, Greece has been seen defending its stance by referring to the Lausanne Treaty's definition of Turks in Western Thrace as a 'Muslim' minority, claiming that there are no justifiable reasons to consider claims linked to 'nationality' and 'ethnicity', (Hammarberg, 2009: 6). With this, the Lausanne Treaty is also a central tool for the Greek justification of what by others is highlighted as being a restrictive measure. Similarly, Turkey has practiced reciprocity with regard to the Greek minority in Istanbul. Given such consequences due to the wording and interpretation of the Lausanne Treaty, one could, of course, wonder whether the treaty is out of date. Or, in other words,

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does a Treaty which originates from the Ottoman understanding of 'minority', where affiliation was made purely along religious lines, still make sense for organising minority communities and minority rights? And in particular, given that it appears to be preventing Europeanisation due to misuse by both states?

When discussing the above issue of the negative usage of the Lausanne Treaty by Greece and Turkey with minority actors in Western Thrace, they clearly object to any considerations of changing the Lausanne Treaty. As seen in chapter six, it is repeatedly and explicitly indicated that 'this is our constitution', or 'it is our guarantee to exist' among minority actors. An expert on the minority issues in Western Thrace also cannot foresee any possibility of changing the Lausanne Treaty, arguing that 'there is uncertainty on all sides over what it could mean to even change a line, so they are cautious about even considering changes of one tiny word of the treaty' (Tsitselikis, interview). This same concern was also raised among experts at an EP session in November 2012, which confirmed that any possible changes of the Lausanne Treaty are met with reluctance, despite the fact that it is misused. The president of ABTTF in Germany explained that "the biggest problem is not that Lausanne is outdated, but that it is not implemented that way that it should be" (Habipoglu, interview). Other minority actors from Europe who were present at the same session claim that there is no lack of existing standards, in particular now that the Lausanne Treaty is also supplemented by EU law and international law (EP, 2012). Instead, the main problem is the lack of political will to implement existing standards and to adhere to rules and norms (ibid). What are clearly missing in this perspective are tools of enforcement and domestic actors committed to an appropriate interpretation of the Lausanne Treaty. Whereas adherence and interpretation may be facilitated through rapprochement between Greece and Turkey (Tocci, 2008), full implementation of the Treaty continues to be determined by the essence of the way in which minority rights are interpreted in Greece at large. Minorities have for a long times been defined in terms of the 'other', rather than as an enriching factor of domestic cultural diversity which should be protected, promoted and preserved.

Today, the level of tolerance is also fluctuating as a side effect of the economic crisis in Greece, the general political turmoil and the rise of extreme right parties, such as the Golden Dawn. Since 2010 and the ongoing austerity measures in Greece, ABTTF has reported several attacks against Turkish minority associations in Komotini and Xhanti by the Golden Dawn (ABTTF, 2013b; 2012b). As such, the general context today, combining both economic and political instability, causes a further setback for Greece to consider European-level rules and norms on minority rights. Some experts have predicted negative consequences of recent immigration waves in Greece on traditional minority groups (Muizniek, 2013). Given the tremendous instability in Greece generated by an

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uncontrolled asylum structure and increased migration into Greece over the past decade, the Turkish minority might also become subjected to further restrictions. An interviewee makes a link between current migration flows into Greece and negative consequences for the Turkish minority in Western Thrace, by arguing that:

> Athens has received a lot of immigrants in the last 20 years. At the moment there are around one million foreigners and nearly 400 000 Albanians. So Greece feels a threat if it one day accepts Turks and Macedonians, that one day they will have to accept Albanians too if they start asking for minority rights protection. So imagine then that they also have Somalis, Bangladeshis etc. This is a second threatening point to Greece today… (Kabza, interview).

At the same time, other interviewees argue that the currently high levels of immigration into Greece could, in the long run, turn into a trend with benefits for traditional minority groups in Greece. For example, it was argued that this could provide an opportunity for the Turkish minority to demonstrate to the Greek state that they are stable communities, that they have functional minority organisations and that they are well integrated (Rusen, interview). In other words, the high immigration flow into Greece could serve as a factor through which the minority can demonstrate that it is different from the newcomers (ibid).

7.3 Kin-states and interstate relations as an intervening variable

For the German minority in Denmark, the kin-state Germany and the federal Government of Schleswig-Holstein are important to understand parts of the Europeanisation process in Denmark pertaining to the German minority. Kin-state relations were established with the Bonn-Copenhagen Declaration in the first place, as the declaration requires each state to protect minorities and prohibits minorities from being treated differently from the majority (Copenhagen Declaration, 1955). Since then, given that both states are tied into protecting each other's minorities, reciprocity appears to have gained a symbolic standing. Although kin-state relations in this case go far back in history and have had implication on the Danish approach to minority rights, this section looks at some recent examples which can help to demonstrate the significance of kin-state relations in relation to Europeanisation impact observed in the previous chapter.

Regarding European-level instruments, the two states have committed to the same documents regarding both minorities. In fact, regarding the FCNM, Germany and Denmark implemented it at a matched pace with their signatures in 1995, ratification in 1997 and in, 1998, the document entered into force in each country. Regarding the ECRML, Germany ratified the instrument two years before Denmark. The CoE commitments thus point in a direction of reciprocal action, which is especially accentuated in the case of Denmark given that it has implemented both the FCNM and the

ECRML only for the German minority and no other minority group.

However, the kin-state is especially relevant during contentious times, or when the existing status quo of minority politics is interrupted due to broader political changes. A recent example was German government cuts in the funding of Danish minority schools in Schleswig Holstein in 2010, as a consequence of economic redevelopment and money saving strategies (Kühl, 2011). That is, the German federal state of Schleswig Holstein decided to reduce educational subsidies for the Danish schools, from covering 100 per cent of the cost per student, down to 85 per cent (ibid). Only the Danish minority schools were affected by the subsidy cuts, while funding for all other German public schools remained untouched in the budget. Although this particular event concerned primarily the Danish minority in Germany, it had broader effects, as the act went against the spirit of the Bonn-Copenhagen Declaration. By cutting the funding for minority schools specifically, Germany went against one of the most central elements of the Bonn Declaration, namely point three which holds that the "members of the Danish minority are not to be treated differently from other citizens in respect of financial assistance" (Bonn Declaration, 1955). The Danish government reacted by condemning the actions of the Schleswig-Holstein government and by emphasising how well it treated the German minority in Denmark (BDN, 2011b: 11). In tandem with funding cuts in Germany, Denmark not only confirmed its financial support for the German minority and minority schools in South Jutland, it even increased funding to minority schools through a general relocation of funding to all public schools in Denmark (Kühl, 2011: 23). By taking this action, according to parliamentarian Ellen Trane Nørby, Denmark sought to signal its serious attitude to minority policy to Germany and emphasise that the German minority in Denmark is treated the same way as any other Danish citizens (Flensborg Avis, 2010). Denmark also pointed out that it took the Bonn-Copenhagen declaration very seriously. The Danish education minister of the time, Tine Nedergaard, underlined that Denmark ensures that the German minority schools receive *equal* funding as all other schools in Denmark (emphasis added, Der Nordschleswiger, 2010). This case also went all the way to the central German government, which reacted to increasing criticism by providing a subsidy to the state of Schleswig-Holstein overnight in order to maintain funding to the minority schools. At the same time, the German minority in Denmark engaged in a very intensive dialogue with the Danish government, driven by the fear that it would become subject to the same financial cuts, by referring to what was happening to the Danish minority in the south (BDN, 2011b: 11). This process has been described as a 'diplomatic act between Denmark and Germany' (Kühl, 2011), but is also shows that minority-related questions can still become the subject of hard politics, involving reactions from the highest government bodies in the two countries.

The above demonstrates two interesting points which help to understand the role of kin-state

relations in the case of the German minority Denmark. First, the preceding discussion and the previous chapters show the extent to which minority policy rests on mutual political understanding and the goodwill of the two countries. However, even if the established 'politics of trust' which generally guides minority politics between the Denmark and Germany appears as an ideal system, this can be affected if actions are taken against the Bonn-Copenhagen declaration. Thus a system which is largely fabricated on trust can have drawbacks should violations against each minority occur. Second, due to the 'politics of trust' system, adaptation to European-level pressure reinforces mutual reciprocity. That is, given the mutual reciprocity established with the Bonn-Copenhagen declaration, choices to adapt to European-level developments regarding national minority rights are often done as a consequence of the need to uphold mutual commitments, and not necessarily because new level of protection, preservation or promotion is considered necessary. Thus while interstate relations help to understand the process of change, this same factor also helps to understand why other minority groups fail to qualify for minority protection, in particular those that lack a kin-state and a bilateral agreement which needs to be upheld and which can influence willingness to change a policy.

Regarding the Hungarian minority, the kin-state Hungary has played a central role in relation to national minority policies in Romania. Historically, Hungary has been active on the part of its kin-minorities in neighbouring countries and it has also mattered for the development of domestic minority policies. Kin-state politics took a new turn following the end of communism and with the emergence of European integration where Hungary took advantage of the new political environment and adapted its kin-state behaviour in accordance with ongoing changes in Europe. For example, responsibility for the Hungarian minorities in neighbouring countries was integrated within the Hungarian political party programme in 1989-1990 (Szarka, 2011: 451). With this, the international and European community noted the weight which Hungary's foreign policy accorded its kin-minorities following 1989. The first post-communist government in Hungary (1990-1994) under the leadership of Jozsef Antall, declared that the "Hungarian state bore responsibility for their survival and destiny, and that support would be given for the programmes devised by the minorities" (ibid). Consequently, by promising (financial) support to political parties representing Hungarians abroad, Antall also underlined that neighbourhood treaties which had to be signed in order to ensure peaceful borders and territorial stability, had to ensure that minority rights were observed consistently (Galbreath and McEvoy, 2012). Minority actors in Romania understood Hungary's activism "as a desire to be reunited with ethnic Hungarians living abroad in a united Europe [...] for which European integration provided a new context" (M. Attilla, interview). No other national minority in Romania has such an active kin-state, one which even possesses policies

and legislation towards kin-minorities living in neighbouring countries.

As seen in chapter six, Hungary became an alternative source through which minority rights in Romania were addressed. For example, during the NATO accession process, the Prime Minister Antall demonstrated refused to sign the neighbourhood treaty without any assurances of minority rights protection for ethnic Hungarians in Romania (Galbreath and McEvoy, 2012: 157). The treaty was a prerequisite for both EU and NATO membership, in which NATO initiated a process of silent diplomacy between Hungary and Romania by pushing for a signature of the Neighbourhood Treaty as an important benchmark for improved interstate and inter-ethnic relations. This early period reflected fears on the part of the European and international community that once communism was gone, many states would attempt to revive earlier borders or regain territories which had been lost (Bárdi, 2011b). Some scholars have argued that it was primarily these minority questions that invoked geopolitical concerns and that threatened regional stability which attracted the greatest interest of European and international organisations (Galbreath and McEvoy, 2012: 158). However, although geopolitical concerns led to the involvement of European and international organisations in the first place, they also created a situation in which kin-states could affect minority rights protection, and as such act as change agents.

In general, Hungary is identified as a longstanding promoter of minority rights, not only domestically, but also in its drive to put minority protection on the European agenda after 1989 (Schwellnus, 2005: 59). One example of this is the strong pressure exerted by Hungarian delegates during the drafting of the Constitutional Treaty in 2004 to include the sentence 'respect for rights of persons belonging to minorities' (Malloy, 2013b: 68). A second example is the role of minority protection in the agenda of the Hungarian European Council Presidency held in 2011. The presidency established the main groundwork for, and pushed for a final initiation of the EU Framework for National Roma Integration Strategies up to 2020 (Commission, 2011). Minority actors active at the European level understand the Roma strategy as one of the most comprehensive strategies on minority rights in Europe (Sógor, interview; Vincze, interview). Some interviewees portray the emergence and existence of a Roma strategy at the EU level as an ideal model to build on in order to initiate national minority models at EU level (Winkler, interview; H. H. Hansen, interview; J. Diedrichsen, interview). But Hungary is also argued to possess well-developed minority protection domestically (Schwellnus, 2005: 59; Vachudova, 2005), which it tries to export to neighbouring countries where Hungarians are living. For example, one central element of controversy over the Treaty of Friendship between Romania and Hungary in the early 1990s was the issue of collective minority rights. Hungary pushed for the inclusion of a reference to international minority rights instruments within the treaty, Romania agreed on the inclusion.

However, adding a specific footnote that Protocol 1201 of CoE should not be understood as a clause which can be applied for collective or cultural autonomy (Bárdi, 2011b). One of the reasons for Hungary's embrace of collective rights domestically, but also its active attempts to achieve similar developments at the European level, is rooted in the fact that Hungary has a large number of external minorities, that is kin-minorities, living in neighbouring countries (Schwellnus, 2005). Evidence of this was manifested in the notorious "Law on Hungarians living in neighbouring countries", also known as the "Status Law of 2001". The law not only proclaimed a 'dangerous' kin-state involvement within the territories of neighbouring states where ethnic Hungarians are residing, but it also saw a strong interference by European institutions, such as the European Commission and in particular the Venice Commission of the CoE (Deets, 2006). Basically, the law grants certain benefits to persons declaring themselves of Hungarian national identity but residing in a neighbouring country (Lantschner, 2004: 214). More concretely, kin-nationals living in neighbouring countries would be allowed to apply for free, multiple-trip visas which permit them to enter Hungary but not the rest of the EU, as well as a Hungarian identity card allowing them to work temporarily, study, travel cheaply and to claim certain healthcare benefits while in Hungary. Another perceived advantage of the Status Law was that it would lead to a reduction in the number of kin-nationals living and working illegally in Hungary (Galbreath and McEvoy, 2012: 158). Despite controversies and renegotiations between Hungary, the neighbouring states and the CoE, the Status Law was finally accepted in 2003 in Romania and it entitles the Hungarian minority in Romania to obtain Hungarian citizenship.

Given that Hungary became an EU member prior to Romania, it also served as an important information base for the minority actors in Romania. Harmonised cross-border facilities were installed, followed by civil society exchanges and other interactions. Early on the Hungarian Prime Minister stated that Hungary welcomes a 'reunification' with its kin-minorities through European integration, but also a Romania within the European integration process (Bárdi, 2011b). Evidence of this is provided by the interviews with Hungarians living in Romania, where the period between 2004 and 2007 is described as a phase in which relations between the two countries intensified (Janosi, interview). Thus European integration established a new context for the renewal of kin-state politics and kin-state interactions, which was largely absent in Eastern and Central Europe during communism.

Hungary has a strong presence in the political sphere regarding the Hungarian minority in Romania and it was pleased by DAHR's entrance into government and parliament in 1996. Although it has provided important financial and moral support, in particular during the period leading up to EU accession, some members of the Hungarian minority have also criticised Hungary for too much

interference. In particular since the installation of the Orban government in Hungary, DAHR members have developed a more cautious relationship to Hungary. One reason for this is that the current government in Hungary also provides funding for another Hungarian political party in Romania, a party which is a strong advocate for autonomy of Szeklerland, an area in Transylvania with Hungarian majority. In other words, Hungary is supporting and funding what, according to DAHR members, is a nationalist movement in Romania that may be detrimental to DAHR's political place and reputation in Romanian politics. Technically, it poses the risk of losing them votes in minority-inhabited areas, affecting DAHR's overall ability to meet the threshold, due to competition and division within the minority. Interview partners belonging to the Hungarian minority confirmed this, claiming that the interference has gone too far, by explaining the effects as follows:

> ...it is actually splitting the Hungarian minority community in Romania […] if I was a kin-state of a minority, regardless of the Hungarian issue, my interest would be to have a strong group in that country as long as possible, as present as possible, as involved as possible, but not to divide them (M. Attilla, interview).

Another member of staff at DIR explains the situation as follows:

> ...while the current Orban government has granted citizenship to the Hungarians abroad, it has taken advantage of this by also giving money to ultra-nationalist Hungarian parties in Romania. This is really tricky ground, once you have a minority, you need 5% of votes to be cast in order to have representation in Parliament and if you split the minority, you end up having no representation. This is something that a kin-state should avoid (Janosi, interview).

However, in the 2012 elections, this interference does not seem to have affected the standing of DAHR, who still hold 26 seats held in the Parliamentary groups of the chamber of deputies and of the senate of the Romanian Parliament (Government Romania, 2013).

In Greece, the role of Turkey is an intriguing factor which not only helps to understand change, but also to interpret persistent status-quo and the current lack of change. The kin-state relations are highly ambivalent in this case and they have been decisive for both domestic change in Greece and for the Europeanisation process at large. Turkey has played a role in the Europeanisation process as a whole, however, in a way that differs from the other two cases in the dissertation. As already seen above, conflicting interstate relations between Greece and Turkey throughout history have had several detrimental effects on the Turkish minority in Greece. Instead of turning into something which helps to facilitate change, as seen in the other cases, the specific character of the kin-state relations have often developed in the opposite direction. Similarly, interstate relations can also influence the rejection of European-level norms and rules pertaining to national minority rights in a state where the kin-minority lives. This case thus demonstrates the decisive role of kin-state and interstate relations, however in a way that is not necessarily determined by active kin-

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state politics. A kin-state does not necessarily need to be active all the time in order to generate influence; instead, it can matter just as much by being passive.

Since late 1990s Turkey has taken a less active position as a kin-state. One can identify a number of reasons for this. First of all, there has not been any far-reaching conflict involving Greece and Turkey as opposing parties, as such preventing justification for practices of negative reciprocity. Consequently, the reciprocal principle of "how you treat our minority – we treat yours" has not necessarily been the main guiding principle since the late 1990s. This can be linked to shifting interests in Turkey and to shifting foreign policy aspirations. That is, Turkey is also keen to become an EU member and to have good relations with its neighbours (Galbreath and McEvoy, 2012: 156), which is reflected in some of its political decisions. At the same time, with own minority problems and increasing international attention on Turkey's treatment of the Kurdish minority, coupled with the accusation of genocide of the Armenian minority, a more silent attitude on minority rights has evolved in Turkey. This silence is also reflected in Turkey's attitudes towards the Greek minority in Istanbul and the Turkish minority in Western Thrace (Tocci, 2008). Likewise, Turkey belongs to the group of European states that refuse to sign and ratify the ECRML and the FCNM, thus adopting a similar attitude like Greece. This passive attitude is however, a new form of reciprocity which now affects Europeanisation, rather than domestic affairs only. The Turkish constitution contained little provision for minority rights until the early 1990s. Minor changes have occurred in tandem with the Copenhagen Criteria, with which attention to domestic treatment of minorities has also increased (Hughes, 2010: 572-74). In other words, increased international attention to Turkey's treatment of national minorities domestically and shaming by European bodies, have contributed to the handicapping of Turkey's ability and readiness to react to the treatment of its kin-minorities not only in Greece, but also in Bulgaria. There is basically a link between the way that its own domestic policy experiences Europeanisation and the way that it matters as a kin-state in the Europeanisation processes of neighbouring countries hosting Turkish minorities; namely, it develops a more passive role. This can be exemplified by a lack of reaction from Turkey when the Greek Supreme Court reaffirmed banning of the Xanthi Turkish Association in 2005 (Tocci, 2008: 273). Such a ban would have triggered different reactions from Turkey a few decades earlier. It is also argued that the passive attitude was affected by Turkey's own ongoing Europeanisation process and the need to adopt the Copenhagen Criteria (ibid: 272). Turkey's passive attitude throughout the 1990s is confirmed in interviews with minority actors in Western Thrace. In fact, the information that they share on how Turkey matters as a kin-state at the moment was largely ambivalent and modest. Many of them argue that Turkey plays a symbolic role, even if it has taken a passive stance. The fact that Turkey is the minority's kin-state continues to shape Greece's attitude

and approach towards the Turkish minority. Instead of hard politics or a place for the minority to turn to with problems due to miss implementation of the Lausanne Treaty, Turkey has turned into an attractive place for more practical aspects to the minority, such as higher education. Many of the interviewees hold university degrees from Turkey and they are keen to return to Turkey for further diplomas. In all, there is a stronger trust in the Turkish education sector than in the Greek educational system. The fact that Turkey has much less demanding entrance requirements for university education means that many minority members almost automatically study there. As such, Turkey offers moral and symbolic support to minority members, while avoiding any hard political tools or actions which could be understood as interference. In all, it is likely that Turkey will be replaced by Europe as an important source of change, especially in the case that the Europeanisation process in Turkey continues, and thus places its minority politics in a new light. This might, however, also become beneficial to the Turkish minority, especially if the Lausanne Treaty reaches a new level of scrutiny by European-level bodies.

The above discussion brings me back to my fourth hypothesis, which posits that when a kin-state is also engaged in the European integration process and is exposed to the same rules and norms, it will turn into a supportive force and a facilitating factor, by helping to generate higher Europeanisation outcomes (see chapter three). Part two of the dissertation showed the important role of kin-states in the status and recognition of each minority group. The creation of national minority groups often results from interaction involving both kin- and host state. Likewise, it is also this interactive dynamics which has culminated in a need to protect those minorities. In this sense, the argument that history still matters does justify the demand for special rights among national minorities (Malloy, 2005). Similarly, there are highly unique understandings attached to national minority groups, which differ from other groups such as migrant groups, and which are expected to be affected by a different shared understanding.

Regarding the practice of reciprocity between kin- and the host state, we have also seen that it is practiced between Germany and Denmark, albeit to a different degree when contrasted to Greece and Turkey. However, Germany has embraced similar European-level norms and rules in relation to the Danish minority in Germany, especially in relation to the norms stemming from the CoE. This argument finds further support in that other potential national minority groups in Denmark that lack a kin-state, like the Roma, see a very different treatment and level of attention, not least regarding recognition of their being a national minority. Regarding Hungary as a kin-state, its proactive attitude has been reinforced through European integration, by which it has taken advantage of European-level structures, rules and norms in order to strengthen its own kin-minority politics. While this can bear negative consequences for the relations with the host state,

and even harm the kin-minority's political representation, relations between Hungary and Romania have benefitted. The integration of both countries into NATO and the EU has created a new sense of security, which has benefitted the interstate relations, which has indirectly benefitted the Hungarian minority. In fact, there are episodes in which Hungary has performed the role of a change agent, either alone or through interaction with European-level bodies. Regarding Turkey, the situation differs and demonstrates a more paradoxical picture. Existing research has acknowledged an ambivalent development in Turkey's attitude towards its kin-minority throughout the 1990s (Tocci, 2008; Galbreath and McEvoy, 2012), one which is about silence. This research also shows that whereas Turkey's role as a kin-state has been steady since 1923, it has taken a different position since the late 1990s. This new position is informed by the lack of conflict with Greece in the first place, but also by Turkey's own Europeanisation process and the internationalisation of domestic minority issues. Increased international awareness and criticism of Turkey's treatment of domestic minorities has prevented Turkey from being active, at least through public and formal means.

Kin-state relations are also reflected the development of minority communities. We have seen how the German minority in Denmark started to embrace more Europeaness, which occurred concurrently with developments in post-war Germany. Germany, in general, has been a strong advocate of the European integration project and this has affected the German minority's attitude as well. Geographical proximity and access to German media and political debates is, of course, facilitating this influence. Political transformations in Turkey have also affected the minority community in Western Thrace. Following the politics of secularism, as introduced by the Kemalist regime in Turkey, a split between modernist and traditionalists in Western Thrace took place (Hüseyinoglu, 2010: 11-12). Kin-state developments thus affected ongoing identity dynamics, not only among the Turkish minority in Greece, but also among the kin-minority in Bulgaria. There is, in fact, still a split between those praising an Ottoman-style life and those who orient themselves towards more secular visions as developed by the Kemalist regime. In fact, this reflects the division which exists in Turkey today as well. This split has contributed to fluctuations within the community itself and it also matters in how negotiations with Greece take place. Regarding Hungary as a kin-state, there are several influences on the Hungarian minority in Romania. Whereas DAHR was used as an example to demonstrate the multidimensional role played by Hungary and its kin-state politics, the Hungarian community at large often shows similar tendencies to those played out in Hungary. Although some distance has developed following increased nationalist rhetoric of the current Orban government, Hungary's persistent interest in Transylvania poses a risk to the Hungarian minority. That is, a kin-state's selective support for

some movements of the minority risks that the Hungarian minority in Romania becomes split into those that claim full territorial autonomy for some parts of Transylvania and those that prefer a multinational state within Romania.

7.4 Summary

For greatest Europeanisation outcomes, a combination of active change agents with an ability to act domestically (from within the minority), supportive shared understandings and balanced relations with the kin-state form the best conditions. The three cases above show how similar intervening variables are activated, despite different degrees of pressure and different outcomes. Without actors who are convinced that the pressure should be translated into domestic change, little or no change will take place. This outcome addresses hypothesis two and three of the dissertation. While little change can be foreseen without the existence of change agents, it is mainly possible when those active change agents are tolerated and allowed to operate at the domestic level. The extent to which change agents can act domestically requires access to relevant political arenas in which claims can be pursued or articulated, which is closely determined by shared understandings.

Romania manifests a scenario of highly active change agents showing qualities for preferences of both veto players and norm entrepreneurs during the process of change. As shared understandings in Romania were under transition, change became easier as 'European' aspiration gained the upper hand over political pragmatism. This was also made easier as the kin-state became committed to the same norms and rules as Romania. In Denmark, although the general shared understandings regarding minority rights are ambiguous, they back up the German minority and the change agents acting on part of the German minority are supported by the shared understandings. Europe has reinforced the need to justify the narrowness and selectivity in Denmark from which the German minority has drawn benefits, considering that renewal of state-level support and promotion started to turn into a dormant issue due to the idea that the German minority does not need so much assistance and promotion. Thus European-level norms and rules challenge even states where good minority solutions are in place. In Greece, similar intervening variables help to explain the outcome of non-Europeanisation. Change agents are prevented from acting and shared understandings are ruling out the existence of national minorities. In addition, the kin-state's role has shifted between conflicts to one of passivity, for which it has not managed to facilitate change as in the other two cases.

Change agents do not, however, remain static. Existing actors change behaviour as they engage in the process of change, shifting between identity and interest-driven motivations. This is what I turn to in the next chapter.

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	Denmark *Low adaptational pressure*	Romania *Exceptional adaptational pressure*	Greece *High adaptational pressure*
Pressure	Modest pressure via recommendations & opinions Criticism: lack of pro-activism by Danish authorities on ECRML & FCNM; narrowness; need to update existing measures on promotion FCNM & ECRML: *media broadcasting in the minority language; public use of German language; bilingual signs* Acceptance of border-free Europe	Exceptional pressure: *accession criteria* Pressure via monitoring, recommendations & opinions FCNM & ECRML: *new minority policy; legislation; new language law; public administration law; education law* Need to introduce a new minority policy and legislation	Strong pressure & criticism via internationalization of Greek minority policy in the 1990s Recommendations urging change and new introductions Exceptional pressure: ECHR case law: *human rights (freedom of association and religion)* EU, CoE and OSCE: *need for special minority rights and to ratify FCNM & ECRML* Pressure to comply with existing minority treaties
Misfit	Narrow interpretation and application of FCNM & ECRML Selectiveness on the recognition of national minority groups Low promotion of special services & weak pro-activism by state authorities Defensive reactions to remarks raised by CoE	Early 1990s: different understandings of minority rights Early 1990s: lack of many special rights, legislation and services to minorities Unsatisfied minority claims Unstable interstate relations (Romania & Hungary) Gradual compatibility constructed through adaptation	State interference in minority rights: *religion, administration, education* Breach of existing minority frameworks Denial of existence of national minorities; rejection of European-level instruments on minority rights Mismatch between ECHR law and Greek interpretations Greek nationalism non-inclusive of minorities Complex interstate relations Religious emphasis over national minority identity

Response to pressure	Comments through monitoring: clarification stance Dialogue with minority Information promotion to regional and local administration 'Simple coping strategies' Selective cooperative spirit	New legislation New institutions Reform of existing policy Public policy procedures adapted to minority needs Establishment of a system in order to meet pressure Cooperative spirit	Rejection & Refusal Implementation delays Weak or no cooperative spirit Fear of sovereignty loss
(Major) Changes 1990-today	1990s: DK's minority policy and policy evaluated through the ECRML (2000) & FCNM (1997) 2000s: Language promotion in public use/signage in minority language (ECRML) 2006: Minority political participation policy added a special provision – *consultative non-voting membership* Considerations beyond existing frameworks Reassured status of the minority and its language Establishment of informal working bodies (regional bodies & Ministry of Interior) discussing the ECRML	1991: 1st post-communist Constitution, Article 6 secures rights of national minorities 1991: 18 National minorities recognized 1992: Electoral Law – 1 seat to each minority in Parliament 1993: Council of National Minorities (advisory body to government) 1996: DAHR in government 1996: Romanian-Hungarian Friendship Treaty 1997: DIR established (under authority of Prime Minister) 1997: Law on Public Administration and Law on Education 1998: Multicultural University, Babes-Bolyai 2003: New constitution New bodies: DIR, NCCD; NGOs Normalization of politics Governmental cooperation between Hungarians and Romania since 1996	1990: Decree of 25 Dec. abolishing the legal procedure to elect Muftis 1991: 'Isonomia – Isopoliteia' (equality before the Law, equality of civil rights) Basic citizenship rights returned 1991: Electoral law change (introduction 3% threshold) 1998: signature of FCNM (no ratification) 1998: Article 19 of the Citizenship Code abolished Regional politics in focus Minority Education arrangements Low extension of minority rights, special rights and services Little/no reform beyond bilateral basis Domestic law questioned via ECtHR

Change agents	*State-level:* Secretariat of the German minority in Copenhagen Liason Committee (consultation) *Minority level:* BDN, Schleswigian Party *Transnational:* FUEN; EBLUL; AGDM Kin-state Germany State-government of Schleswig-Holstein	*State-level:* DAHR (deputies, senates and ministries) DIR (monitoring & consultation body) NCCD (monitoring body) *Minority level:* NGOs, DAHR, Research Centres *Transnational:* FUEN; EPP/EP; 2 MEPs; UNPO Kin-state Hungary	*State-level:* 2 MPs in Greek Parliament *Minority level:* Media: Gündum, Millet WTMUGA, FEP *Transnational:* Human rights Watch, HRWF; CoE (Pace); ABTTF (Germany & Brussels); FUEN Diaspora in Europe Kin-state Turkey Other Islamic countries
Other intervening variables	Post-Second World War and Cold War Search for new identity NATO membership Redefined relations between Denmark & Germany 2001: Cross-border institutionalization; Schengen Domestic political reforms; local administration reforms	Collapse of communism & desire to 'Return to Europe' Democratisation Democratic consolidation EU Enlargement & membership conditionality Pluralism & Multiculturalism envisaged	International vulnerability: *awareness and criticism* Modernization & Democratization Rapprochement with Turkey The Cyprus conflict New Islam in Greece & Immigration

Outcomes	Absorption	(gradual) Transformation	Inertia
	Alteration of existing arrangements (language issue)	Early inertia subjected to 'external coercion'	Too strong pressure and incompatibility
	The minority achieved the role of a partner	New minority policy through law and policy procedures	Civil rights returned – but minority rights breached and rejected
	Cross-border and regional affairs include minority participation	Changes in policy preferences	Rejection of the European minority rights regime
	European norms have highlighted the need to promote the minority's existence	Older policies, procedures and institutions replaced by new ones	Refusal to adopt to European human rights norms
	But, no essential change of the underlying logic and existing policy	The minority – a constructive participant and contributor to the progress	Status-quo in existing model not lifted
		Minority questions examined by Romanian government	The minority a threat, fear of 'Turkification' of the Western Thrace
		European norms and rules have shaped and helped to standardize domestic policy and law	European norms and rules have not managed to shape or replace domestic policy and law
Europeanisation	Modest Europeanisation *Absorption*	Highest Europeanisation *Transformation*	Non-Europeanisation *Inertia*

Table 1: Europeanisation processes and outcomes

Chapter 8: Europeanisation and usages of Europe: opportunity structures, experimentation and formation of actorness among national minority groups

This chapter engages with tracing the impact of Europeanisation on national minority groups by assessing why and how national minority actors use Europe and the implications of their usages on mobilisation, actorness and identification. A central starting point from the perspective of usages of Europe is when, how and why European-level norms and rules pertaining to national minority rights started to matter in the context of each of the three national minority groups. This requires a particular attention on actors and the ways in which national minority actors use European-level resources, policies and references as resources to advance own agendas and to legitimise own positions.

Instead of pressure-induced change, the Europeanisation process is more dependent on [active] involvement by national minority actors in varied multilevel usages of Europe for which Europe, on the other hand, needs to supply national minorities with opportunities which can support the accumulation of empowerment and the ability to use different policy instruments for bargaining, legitimating, publicity or other manoeuvres. Europeanisation is expected to occur as a consequence of practices and interactions of national minority actors while engaging in usages provided by political opportunity structures. Whereas strategic actions usually motivate the activities of national minorities and their usages of Europe, they are also transformed by their usages.

8.1 Emergence of agency through usages of Europe: Europeanisation and national minority groups

Central to research on usages of Europe is that it addresses the problem of narrowness of an approach looking only at structural elements and institutional pressure, which have been criticised for not providing a holistic picture of change; as they often undermine the role of agency (Jacquot and Woll, 2003: 4). According to Jacquot and Woll (2003), in order to understand changes and domestic implications that occur in the course of European integration, actors' motivations need to be given more attention and not only the extent of fit between institutional dynamic and pressure (2003: 2). They define usages of Europe as "practices and political interactions which redefine themselves by seizing the European level as a set of opportunities" (Jacquot, 2008: 22). Practices and political interactions basically happen as actors go back and forth between the European level and the level on which they act, creating a context of interaction and reciprocal influence (ibid).

Drawing on the above literature and definition, the notion of 'usages of Europe' for this dissertation

is tailored to cover *acts and practices involving European opportunities as resources used to advance own agendas and to legitimise the own position.* The concept of usages thus allows the research to study impact of Europeanisation which emerges through national minority groups' own action. While actors reappropriate tools acquired through political opportunity structures in order to fit their own goals, they are also affected by these very acts. Thus in order to better understand the impact of Europeanisation on national minority groups and how mobilisation, actorness and identities are affected, this chapter recasts the focus on how national minorities use tools and resources offered by the EU and the CoE in order to accommodate their own claims and what consequences this has on the actors. By assessing the stories of the three national minority groups regarding their experiences with Europe, different types of usage of Europe are demonstrated.

Three types of usage were discussed in chapter two, namely strategic, cognitive or legitimating (Jacquot and Woll 2003; 2010). Strategic usages are the most common ones and they are expected to be motivated by intentional goals which aim at increasing gains and access points. In fact, most usages evolve from the motive to seize opportunity structures. A cognitive usage, on the other hand, refers to an act of articulating and spreading ideas that explain and interpret a given political object (Jacquot and Woll, 2003: 7; 2010: 116). This type is common during the early stages of defining an issue, when ideas are used as persuasion mechanisms to affect the drafting of a policy field (ibid). And thirdly, a legitimating usage is about "the reference to Europe as a way of legitimising national public policy" (Hassenteufel and Surel, 2000: 19; Jacquot and Woll, 2003: 7). According to this usage, actors rely on the image of Europe in order to renew the acceptance of a stance or to justify a decision (Woll and Jacquot, 2010: 116).

Although most usages are initially strategic, it does not mean that actions remain static. For instance, a strategically motivated act to seize opportunities is also likely to evolve into a habitual practice, even affecting behaviour (Jacquot and Woll, 2003: 6) or triggering other profound or long-term effects. Thus as strategic as an action might be from the start, through repetition the behaviour and social positioning of actors can change. This is instructive in the case of national minority groups and minority actors, as their usage of what often appear to be intentional or strategic acts, like access to funding, can also trigger acknowledgement and legitimising as they continue to act, thereby boosting confidence, motivating creativity and experimentation and affecting identity formation. In order to understand this process of change, a starting point it to understand the motives of usages of Europe and how actors encounter Europe.

8.2 National minority groups 'using' Europe

8.2.1 The German minority and experimental usage: strengthening the regional position

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through Europe

Until the 1990s, the Bonn-Copenhagen Declaration was the key framework guaranteeing the protection of the German minority in Denmark, against which, it is even argued, many European legal instruments fell short (Malloy, 2005b: 188). However, when assessing recent activities, practices and engagement of the German minority within the broader European context, a range of new developments can be noted. European integration has, in particular, contributed to strengthening the role of the minority by engaging it in new activities in the region of South Jutland. For example, through cross-border institutionalisation and regional development processes, members of the German minority have acquired new functions and participatory roles within local commissions and representative offices established to manage such new developments in the region. With these developments, the German minority uses Europe as a way to refashion its role and function as a minority, being determined to (re)position itself in the region. At the same time, it is also through the German minority that European regional development policies have gained a new significance in the region. The following sections spend time outlining the usages of Europe among the German minority and the consequences of those usages on actorness formation.

The emergence of usages of Europe among the German minority in South Jutland shows, in the first place, major links to European regional politics and the promotion of cross-border cooperation. The opportunities which have arrived through EU regional policies and the associated INTERREG projects provide a realm of possibilities to the German minority to redefine several roles and practices as they seek to influence development and cross-border management. New role acquisition was facilitated by steady development alongside EU regional policies, the implementation of structural funds, the Schengen agreement and the establishment of a Euro region encompassing Schleswig Holstein and South Jutland, known as the 'Region Sønderjylland-Schleswig'. Members of the minority describe EU regional policy, particularly INTERREG programmes and ensuing cross-border activities, as the most useful developments in the region, saying that they have inspired the minority to "rethink its role and participation in local and regional activities" (Johannsen, interview). An interviewee in the region explains that through the promotion of European regional politics in South Jutland, the "very existence of the minority has been ensured" (Toft, interview) by strengthening the minority's visibility in the region. There are several reasons for this. The minority has assisted in the construction of a European-informed regional politics by supplying important knowledge on the region and by identifying new opportunities for projects (Malloy, 2011: 37). Having demonstrated an interest in closer contact with Germany ever since the 1920s (Klatt, 2005: 142-3), the German minority demonstrated a strong attraction to the politics of European integration, regional politics and the promotion of

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cross-border activities that this entailed. With the intensification of cross-border activities since the early 1990s, a need for the management of this movement also became increasingly necessary. This also required competent actors and bodies to manage such developments. It is alongside this development that the German minority acquired a relevant role as a contributor through own competences. So far, minority actors accumulated active roles on discussion platforms, commissions and representation offices responsible for regional politics, cross-border cooperation and development in general (Malloy, 2011: 38). For example, members of the minority were part of the 2007-2013 INTERREG Commission and they are elected members of the Euroregion assembly of Sønderjylland-Schleswig (ibid). On such platforms, minority members cooperate with public authorities and local governments on questions related to the region. Although the minority is not the founder of such forums and bodies, it is provided a voice and contributes to their functioning. Members of the minority have become aware that they are needed in these forums, for their possession of the necessary knowledge on, for instance, language, regional infrastructure, intercultural competence and their experience of cross-border dialogue. That the minority members became included in such development is described as follows: "it is a very logical fact because we know the systems of both countries well, we know what is good on one side and we know what is not good, and vice versa and this is basically our strength here" (Jürgensen, interview). Another minority actor describes the weight of the motives for strong activism in the region as follows:

> There are several bodies and actors responsible for the cross-border cooperation of which the minority is a member, as such adding important knowledge to the entire process. But when compared to other politicians that are involved, we are much more engaged, involved and interested in well-functioning cross-border cooperation. It is not really comparable what it means to them and what it means to us (Grella, interview).

This is not so because European integration contributed to the emergence of the knowledge which the German minority possesses, but European integration has helped to reinforce it and to make it a useful tool for ongoing policy implementation stemming from European-level politics. Although the exact role played by European integration is difficult to separate from other forces, it is understood by minority actors to have contributed to a new frame and inspiration for regional development, which is acknowledged as follows: "the EU is supportive and has enabled the cooperation to grow as it advances support, promotes projects and money that, all together, stimulate the development here" (Jürgensen, interview). Such development helps to place the German minority and the minority politics in a different light, one in which agendas are adjusted to European rhetoric and a need to be active in order to sustain the regional development. With this, members of the German minority also started to take own initiatives, by thinking beyond the border. Several services have

been developed by making use of the borderless environment, services which not only contribute to the formation of actorness among the German minority, but also to its preservation and promotion.

The introduction of the Schengen Agreement in Denmark in 2001 added an extra momentum to the development of cross-border activities. It gave impetus to a formalisation of cross-border cooperation with Germany, which had been long desired by the German minority. Although cross-border interaction existed before this, Schengen meant the official removal of border controls, thus fulfilling a symbolically important achievement. The symbolic achievement has been described as a final unification with the kin-state Germany in the minds of the German minority. One minority member who was active in minority affairs in the period following the 1950s explains the relevance of border removal as follows:

> For us it was highly relevant that Denmark joined the EU in 1973 and during the entire year before accession, the German minority was very active. The activation of the German minority can be explained by the interest in border removal and increased freedom across the borders which would contribute to tighter contacts to Germany, to German people and help to strengthen the German identity in South Jutland (Johannsen, interview).

The above European-level developments are visible in the 'minority speak' of the German minority. A 'European way of thinking' is closely associated with the idea of a unified and border-free Europe. This was not only becoming part of public opinion, but also of the German minority's agenda. With inspiration from European-level ideas, a first opportunity was seized to reframe the region according to new [European] principles. The chairman of BDN explains that the minority "started with a drafting of its regional strategy in which the use of the German minority was a novelty for us" (Jürgensen, interview). Research on cross-border regions has acknowledged the richness and strength of the usage and application of existing regional knowledge and capacity, in which minorities are often identified as central regional actors as they possess important knowledge on local and regional affairs (Klatt, 2005), but also as they know two cultures and two languages. Studies that look specifically at the German-Danish border region have also identified the minorities on each side of the border as crucial intermediaries, or 'mid-wives' between Denmark and Germany, setting up and facilitating the emergence of a Euro-region (Malloy, *et al.,* 2007: 28). This very discourse seems to have impacted the German minority's self-perception, affecting its awareness of what to do with the region and how to do it (Hallman, interview), thus signalling that what initially was a strategic usage slowly also influenced behaviour and identification. When contrasted to the pre-Schengen era and times prior to the intensified cross-border cooperation under the aegis of European integration, the minority was largely confined to the areas covered by existing bilateral treaties, hence there was little experimentation with the use of own social capital.

Being firmly committed to confirming its loyalty to the Danish state following the 1950s, the activities did not stretch much beyond existing frameworks. As such, many of the traditional roles have expanded to more experimental cooperation and joint strategies; EU projects can be understood to have opened up new space and installed a new rationale for the national minority group to develop internal social capital.

Although financial support from the EU or other European-level bodies is often of an ad hoc character for minorities, minority groups do attach relevance to EU financial support. The German minority acknowledges that increased financial opportunities have incentivised them to develop new ideas, thus indirectly making them engage in new usages of European ideas and policy tools. Financial aspects have been important motivators for more innovative practices, but have also spurred creativity, which supports preservation and promotion. For instance, with financial support from the EU the German minority initiated a joint project between four minority newspapers from Germany and Denmark respectively, known as 'Unter Nachbarn/Blandt Naboer'. The chief editor of the German daily newspaper in Denmark says:

> ...without EU finances this cross-border project would never have started, and even when the financing of this project stopped from EU's side, we have continued with the issue, as we realised that it is important for the entire region (Matlok, interview).

Another German minority initiative was the introduction of a rescue helicopter which operates on a cross-border basis. It basically allows German emergency helicopters to enter South Jutland. This project was initiated and implemented by the chairman of BDN, who argued that in "case of emergency, a patient will always prefer to speak in his mother tongue" (Jürgensen, interview). Again, members of the minority contributed here to the development of a more functional region, by assisting with own capacities and by drawing on European-level principles. As the FUEN president, also a member of the German minority explains:

> ...minorities in Europe are actively engaged in establishing a place on European level programmes and accessing money, which is simply a natural and clear consequence due of their minority status (H. H. Hansen, interview).

In this respect, the German minority in Denmark has attained an active role in its search and qualification for finances, by drawing on innovation and creativity when practicing European ideas on diversity. An interviewee explains that project resources coming from the European-level have "promoted a need to think constantly of new ideas and what new, innovative things to do" (Grella, interview). While doing so, the German minority relies on local and regional knowledge, but attunes it to European principles in order to qualify for financial assistance. Such practices support preservation and promotion of the minority identity. It is along these practices and the implications

of those practices that Europeanisation is created.

Another example of experimentation among the German minority, in which European-level ideas provided partial inspiration, was carried out within the European cultural diversity framework. The candidateship to the European Capital of Culture 2017 included two Danish cities, namely Aarhus and the south Danish city of Sønderborg. The idea of qualifying Sønderborg as a capital of European culture was initiated by members of the German minority who conveyed European ideas and initiated the project known as 'Sønderborg 2017' (*Towards a Countryside Metropolis*, 2011). Inspired by European ideas of cultural diversity, the project became considered an opportunity to draw attention to the German minority, but also to the region as a whole, in particular as the minority considers that they practice a number of important European values in the region already (J. Diedrichsen, interview). The chairman of BDN, for example, explains that "Sønderborg as a European capital of culture reflects a European thinking and some of the basic principles of diversity" (Jürgensen, interview). Such a project reflects a usage of Europe at the regional level, underlined by references to Europe in order to justify the appropriateness and best practice example in relation to European-level ideas and norms. This was motivated by the existing self-perception of the German minority. For example, the self-perception among the German minority is underpinned by the idea that it already expresses and practices many European principles simply by being a national minority, living in a border region and carrying out cross-border practices on a daily basis. Minority actors were keen to demonstrate the self-portrayal of the German minority through the project 'Sønderborg 2017'. One of the key inspirations was described as follows:

> I think that when considering Sønderborg as a European capital of culture and region of culture, it reflects the European thinking, the very original ideas of it. Therefore, I think that Sønderborg needs to win this competition, as it is, and we are, a Europe in miniature here (Jürgensen, interview).

This very idea was also reiterated by referring to the mixed identity of the Danes and the Germans in the region, which is understood by minority members to be characteristic of one version of an EU citizen. Related to this, one interviewee highlights how, "we are mobile and active in both identities, so the promotions made by Europe are not really something new to us" (Grella, interview). When taken together, the German minority understands itself to be an ideal model to host a European Capital of Culture, by possessing important characteristics which are normally promoted through diversity rhetoric at the European level (ibid).

However, the arrival at the above identification can also be understood in a different way, namely that European values and commitments to cultural diversity, multilingualism or multiculturalism, have given important impetus and a 'solution' for the German minority. From being such a small

and well-integrated minority group, the visibility of which the Danish state does not always see a need to actively support through measures such as bilingual signs and linguistic facilities in the regions (see chapter six), the minority has realised that it needs to ensure its visibility alone. Usages of Europe have therefore offered a possibility to redefine and rethink several activities, which are also supportive of minority politics. An alternative rhetoric has been provided through European integration to frame claims and anchor self-portrayal. The existence of opportunities to qualify for EU initiated projects which help to promote cultural and linguistic preservation, has also meant a need to define one self. The German minority has had to consider where it stands in relation to European-level principles such as diversity and multiculturalism. The above project, Sønderborg 2017, encouraged members of the German minority to search for cultural richness in the region, by which the minority culture was also strengthened. This is an instance of both strategic and legitimating usages, whereby policy programmes and projects are (often) seized for financial motives and to generate influence in regional affairs. However, it also overlaps with positioning and justification of the minority group. In this case, the use of European norms and ideas has developed into a common strategy among the German minority, as many of its activities and practices are framed according to European-level rhetoric. This also links to what a researcher from the border region explains as "the German minority considers itself as an agent in building a united Europe in the border region" (Klatt, interview).

Another example of usage which has developed, and which was facilitated by European structures, is the increase in transnational partnerships and networks. Besides a general increase in partnership and dialogue with other national minorities, transnational interactions serve as an important resource for experimentation by the German minority in South Jutland. For instance, in relation to the local government reforms in Denmark in 2006 and the fears that this created among the German minority, minority actors were led into a use of transnational partnerships in Europe. Mostly such usages among the German minority are done through the intertwined link with FUEN, which enables easy access to other minorities in Europe and to European-level institutions. The FUEN president and former chairman of BDN, Hans Heinrich Hansen, explained that the well-established transnational network through FUEN served as a key source of inspiration in the search for a solution in relation to the local government reforms. Drawing on inspiration from other minority groups in Europe helped the German minority to draft a solution which was later presented to the Danish government. Accordingly the 25% rule of political participation and the exceptionality which the German minority demanded in regional politics stemmed from an existing political procedure adopted by the German minority in Hungary (H.H. Hansen, interview). Moreover, such transnational partnerships, which have only grown stronger as FUEN has grown

and mobilised a greater voice since the 1990s, have also made a contribution to the fate of the German minority by opening the door to idea exchange and best practice with other minorities in Europe. Similar transnational learning and exchange between minorities occurs on a regular basis, not only through FUEN, but also through membership of the European Association of German Minorities (AGDM). AGDM integrates the German minority in South Jutland into a broader brotherhood with other German minorities from all over Europe, serving as an important impetus for inspiration and confidence.

In order to understand the development of many usages of Europe and experimentation with Europe by the German minority, one also needs to understand the relationship between FUEN and the German minority in Denmark, as it actually supplies the German minority with many usages. Their intertwined relationship opens up a European route for the minority and very often locates the minority within new opportunity structures. First of all, the German minority in Denmark is a founding member of FUEN and it has retained a highly active role in the destiny and focus of FUEN ever since 1949. Second, the FUEN secretariat/head quarters is located in the German/Danish border region, on the German side in the city of Flensburg, thus in direct proximity to the German minority members. Third, both the director and president of FUEN are members of the German minority. In fact, the current FUEN president was the chairman of BDN for 13 years. In this context, the German minority is automatically drawn into the European and international platforms through their close affiliation with FUEN. The above example on the local government reforms is an instance in which the transnational platforms opened up for experimental interaction with other minorities in Europe in order to find solutions to minority problems. Experimentation with European instruments and structures is very common to FUEN and its members, with which the possibilities for the German minority to engage in usages and experimentation are also increased. FUEN is an important resource in the provision of experimental information, by either bringing the ideas to the minority region or by making the minority part of transnational activities. In fact, most interviewees refer to FUEN when explaining the development of European activities and their links to European policy or legislation commonly arguing that "FUEN is the main channel used to reach out to European institutions and actors" (Toft, interview). Together with FUEN, but also with other national minorities in Europe, joint strategies and common ideas make it onto the German minority's agenda. An example of this is the recent European citizens' initiative, known as the 'Minority Safepack', which was prepared by several national minority groups. Another example is the many debates each month in the European Parliament Intergroup on minorities, which both FUEN and the German minority frequently attend (J. Diedrichsen, interview). In sum, through FUEN the German minority is most of the time up to date on openings for different usages of Europe.

8.2.2 Hungarian minority and experimental usage: proactivism reinforced through Europe

Usages through experimentation were rapidly developed among the Hungarian minority in Romania following the collapse of communism. As minority identities re-emerged, strong minority activism followed in Romania (Ram, 2003) and it took its strongest expression among the Hungarian minority. By using own minority capacity; drawing on transnational networks and partnerships; and by using European-level rhetoric in domestic minority affairs, usages of Europe became important sources of change. In order to understand the strong proactivism among the Hungarian minority and the motives for its usages, the creation of DAHR is important, established on the same day as Communism was dissolved in Romania in 1989 (DAHR, 2012). As seen in chapters fine and six, some of the major protests and riots against Ceausescu were initiated by members of the Hungarian minority in Transylvania. One famous instance was the demonstration against the communist regime initiated by the bishop Laszlo Tokes in the city of Timisoara in 1989. Laszlo Tokes, an ethnic Hungarian from Romania and politically active during the final years of the communist regime, sparked off the demonstrations which culminated in a spread of civil disobedience across the entire country, which turned into the main national movement against Ceausescu (Szarka, 2011: 448). Once the communist regime was removed in 1989, activism grew stronger among the Hungarian minority, although it failed to join the first government in 1991. The activism was motivated by the general trend seen in Central and Eastern Europe at this time, namely the desire to recoup what had been lost during communism, but also to give expression to the suppressed minority and ethnic identities (Stein, 2000). Interviewees in Romania consider that the main blueprint for the strong activism among the Hungarian minority was two-fold. First, there was a general desire to "revive what was lost and suppressed during communism" (Janosi, interview), and second, "the Hungarian minority wanted to confirm its role and participation in the ongoing democratic transition of Romania, considered to be the only way to ensure rights" (M. Attilla, interview). The two desires underpinned not only DAHR's activities as a change agent domestically, but this motive is also important in order to understand the usages of Europe and how this influences change at the minority group level.

As seen in chapter six, European integration and the idea of Europe overlapped closely with the main goals set by the Hungarian minority in the early 1990s. Currently active MEPs of the Hungarian minority in Romania, repeatedly state that no other alternative existed for Romania (or for DAHR) back then, besides European integration (Winkler, interview). DAHR's pro-Europeanism became a strong driving factor as trying to seize different opportunity structures, experimentation and for the establishment of transnational coalitions and networks across different levels. For example, with Romania's CoE membership in 1993, members of the minority took advantage of the

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'opening' by paying visits to new arenas in order to spread awareness of the Hungarian minority. Tokes Laszlo, who had triggered the overthrow of the Ceausescu regime by sparking protests, paid visits to the US following the immediate admission to the CoE, while other DAHR members went to Strasbourg (Bárdi, 2011c: 526). That same year DAHR became a member of the European People's Party (EPP). DAHR emphasised the need to develop and establish European links and partnerships (Vincze, interview), arguably a strategic act in order to position itself and Romania within the overall European integration process, thus securing a commitment to the European path early on (Winkler, interview). Other strategic actions were carried out by monopolising European-level rhetoric into their own political action, by 'problematising' the situation of the Hungarian minority in Romania and by engaging in argumentation across different levels. Such new opportunity structures became important sources of orientation in the political action of DAHR, but also in order to achieve justification and legitimacy for minority-related claims, as this was largely limited in Romania in the early 1990s. Even if national minority policy in Romania today incorporates important content in favour of minority protection, the way that DAHR continues to use Europe independently locates the Hungarian minority in a different light, demonstrating the evolution of a strong actor which is relevant not only for domestic minority policy, but which also pushes for the development of a European-level policy. With this, it also generates other outcomes when contrasted to the pressure-induced change seen in previous chapters. Several ideas regarding European-level minority approaches stem from initiatives of different DAHR members. They are present in Brussels through the EP and a regional office representing the Hungarian minority of Romania. This is an emulation of other organised interests which have established themselves in Brussels, wanting to ensure a constant pressure and the possibility of direct lobbyism. With this presence, updated information is acquired and transmitted to the minority in Romania. However, the presence also provides an opportunity to keep the topic of national minorities alive at the European level. During the last couple of years, nearly each annual meeting of FUEN has been opened by speakers from the Hungarian minority in Romania, who provide an update of activities and developments at the European level pertaining to new opportunities for usages for national minority groups (FUEN Congress 2011; 2013).

Being a numerically much larger national minority group than the previous case, the emphasis on usages is also more extensive. DAHR's members express a firm wish for political representation across all political levels in Romania, including local, municipal, regional, parliamentary and governmental (DAHR, 2012). However, they are also interested in European-level representation. With this, a general desire is to influence not only drafting of legislation, but also policy execution and to make sure that the varied demographic needs of the Hungarian minority in Romania are

taken into consideration. As one MP argues: "we realised early on that most of our claims regarding the distinct identity actually overlap closely with government policy and the mainstream politics of Romania" (K. Attilla, interview). As such, a key preoccupation is to sustain cooperation with the Romanian government and to be present in it in order to ensure that the needs of the Hungarian minority are addressed, respected and represented in Romania (M. Attilla, interview). With this motivation, the minority developed a very proactive stance in domestic politics (K. Attilla, interview), but also a good sense of how to seize opportunities and resources at other levels. With the support provided by the kin-state Hungary, as seen in chapter six, the growing activism was further underpinned by several important sources.

Today, DAHR is still a member of the EPP and holds two MEP posts and there is a third, but independent, MEP from the Hungarian minority in Romania. The EP presence is perceived by most interviewees as an important element and resource for the minority, but also for the sake of minority politics in general. For instance "they [the MEP's] are providing us all the time with information and they are representing us there" (Moldován, interview). Such a direct link is considered an important information resource on how Europe can be used, where to direct attention and how to approach the EU. Another DAHR politician reinforces the importance of the EP link by stating that: "They can bring some communications to us on the usage of European instruments" (K. Attilla, interview). But it can also be used for justifying minority claims at home, as put by one interviewee: "When we discuss a minority matter in the Romanian parliament, we can actually refer to whether this matter has already been addressed at the EP level in order to show the relevance" (M. Attilla, interview). In all, the direct EP presence has been an important resource for the minority ever since it gained EPP membership, enabling them to legitimise their position, or even a weapon when arguing for rights.

One of the current MEPs from DAHR uses his presence in Brussels to affect more than domestic national minority policy in Romania. European-level instruments and resources are used in order to initiate joint European-level initiatives on national minority rights. In 2011, DAHR started to prepare a citizen's initiative under the framework of the European Citizen's Initiative (ECI) together with FUEN and the South Tyrolean People's Party (SVP), by developing a so-called Minority Safepack, aiming at safeguarding the European national minorities (FUEN, 2013b). The Minority Safepack basically contains a set of policy actions and concrete legal acts (laws) for the promotion and protection of European national minorities and regional and minority languages (FUEN, 2013c). With its initiation, one DAHR MEP argued that this initiative "should not be understood as a Hungarian issue, but as a common European initiative in the name of preserving the rich cultural diversity" (Winkler, interview). As such, with actors located in Brussels, it is possible to spot such

initiatives, to identify opportunities and pitfalls of instruments that could be used, but also how to link EU law and national minority groups in general. Again, the ECI became an experiment based on transnational cooperation, partnership and instructions from the FUEN platform. While the usage of this instrument was intentional, it evolved into more. It was used as an act of responsibilising and demanding that EU institutions commit to the values of the EU treaties (Article 2 TEU). At the same time, the ECI project was strongly influenced by the desire among national minorities to have supranational legislation addressing national minority rights (FUEN, 2013c).

Together they interpret and use Europe as a mechanism to define their own cause by demonstrating how and where they see that minority claims link to EU law and policy. The Minority Safepack initiative was rejected by the Commission in September 2013, based on the fact that it falls outside of the framework of the Commission's power (Commission, 2013; FUEN, 2013d). But by compiling and preparing the ECI, new partnerships emerged between European national minorities that had not worked together before, which are now most likely to prevail. DAHR and FUEN have become even more committed to the goal to affect EU treaties in a minority friendly direction. When the Commission refused the Minority Safepack, the DAHR president, Keleman Hunor, stated, "given that EU needs competences in order to regulate minority rights, in the future the creation of these competences will be our goal and this opportunity will be brought with the future modifications of European treaties" (Hunor, 2013b). Aiming at integrating the issue of national minorities within EU treaties, largely driven by the gains that this would bring to the Hungarian minority as well, DAHR has engaged in several cognitive usages, aimed at affecting drafting of policy through political resources and active mobilisation, for which the use of the European multilevel political system is crucial.

The above practices that are motivated by seizing new opportunities in Europe are not only an instance of contestation of an exclusionary scheme at the European level pertaining to national minority rights, as one would normally expect from minority lobbyism and petition in the EU context. Instead, it is a practice and activity which is motivated by the idea of taking part in the construction of a more democratic Europe (Winkler, interview). It is thus, rather, an act of 'responsibilizing' European institutions.

The above possibility to engage in transnational dialogue and to pursue common projects has been described as important by DAHR actors. For example, one DAHR member argues:

> ...the EU provides a comfort through the rule of law that enables horizontal constructions to exist, and without the EU, much of such interactions and goals would otherwise be illusionary (Székely, interview).

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Europe is perceived as a force that helped to remove many constraints to transnational dialogue taking place and for minority activity to flourish. Such independent transnational activity is, most of the time, free from state interference, where exchanges between different national minority groups are conducted according to own means and needs. This is both acknowledged and welcomed by DAHR members. It was often argued that, "it has become easier to gain information on what happened in other countries and to discuss minority issues with other countries" (Borbély, interview). Similarly, one DAHR member raises how the EU contributed to the provision of a setting and framework in which transnational relations could develop, by also providing more and better chances for joint lobby activities (Székely, interview). There is a greater acknowledgement among national minorities that they are free to make own choices regarding usages and experimentation on a transnational basis. New opportunities correspond to increased access to arenas in which both resources and constraints are evaluated, very often at the outset of when and how others do things. Based on this, it was further reiterated that the minority considers transnational interaction to be an important learning opportunity, as it provides fresh inspiration (Sógor, interview).

Moreover, the image of Europe seems to be affecting how usages develop during specific timings. A vision of "what comes from Europe must be good" gained a strong foothold in Romania throughout the pre-EU accession period. As argued in an interview: "the perception that 'what comes from the EU must be good' is important for us, and it has given us a different profile and a different status for our actions" (Hegedüs, interview). In fact, this seems to have become routinized over time as repeated funding applications and project implementation according to European demands have been embedded, affecting the way that the minority organises projects and plans ahead (Janosi, interview). The Hungarian minority in Romania has realised that there are additional means and tools for sustaining the Hungarian culture, but this also means the usage of a 'special EU language and vocabulary' when applying for EU funds. As argued by a politician in charge of cultural activities in Transylvania, "We have to show that our activities are multicultural, multilingual and intercultural" (Hegedüs, interview). This normally requires monopolising specific rhetoric and a reframing of self-perception.

By adopting the European project early on, the Hungarian minority has started to project much of its own rhetoric and aims onto the European idea. For instance, since the ratification of the FCNM in 1993, whose content applies to the Hungarian minority, there has been frequent use of CoE norms when pursuing arguments and demands at the national level (M. Attilla, interview). Minority members also make themselves contributors to the implementation and understanding of the ECRML and the FCNM in Romania. For example, the Department for Interethnic Relations (DIR) in Bucharest provides regular comments on the implementation and the state reports (DIR, 2002).

Another research centre on national minorities in Transylvania has contributed with a shadow report on the implementation of the ECRML in Romania (EDRC, 2009), thus taking on an important role to promote CoE norms in Romania. The encouragement by the CoE to engage minority groups into drafting shadow reports, next to the regular state reports on the implementation of both the ECRML and the FCNM, has been embraced as an important opportunity by the Hungarian minority in Romania. More recently, as the ECRML entered into force in 2008, strong minority activism was mobilised, and it has also generated new research. Independent research centres in Romania are strongly motivated by coming to terms with the full potential of this instrument in Romania (EDRC, 2009), in particular as the language issue is one of the highest priorities of the Hungarian minority according to the interviewees. In this respect, CoE instruments such as FCNM and ECRML are considered highly useful and relevant for usages, in particular as they provide concrete content, specific means and guidance to the minority (Horváth, interview). Moreover, by engaging minority members in shadow reports, new usages are introduced, by providing roles as participants and not only as objects of legal measures and policy instruments.

EU funding has also contributed to a multiplication of usages of Europe and experimentation among the Hungarian minority. The very existence of more funding opportunities often motivates a need to apply for funding, consequently contributing to a rethinking of working styles. The weak way by which Romania has coped with the distribution and implementation of EU funds regarding cohesion and regional development policies, has influenced DAHR's political agenda. Central to this is the desire to correct what is argued to be an insufficient division of administrative regions in Romania. In 1998, eight administrative regions were created in Romania, aiming at better coordination of regional development under the influence of European bodies (Salageanu, 2012: 193). Each administrative region consists of several counties of Romania. This division has faced strong criticism for being artificial, unproductive and a failure, given the low capacity to absorb existing EU funds (ibid). So far, although approximately 20 billion Euros were allocated to Romania under the 2007-2013 Cohesion Policy, 26 percent were absorbed successfully, which is the lowest absorption rate among EU member states (ibid). Strong criticism was expressed by the EU Commission, which threatened to withhold funds due to the identification of serious problems (Reuters, 2012). Another criticism emerged from the Hungarian minority, particularly from DAHR, which detected serious problems in the division of the eight regions. At the centre of their critique was that the current regional plan of eight regions does not take account of traditional or historical factors of regions. One DAHR member involved in regional planning raised the following criticism: "Harghita and Covasna counties, which are inhabited by a majority of Hungarians, cannot possibly be lumped together with other counties into one big region, as they differ remarkably" (Horváth,

interview). Others criticise the plan for being an intentional endeavour by Romania to undermine the possibility of having a large 'Hungarian region' (Janosi, interview). At the same time, the plan is criticised for being ill conceived in terms of calculating eligibility for regional financial support:

> ...bringing together some of the counties in which Hungarians are majority and which are some of the most underdeveloped areas of Romania, together with more developed regions, undermines the actual calculation under which regional funding distribution is calculated (M. Attilla, interview).

DAHR president Keleman Hunor describes the creation of eight regions as "lacking logic and coherent rationale" (Hunor, 2013a), criticising exactly the mistake of lumping together regions with very different socio-economic conditions and perspectives. Accordingly, DAHR was encouraged to create its own plan, proposing a new regional division consisting of 16 regions. In so doing, DAHR engaged in deep analysis and statistical review. The plan was presented to the Romanian Parliament in 2010. However, so far no change has occurred in the regional set-up and the original eight regions prevail. DAHR's initiative to reorganise the regions corresponds to a strategic usage, strongly motivated by the desire to establish new regions with a better likelihood for Hungarians to qualify for EU funds and to use them according to own means. However, the commitment to a reorganisation of Romania's administrative regions is also justified through the use of specific rhetoric, by framing the end goals in terms of 'Europe of Regions' (Sógor, 2013) and that regions are about more than administrative questions, but they should also provide space for regional and local identities (Hunor, 2013a).

DAHR is a good example for illustrating how usages of Europe lead to impact on a national minority group. Central motives for their usages of Europe were to revive losses linked to minority identity and to strengthen the position of the minority in Romania. Minority proactivism became anchored in European integration and it developed through access to European-level multilevel political structures and with the use of norms and ideas for justifying minority claims. Although strategic usages were dominant, minority actors have accumulated knowledge and experience from their strategic usages, by which cognitive and legitimating usages have also evolved. DAHR's activities illustrate how Europe served as an important source for legitimising actions at home. It also shows how independent experimentation among national minority groups can be extended to the European level.

8.2.3 The Turkish minority and experimental usage: legitimacy through Europe

In the case of the Turkish minority in Greece, autonomous action and experimentation are very salient, particularly as Greece demonstrates little will to adjust its minority approach to pressure coming from European organisations. Therefore access to the European public space and to

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European institutions for articulating minority claims and gaining legitimacy is an important pretext for usages among the Turkish minority.

Low compatibility between European-level norms and rules and Greek domestic circumstances, coupled with the rejection of many minority activities, has rendered the search for compensation within CoE and EU settings important. Minority actors have engaged in an external 'search' for instruments and rights that can compensate for domestic weaknesses, finding that there are new tools to mobilise around. The receptiveness of European organisations regarding the minority claims is acknowledged as something important by most minority actors interviewed. It is also this perception which motivates further usages of Europe. As stated by the mayor of a Turkish village: "What we do is that we are trying to find our rights in Europe when it fails in Greece" (Cukal, interview). Another interviewee who is in charge of a 'banned' minority association due to use of the term 'Turkish' in its name, explains that: "they might have removed our labels and legality from our buildings..... But they did not stop our activity" (Koray, interview). Continued work is also explained by: "We just continue to work and exist, even if illegally. Our aim is to attend conferences and seminars, publish books and to keep our culture alive" (Mustafa, interview). Clearly, the banning of several minority associations did not put an end to the activities of the associations. Instead, the ban has encouraged reorientation of activities to other arenas and an external search for justification. It is alongside the search for legitimacy and justification for being a national minority, which has encouraged further usages of Europe among the Turkish minority. Even if the ECtHR court rulings did not culminate in legal improvements of minority rights in domestic legislation, the European case law generates effects on the usages of Europe by the minority members, namely by engendering adaptational responses among the minority representatives, as they apply CoE norms in their usages. They basically locate their usages where the state rejects pressure from Europe pertaining to minority rights. Some of the motives for the usages are explained as follows by a minority activist:

> We are very much interested in these kinds of instruments [European law and policy on national minority rights], or whatever gives rights to minorities, we are always trying to find it out. And share it with our people, it is important to know if there is a right then the second point which is important is HOW to get this right, or how to find a way to get the right. But first you need to know that there is a right. So what we are trying to do is always investigating the international forum if there is something new which will be in favour of minority. We try to translate it into Turkish and to put into a newspaper article and to share it with our people, by saying look, there is not only the peace treaty of Lausanne, there is also this and that treaty and these rights, so we can also use these rights, because we are members of the EU, we are European citizens and Greece is a party of this treaty, it has signed and ratified and so on and so forth (Kabza, interview).

Thus, they rely largely on the 'image of Europe' (Woll and Jacquot, 2010: 116) when communicating

and framing their cause, by insisting on a so-called 'regular speak' of Europe and by framing Europe as a minority-friendly environment.

The Turkish minority of Western Thrace has developed a European presence at a great pace in the course of the past two decades. As chapters six and five showed, ABTTF was established in 1996 in the German town of Witten and an office was established in Brussels in 2010. The establishment of the ABTTF was initiated by the Turkish minority Diaspora which had emigrated from Greece. There were two main reasons for establishing a representative body outside of Greece. For one, it aimed at raising awareness of the difficulties imposed by Greece on the full enjoyment of minority and human rights of the Turkish. Secondly, the ABTTF hoped to achieve support for legal and political improvement in minority rights by mobilising for pressure. Besides the ABTTF, local and regional representative bodies are also present in European-level forums. For instance, the Western Thrace Minority University Graduates Association (WTMUGA), the minority media and individual activists are all regular attendees at different OSCE, UN and CoE meetings. Additional actors relevant for the Turkish minority are transnational NGOs such as FUEN. Three Turkish minority organisations are current members of FUEN, namely the ABTTF, WTMUGA and the Friendship, Equality and Peace Party (FEP). FUEN has helped to make the problems of the Turkish minority known to European organisations, creating a feeling that it is possible to access European bodies (Habipoglu, interview). The EP has shown increased receptiveness to the Turkish minority recently, as have several individual MEPs. A recent instance of this was a parliamentary question issued by the MEP Francois Alfonsi (2012) and addressed to the Commission. In the written question, the MEP asked the Commission to consider the situation of the Turkish minority in Western Thrace, by expecting the Commission to provide a stance regarding the expectations of the member states to protect and national minorities (Alfonsi, 2012). This mixed group of actors provides the main basis for usages of Europe among the Turkish minority. The minority group is motivated to position itself in the public space as one means of seeking legitimacy for minority claims. However, the Turkish minority has also been affected by its usages in other ways.

The above trend adopted by the Turkish minority illustrates the emergence of a proactivism which has been informed by European-level opportunity structures in terms of increased institutional access and growing rights consciousness. The minority does a great deal under its own initiative to sustain and cultivate the cultural life of the minority. It is this very fact that makes the issue of usages of Europe even more compelling and desirable, especially as the Greek state does not facilitate any link to European-level institutions and spaces by rejecting most European-level norms and rules pertaining to national minority rights. As such, the Turkish minority compensates for the low impact of Europeanisation in domestic national minority policy by engaging in own usages. For

example, independent usages of European political opportunity structures were reinforced due to the Greek rejection of CoE norms. Such rejection is visible in the reluctant attitudes among Greeks vis-à-vis the obligations stemming from the ECtHR case law, which has ruled in favour of the Turkish minority several times. Another rejection by Greece is the opting out of ratifying the FCNM and the ECRML, thus avoiding commitments which would require it to become more open to national minority groups, to define its minority groups and to promote new understandings of national minority rights. Such rejection by the state appears to have motivated and strengthened a search for alternative strategies and venues among the minority even more. An interviewee explains how Greece's attitude has actually had a paradoxical effect by encouraging a wave of anti-pressure: "When you have pressure, there is also anti-pressure. For example, when somebody pushes you to do something, you say NO and you do the opposite!" (Rusen, Interview).

An interesting development regarding the above experimentation is the 'responsibilising' acts that are embraced by all three minority groups, both at the national and at the European level. By approaching European bodies with demands for supranational legislation on minority rights; by holding the state accountable for failing to implement existing obligations; and by demanding clarification of existing principles, European spaces and resources have become important elements of national minority politics. Acts of minority actors find support in different transnational bodies such as FUEN, which is actively engaged to similar 'responsibilising' and contributes to the usages of Europe among the three minority groups. FUEN considers itself the voice of its members. This is a resource and usage point in itself for the minority groups that are members of FUEN, but it is also an important transmission belt and gateway to European organisations, in particular through joint usages among FUEN members, which today number more than 90 national minority organisations. In general, the work of FUEN has created the perception among the three national minority groups that international institutions are accessible, thus it has played a great role among all three minority groups. All three national minority groups are FUEN members, which includes them in regular contacts to European institutions such as EU institutions, the CoE and OSCE, thus assisting in usages of Europe.

This leads me to the next section on behavioural impact and how minority actors are affected by the usages of Europe discussed above. A first implication of the overtly 'strategic' usages is observed in the emergence of and strengthened confidence among minority groups as they engage with usages of European political, legal and normative structures. Confidence is in particular strengthened through repeated usages of Europe, the receptiveness of minority claims and the positioning of minority claims at new levels. This supports the formation of actorness as minority actors accumulate new roles through their usages. Another impact of Europeanisation is the emergence of

minoritisation, namely that it is appropriate to claim minority rights and to be a 'national minority'. Below I discuss why confidence is an impact of Europeanisation and how this supports the emergence of actorness and minoritisation among national minorities.

8.3 Confidence through 'usage' of Europe: towards ideational implications

Although many of the usages of Europe discussed above have not necessarily led to formal changes in domestic legislation and policy, there is an impact on actors who are engaged in them. Regardless of type of usage, be it strategic, cognitive or legitimating, behavioural impacts are noted primarily in the way that repeated usages contribute to strengthened confidence among minority actors. This is supported primarily through increased receptiveness among European-level institutions and the multiplied abilities to position minority claims across different arenas and policy processes. Despite the lack of a clear legal status in European-level frameworks, national minority groups are not excluded from participation in European-level policy. Instead, as suggested by Cichowski (2006: 69), the expansion of rights and access to legal institutions has increased the participatory nature of governance in Europe. With strengthened legitimacy through access and positioning, minority groups feel confident to pursue further activities across those levels. Whereas legitimating usages help to convey support for European causes domestically, or to renew public acceptance of decisions (Jacquot and Woll, 2003: 7), newly gained legitimacy at the European level can also impact self-perception and motivate new role acquisition among actors that are engaged in usages. As such, confidence can be strengthened through an acknowledgment of being heard and accepted, but also because of being included in European-level policy processes and normative articulations. This, in turn, also affects their readiness and willingness to accept uncertain policy lines.

8.3.1 German minority and confidence: *'What we do is correct'*

Value and norm articulation at the European level can generate varied implications for different segments of society. Values such as multiculturalism and diversity tend to be such values, where different opportunities for usage arise when they are articulated and used as a reference point. For the German minority, as the EU started to articulate values of cultural diversity and multiculturalism in the 1990s, it provided an important acknowledgement of the appropriateness of their own strategies that they were pursuing. The German minority had framed its own activities and strategies according to similar values, even before Europe started to use such rhetoric. One interviewee put it as follows:

> When we started realising that the EU promotes multilingualism, multiculturalism and cultural diversity, this of course made one feel comfortable with those paths and that we are not doing anything which differs largely. The promotion of such terms at the EU level gave a sort of confirmation of our work here; it strengthened us and served as a good motive for

our confidence in our work (Johannsen, interview).

Besides the realisation of pursuing similar paths as European-level bodies, the German minority's confidence is also informed by the way that it is being defined by others. It is common that the German minority is being described as an 'idea maker', a mediator, a bridge builder or even a model case for other national minorities in Europe. Each of these labels contributes to building their confidence.

Given that the German minority was invited to participate in forums established to manage the functioning of cross-border arrangements and given that minority members were asked for advice regarding infrastructure and services (Malloy, 2011: 37-8), only strengthened the minority's realisation of its central role in regional affairs. Having acquired the role of mediator between Germany and Denmark on questions linked to cross-border activities and for the functioning of the Sønderjylland/Schleswig (Euroregion), has also boosted their confidence.

By engaging in INTERREG projects and qualifying for funding under the financial scheme attached to regional development, the minority acquired an active position in the region. This act not only contributed with material incentives but also to the development of ideas on how to apply own competence and knowledge in the region, which has indirectly imposed a requirement for cooperative behaviour in order to have a functional region. Throughout the past two decades and in particular since Denmark joined Schengen, members of the minority were assigned seats in the Commission responsible for INTERREG IV and observer status was given in the Forum established to review business development within cross-border cooperation (Malloy, 2011: 51). This has contributed to increased cooperation between the minority and other local leader, supporting their coexistence. The minority's involvement also served an opportunity to position the minority in the region in a new way, but also to speak of minority issues differently. The former head of the Secretariat in Copenhagen explains the emergence to the current standpoint as an evolutionary process which went through several different phases:

> We had of course different phases. We had a phase of working against each other. Then we reached a phase of working next to each other. Then we had a phase of working with each other and then, through the respect for the uniqueness of each other, we now have a phase of working for each other (Matlok, interview).

Being aware that it is an important partner that its participation is important for political and regional development and by perceiving itself as a bridge builder has culminated in greater confidence boost for the German minority and its minority institutions.

According to most interviewees, the idea of serving as a so-called bridge builder between Germany

and Denmark became strengthened through activities introduced by European integration policies and the role that the minority has attained since taking part in cross-border projects. Other research also confirmed that European integration has helped to underline the bridge building function of the German minority between Denmark and Germany (Malloy, *et al*, 2007; Klatt, 2005). Although the acquisition of such a role is not a mere consequence of European integration, the emergence of European policies in the region has generated new expectations and an indirect pressure for usage, enabling an opportunity to organise differently, as argued "by shifting the focus southwards, towards the kin-state" (H.H. Hansen, interview).

In an interview it was argued that through the prominent role that the minority has attained by participating in the implementation of regional policies and new strategies, it has received a new level of acceptance, especially since it is directly involved in cross-border affairs and possesses important competences and knowledge for cross-border activities to function (Jürgensen, interview). By being aware that the German-Danish border region is often portrayed as a model to other minority situations in Europe, has provided an additional impetus to sustain this role, by demonstrating best case scenarios and development. For example, the former secretary general of BDN says:

> ...following the different developments in Europe in the past decade, we have strongly tried to promote our German-Danish model to other parts of Europe with similar problems, and in particular to make our model useful to other German minorities […] we have become well known in Europe, serving as a model for how to manage minority associations, how to preserve identity and there we have shared our experience (Johannsen, interview).

One of the most central elements which the German minority is attempting to 'export' is the idea of a national minority becoming useful where it lives. One member of the German minority explains that a major factor for the successful coexistence which is achieved is to the fact that the "German minority has contributed to improvements by not isolating itself, but rather by opening up and being open to integration and to working together with the majority" (Tästensen, interview). Peter Iver Johannsen also exemplifies several elements by which national minorities can become useful, by drawing on the experiences from South Jutland. He finalises this perspective by arguing that:

> A minority should not only sit there and wait till everybody feels compassion, and bring this to it. No, the opposite needs to happen. The minority itself needs to become a useful and active partner in setting up programmes that concern it (Johannsen, interview).

The German minority is often offered up as a case model at conferences and in literature on conflict settlement, and it is often invited to take part in forums on border conflicts. Through FUEN, the ability to share own experiences and to use one's own model as an example of practice has expanded. Thus, having acquired such an exceptional role as a 'best-case scenario' on minority

issues is undoubtedly an important aspect of confidence acquired by the German minority and its actors. Growth of confidence is also, however, related to the changing nature of policy implementation, rights consciousness and the feeling of being included in ongoing changes and policy formulation. Usages of Europe are central to this.

The ratification of the FCNM and the ECRML by Denmark, and the monitoring process of both instruments, has made an additional contribution to increased confidence among the actors of the German minority. Not only is the Danish minority policy scrutinised and accused of narrowness, but direct input from the minority is also taken onboard. The monitoring committees of both the FCNM and the ECRML visit the minority regions during their monitoring. During the on-the-spot visits, members of the German minority and representatives of the civil society have the opportunity to add their own perspectives in addition to the information provided by the state reports. With this, minority members have an opportunity to affect the opinions and resolutions of the Committee of Ministers, which often asks states to improve parts of domestic national minority policy (see FCNM Section IV). The direct interaction with expert bodies from the CoE produces an important confidence boost to the minority and is an acknowledgement that they are being heard. Having the opportunity to be in the spotlight during the visits of the monitoring process and feeling that minority concerns are taken on board, the minority actually experiences support from the external dimension, which also imposes constraints upon Denmark to act freely on minority matters (Johannsen, interview).

A final element which undoubtedly contributes to confidence development arises from the changed character of the kin-state Germany throughout the past decades. Members of the German minority no longer live under the shadow of Europe's bellicose 20th century history which had undermined minority activity for a long time. Germany is no longer associated with being a militant power and the weight of an economically powerful Germany is informing the activity and identification of the minority in a different way. The support which the kin-state Germany has showed to the minority in Denmark, in particular by pushing for the installation of a cross-border region, coupled with financial support for cultural activities is a major factor on how confidence has developed. Related to this, through European integration and Germany's tradition of concern for its kin-minorities in other countries, contacts between German minorities in Europe have only intensified. The German minority in Denmark is member of a large brotherhood of German minorities which has led to establishment of the European Association of German Minorities in 1991 (AGDM). AGDM today encompasses 27 members, and all 27 are also members of FUEN. This makes the German representation within FUEN strong, especially given that both the FUEN president and the director

are also members of the German minority.

8.3.2 Hungarian minority and confidence: cross-level mobilisation and 'know-how-to' qualities

The major confidence boost among the Hungarian minority can be linked to the usages and experimentation with European-level norms and rules since the early 1990s. Romania's gradual accession to the CoE, NATO and the EU is central to this understanding. All three accession moments led to an internationalisation of minority rights, given that demands were imposed on Romania to reform minority protection before joining European organisations (M. Attilla, interview). By integrating the issue of minority rights into each accession criteria, a momentum was created in which DAHR, among others, engaged in bargaining over national minority rights and developed a range of transnational partnerships. But at the same time, they were also affected in different ways by those strategic actions. The receptiveness to their actions, especially among European-level organisations, coupled with the gradual acknowledgement that minority rights are appropriate claims, contributed to a burgeoning of confidence, which became decisive for further mobilisation and usages of Europe. It is with a great speed that proactivism has developed among this minority groups, particularly given the late arrival of Romania in European minority politics.

Essential to the confidence acquisition among the Hungarian minority emerged as minority actors started to move in-between different levels of the European political system. By engaging in an exchange of ideas, through interaction with other minorities and building partnerships in Europe, in particular through FUEN and the EPP, behaviour was also affected. The discovery that there are many similarities between European national minorities, coupled with the possibility of positioning oneself in new spaces and following new policy processes, motivated not only further action, but also the confidence. A member of DAHR explains that "different cultural autonomies that can be found in Europe served an inspiration for DAHR and made us confident to express our political view and to formulate our programme" (Szekely, interview). Many of the interviewees consider that the growing partnerships and the information that such channels provided to the minority, have opened up a great learning opportunity. While transnational partnerships serve as a confidence boost to advance transnational initiatives, there is also some degree of personal development created through increased insights into 'ways of doing things' in Europe. As put by a politician active on youth programmes:

> We got more professional through direct conference participation, which provided moments of reflection on what is happening in other EU member states and then compare it to what the situation was like before (Bodor, interview).

Important to the confidence acquisition of the Hungarian minority in its usages of Europe is also the

'special' support from the kin-state Hungary. Not only did support arrive through financial means, but Hungary also contributed with moral support to the Hungarian minority in Romania. First of all, with the EU accession, the Hungarian minority in Romania finally felt that it was reunified with its kin-state Hungary (M. Attilla, interview), but also with Hungarians in other EU member states. This is even described as an "emotionally important achievement for the minority" (ibid), given the long separation during the Communist regime. European integration was thus seen as process by which Hungarians could be reunified, for the first time since the so-called Trianon-trauma. Therefore, Romania's EU entrance is described as a 'reunification with Hungary and other Hungarian minorities' by several minority members (K. Attilla; Sógor, interviews).

Cooperation with the kin-state is allowed to flourish in a different way. Country meetings between Romania and Hungary are arranged once per year, where not only minority questions are discussed, but it is also a forum in which MEPs from Hungary and those from the Hungarian minority in Romania get to work together on European questions. In fact, the cooperation in Brussels has often culminated in joint initiatives on broader, European level, national minority questions. Tighter cooperation is also established with other Hungarian minorities in Europe, not least the one from Slovakia. Being one of Europe's largest national minority groups certainly also incentivises them to feel a need to be at the forefront and to be innovative and creative. For example, one interviewee explained:

> …within the EP, our representatives receive support from other Hungarian parties and Hungarian members, but Hungarians from other countries make initiations on their own which are important to us. This is important because together they can unify their political forces, their lobby power in the EP and improve chances for the adoption of their initiatives (Horvath, interview).

All these factors feed into the new growth of confidence, which is well evidenced in the way that the Hungarian minority has embraced usages of Europe, but also how it co-exists with other minority groups in Europe and how it moves across the European-level political system. No other minority group is seen across the European formal and informal settings in the same way as the Hungarian minority.

When combining the proactivism that was embraced by the minority after communism and the eased access to transnational interaction and kin-state support, an important ground was established for (new) confidence construction. In the case of the Hungarian minority, and in particular when assessing the actions of DAHR, the amount they move inbetween different levels has contributed to the development of 'knowhow to' techniques of pursuing their claims further. There are various instances in which the Hungarian minority's activities have seen a gradual

development, the more they engage in usages of Europe. For example, by relying on European-level norms and rules, DAHR has managed to insert a special focus on national minorities in the EPP party platform of 2012, argued to be a direct consequence of the minority DAHR MEPs lobbyism (Hunor, 2012). Under point four of the manifesto, which presents what the EPP wants for the future of Europe, one of the goals is to "reaffirm the rights of traditional minorities within the member states and to protect European traditions and cultural heritage" (EPP, 2012: 6). This is identical to one of the goals raised in the Minority Safepack, of which the same MEPs have been the initial drafters (FUENb, 2013). The EP activism is perhaps one field in which confidence takes a great expression, this despite Romania's late arrival in the EU. However, the long-lasting ties between the EPP and DAHR, including that some currently active Hungarian MEP's are in fact Hungarians from Romania, contribute to a more advantageous position.

8.3.3 Turkish minority and confidence: justification of claims and shaming of Greece

Confidence acquisition among the Turkish minority can also be understood alongside the overtly legitimating usages of Europe and the resultant justification of minority claims across different levels in Europe. Very often, when state actors and institutions demonstrate minimal willingness and adaption to European pressure on minority rights, domestic status quo and rejection of minority rights can be seized as an opportunity by minorities and used as a tool to make claims elsewhere. Willingness to act is furthered through repeated acknowledgement that minority claims are appropriate and supported by Europe. When a state fails to provide some of the basic provisions and protection for a national minority, the external arena often becomes central for independent usages. This links to Keck and Sikkink's idea that where groups fail to affect change in the state's domestic policy or the behaviour towards its demands, the group will look for support outside the state (1998: 12). When that external arena, in turn, also acknowledges the shortcomings of domestic policy and demonstrates interest in the fate of the national minority, the confidence is strengthened even more. European criticism of the state can as such establish a new contextual basis from within which to pursue own claims and thereby also contribute to confidence acquisition. An expert on minority issues in Greece, clearly identifies relevance in the increased access to European-level bodies by stating that:

> What I see is a different polar which is available. Until now there was Greece and Turkey in charge of the minority issue. Now there is a third polar, which is Europe. This might be the OSCE, the EP or COE, which might be a step to minority people to go there and have their voices heard (Gavrommatis, interview).

Having the ability to address one's own problems at the European level adds an important contribution to the confidence development of the Turkish minority. In fact, although orientations

towards the CoE and EU were often intentional, in hope of generating sufficient support to pressurise the Greek state to change its minority policy, the regular confrontations with European norms have contributed to a legitimating outcome which has helped in confidence construction. For example, despite the official prohibition of several minority associations by the Greek court system, ECtHR jurisprudence has had an indirect impact on the minority by confirming the appropriateness of their claims in accordance with European legal standards and values. One minority member explains: "We are using the ECtHR decisions in our work" (Koray, interview). A former MP understands the main effects of the ECtHR as follows: "It has had an impact on our awareness of things and that we can trust ourselves in the first place... it helped to increase self trust and confidence" (Mandaci, interview). Thus even if the ECtHR case law has not had any direct effect on the Greek legal order and court system yet, it has been embraced as a new strategy for the minority, by providing important benchmarks.

At the same time, as European institutions and courts underline the inappropriateness of the Greek state's treatment of the Turkish minority, minority confidence grows stronger. While this seems to have motivated further petitions to the ECtHR, in fact making the Turkish minority one of the most proactive minorities of the Strasbourg court (Tsistelikis, 2012), the entire litigation process seems to be subjecting the minority to a 'CoE mode of thinking'. The minority is well aware of its support from European human rights law, which has developed into an alternative route for gaining legitimacy. For example, some interviewees argue that "we have Europe behind us" (Rusen, interview). Through the litigation process, in which the minority has had to clarify its own legal bases before petitioning claims to ECtHR, it has had to locate its claims within the wider European human rights discourse. Such increased reference to European human rights law and European values has entered the minority discourse and diffused parts of their standpoint. Nearly each lobby activity at the European level is defined against the background of European values, with reference to European human rights regimes and diversity principles.

The increased visibility of the minority in Europe through the activity of ABTTF is an important element of confidence acquisition. The president of the ABTTF explains that the primary reason for their establishment in Germany, and not in Greece, is that this allows more freedom to petition different European institutions and raise awareness on what is happening in Greece (Habipoglu, interview). Being located in Germany, it also enjoys an advantageous access to European institutions in terms of proximity, which is described by a minority actor as follows: "ABTTF is in Germany and FUEN is in Germany, to Strasbourg and Brussels you can go by train and there no language problems, it is all closer and easier. Here we are a bit far away" (Kabza, interview). Another researcher and observer of the minority's activities across Europe explains that the

"ABTTF is increasingly using the European forum and European tools as a means to promote the Turkish minority and their interests" (Mavrommatis, interview). The supply aspect of ABTTF's work for the minority in Greece is also described by an import of experiences gained in Europe. That is, the knowledge and experience gained through usage of Europe has been brought back home in the form of instructions, information and support which they continue to learn from (ibid). Thus regular and repeated action across the European institutional space and the publicity which ABTTF generates are important confidence markers for the minority members in Western Thrace. Although it does not necessarily lead to change in domestic policy, an important outcome of the lobbyism has been the positioning of the minority group at the European level, while other implications are noted in increased confidence to use the European organisations for minority claims.

Independent continuity can be observed in the religious field of the Turkish minority, given the weak support of the Greek state for the autonomous functions provided by existing minority policy. The fact that the ECtHR has decided in favour of the Turkish minority is important to the confidence acquisition. As seen in chapters five and six, the Athens Treaty of 1913 and the Lausanne Treaty of 1923 grant religious freedom to the Turkish minority. This includes, inter alia, the freedom to elect the Islamic leaders, the Muftis. A Mufti holds a central role in the community life of the minority, by performing not only religious duties but also some legal functions, with the right to apply Islamic law on matters such as family and inheritance, thus even replacing the Greek civil code in some matters when minority members appeal to them (Anagnostou and Triandafyllidou, 2007: 8; Turgay, 2009: 1531). The right to elect Muftis was undermined through direct intervention by Greek authorities, who directly appointed their own choice of Muftis instead of allowing free elections among the minority members (Tsitselikis, 2012). This intervention was justified by the Greek authorities as a response to the problematic perception of Sharia law and that this law allows Muftis to carry out judicial duties, arguing that judges are normally not elected in any country (OSCE, Greek delegation, 2003). Similarly, the application of Sharia law is also criticised for being 'a paradox in the 21st century' (Turgay, 2009: 1531) by Greek state officials and for not fitting the modern times. Today, directly appointed Muftis by Greek authorities operate in two towns of Western Thrace, in Xanthi and Komotini.

Most interviewees in the region express reluctance and non-acceptance of the Muftis appointed by the Greek state, as they did not elect them according to their religious rituals. In fact, it is also this very issue which constitutes one of the major problems of the minority and which has encouraged increased usages of Europe, by drawing on CoE and EU norms on anti-discrimination, religious freedom and human rights. A range of institutional settings at the European level have been used to

draw attention to this issue, largely driven by the German based ABTTF. For instance, ABTTF makes regular visits to the EP, the CoE, the OSCE and different UN bodies. The lobby activities, in turn, often culminate in a range of reports, written statements or recommendations, which the minority circulates as one method of awareness raising to European-level organisations. When such transnational lobbyism and activism are communicated to the region and the minority members, the fact that European-level bodies often condemn Greek actions feeds the minority communities with justification, but also with the confidence to pursue independent religious practices. Thus, despite the interventions and prohibitions by the Greek state of numerous minority rights, which undermine full freedom and autonomy in religious life, the minority continues to practice its religious life under own initiatives. Such confidence to pursue religious practices independently and in parallel to a conflicting state opinion can be understood to have reached this level of comfort through external legitimisation. Minority activities are supported by transnational coalitions and lobby groups, where ideas reach a new level of diffusion through interaction on international platforms, injecting confidence that the minority claims are of an appropriate nature. The minority members are well aware that some of their claims are justifiable and undeniable rights at the European level and in the wider European human and minority rights context.

An important factor which has affected the confidence of national minority groups throughout the past decades can be linked to the internationalisation of minority rights and the spread of rights consciousness (Kymlicka, 2007). This is upheld by the increase in codification of minority rights into treaties and declarations (ibid). However, as seen above, it also generates support to bottom-up usages. Europe has clearly joined the development on minority rights by providing both structural and normative access points, thus installing an important overview and clout for national minority groups and varied usages. Clearly, each minority group above perceives the developments of European minority rights positively, in particular as they perceive an impact from the different types of usage.

The above discussion of the Turkish minority's increased European-level positioning and lobbyism has contributed, with important legitimacy and justification effects. The results of these events are mainly observable in behavioural shifts: namely strengthened confidence to pursue own activity, even when lacking domestic support. Allowing themselves to be driven by the desire to raise awareness of the situation of the Turkish minority in Europe has produced unintended impacts, which are observable in behavioural shifts. This illustrates how strategic usages affect behaviour and preferences of actors, by entailing cognitive or normative effects on actors once they engage in usages of European multilevel political systems (Woll and Jacquot, 2010: 116). Behavioural impacts are often unforeseen consequences of repeated usages, in which the case of minority rights helps to

illustrate how legitimacy and justification become the effect of strategic usages. Moreover, the acts alone of criticism, pressure and recommendation from the EU or the CoE directed at states, can have further implications on the national minority groups and their confidence, even if they do not generate change in legislation and policy.

All three groups are exposed to regular visits from European bodies and experts that either monitor or report their minority situation. The German minority and the Hungarian minority are given the possibility to speak out during CoE monitoring, while the Turkish minority hosts ad hoc visits from various human rights organisations, very often through invitation by the ABTTF. Recent examples of this are study visits from Human Rights Watch, FUEN, or HRW, which have culminated in reports following each visit. Such visits often rely on information provided by minority members, as they are interested in what the minority members have to say. This gives minorities an opportunity to be in the spotlight. The repetition of this activity certainly establishes the contours of a facade on which to build confidence through partnership and trust. Referencing international documents, articulation of European values and regular participation in transnational platforms has increasingly become an integral part of current minority politics, affecting mobilisation and the formation of actorness, which are expected to also have an impact on how minority identification develops.

8.4 Identity implications: embracing *Europeaness*

The preceding sections have looked at national minority groups as users of European-level norms and rules. One important implication produced by the usages was the strengthening of confidence among minority actors, motivating further practices and engagement either domestically or within the European multilevel political system. Confidence is argued to be a consequence of the movement between different levels, by which the 'own situation' has been re-defined and re-appropriated, supporting minoritisation and formation of actorness. With this, identity shifts can also be fostered through interaction and operation, often unfolding new repertoires for states and people, depending on motives and timing. Studies linking European integration and identities are broad and have seen a remarkable increase throughout the past two decades (Medrano, 2003; Katzenstein and Checkel, 2009; Bourne, forthcoming 2014). Within this, one major theme of research focuses on the impact of the EU's political institutions and policies on people's beliefs about who they are and where they belong (Risse, 2004; Bourne, forthcoming 2014). One central aspect of this research has been to explain state preferences regarding European integration (Laffan, 1996; Medrano, 2003). Medrano places a focus on how histories and cultures of countries shape elite and citizens' attitudes to the EU (2003). Laffan, on the other hand, linked European integration and its implications for identity by arguing that there was a difference between those

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states that considered the European project to be a necessary project for economic wellbeing, such as the UK and Denmark, but there were also those that saw an opportunity to fill a more psychological need for a state identity (1996: 87). Regarding the latter, some states embraced European integration as a means to project their state identity (ibid). Underlying motives for engaging in European integration are important in order to understand the impact on national minority groups. By assessing what European integration has meant for national minority groups, for which the above usages are important, a development of new identity repertoires is also expected to emerge. In this case, shifts of identity are understood to be informed by their usages of Europe, corresponding to what Jacquot and Woll argue to be the unforeseen, long-term effects of different usages (2010). All three minority groups illustrate an impact upon identity linked to Europeanness. Although this coincides with different factors in each case, the European context sets an important parameter by steering the expression and articulation of the identity.

8.4.1 German minority and identity implications: 'A European minority model'

The pro-Europeanism and the above usages among the German minority cannot be explained without factoring in the greater process of identity shifts in the kin-state Germany in the aftermath of the Second World War. Germany's strong pro-Europeanism following the end of the Second World War is well established in literature (Katzenstein, 1997; Risse, 2001; Katzenstein and Checkel, 2009). Growing pro-Europeanism and support for European integration in the kin-state Germany, coupled with the activities which have developed through usages of Europe, are particularly relevant for understanding why Europeaness has became an factor in the self-identification of the German minority in Denmark. European integration offered the possibility for not only economic and political development, but it also became an important and timely source for overcoming the German nationalist past (Katzenstein, 1997; Risse, 2001). The European integration project and the idea of a 'Germany in a unified Europe' provided a new opportunity to recast earlier identity labels associated with the caricature of power, militarism and nationalism. Domestic consensus in Germany gained ground fast on the idea that "a unified Europe was the most effective assurance against the renaissance of nationalism and disastrous conflict" (Risse, 2001: 209). The gradual transformation towards a "European German nation-state identity" (ibid) was also influential on German minority groups abroad. The German minority in Denmark was no exception to this influence, announcing just like the kin-state Germany support to European integration early on.

The German minority in Denmark were left puzzled following the end of the Second World War. Having come under Nazi influence during the war, coupled with the German occupation of Denmark in 1940, mistrust and antagonism were widespread of the German minority among Danish public

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(Kühl, 2005a: 42-3). Due to a feeling of guilt among the German minority, it nearly immediately declared loyalty and gave its final recognition to the border drawn in 1920 (ibid). Given that similar developments of guilt occurred in the kin-state Germany, European economic integration became embraced as an appealing frame of reference for the reconstruction of minority associations, in the drafting of minority agendas and for the political orientation of German minority politicians in Denmark. For example, during the election campaign of 1960 the SP declared that "close European cooperation and the formation of a European community of states and people, is today the only way forward for the achievement of freedom and prosperity" (Lubowitz, 2005: 273).

European-level ideas and values gradually opened up a new vision for the German minority and provided an opportunity to project oneself by embracing a European identity, and as such escape earlier labels closely associated with the nationalist movements in the kin-state Germany. Interviewees argue that European integration emerged very timely, at a time when a new identity was highly desirable both in Germany and among German minority groups across Europe. The idea of European integration turned into a powerful source for identity (re)construction, largely facilitated by "search and desire for new identification of the German minority […] especially since how to relate to the German state back then was problematic for us here" (Matlok, interview). The broader, post-war, Germanys pro-European integration attitude played a significant role and spilled over to the German minority. Such similar notions of German redefinition of identity and the need to forge an international identity (Laffan, 1996: 86; Katzenstein, 1997: 116) are in fact echoed by several members of the German minority in Denmark, that this only underlines the importance of the European integration project for the (re)construction of a new minority identity. Members of the German minority openly declare that they are a 'European minority' (Jessen, interview).

The above is important for the desire to acquire new roles and for searching for new defining parameters offered by European integration politics and the idea of Europe. The gradually-obtained self-perception of being a bridge builder between Denmark and Germany (Grella, interview), has been closely informed by the willingness to embrace the European integration project as a new frame for identity (Johannsen, interview), which has contributed to the vision of being a 'European minority' (Jessen, interviews), and aiming at the building up of a united, but diversified Europe (Klatt, interview). Thus the initiation of the European integration project served as a parameter which interacted in a timely fashion with a critical moment of the minority and unfolded an important environment through ideas of unification and peaceful co-existence. As argued in an interview: "The unification among European states as initiated by the entire European integration project is an important thing for us and our existence, even if the integration project is not directed at minorities" (Tästensen, interview). In this respect, Europe can be considered as a resource used

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for building a 'new' and more positive identity for the German minority. For example, one interviewee explains how the minority found its new standpoint in the European integration project and used this standpoint to reconstruct their identity and remove the nationalistic label (Klatt, interview). The minority's associations and its representatives share the perception that the minority's contribution to the region lays in the fact that it embraced Europeanness early on, in close pursuit of its kin-state Germany (Johanssen, interview). The secretary general of BDN explains this link as follows:

> By the end of the Second World War, Germany had a very negative connotation not only in Denmark, but in many European countries. This also made it hard to be a German in Denmark. This started to change through European integration (Jessen, interview).

As an indirect mechanism, it is often the 'spirit' and the idea of the European integration process which is considered one of the major implications of it for the German minority in Denmark, followed by the contributions of the new way of thinking attached to the integration of regions in Europe (Johannsen, interview). This not only gave the German minority a chance to accumulate a new role in regional affairs by insisting a bridge building function between Germany and Denmark and in supporting the set up of cross-border forums, but it is the same features that have contributed to Europeaness becoming an integral part of the self-identification.

8.4.2 Hungarian minority and identity implications: a multi-level (European) minority

Identification among the Hungarian minority needs to account for broader changes in the early 1990s. The search for a new identity in post-communist Romania is a highly central element here. Due to the transition phase within which Romania found itself at that time, which also meant a transition at the level of the Hungarian minority, European and transatlantic membership were perhaps even more important than in the other cases, as they in fact provided an opportunity for profiling the entire state identity, thus not only the minority identity. The political elite grappled between national and European identity in the aftermath of the communist regime, by underlining the importance of European integration in the ongoing identity (re)construction. The representatives of the Hungarian minority were very early on seen as active promoters of the idea of Europe as an alternative to earlier identity markers and imprints of a different political system.

Similar to the identity shifts among the German minority above, the Hungarian minority in Romania embraced the European integration process in an attempt, and because of a desire, to replace earlier images which in this case were associated with the communism. As such, European integration also became a source for identity reconstruction which in the case of the Hungarian minority coincided with a new "search for legitimacy among the Hungarian minority" (Ferenc, interview). The vision of a 'return to Europe', which encompassed most of the post-communist

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societies, contributed to the embodiment of the European dimension. It provided a positive alternative and a source on which to project not only politics, but also identity. The vision of Europe as an ideal of civilisation, with a distinct set of values provided a crucial component in the implementation of the Copenhagen Criteria (Grabbe, 2006: 53). But the demands that were introduced during the accession process had more far-reaching implications on the self-perception of the Hungarian minority. Much of the interview data points towards instances of a perceived legitimacy of EU rules as a decisive source of change for the Hungarian minority. The question of legitimacy is understood as the added value which has emerged with other general mainstream politics. For instance, as stated by one of the ministers from the Hungarian minority: "Although the EU has no specific tool with legislative force on minorities, it is basically the spirit of the EU and the idea of the EU which is one of the supportive tools for us" (Borbély, interview).

Today the Hungarian minority in Romania openly declares itself a European minority, in that Europeaness became a major factor in the ongoing reconstruction of identity following the collapse of communism. In fact, many interviews point towards a perceived legitimacy of European principles which made European identification a strong factor in ongoing identity reconstruction. The former minister of environment and vice-president of DAHR explained recently that "the Hungarians living in Romania have seen the international community and Europe as the warrant of ethnic minority rights in Romania – after all the abuses of the national communist regime" (Borbély, 2013). Others describe how images of Europe at that time were linked to 'civilisation, openness and governmental responsibility towards minorities' (Bodor, interview). European integration gained the image of being a guarantee against the Romanian government for the Hungarian minority, which led to the perception that of being 'good means for protecting our identity through EU legislation' (Hegedüs, interview). This has been linked to the fact that 'Europe favours rule of law, which tends to favour minorities when compared to our earlier situation here' (Szekely, interview). Similarly, Europe, and in particular the EU, was perceived as an entity in which cultural identities could flourish and regions could be strengthened (Hegedüs, interview). Another DAHR member also refers to the role of freedom and democracy as important components of pro-Europeanism which emerged among the Hungarian minority during the 1990s, by explaining that "I consider West European principles such as freedom of thinking and freedom of expression very important and before we did not use to have such rights" (Györgi, interview). The above perceptions of Europe being a guarantee and a source which favours minorities, gained widespread acceptance, affecting not only political action, but also the nature of identity formation.

Pro-Europeanism was absorbed as a new contextual basis and vision within the immediate post-1989 political agenda of DAHR (DAHR, 2012), which started to construct itself and its action around

the general desire to 'return to Europe' (M. Attilla, interview). The political agenda of DAHR repeatedly underlined that the rights of the Hungarian minority can only be guaranteed through European integration, which became a guiding principle in its work (DAHR, 2012). Thus, while the membership of international and European organisations provided a prospect of development for the state as whole, it also spilled over into the ongoing identity revisions as "the most vital option for the Hungarian minority" (N.L. Magyari, interview), at times when it was most necessary and desirable. Whilst the minority shared the vision that an integration of Romania would be a very good thing in the first place, it was also believed that it would infiltrate the general political climate and the minority perceptions within the society as whole (M. Attilla, interview). This led to that DAHR became one of the major driving forces in Romania's European integration process and Euro-Atlantic relations (DAHR, 2012). According to the interviewees, the activity of the Hungarian minority in the pre-accession phase has been described as "it was DAHR that spoke about Romania joining the EU for the first time" (Vincze, interview) or "we knew that if Romania is in a better position, than we are also in a better position" (M. Attilla, interview). Thus, this early profiling not only informed working strategies, but it also affected choices in how to identify as a minority.

8.4.3 Turkish minority and identity implications: from *religious* to *national* minority group in Europe

So far, the two previous cases have demonstrated that identity shifts are triggered at times where new identity is desired by the minority, very often in order to replace labels associated with earlier regimes and political systems. In both cases Europe is perceived as a project which has provided an alternative for the preservation and promotion of the minority identity, by offering ideals to replace earlier negative connotations. Europe offered the possibility for a legitimate and more appropriate identity construction (Risse, 2001) where both Germany and Romania preferred Europeanness as a way to release themselves from earlier identity markers. In the case of the Turkish minority in Greece, one of the strongest Europeanisation effects is the increased embracing of being a *national* minority group. The preceding sections outlining usages of Europe can help us to understand the gradual accommodation and ease with which the Turkish minority grew increasingly more comfortable to use terms such as *Turkish* and *national* minority.

Ever since 1923 the Turkish minority had been largely constructed around origins stemming from Ottoman rituals and traditions (Hüseyinoglu, 2010: 11). As religious bonds were the key components of the 'Ottoman identity', the minority was also largely constructed around this legacy. In fact, the designation of the minority group as *Muslim* in the Lausanne Treaty, and not Turkish, reflected the understanding of identity of that time, inherited by the millet system in which governance structures were determined by the religious group that one belonged to (Demetriou,

2004: 97), and not nationality. Such Ottoman understanding of 'community' and 'nation', in which religion provided the means of group belonging remained an important identity marker throughout the past century (Tsitselikis, 2012).

The emergence of European norms and values on minority rights happened at a critical point in time regarding the relations between the Greek state and the Turkish minority of Western Thrace. Although an exact time of identity transformation is difficult to identify at the level of the minority, some major junctures can be tracked. In the 1950s the Turkish minority started to project itself largely around Turkishness, by claiming rights linked to the Turkish identity. This was a spill-over from the politics of secularisation and ongoing splits between religion and identity in Turkey under the Kemalist regime (Hüseyinoglu, 2010:11). As seen in chapter six, full freedom to make claims in the name of Turkishness or to publicly display signs in Turkish were curtailed by Greek authorities as the conflict in Cyprus developed. In response to the conflict, but also to the discriminatory treatment of the Greek minority living in Istanbul, the Greek government intensified its policies of discrimination, by intervening in several minority affairs. This approached dominated the period between the 1960s until the late 1980s, a period in which any public usage of Turkishness was banned in Western Thrace. One important breaking point which started to challenge the politics of suppression of national identity and the denial of basic and civil rights to the minority occurred in 1988. By demanding change in Greek policy, respect for minority rights and the right to a Turkish identity through massive protests in Komotini in 1989, the Greek government responded by returning some of the basic rights to the minority, however, leaving the question of their national minority status untouched.

Human rights organisations noted that despite the minority's existence in Greece for a long period, which has been characterised by repression by the Greek state, it is remarkable that a first protest from the minority didn't occur till 1988 in Western Thrace (UNCHR 2003). The protests sparked the demands for rights based on recognition of nationality, by highlighting that the minority possessed more than a religious distinction (Anagnostou and Triandafyllidou, 2007: 10), but also a national identity different from that of the majority. Thus it demanded for its Turkishness to be taken into account and the fact that they are a group with a *national* identity (ibid). This was often articulated in reference to European values, human rights declarations and national minority principles that were used in Europe to protect and promote national minority groups, in tandem with the emergence of minority protection formulated for national minority groups among international and European organisation in the early 1990s. It is also largely in this context that the European human and minority rights started to be used by actors of the Turkish minority.

Next to the use of *national minority rights* terminology, minority actors took recourse to European organisations working on minority rights. Minority actors in form of MPs, ABTTF, WTMUGA and other NGOs saw European organisations as a counter measure against repressive and discriminatory policies against the Turkish minority in Greece (Kabza, interview). The trend by which criticism and pressure was carried out in Europe against individual governments regarding the conduct of minority policies, reached Greece through the minority activism.

All this had an impact on identification shifts among the Turkish minority. By coincided with the broader discourses on 'rights consciousness' (Kymlicka, 2007) in Europe, the Turkish minority gained a new level of comfort in claiming rights linked to a national minority status. Awareness among the minority of their own rights and the rights to equality and recognition took a new expression, but more importantly, it founds new routes and norms. An interviewee in charge of a minority association in Western Thrace states, "we realised that what Greece was doing was wrong" (Rusen, interview). The minority started to realise that it was raising legitimate claims, namely to demand minority rights, respect for identity and equal treatment to the majority. Minority actors in particular realised that demands linked to nationality identity were legitimate at the European level. With close support and updates from the European-based ABTTF serving as an important platform and information source on European affairs and important minority events, what Europe can do or not, and regular lobby and awareness campaigning, the ABTTF reinforced the legitimacy of Europe supporting the idea of national minority rights and free existence of national minority groups. This has resulted in the mobilisation of activities to pursue own rights and demands, motivating the minority to demand recognition and acceptance of its ethnic origin. The minority group slowly accumulated the qualities needed for pushing minority claims, largely by drawing upon European and transnational links. By becoming integrated into the FUEN platform the minority embraced this duty even more. In fact, it is present at most FUEN gatherings and participates closely in European events that address minority rights.

The identification shifts, however, continue to pose a conflict between the Greek state and the Turkish minority. Most interviewees belonging to the minority are of the opinion that the major challenges lay in the outspoken shift from religious to claiming nationality identification. It is the notion of Turkishness which poses some of the main difficulties and prevents the minority from enjoying their rights granted by the Lausanne Treaty. A former MP in the Greek Parliament and member of Turkish minority highlights the issue of the complications emerging with the use of, and promotion of, a *national identity* among the minority, by arguing that "it is the denial of our Turkish national identity which causes the rest of the problems that we have" (Mandaci, interview). The denial of the national identity thus also cuts across the other problems. It is also this denial which is

perhaps most at odds with European-level norms and rules pertaining to national minority rights. This is not only acknowledged by the minority, but many European-level bodies are also aware of this. Most lobbying activities undertaken by ABTTF and other actors, take root in the issue of denial of national identity. This was the theme of an EP session organised by the European Free Alliance (EFA), several activists from the Turkish minority and the FUEN. During the EP session, it was reiterated that the Turkishness is a fact, but that it is only possible along European lines and with European legal support (EP, 2012). Most recommendations which are issued by, for example, Human rights watch, OSCE or PACE, urges Greece to recognize the minority in Western Thrace as a Turkish minority. With this support, the minority members have started to realise that the demand to be a national minority is appropriate when raised in a European context.

The above experiences are argued to bear consequences for identification shifts among the Turkish minority. The more that the Turkish minority felt that Europe addressed their cause, and the more that it was allowed to participate and present minority claims, the more did it start referring to itself as a 'Turkish minority', rather than only Muslim. Likewise, the more assimilative practices of Greece were banned under international law, the more comfort did the minority feel in claiming Turkishness. Similarly, increased criticism from international and European organisations towards Greece, with many remarks on its treatment of the Turkish minority (Human Rights Watch, 1999; HRWF, 2012; CoE, 2009b; EP, 2012), adds an additional source in which claims are being justified on the basis of European human and minority rights paradigms. This corresponds closely to Checkel and Katzenstein's proposition, namely that identities are crafted and politicised by ongoing social processes related to the experience of Europeans (2009: 2). The post-1980s period was clearly an experience of receptiveness of minority claims advanced by the Turkish minority in Europe.

Today, the self-perception of being a national minority rather than a Muslim minority is even more pronounced among the minority members, in particular when confronted with a new Islam which is formed through recent migration patterns. The fear of being lumped together with non-Turkish Muslims is high among the minority members. One minority member expresses his frustration by raising that:

> Think about that there are 1000 Pakistani people, then from Arab Emirates there are 1000 and also from Afghanistan. What will happen? Ok, Lausanne Treaty was not for those people, it was for the Turks […] let's say, a Danish person lives here. And then they start saying, he is not Danish, but only a Christian, but not Danish. Is that logic? (Rusen, interview).

The above paradox, whereby national minority groups react to recent migration groups, is in fact

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motivating even more 'responsibilising' behaviour and activation among national minority groups in Europe. Thus the responsibilising and claim making can so far be understood in a two-fold fashion. On the one hand, the lack of a clear legal status in EU frameworks on what constitutes a national minority group encourages the activation of national minority participation and usage of European policy and legal platforms. On the other hand, the fear of becoming lumped together with recently-formed migration groups in Europe, so-called 'new minorities', runs a 'risk of undermining the uniqueness of traditional national minority groups as [*an*] integral part of European history and heritage' (Winkler, interview). A member of the Hungarian minority explains this as follows:

> There is France, Germany, Holland and Belgium, they all have their own minorities that formed over the last 30 years, and these are migrating populations. But they [migrant groups] are now put together with us, the communities which are living for thousands of years in the same place and territory, only governments and states have changed, but the populations remain the same. For me it is just not understandable that they can't make a difference between the two groups (Sandor, interview).

This motivates the joint activity of national minorities further, and especially among those active at the European level. In fact, with the aim of clarifying the contours and differences between national minority groups and immigrant groups, national minority actors are encouraged to engage in own usages of Europe. This very motive spills over into clarification of own identity and what makes the preservation of a national minority identity different from other national minority groups in Europe. This seems to have become even more accentuated in the European context and through the usages of Europe.

In sum, identity change is rarely a product of top-down downloading of ideas and principles; it is rather a process which is constructed through interaction and practice (Checkel and Katzenstein, 2009). While minority participation is no longer confined to domestic political settings, national minority claims are increasingly articulated, presented and anchored in the course of European developments. For example, as seen in the case of the German minority, European integration provided a new context against which identity transformation could be profiled. Similarly, it has also been argued that European-level norms have been important to the Turkish minority by providing a new portion of legitimacy for its increased claims to have the national identity recognised. In fact, there is an upsurge in the claims coming from the minority throughout the 1990s, coinciding with the multiplication of approaches on national minority rights among European organisations. The Hungarian minority also started to use Europeanness as a new identity marker, which is still strongly visible in their activity and self framing, especially through assessments of DAHR's agendas and priorities.

Moreover, transnational interaction and the wish to be present in Brussels or Strasbourg require that actors develop new strategies and 'know-how-to' techniques. When minority groups engage in usages through practice and political interaction to the background of Europe, they experience confidence boost, in particular as minority claims reach new levels of legitimacy and are often heard by others. Through repeated usages and acquired confidence, minority actors are prepared to try out new roles and to experiment with European-level resources, culminating into the formation of actorness. When usages within European multilevel political system start to affect confidence and actorness; they are also likely to extend into identity matters, thus transforming the actors (Woll and Jacquot, 2010: 116). There are thus two important novelties from this bottom-up approach and from studying how actors behave even in the absence of pressure. For one, usages of Europe support the formation of actorness and, second, the ideational effects that this triggers supports the formation of minoritisation, namely a consolidation of national minority identities through the increased legitimisation of national minority identities.

8.5 (Transnational) agency formation through usages of Europe

One important pattern which emerges from studying usages of Europe among national minority actors is that much of the impact would most probably not have occurred without activism acquired by minority actors. By studying the motives and strategies of their usages of Europe, a central outcome is that they accumulate new roles through experimentation and confidence. It is that acquisition which becomes the apparatus for change. This generates different outcomes in contrast to pressure-driven Europeanisation.

Through usages and experimentation national minority actors are developing characteristics of actorness, thus making themselves subjects of European norms and rules. Their ability to trigger change is mainly concentrated on minority affairs that fall under preservation and promotion, while protection remains a state affair. This can be understood against the background that international minority rights regimes have often been organised as a state level obligation where implementation processes have committed states to being the central actors (Jackson-Preece, 2013; Galbreath and McEvoy, 2012). The achievement and establishment of preservation and promotion of national minorities, in contrast, can be more flexible, by involving more actors and other practices in order to be realised. As such, Europeanisation helps to activate new usages which engage minorities as partial implementers and practitioners of policy lines that serve preservation and promotion. In fact, preservation and promotion are most likely to be sustained through minority activism.

Turning to usages of Europe was done in order to analyse how impact of Europeanisation on

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national minority groups be created through minority actors' use of European opportunities. This helped to lift the focus from the limits of state-level Europeanisation of domestic minority policies through institutional pressure and legal compliance. Instead, this chapter has illustrated how European-level norms and rules provide a new architecture and space for usages to develop among national minority groups, which in turn become the motor of change. This is illustrated in, for instance, policy tools and funding; the way that minority actors 'copy' European rhetoric when raising claims domestically or at the European level; and by strategic exploitation of both formal and informal instruments in order to define one's role in a specific arena. This helps to transcend earlier roles attached to national minority groups as being mere recipients of legal standards (Malloy, 2013a). This chapter showed how those earlier roles are affected through usages of Europe.

By studying usages of Europe through the three cases above, the chapter has identified some of the likely motives of action. These link to all three types of usages as proposed by Jacquot and Woll (2003; 2010), namely *cognitive*, *strategic* and *legitimating*. Strategic usages and legitimating usages are, however, most common and best observed. European integration is often perceived by national minority groups as an opportunity to advance own interests, agendas and to legitimate claims and the minority position. However, strategic and legitimating usages occur mostly in a parallel. Strategic usage easily tips over into a legitimating usage as the relationship to Europe grows over time, where the tipping point is sometimes difficult to disentangle. This means that when national minority groups rely on and use the normative spaces of Europe in order to legitimise the own position and activity, the resultant legitimacy and justification becomes an important factor in the self-identification. Regardless of what the initial motivation of the group is, through repeated usages of Europe, experimentation and the receptiveness of this by European-level institutions strengthens confidence and affects identity development.

Actorness formation also takes another dimension, namely the formation of a [transnational] agency, giving national minority groups [and minority rights] a new outlook as they use Europe. The political and legal frameworks as provided by the CoE and the EU provide an avenue for both formal and informal practices to develop between different national minorities in Europe. By practicing Europe through the usages discussed in my case studies, the minority actors also contest the non-existence of a minority model at the EU level and they often 'responsibilise' Europe, by reminding both the EU and the CoE of their commitments, and lack thereof. This provides a picture in which national minority groups have started to challenge their marginal role and the common picture of being 'pitied for'. Instead they are developing a sense of responsibility in domestic politics and regional affairs. Although this might be marginal regarding the Turkish minority, the

need to cultivate the minority culture and its traditions in Western Thrace has informed a new sense of responsibility. Moreover, the three cases in this dissertation show a growing sense of responsibility to keep the topic of minorities alive at the European level. This is done by trying to give expression to European norms and rules in their practices at home and in Europe, even if not expected to do so. In fact, minority actors and minority organisations increasingly argue that national minorities mirror European diversity (DAHR, 2012; FUEN, 2013; Winkler, interview). With this, they engage in cognitive usages where actorness is also starting to gain new contours. Minority actors are not only passive, but they recommend solutions and provide input to ongoing European development across different levels where they act. Thus the weaknesses in European minority frameworks provide an impetus for usages to develop, by also informing the emergence of *actorness*. The above is clearly a common pattern despite the differences between the three minority groups, in particular with regard to variations in state-level policy developments, shared understandings and kin-state relations which normally dictate state policy. By concentrating on practices and interaction through usage and experimentation within European frameworks, there is a commonality in the emerging *actorness*, but also examples of how Europe matters for actorness formation in the absence of clear policy lines and pressure. With this, hypothesis five is also challenged. Although the degree of domestic satisfaction among national minority groups helps to understand some of the initial motives for why minority groups engage in usages of Europe, their domestic satisfaction does not necessarily affect the continuity of their usages. This also means that through usages of Europe, national minority acquire commonalities visible in the development of common visions (ECI Minority Safepack), reorientations towards multi-level coalitions, accumulation of actorness to pursue own claims and the confidence to make demands linked to their national minority identity, informing the emergence of a special minoritisation in which it is increasingly legitimate to claim rights based on a national minority identity.

	German minority	**Hungarian minority**	**Turkish minority**
Strategic usage (interest driven acts)	Influence in regional politics Cross-border facilities and developments Financial qualifications	Political representation Financial qualifications Legal amendments	Awareness raising Shaming of Greece through lobbyism Publicity
Legitimating usage (justification driven acts)	Search for new identity: *post-WWII vs. Europeaness* Confirmation of own activity through reference to Europe Regional policy used for framing Rhetorical usage	Search for new identity: *'return to Europe'* Justification of own activity through reference to Europe Confirmation and acknowledgment of minority claims Rhetorical usage	Search for justification of identity: *Muslim minority vs. Turkish minority* Reliance on the 'image of Europe' vs. Greek policy ECtHR case law and CoE norms used for framing Rhetorical usage
Cognitive usage (Framing driven acts)	,Responsibilising' Monitoring participation	,Responsibilising' EP lobbyism ECI initiative Monitoring, shadow reports	,Responsibilising' through lobbyism Transnational mobilization

Table 2: Usages of Europe

Chapter 9: Changing agency within ambiguous (state) structures: two contrasting processes of change

The central aim of the dissertation was to assess the impact of Europeanisation on national minority policies and on national minority groups and the study was implemented by asking what helps to explain each process of Europeanisation. Mechanisms of Europeanisation usually applied in studies of public policy change and political sociology were used to examine domestic impact of EU and CoE norms and rules pertaining to national minority groups. Moreover, the dissertation combined top-down and bottom-up approaches, namely the 'goodness of fit' model and the concept of 'usages of Europe'. The top-down approach employed the notion of adaptational pressure from the European-level, which was traced alongside intervening variables embedded at the domestic level and in interstate relations. A bottom-up approach was employed in order to assess how minority actors make their own interpretations and usages of Europe as they seek to advance own agendas and to gain legitimacy for minority claims. I compared three countries and the activities of three minority groups in each country. European-level norms and rules were interpreted in relation to the three Ps (protection, preservation and promotion).

The dissertation asked the question: *what best explains the impact of Europeanisation on national minority policy and on national minority groups?* As stated in the introduction, the two central arguments of the dissertation are that: first, factors affecting the impact of Europeanisation on domestic national minority policy are embedded in *domestic arrangements and in interstate relations*, and, second, that national minority groups have started to *acquire new agency* through their relationship to Europe. The impact on domestic national minority policy showed that pressure from the European-level is a central catalyst for change, and especially when pressure is 'exceptional'. However, the processes of change cannot be explained without including a range of factors found in domestic arrangements and in interstate relations with each kin-state. Three central factors were identified through the empirical analysis, namely the nature and power of change agents at the domestic level, shared understandings attached specifically to the national minority group in question and kin-state relations. This combination of factors helps to understand the three distinct processes of change in domestic policy and how it leads to the three different Europeanisation outcomes. This relationship is explained in reference to hypothesis one to four in section 9.1 – 9.3 of this chapter. Regarding the minority group level, a different process of change is discerned. Strategic and legitimating usages of Europe draw the three minority groups to use Europe for different political ends. Minorities aim to increase their own political position, to advance their agenda and to gain support for minority claims, either directly at the European level or domestically through the use of Europe. Through confidence acquisition due to repeated usages

of Europe and willingness to experiment with European-level norms and rules, minorities have started to accumulate new roles and to develop actorness. However, there are further implications, namely impact on identity formation which also informs the emergence of a new type of minoritisation. This relationship is unpacked in section 9.4 – 9.6, where hypothesis five is returned to. The chapter concludes with reflections on added values generated through the empirical analysis and avenues for future research.

9.1 Europeanisation and national minority policy: goodness of fit and outcomes

The goodness of fit hypothesis was applied in order to assess state-level public policy implications as a consequence of European integration. Central to the goodness of fit model as a mechanism of change is adaptational pressure upon domestic structures, which emerges through mismatches between the domestic and European-level policies, legislation and understandings. In chapter five, pressure was identified according to the extent of fit between European-level norms and rules and the domestic circumstances related to national minority rights. Different degrees of mismatch emerged in each country. Adaptational pressure for domestic change and reform of minority policies emerged differently and different expectations for change were imposed. In all three cases, pressure emerged through directly articulated criticism of specific domestic policy content or legislation. Pressure is also produced by mechanisms of coercion, such as the need to implement an EU Directive; through ECtHR case law; or through persuasion and recommendations in relation to the implementation of the FCNM and the ECRML, which applied differently across the three countries. Different awareness campaigns made domestic circumstances known to Europe, which turned into another source of pressure through criticism, which is especially evident in Greece. An exceptional tool of pressure was used in Romania through the Copenhagen Criteria, linked to the desire to join international or European organisations. Pressure was linked to each state's commitment to European, rules and norms, which normally follows from EU and CoE membership and the ratification of specific documents and agreements on human and minority rights.

Once the extent of pressure was defined, chapter six looked at the adaptational process through careful process tracing. With this, the most important intervening variables were identified. The goodness of fit model and the way that it predicts what factors will affect the process of change and according to what means, was important here. Intervening variables influencing the process of change were predicted to function either according to rational institutionalism and sociological institutionalism. Veto players acting rationally and norm entrepreneurs supporting social learning were expected to influence the process of change. Norm entrepreneurs were expected to generate greater change. The existence of change agents was identified as one of the most central elements for change, and the more active those change agents, the greater the change. Besides change agents

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at the domestic level, shared understandings were also expected to influence agents' ability to act domestically.

As well as these domestic intervening variables, an alternative factor introduced was the kin-state of each national minority group, which included the role of interstate relations. With this, the dissertation addressed a shortcoming of the goodness of fit model and its predictions about which intervening variables are the ones that matter for the process of change. Originally, the goodness of fit model relies on domestic intervening variables, without necessarily factoring in external dimensions. This dissertation, however, shows how kin-states continue to play an important role in the state policies of the countries of their kin-minorities, because of their ability to affect the way that European-induced pressure leads to change. A kin-state can help to facilitate either socialisation as an outcome, assist in gains, or hamper change. Since national minorities are still largely a result of historical boundary decisions, changes in 'minority' rights and provisions often need to be filtered through their kin-states. Adding such an 'external' intervening variable to the goodness of fit model can also be useful for understanding Europeanisation of other policy fields.

9.2 The role of intervening variables in mediating change

EU's influence on domestic minority policies has been described in reference to either EU 'transformative power' through the mechanism of conditionality inducing compliance through material incentives anticipated with EU membership (Schimmelfennig and Sedelmeier, 2005; Grabbe, 2006) or through EU 'normative power' by which it is suggested that minority protection is integral to the EU's normative basis which also prompts an externalisation of norms and values (Manners, 2002). Both perspectives had been criticised due to a lack of coherence between rhetoric and internal action of the EU (Lerch and Schwellnus, 2006: 310), in that the EU was justifying a policy in its external relations in spite of lack of consensus for internal usage. The baseline in those previous studies was that explanations were looked for at the EU level, either within the power of norms and/or within the incentives offered by EU membership. In applying the goodness of fit model and tracing domestic change according to the notion of misfit in this dissertation, focus was shifted towards considering the role of domestic factors and kin-state relations in interpreting domestic impact of European-level norms and rules. In fact, the process of change and extent of impact could not be explained separately from these intervening variables. One exception was the condition of 'exceptional pressure', as seen in the case of Romania. In the early 1990s, due to the desire to join a range of European organisations, exceptional pressure was applied to Romania through specific criteria. However, despite the exceptional pressure from Europe during specific time periods, the process of change and the outcomes of Europeanisation in national minority policy would be difficult to understand without factoring in domestic dynamics and kin-state

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(interstate) relations. This dissertation showed that the very process by which change occurs relied less on the credibility of European-level norms and rules, and much more on how the domestic level reacted to misfit, an approach in which change agents and their ability to act domestically were central. This approach has also shown that similar factors matter across different states in Europe.

This dissertation has shown that domestic dynamics and interstate relations help us to understand public policy change and whether that change is interest driven or socially induced. In assessing three countries, four decisive conditions surfaced. First, it was demonstrated that for European-induced pressure to be transmitted into change, change agents need to enjoy a good link to the governmental level and a good degree of leverage. Second, relevant change agents act both as veto players and norm entrepreneurs, depending on existing arrangements between majority and minority domestically. Third, the activity of change agents was easier when supported by shared understandings attached to minority rights domestically. Shared understandings continue to bear effects, given that this shapes not only the outlook for domestic policies, but also the perceptions with which a policy is framed and executed. In the context of a national minority policy, shared understandings are associated with historical experiences between majority and minority groups. These experiences differ remarkably between the states, but also between different minorities within one state. In order to understand this, the dissertation needed to provide a historical review of the creation of each national minority, pointing to the decisive dynamics of recognition and rights recorded to each group. Similarly, it has been demonstrated that the way in which the domestic elites perceive existing frameworks is central, not only for the overall national minority policy, but it can also impede or facilitate European-induced pressure for change. And fourth, kin-state relations continue to influence not only domestic policy, but also Europeanisation.

In sum, whereas a starting point for change in national minority policies is the existence of pressure (either norm- or rule-induced pressure) and changes in terms of special rights, new provisions or services for national minorities will not materialise without the intersection of other variables. The conditions leading to highest Europeanisation outcomes are: i) existence of *change agents* which enjoy good leverage domestically and that seek to link European pressure to domestic change; ii) when *shared understandings* of minority rights resonate well with the European level; iii) when *kin-state* relations are good and the kin-state is committed to similar norms and rules.

It is argued that the nature of each intervening variable is central to the extent of change, influencing the final outcomes of inertia, absorption and transformation in my three cases. Although it is hard to establish a hierarchy between the intervening variables, one is nonetheless

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especially important in order to understand the process of change. That is, without a link to governmental policy among the active change agents, change would be difficult to foresee. This confirms my hypothesis two, namely that *given that change in national minority policies requires active change agents, greater change is expected under the condition that change agents enjoy an established link to the government and to domestic policy making.* The related hypothesis three, which predicted that more and greater outcomes will be facilitated by the existence of norm entrepreneurs is, however, trickier. For example, in Romania, where greater Europeanisation outcomes are observed, change agents have been highly active, but they act as both veto players and norm entrepreneurs domestically. The main change agent DAHR was committed to political bargaining and strategic action in order to insert minority rights in overall public policy and legislation in Romania. At the same time, their activity was supplemented by argumentation and persuasion, very often by relying on European-level examples. This supported shifts in public opinions in which an environment of tolerance started to emerge. Having a minority policy in Romania became appropriate and minority actors described cooperation between minority and majority as the achievement of 'normality'. An outcome of transformation through bargaining alone is therefore difficult to predict; transformation needs support from shifted beliefs and identification. In Denmark, although the most active change agents, namely minority actors, perform some acts of norm entrepreneurs, the outcome is only one of absorption. And in Greece, the lack of a link between change agents and domestic-level authorities is one of the reasons why there is no change. It is thus difficult to draw conclusions on what type of change agents are best suited to drive the greatest change. Although the acts of norm entrepreneurs are important what however appears more important is that change agents are formed from within the national minority groups, and that they enjoy good access to relevant governmental levels, representation forums and cooperation, regardless of the strategy used to claim rights.

Changes in domestic national minority policy are rarely driven exclusively by non-minority politicians or non-minority entrepreneurs. Arguably, one could expect less interest from majorities in pushing for changes in paradigms that aim at increasing special rights and committing states to special services for national minorities. In general, the majority political elite either supports or blocks the ability of (minority) change agents to act and to pursue strategies of change. Even in the case of Romania, in which one would have expected the political elite to be keen on fulfilling the minority criterion given that this was linked to EU membership, the change that took place would have most probably differed without the strong activism and bargaining of DAHR. Beside legal changes, the other central difference made by DAHR was that the minority topic was kept alive in Romanian politics and it transformed into more than an 'enlargement issue'. By becoming a change

agent during the democratic consolidation and adjustment to Europe, DAHR used the opportunity to integrate national minority issues within the overall public policy structures. This is illustrated by the setting up of special bodies, run by DAHR members, both to ensure that elections allow the Hungarian minority fair possibilities to choose representatives and also, most importantly, by advancing the educational system in favour of the Hungarian minority.

In Greece, the lack of active change agents with the ability to interact with the governmental level hampers change, despite high pressure and good conditions for change. Greece does not provide sufficient space for minority actors to act in a similar fashion in domestic politics as Romania does, or to pursue cooperative dialogue with the government like in the case of the German minority. As seen in chapter six, political will to change national minority policy was demonstrated during a brief period in the early 1990s when the government announced change in equality policy and stopped the removal of citizenship from those who had left the country. Although both changes were important for ending the structural discrimination against the Turkish minority in place since the 1950s, it did not translate into normality nor did it alter elite behaviour. It was, rather, an ad hoc and exceptional change, which was triggered by pressure and a political interest in performing well at that point. But public policy procedures were not adjusted in a minority-friendly direction and the recognition of minority rights is still limited to religious parameters and to the content of the Lausanne Treaty of 1923. The fact that national minority rights have reached a new level of standardisation at the European level did not affect Greece in any remarkable way. Where we saw more Europeanisation under the initiative of change agents, largely from within the minority groups themselves, as in Romania and Denmark, the absence of this feature in Greece helps to understand the lack of change. Whereas change agents exist in other spaces, such as within the transnational European space, they make little contribution to changes in Greek domestic policy. Their contribution is, rather, leading to a different change among the minority actors. This will be discussed later.

In Denmark, change agents from within the minority contribute to keeping the topic of the German minority alive. Although there is no direct governmental or parliamentary representation, special status and dialogue are ensured through the Secretariat in Copenhagen and the Liaison Committee. Both serve as important negotiation points when it comes to the extension of practices to follow European-level norms and rules, and in particular to commitments to the FCNM and ECRML. Similarly, the Secretariat together with the minority associations from South Jutland also ensure that the minority topic is kept alive in Denmark by using the argument that it is appropriate to be a minority and by pointing to European-level developments. Without activity initiated by the minority through the well established, albeit informal, links to the government, minority questions

would have not necessarily have been taken on board. For example, in tandem with the local government reforms in Denmark of 2006 and the risks that this could have for the political representation of the German minority, the final solution of establishing the exceptional rule of 25% was closely informed by minority-level activism. This activism drew upon support from the European level and it pointed towards norms laid down in the FCNM. The issue was also addressed in the monitoring process of both FCNM and ECRML. State-level attention to the German minority has gradually decreased due to the well-established declarations and the development of good minority-majority relations. With this, the Danish state has also developed the general perception that the German minority is well integrated and bilingual, for which reason there is no need to introduce new supportive mechanisms or to engage in promotion. In fact, this is also one of the central reasons that the German minority has developed a much-needed activism. The activism helps to reinsert the need for promotion and preservation of German language, culture and general visibility in the region and this is often done by pointing to Europe and referring to European-level norms. As such, it has contributed to raising new questions regarding the general strategy in Denmark, adding new perspectives related to promotion and preservation, which requires a rethinking of state-level activism.

Besides the existence of change agents with a clear preference for change, their ability to operate as a force for change is conditioned by the context in which they act, which has been identified as the 'shared understanding'. This contextual element is shaped by several factors. Most central to shared understandings in this context are the shared experiences of coexistence between the majority and minority; the space provided for minority rights in domestic frameworks; and kin-state relations and interstate experiences.

All three adaptational processes are influenced by unique shared understandings, which either facilitate or hamper change. In Greece, shared understandings associated with minority rights, and in particular the specific understandings linked to the Turkish minority, help us to understand lack of change. Greece rejects the existence of national minority groups and there is no reference to national minority rights in domestic political and legal frameworks. It only recognises one, Muslim, minority according to the Lausanne Treaty. Historically constructed concepts, such as Hellenism and Greek nationalism are central to the rejection of minority groups and minority rights. Hellenism and Greekness are closely intertwined concepts and they serve as a special frame in the interpretation of belonging and membership in Greek society. Both concepts invoke 'race' and 'ethnicity', which automatically sits uncomfortably with the differentiated normative promotion of cultural diversity developed among European-level institutions (Article 3, Greek Constitution; Christopoulos and Tsitselikis, 2003). Greek nationalism seems to be only reproducing a deeply

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entrenched vision of minority rights in Greece, closely informed by the state building process of late 1800s. State building followed after many conflicts with Turkey and conquest by Turkish forces. This experience informed the drafting of nationality and identification; one which back then largely stood in opposition to Turkey and Turkishness. With continued conflicts throughout the 1900s, the perception that Turkey was still a threat only strengthened Greek nationalism. Such historical trajectories are central in deciding how shared understandings over national minority rights take shape. Relations with Turkey have also affected the adherence and implementation of existing minority frameworks and this is reflected in Europeanisation in the context of the Turkish minority in Greece. This background contributes to a poor fit between the Greek minority approach and that pursued at the European level. In contrast to the Greek understanding of people and minority, European-level norms are increasingly constructed around ideas on cultural diversity, and minority frameworks actively encourage states to help promote the survival of existing national minorities. As such, it becomes evident that the historical process of arrival at the different visions and shared understandings in each case becomes important, if not decisive, in order to understand not only successful change, but also lack of it. This is also why it is important to look at one specific national minority group in order to explain change.

The other two cases have also been conditioned by shared understandings. Historical constructs affected the arrival at those understandings. In Denmark, although we saw an ambiguous picture characterised by selectivity and a careful approach to the understandings of national minority groups, there is a unique understanding attached to the German minority. Bonn-Copenhagen declarations have contributed to a politics of trust, which is largely upheld by reciprocity between Denmark and Germany. As argued by Jürgen Kühl, the declarations have contributed to peaceful relations in the German-Danish border region (2005); as such they have helped to replace earlier animosities by tying Denmark and Germany into a mutual minority recognition and minority policy. Knowing that the declarations apply to the own group in the other country motivates a good execution of a minority policy arising from bilateral declarations. This has also led to the installation of good kin-minority politics. Through the declarations, Germany can be involved in minority issues and, likewise, Denmark can become central to the way that Germany treats the Danish minority. The declarations thus assist in drawing attention to minority questions. At the same time, the declarations also continue to serve a new purpose, namely by guaranteeing that emerging European-level norms and rules are considered, normally under the condition that both states undertake the same changes. With this, reciprocity is carried across to Europeanisation as well.

In Romania, shifts after the fall of communism are important in order to understand the role of

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shared understandings during the process of Europeanisation. During communism, the minority policy in Romania prevented the Hungarian minority from having ties with its kin-state, whilst policies of assimilation prevented reproduction of national minority culture and identity. Once the communist system was abolished, the desire to get rid of the Communist label was born, in tandem with the desire from minority communities to revive what had been suppressed under communism. Despite opposition and contentious negotiations throughout the democratic consolidation of national minority rights, shared understandings became underpinned by pro-Europeanism.

Shared understandings touch upon the role of the kin-state of each national minority. However, a kin-state's role is about more than this. It is defined not only by geographical proximity or cultural and linguistic bonds, but also through existing frameworks and political involvement. As seen in Greece, Greek and Turkish relations have determined Greece's adherence to existing minority policy. The complicated Greece–Turkey relations throughout the 1900s had negative implications for the treatment of the Turkish minority, making the Lausanne Treaty an instrument reciprocally misused. This has not only undermined the development of a minority policy in Greece and the implementation of existing minority rights, it has also affected the overall understanding of minority rights in Greece. This also affects Greece's readiness to join the Europeanisation forces in the field of minority rights, given that it would bring changes to an existing status quo which is trapped in reciprocity and denial. Consequently, low Europeanisation outcomes are understood as the result of: a domestic denial of national minority groups and special treatment of those groups; repeated rejection of European-level pressure; and kin-state dynamics. Turkey's rejection of some European-level norms and rules on national minority rights and the rather passive kin-state attitude that it has developed further undermine Europeanisation of national minority policy in Greece. Thus reciprocity, which is conducted in interstate relations, is also reflected in Europeanisation processes, and it is well demonstrated by the case of national minority rights.

In Denmark kin-state relations are also central in explaining the selective Europeanisation of German national minority policy only, while rejecting any possible adjustments on the part of other minorities present in Denmark. Bilateral relations between Germany and Denmark underline the existence of one national minority group in Denmark, by establishing the principle of reciprocity binding on both states. It is through the Bonn–Copenhagen declaration that Denmark has developed a national minority policy and recognised the German minority. However, bilateral agreement continues to have symbolic relevance, even without being legally binding, by rather functioning according to the 'spirit of declarations'. No other group in Denmark enjoys a kin-state linkage or a bilateral treaty basis concluded between host and kin-state, which also helps explain

why no other group is officially recognised as a national minority group and pressure regarding other groups is neglected.

Romania has confronted probably one of the most active kin-states in Europe, and one which has developed remarkably since the early 1990s, namely Hungary. Having played a central role in the region of Transylvania and in the fate of the Hungarian minority, Hungary as a kin-state also helps to explain the Europeanisation process of Romanian national minority policy. There are three important reasons for this. First, protection of kin-minorities is part of the constitution and upheld by domestic government policies in Hungary. The best illustration of this is the notorious Status Law, which grants special rights to Hungarians abroad. Second, Hungary's activism has provided important moral and financial support to Hungarian minority communities, thus assisting in growing mobilisation among the Hungarian minority since 1989. And third, it is the situation of Romania and Hungary, which has attracted most international and European attention, as seen in relation to NATO and EU negotiations. No other national minority group in Romania has received so much attention from NATO, the US and other security bodies. This has been an indirect consequence of the interstate relations and an international desire to work to keep them peaceful. This provided an opportunity to negotiate over minority rights and, as such, affect Romanian minority policy. Romania, Hungary and European organisations realised that national minority rights were an important parameter for peaceful relations and stable borders. In all, good kin-state relations and that the kin-state is committed to similar norms and rules as the host state facilitates the process of change.

Theoretically, both rational and sociological explanations help to explain the adaptational process. Many of the initial actions towards change show rational action. However, where action is sustained and change where agents stay active, socialisation also ensues. Romania, for example, shows how rationally-driven activity for change, largely explained by the incentives which were associated with rejoining Europe, eventually tipped over into socialisation of new beliefs. Early compliance-driven Europeanisation culminated in the establishment of public policy procedures in which minority actors continue to occupy an important political space in Romania. Today, the reforms made during the pre-accession phase are supported by established interaction between majority and a minority which has started to gain acceptance, and this behaviour became the 'normality' (M. Attilla, interview). The Hungarian minority is committed to upholding the achievement which was initiated when pressure was higher, but an important side effect of this has been the emergence of normal political contestation over minority questions. That is, the domestic scenery did not necessarily transform into a 'heaven' for national minority policymaking, but into a 'normal' level of political contestation and negotiations which incorporated national minority rights

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as a component within the overall legal and policy developments.

Similar to the above, a movement from initially rational actions to socialisation is observable in Denmark. The selective commitments by Denmark to European-level norms and rules on national minority rights are largely facilitated by the leeway and discretion permitted by European instruments. For example, as often pointed out, the FCNM suffers from the lack of definition of a 'national minority', thereby raising questions about to whom specifically the instrument applies (Malloy, 2005b: 50). Whereas this view has been argued to be problematic (ibid), it has also been interpreted as allowing flexibility and diminishing the risks of excluding some groups from protection due to excessively narrow defining elements (Eide, 2008). In Denmark the FCNM led to an exclusion of all groups other than the German minority, whose recognition and protection, all in all, does not derive from the FCNM, but basically builds on existing frameworks with the kin-state. As such, the minimal approach undertaken by Denmark is locked in by low domestic costs principles and the desire to maintain the existing status quo over the national minority policy. The above-described interaction with Europe reflects the classic aim by states wishing to maintain national control over who counts as a national minority or not. Higher level control goes hand in hand with the entitlement of special rights and granting of provisions for the enjoyment of special services which are promoted through CoE frameworks or criticised through the monitoring. By not extending the recognition to groups other than the German national minority, Denmark is also exempted from providing additional services, from promoting other groups and from supporting the development and preservation of their identities in Denmark. Seen from this perspective, it is a rather low outcome of Europeanisation with regard to the Danish national minority policy at large. However, the selective and careful commitments clearly indicate that there is a shared understanding on a *German national minority policy* in Denmark, which has become internalised throughout the years into a norm of appropriateness, which also facilitates for an Europeanisation of this German national minority policy. As such, Europe has helped to reconfirm an old issue, by placing it in a new light.

In the assessment of Greece and the Turkish minority, rationalist and sociological arguments are also captured, although the former have the upper hand. The high misfit and continued rejection of pressure are reflective of an interest-based logic. The prevailing perception of the threat from any possible extension of minority rights and the need to 'counterbalance' Turkey through reciprocity confirms rational behaviour. However, an entirely rationalist reasoning also fails to explain the full picture in Greece, in particular regarding recent developments. Pressure from the European level, and especially the repeated pressure induced through the ECHR, has affected some elite members. The ECtHR case law did not translate into legal changes, nor did it lift the legal inertia, but Greece

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has paid indemnities to the plaintiffs a few times. The return of the ECtHR case law to Greece and the follow-up that it demands has intensified the interaction between the Greek court systems, officials and minority members. With this, the ECHR has opened up new considerations that have not necessarily been made before. Confronted with the pressure to respond to the ECHR, the regularity with which this specific source of pressure has been used can be expected to have an effect. This also links to the prediction of the Europeanisation literature that inertia can become difficult to sustain for long periods (Radaelli, 2003: 37). As such, it is important to note that in the context of a policy such as that of national minority rights, although top-down Europeanisation may not lead to clear changes in state policy in the usual way, it can install a context in which indirect pressure affects the considerations of domestic actors.

In sum, by bridging Europeanisation mechanisms and national minority studies, a domestically driven Europeanisation is revealed, through close interaction with interstate factors. The outcomes are more in line with early Europeanisation literature which described Europeanisation as a differential process, closely mediated by domestic factors, rather than a convergence of outcome (Héritier, 2001; Cowles *et al.,* 2001). This provides little support to the idea of transformative power which was advanced with the enlargement literature. It is also intriguing how post-accession Romania shows similarities to older member states when considered in relation to other mechanisms of Europeanisation, and is not necessarily a case of transition and compliance. One should not neglect the role of the Copenhagen Criteria, in particular as an important starting point for Romania's Europeanisation in general, but it is also important to consider the general developments which occur domestically and how this interacts with pressure from Europe. In all, although each case shows different outcomes, they all show that similar interventions tend to be activated through European-induced pressure on national minority policies. In some places the variables facilitate Europeanisation, while in others they hamper it. But the case of national minority groups also brings another unique factor with it, namely the role of the kin-state, as such invoking a variable which ties not only into shared understandings, but which also requires that one go back in time and look at important historical events in order to understand what shapes a process of Europeanisation and why actors reacted the way they do.

9.3 Europeanisation outcomes revisited

Europeanisation literature identifies four outcomes: inertia, absorption, transformation and retrenchment. The dissertation identified the outcomes of transformation in Romania, absorption in Denmark and inertia in Greece. The threshold, by which the outcomes are measured, however, needs closer attention, especially as the terminology of the four outcomes does not necessarily

capture the full process of change.

One central reason why transformation was the outcome in Romania is that the country started from the non-existence of any national minority policy after the fall of Communism, and gradually introduced numerous important measures within public policy and legislation. Several important claims raised by the Hungarian minority since the early 1990s have been met. Today, the national minority policy consists of new legislation, government institutions staffed by (Hungarian) minority members, special monitoring bodies, electoral legislation which allows minority parties to run in elections under the same conditions as other political party, NGOs enjoying maximum freedom, access to minority education across all levels, an independent Hungarian University and DAHR occupies an important political space in the government and parliament of Romania. With such developments, minority rights have become integral to public policy procedures in Romania, built into policies on administration, education, language or media. As such, the current national minority policy demonstrates fundamental differences in both technical and ideational terms when contrasted to the way that minority rights were dealt with in 1989. Older policies and institutions have been replaced and as many interviewees indicate, nobody really speaks of assimilation or lack of rights anymore. Gradual changes have also affected shared understandings attached to national minority rights, showing adjustments towards acceptance and tolerance. DAHR's return to the government and parliament and the acceptance of this, helps to illustrate this point.

At the same time, full transformation might be criticised by scholars following the developments in Romania closely. The most outstanding issue which could arguably be preventing full transformation is the pending Draft Law on national minority rights and the unsettled (collective) autonomy claims of the Hungarian minority. In fact, autonomy claims have only increased in the last decade. This has given rise to disagreements between several Romanian and Hungarian politicians, but it has also triggered splits in the representation of the Hungarian minority. Two additional political parties representing the Hungarians in Romania have emerged and registered to run in the elections in Romania. The most central aim of these two parties is to push for more autonomy for Hungarians in Romania. Thus, although the progress achieved in the period 1990-2007 did not reverse once EU membership was a fact, the same pace of change did not continue in the same way, leaving some outstanding issues remaining to be settled. Most Hungarian minority actors describe Romanian national minority policy as stable. However, they also underline that there is currently a situation of status quo and that changes are slow. Since 2007, there has been no reversal, but there has also been no reform. Given the problems over autonomy claims, splits within the political representation and the pending Draft Law, many might question whether there really is an outcome of transformation. However, in this dissertation, the focus is on a specific time period

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in which the starting point was inertia. By tracing the changes from such a *pre* to *post* situation, the outcomes show remarkable contrast to the starting point, for which the outcome of transformation characterises the case of Romania and the Hungarian minority.

The outcome of absorption was seen in Denmark. The most central reason was the relatively abstract way in which Denmark reacted to the European-induced pressure. Although minor adjustments have taken place, the national minority policy continues to be determined by kin-state relations and existing frameworks. This affects not only the German minority, but it also has implications for other minority groups found in Denmark, as those that lack kin-state relations also lack guarantees for gaining the status of a national minority. Chapters five and six scrutinised the vocabulary by which Denmark justified the choices made in relation to the implementation of the FCNM and ECRML. Moreover, close attention was paid to the way that Denmark defended its domestic approach against pressure and accusations regarding inadequate promotion and support of the German minority. With this, important characteristics were detected, illustrated by a narrowness and low promotion of the German minority in the public spaces of South Jutland, lack of radio broadcasting and the non-existence of bilingual signposting. When contrasting the pre-pressure period to the post-pressure period, the adaptation to European-level norms and rules shows a low-cost model. That is, absorption was done in such a way as to confirm existing minority policy without stretching the boundaries of that policy or adjusting existing legislation in any fundamental fashion. Denmark confirmed that the minority policy in Denmark is a *German national minority policy*. The acceptance of European-level norms and rules did not replace earlier frameworks and existing understandings were not altered in any fundamental fashion. Instead, a careful and selective approach is being pursued. Having approached Denmark's attitude towards other minority groups, also helps to underline the role of interstate relation in its policy conduct. Thus, acceptance but with reservations shows that the situation in Denmark is one of absorption of non-fundamental changes in which the core is preserved (Héritier, 2001).

In Greece, there was an outcome of inertia. This corresponds to lack of change, preservation of status quo, delays in transposition of European legislation and resistance to European induced change. All four characteristics were encountered in chapters five and six. Changes in minority rights have been stagnant since late 1990s and existing rights guaranteed by the Lausanne Treaty are often neglected. Denial of the existence of national minority groups is perhaps what stands most at odds with European-level norms and rules, generating most pressure. The fact that Greece continues its denial despite strong pressure, leads one to conclude that there cannot be any other outcome than inertia. The ECHR and ECtHR case law gradually also became one of the key sources of pressure in Greece. However, the case law did not generate any change, given that legal

amendments suggested by ECtHR case law have not led to changes in Greek court rulings. The state of inertia is further confirmed by Greek refusal to ratify the ECRML and the FCNM. However, process tracing helped to detect some recent developments which have started to challenge the status quo, showing that there is possibility of either absorption or retrenchment in the future. For instance, inertia is repeatedly challenged by criticism and shaming from above by Europe which emerges through lobbyism and the resultant recommendations for change made by European-level bodies and actors. Most European-level organisations are today aware of the problems that the Turkish minority faces. Likewise, the ECHR case law has had important mobilisation effects on Turkish minority actors, who continue to exercise pressure on Greek court systems and on domestic officials through European lobbyism. With this, inertia could be lifted towards absorption, should Greece agree to react to the ECtHR decisions and the fierce determination of the lobbyists. At same time, with the current Euro crisis, there are also risks that the state of inertia will become worse, by turning into the paradoxical outcome of retrenchment. That is, current problems with migration, the rise of the far right and increased xenophobia towards immigrants risk prompting an even less 'European' attitude in Greece regarding minority rights. For example, domestic opposition to minorities or other ethnic groups risks becoming even worse as austerity measures spill over into majority-minority relations negatively. In fact, several minority communities in Western Thrace have been targets of Golden Dawn attacks since 2010, showing a new wave of discrimination which had been successfully combated 20 years earlier before returning to the state of inertia.

The above shows that the outcomes as proposed by the Europeanisation literature were useful and that national minority studies are suitable examples of the existing typology. However, given the difficulties of capturing the full picture, the outcomes need to account for limitations. Radaelli asked in 2003 (p. 38), "based on what do we judge the margins between inertia and absorption or between the other categories?". He also proposed that it is often up to the individual researcher to define the outcomes. Besides the need for in depth qualitative research, I propose two specific considerations which can be helpful, by drawing on the case of national minority groups. First, a thorough historical overview of policy is important. It is not sufficient to depart from one fixed point without understanding the arrival at the circumstances characteristic of that period. The dynamics surrounding the position and circumstances of the starting point taken can tell a great deal about existing discourses, directions of policy and actors involved during the so-called *pre-European pressure* phase. By tracing change and the development of European-level pressure, thresholds can be established along the very changed dynamics involved in the formation of a policy and its execution. This can help us to detect timings for when, for instance, earlier actors lose

relevance or a policy is abandoned. In the case of national minority rights it is important to account for the process which has led to the recognition of the national minority and the grounds on which protection is justified. For example, in the case of Denmark and the German minority, the existing arrangement emerged at a time when Germany was perceived an enemy. It was reflective of power and interstate relations that were preceded by conflict. Bonn-Copenhagen declarations, which installed national minority regimes in both countries, helped in the improvement of bilateral relations between the two countries. With this, there is still a symbolic image attached to Germany, which helps to explain the outcomes of Europeanisation of national minority policy as well. In contrast to the German minority, in those cases where there is no kin-state or symbolic relationship to another state over a minority group, as is the case of the Roma minority in Denmark, the state shows different willingness, despite pressure from Europe. Also, despite the fact that most other EU member states have embraced a more normative approach to the Roma minority, especially the rest of Scandinavia, Denmark refuses to recognise the Roma as a national minority group. In Greece the Turkish minority relies on a historical justification for its very existence, and its recognition links to the history leading up to the signing of the Lausanne Treaty in 1923. History also continues to matter in state-level procedures and approaches to national minority groups, affecting not only overall shared understandings, but also Europeanisation. Thus, a deeper understanding of the historical trajectory linked to a policy area can be helpful in tracing changes and for validating the different outcomes.

There is one more factor that can be helpful, also drawn from the case of national minority groups. That is by comparing the process of change in relation to different objects covered by the same policy area. In the case of national minority groups this would mean comparing the process of change in relation to other minority groups in the same country. The Roma minority has been referred to several times as an alternative in which different outcomes would be expected. This is highly relevant in the case of both Romania and Denmark, as the Roma lack a kin-state, for which reason interstate relations have not been present in defining its existence or the minority policy at large. Similarly, the Roma do not occupy the same political space as, for example, do the Hungarian minority in Romania. Thus by reflecting on other minority groups in the same country, the thresholds for outcomes can be ascertained. This also shows the difficulty of drawing conclusions on a domestic national minority policy based on all minorities present in the country, as policy evaluations tends to differ between different groups.

9.4 The unusual business? Europeanisation, national minority groups and formation of actorness

In assessing the impact of Europeanisation on national minority policy and on national minority

groups and how to explain that impact, both top-down and bottom-up approaches were applied. As discussed in chapter two, the division between top-down and bottom-up approaches is commonplace in both Europeanisation research as in minority studies. Top-down perspectives have dominated both studies. In Europeanisation research, top-down approaches meant that research took its springboard in the existence of a policy template at the European level, which is consequently traced down to the domestic level (Radaelli and Pasquier, 2007). In minority studies, top-down approaches studied macro perspectives by focusing on the role of broader legislation, provisions and frameworks, with an emphasis on national or international implementation, including institutional relations (Malloy, 2013a). A top-down approach made states the central actor responsible for ensuring minority rights protection, whereas national minority groups became framed as objects of minority instruments and the receivers of the standards which emerge through macro-level frameworks. So much focus on macro concepts and top-down approaches left little space for understanding group dynamics, including the possibility of considering national minorities' own ability to affect the processes of change. According to Malloy (ibid), the focus on legal compliance has often obscured the role of civil society and national minorities in the dynamics of compliance given that many studies have been reduced to international governance and national action. With the help of political sociology and the conceptual framework of Europeanisation, this dissertation has examined a neglected field, namely the impact of Europeanisation on national minority groups through a bottom-up analysis. Applying the usages of Europe approach allowed me to look at bottom-up dynamics by assessing how and why minority actors use European-level norms and rules. The focus was placed on daily practices, their acts as members of minorities, perceptions of identity and other important choices made by minority actors regarding their own situations. Changes like these, looked upon at the level of national minority groups, also correspond to processes which are normally better assessed through a bottom-up perspective, namely identity, mobilisation and actorness. It is this approach which has helped to generate new insights and lends support to the assumption of a 'reinvented picture', namely impact understood by studying the actions and interpretations done by minority actors.

Minority actors, who represent minority communities and steer minority agendas, demonstrate a more hybrid transcendence of traditional boundaries through their action than what is observed in the top-down assessment of domestic policy. Usages of Europe were understood as *acts and practices involving European opportunities as resources used to advance own agendas and to legitimise the own position.* Chapter eight unravelled different motives among minority actors for usages of Europe and looked at how ensuing actions contribute to making minority actors or minority communities initiators of change, 'idea-makers' and/or co-participants in policy

implementation. A commonality among the three national minority groups is an accumulation of new roles as they seize different opportunities and redefine those into resources with which they try to advance own goals and to gain legitimacy for minority claims and positions.

Usages of Europe were distinguished between strategic, legitimating and cognitive. Most usages of Europe observed in chapter eight were motivated by strategic and legitimating logics and these two often occurred concurrently. Strategic usages of Europe concerned the desire to draw benefits from European-level policies, political processes and norm articulation in order to advance own agenda and interests, both domestically and at the European level. In the case of the German minority, EU regional policy and cross-border rules became important resources which helped the minority to (re)define own political action. A participatory role was accumulated in ongoing drafting of regional policy, planning and execution. The German minority also became important for the development of functional cross-border cooperation. These developments helped to increase the minority's access to important processes, confirming the minority's role in regional affairs and it helped to promote cooperation with the kin-state. Besides the interest to draw benefits from European-level rules in order to increase the visibility in regional affairs and access to political processes, European-level norms were used in order to legitimise the acquired position of the minority in the region. This is seen in, for example, the way that European-level rules were used during the restructuring of local government units in Denmark, where in particular FCNM norms were adopted as tools for persuasion.

The Hungarian minority shows perhaps the strongest determinacy and interest in political action and representation at different levels. This endeavour emerged as Communism collapsed, for which Europe became an important resource as trying to advance own interests and for gaining new legitimacy for minority claims and the political agenda which DAHR developed in the early 1990s. Whereas first usages of Europe aimed at making Europe aware of the Hungarian minority and their situation in Romania, as observed in the formation of transnational partnerships in the early 1990s, European-level rhetoric eventually turned into a central tool for acquiring political influence domestically in order to affect the development of a national minority policy. The Hungarian political party DAHR relied on a European rhetoric in justifying its position in Romanian politics and the political agenda that is pursued. DAHR's political bargaining regarding minority legislation integrated references to European integration, the significance of fulfilling the Copenhagen Criteria and on European examples. But such strategic and legitimating usages of Europe were not limited to the pre-accession period only. European-level norms and rules continue to influence the political agenda and political action of DAHR. One recent example of this is the regional planning and the distribution of regional funds in Romania, which has inspired DAHR members to propose new

measures for a regionalisation reform, which includes new territorial divisions. DAHR's has developed a new plan which is guided by the 'principles of subsidiarity', which also aims to improve the chances of (Hungarian) minority-inhabited territories to qualify for EU funds and to manage those resources on their own. In this way, European-level policies provide new inspiration and guiding lines for political action. Usages of Europe have also motivated an interest to try to affect European-level national minority norms and rights, by proposing changes in European-level approaches to national minority issues. This shows that DAHR's activity is not limited to the domestic context only, but it moves beyond the national borders.

Regarding the Turkish minority, Europe was used by minority actors primarily as a resource to legitimise the own position and to gain support for minority claims, especially as this was lacking domestically. Driven by such desire, minority lobbyism at the European level saw a remarkable increase since the 1990s. While a partial aim of that lobbyism was to increase awareness of the Turkish minority's situations, a second aim through the legitimating usages, was to create pressure on Greece to make changes in domestic national minority policy. This action did not lead to many substantial changes in domestic policy or to accommodation of claims. However, by engaging in lobbyism in search for legitimacy, the Turkish minority has been positioned in a new way across the European institutional landscape, which has provided new confidence to pursue domestic activity and to sustain the minority claims. Thus European-level norms and rules are reinforced in order to justify political action and minority claims domestically.

Besides the above strategic and legitimating usages, based in the desire to advance own agendas and to legitimise own position, cognitive usages are mobilised among the three groups at a new level, namely at the European level. Minority agendas are not exclusively focusing on affecting the national arena and domestic policy. Instead, political action has also moved to the European level where European institutions and organisations have become new avenues in which political action develops. Chapters five to eight discussed the emergence of a 'transnational minority network' which is becoming engaged in the European multilevel political system. The formation of such a network has been possible through the growing activism of FUEN, individual MEP's with minority backgrounds and through the EP Intergroup for minorities. Together, these actors/settings provide a space where cognitive usages of Europe have started to emerge among national minority groups, which helps to illustrate an additional aspect of actorness formation. That is, the European-level presence that minority actors have acquired is informed by shared concern over the direction of a European national minority policy and how to affect it in more minority-friendly. Moreover, there is a shared concern over being lumped together with new ethnic minorities formed through recent migration waves. Common tactics used are the so-called acts of 'responsibilising' European-level

institutions through mechanisms of persuasion and argumentation. This takes place, for example, through the EP Intergroup and the MEPs and their issuing of resolutions to the commission or to other European organisations. But cognitive usages also take expression through usages of formal European-level instruments as a way to anchor minority interests within the overall policy development at the European level. For example, the recent use of the ECI and the development of the Minority Safepack were motivated by a shared concern that Europe lacks a national minority policy, despite the existence of several values which are in favour of preservation of national minorities (FUEN, 2013a). Individual MEP's contribute to this by posing questions to the Commission and demanding an opinion or by inserting minority clauses within their respective EP party's manifesto. For example, through DAHR MEPs lobbyism, the EPP party platform of 2012 includes that one of EPP's future goals is to "reaffirm the rights of traditional minorities within the member states and to protect European traditions and cultural heritage" (EPP, 2012: 6).

The above action at the European level among minority actors has motivated a need to keep pace with European-level developments, as such motivating a need to rethink and challenge traditional paradigms and activities. The ECI Minority Safepack helps to illustrate this well. Although it was rejected in September 2013 by the Commission, it showed how national minority actors are prepared to seize opportunities at the European level. A couple of days after the ECI Minority Safepack had been rejected, its initiators issued a statement entitled "Now more than ever", stating that now was the time to, "seize the momentum and use the strong movement of solidarity among the minorities in Europe" (FUEN, 2013e). Other participants also made it clear that their endeavour of the Minority Safepack did not stop due the Commission's rejection; instead they also understand the rejection "as a chance to carry on with the project" (ibid). The final outcomes reaffirmed that national minorities want to work together and cooperate with European institutions, but they also expect EU institutions to take responsibility. As the president of DAHR and also one of the initiators of the Minority Safepack ECI stated, "we need a competence in EU treaties, and this is one of our future goals" (Hunor, 2013b).

Although FUEN has the best access to European institutions and thereof holds the central role in relation to argumentation and in framing political action, it incorporates all three national minority groups looked at in this dissertation. In the period between 2010 and 2013, cooperation between the three groups grew stronger under the umbrella of FUEN. Not long ago, representatives of the Hungarian minority from Romania and the Turkish minority from Greece were elected into the Presidium of FUEN, whereas the Presidium is headed by members of the German minority in Denmark. All three are therefore given the possibility to affect FUEN's activity, but also to use the FUEN platform more actively for own minority claims. Prior to the 1990s minority groups worked

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separately from each other and carried out different activities as little transnational activity or networking occurred. The mobilisation that was engendered shows how national minority groups make own interpretations of European-level norms and rules and engage in shaping the contours of European policy through own acts. In other words, they are developing the contours of actorness.

Actorness formation is also supported by the increased opportunity to experiment with many European frameworks. Such experimentation has become easier since the 1990s, with the emergence of ideas of EU citizenship, through the notion of subsidiarity and the different channels in form of EP Intergroup and FUEN, making it easier to access European-level institutions. A European-level multilevel political system is perhaps unique to the formation of experimentation among informal actors, something that national minority groups can also draw benefits from. However, even if usages are practiced under uncertain conditions and through experimentation, they contribute to unforeseen interaction and network formation among national minority groups as they are trying out new strategies. Usages of Europe are not always based on clear-cut motives. Instead, what matters in this situation is what happens to the actorness of those actively experimenting with European-level rules and norms. This is facilitated by the fact that many European frameworks are uncertain, not always providing clear definitions of their intentions. It has become a bit of an 'it is what you make of it' situation and realisation that changes do not occur without minority groups' own activity. Several uncertainties have been discerned among European-level norms and rules pertaining to national minority rights. For example, Article 2 TEU, which stipulates that minority protection is a common value of the EU, does not provide any legal guarantees. The diversity principle is also vague, lacking clear parameters. Regional policies do not necessarily address national minority groups per se. CoE instruments issue recommendations to states, *expecting* them to be implemented, but without making them enforceable upon domestic legislation and policy. This reality of European-level norms and rules has given an impetus for increased experimentation and creativity among national minority groups. It is precisely the vagueness of EU values and instruments which served as a push factor for initiating the Minority Safepack, which helped to mobilise FUEN, DAHR and several other national minorities in Europe.

With the above findings, the fifth hypothesis of this dissertation is also challenged, in that usages of Europe are not necessarily affected by the degree of satisfaction at the domestic level. Domestic circumstances may affect the choice of usage, but this does not remain static. Once usages start moving beyond the national context, extent of usages is not necessarily driven by domestic satisfaction, but it becomes informed by the desire to responsibilise European institutions and organisations to reform approaches to national minority groups. Claims, identification and working styles are no longer anchored in domestic or interstate arrangements only, nor do minority actors

try to bargain or persuade the same old usual arenas. Instead, European-level spaces and resources have helped to initiate new political action, both domestically and at the European level.

The acquisition of actorness among the three national minority groups also helps to close one gap between old versus new EU member states and the assumption that there is a differential development in relation to minority rights. This is not to claim that Europeanisation generates convergence. However, by assessing the minority groups through usages of Europe, actorness formation and experimentation, they do show the emergence of some similar patterns. For example, the Hungarian minority belongs to a country that joined the EU through one of the most recent enlargement rounds, namely in 2007. However, despite this, it possesses a strong ability to advance own claims, to initiate legislation proposals by experimenting with European-level frameworks and to raise awareness on national minority questions in Europe. It is thus at the level of the minority groups and the way that they mobilise that we see a diminishing of earlier divisions known in minority studies as 'old versus new member states'.

9.5 Ideational implications through usages of Europe

Many of the above usages of Europe observed among the three groups started as strategic, motivated by the logic of influence. Each national minority group showed a desire to either generate influence or to draw benefits from European opportunities as a way to advance own agendas and interests. Thus the strategic usage of Europe can be linked to ideas about how domestic actors shift attention to the European arena, hoping to find new coalition partners (Héritier *et al.*, 2001). However, the activities of national minority groups move beyond the opportunity structure argument, which normally posits that actors try to seize opportunities at a supranational level as a way to circumvent domestic arenas or domestic political deadlock (ibid). This dissertation looked beyond this, focusing on further transformative effects that are generated through strategic usages of Europe. Through repeated usages and interactions, coupled with the legitimacy and confidence that this produced, further usages were motivated, but this also affected identification developments. That is, the separate processes which impact on actorness, mobilisation and identification reinforce each other. Without the presence of European-level norms, rules and institutions which are receptive of minority claims and which enhance opportunities for action, little mobilisation to seize European opportunities as resources for political action would have occurred. Without this, acts and practices which support actorness formation due to the desire to advance own agendas and to legitimise own position would most likely be less salient. And without actorness formation which repeats usages of Europe, ideals of Europeaness would have been less promoted among national minorities.

Chapter eight showed how changes in identity can be linked to consequences of Europe usages and the relationship to Europe experienced by each group. The above accumulation of an active role in regional affairs and in cross-border management has affected the behaviour of the German minority and helped to position the minority in the region in a new way. Instead of being just a recipient of standards, the German minority has become a so-called 'idea-maker', by initiating many projects on its own. The possibility to frame action along European-level rules and norms was essential to this development. However, changes in political activity and accumulation of new roles occurred in tandem with a broader search for new identity among the German minority. Members of the German minority declare themselves as being a 'European minority', which they define as being a minority which 'lives and promotes Europeaness'. While, the emergence of this standpoint coincided with the general search for a new identity label following the Second World War, pro-Europeanism served a new inspiration to the actorness formation, but Europeaness also became an important factor in the identification of the German minority.

There is a similar development among the Hungarian minority in Romania, showing a link between usages aimed at maximising political discretion and identity formation. The idea of Europeaness not only catalysed political action, but the Hungarian minority in Romania embraced the European integration process in an attempt, and because of a desire, to replace the communist label and project a new identity. Thus Europeaness was embraced as a solution to build and implement political strategies as a way to 'return to Europe' and it became a viable alternative against former identity labels. As the nature of the Hungarian minority's politics, strategies and tactics were affected by usages of Europe; the perception that Europe is a guarantee against assimilatory policies in Romania became a major factor in ongoing identity formation after communism. This Europeanness has also been central to ongoing revival in national minority politics, providing legitimacy and confidence to claim Transylvanian-Hungarian identification.

The case of Greece is intriguing, as the relationship to Europe has helped to underline the appropriateness of invoking *national* minority identification in a much stronger way than earlier. Having experienced through repeated usages of Europe that national minority identification is a legitimate and appropriate claim and that Greece's actions are condemned, has motivated the Turkish minority even more to claim their *Turkishness* and to define themselves as a *national minority.* Thus the minority members became more comfortable when invoking a *national minority identity*, which can be observed in most of the recent lobby activities in Europe, but also in their domestic activities. Such identity shifts are also supported by the realisation that other national minorities in Europe define themselves in *national* terms, where networking has led to awareness among national minority groups of what is appropriate to claim, what is legitimate and what is

justifiable. National minority actors have found an important degree of sympathy and receptiveness for their claims at the European level, which is essential for groups that lack legitimacy, or even recognition, at the domestic level.

The European-level multilevel political system is important to the above development. Beside the practical function wherein the European multilevel political system facilitates and encourages actorness formation among national minority groups, repeated usages in these structures can also contribute to ideational change among those acting within multilevel spaces.

9.6 Post-national minoritisation

One important argument in the dissertation is that the hierarchy of national minority rights is being reoriented. In an attempt to shift attention away from protection discourses, the interview results helped to point to a broader conception of national minority rights. National minorities are concerned with what happens on the ground and they raise demands similar to those of the majority population. Legal standards are important for recognition and guarantees vis-à-vis government policies, but there is more that matters to national minority groups. By demanding access to practice and activity, national minority groups expect and demand more than legal protection or access to litigation strategies. Instead, and as has been shown, national minority groups conceive of Europe as a context which has broken several state-level routines over minority matters; as an asset for the justification of minority claims; and a context which is supportive of (transnational) *minoritisation*. Minoritisation is here understood as a mobilising context in which it is increasingly appropriate to be a national minority, to make claims and to demand rights of national minority identification. Some of the outcomes in this dissertation point towards an increased legitimisation of minority identities. Through Europe, comfort to claim minority identity has been gained. This is, for example, intriguing in the context of the Turkish minority in Greece, which does not enjoy the guarantees provided by the FCNM and the ECRML. However, this minority group still attaches strong importance to Europe as a minority-friendly arena which can help to guarantee minority rights. Europe is not expected to carry out the functions of a state or those of a kin-state. Instead, it is expected to fill other functions. Elements associated with European integration and which are attractive to national minority groups are often elements which are being opposed by state governments. For example, minorities often welcome the idea of a European identity; a Europe of regions; a Europe of peoples; and even a deepening of supranationalism. It was not unusual that minority groups express a desire for deeper integration and more supranational legislation. This does not go without criticism of the lack of European-level hard law standards or enforcement mechanisms on minority rights. However, there is a close synergy and link between the changing attitudes among national minority groups, the way that Europeanisation of domestic

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public policy develops and the shifting hierarchy between promotion, preservation and protection, in which the latter not only continues to be difficult to achieve, but it also appears possible to substitute through other European-level developments.

New perspectives have emerged in this dissertation by bridging Europeanisation and national minority studies. Those new perspectives speak well to other recent developments in national minority studies, namely the desire to move beyond the protection discourse and to consider alternative ways in which minority rights can be accommodated. The lack of clear standard setting is not always a weakness. This does not mean an undermining of traditional understandings and approaches to national minority protection, which indeed still matters. Instead, European integration offers important alternatives which require reconsideration of what is important to national minority groups and how minority rights can be met. The positioning of national minority groups across different levels and the appropriateness of claiming rights and invoking minority identities, coupled with the newly gained legitimacy help to give contours to a minoritisation.

As current European-level norms, rules and practice have started to transcend the original hierarchy of rights, causing reorientations in the priorities of national minority rights fulfilment; this has benefited national minority groups. This appears to be linked to the fact that it has become easier to act today. This is not to say that new perspectives that are advanced through European integration have replaced the *collective* dimension of minority rights. Instead, the traditional scope of special rights has been accompanied by new perspectives, which has started to affect the hierarchical order between rights and goals. With the above developments, it is demonstrated that national minority groups do not necessarily wait for the state to fulfil national minority rights; instead, they have started to do a lot on their own, which supports the formation of actorness. National minorities still lack many of the qualities needed for full actorness, such as legal entity, official autonomy and cohesion. It is also important to note that this actorness does not necessarily lead to change in domestic policy and legislation concerning their rights. Instead, the approach undertaken here illustrates the arrival at a different role and actorness.

9.7 Protection, preservation, promotion and *participation*: fourth P added

Whereas European-level norms and rules have been interpreted along the three Ps, another P has emerged through the bottom-up analysis. It is national minority actors who have largely created this fourth P of *participation* through their use and practice of European norms and rules. Participation among national minority groups finds its expression through experimentation with new policy tools within new spaces and the realisation that national minority groups need to stay active. Drawing on their usages of Europe, both domestically and at the European level, the

legitimacy that minority questions receive, coupled with the cognitive initiatives of 'responsibilising' and positioning of minority groups at the European level, a (minor) place is being established for national minority groups in the European polity. Minority actors are present in EU institutions, they interact with the CoE and there is a plethora of small forums and independent agencies. Acts of 'responsibilising' have thus underlined that there are tools which support participation by national minorities. This has basically been identified and linked to cognitive usages, in which national minority actors increasingly try to affect policies in their own favour. While a recent example is the ECI Minority Safepack, other acts of responsibilising have been seen in recommendations filed with the European Commission through the EP Intergroup on Minorities or in the lobbyism on inserting of the term 'minority' into the Constitutional Treaty. The Hungarian minority is an active participant in the above initiative, and very often also the initiator. However, the other two groups examined in this dissertation have also started to join such initiatives, largely through the FUEN platform.

The above activities support the formation of actorness, one which is informed by participation. National minorities differ from social movements and their lobbying activity of European-level institutions is also different. It is not only about bringing minority issues into European-level politics or about positioning minority groups within the public space. By using European-level structures and policies, national minorities have started to make proposals on policy, they have searched out links to European-level law in order to promote and justify claims, they have pressed home several informal points in order to stimulate their position in the European-level polity and they make European-level institutions responsible for the lack of clear policy parameters, something which has only increased with the realisation of 'double standards', the one-sided Copenhagen Criteria and the fact that Article 2 TEU contains no legal guarantees *per se*. Moreover, through usage, Europe is also increasingly perceived as an alternative to usage of domestic tools. For example, the Turkish minority consider European-level organisations a target for their minority claims. The Hungarian minority embraced Europe as an important asset for developing political activity. The German minority has seen changes in domestic participation due to the emergence of new policy requirements to the region. Thus, ways of participation are changing, but new ways of participation are also being created through European-level norms and rules. Consequently, this also leads to a rethinking of the hierarchy between the now four Ps and what may become the way forward for the fulfilment of national minority rights in Europe.

9.8 Closure and avenues for future research

The aim of this dissertation was to examine what best explains the impact of Europeanisation on national minority policy and national minority groups. In so doing, the dissertation bridged

Europeanisation and national minority studies, a link which was obscured for a long time due to the lack of competences on minority rights in EU frameworks, but also because Europeanisation was often presumed to mean EU-isation. However, because of several developments in Europeanisation research; new norms, rules and functions within EU and CoE frameworks pertaining to national minorities; and growing mobilisation among national minority groups in Europe, new attention was warranted. In assessing processes of change and how to explain change on policy and on groups, the dissertation applied mechanisms traditionally not applied in minority studies, namely mechanisms from studies on Europeanisation of public policy and Europeanisation through political sociology. The research design combined top-down and bottom-up approaches which were implemented through the goodness of fit model and through usages of Europe. By comparing three domestic policies and activities among three groups, the central outcomes pointed to the need to consider the intersection between domestic and interstate factors together with the European level in order to explain the process of change and the impact of Europeanisation. Regarding groups, their relationship to Europe has started to develop through a stronger desire to draw benefits for own political activity, but also in order to gain legitimacy for minority claims. Through confidence acquisition and increased willingness to experiment with European-level norms and rules, minorities have started to acquire new roles, which also inform identity developments. These new roles contribute to the formation of actorness which in turn reinforces a new type of minoritisation.

With regard to future research, a larger number of states could be included in cross-country comparison and particularly by maximising variation in factors expected to determine change. Single case studies could be looked at by focusing on one single policy field in full length, such as education, political participation or language preservation. One should of course also pay attention to other European-level norms and rules of relevance, such as citizenship or immigration policies. Similarly, it would be both essential and fruitful to look at the function and role of the emerging actorness among minority groups over a longer period of time. Closer attention should be given to the ongoing actorness formation which takes expression and mobilises in Europe. An interesting question is whether this actorness can contribute to policy development at the European level, and especially with regard to the EU. Alternatively, instead of concentrating on national minority groups with a kin-state and a history of interstate politics, it would be useful to shift focus to explore the so-called 'kin-less' and transnational minority groups in Europe. This would certainly introduce additional intervening variables, calling for closer consideration of other international factors and transnational coalitions. In all, European integration and the accompanying European-level rules and norms pertaining to minorities establish an interesting laboratory for understanding recent trends among 'claim-making groups'.

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ECtHR, *Sidiropoulos and others v. Greece*, No. 26695/95

ECtHR, *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, No. 29225/95, 29551/95

ECtHR, *Tourkiki Enosi Xanthis and others v. Greece,* No. 26698/05

Appendix A

Personal interviews

Denmark

Diedrichsen Claus: *Head of service and schools board (German school and language association in Nordschleswig*, 10 November 2011, Aabenraa

Diedrichsen Jan: *Director of FUEN and chair of the Secretariat of the German minority in Copenhagen*, 3 November 2011, Flensburg

Frost Heiko: *Head of Jugendhof Knivsberg (educational institution Knivsberg),* 15 November, 2011, Knivsberg

Grella Hauke: *Museum manager (former member of the political and cultural forum of the youth belonging to the German minority in Nordschleswig),* 4 December 2011, Flensburg

Hallmann Harro: *Head of communications at Bund Deutscher Nordschleswiger*, 2 November 2011, Aabenraa

Hansen Christa: *Pastor/vicar for the German minority*, 6 January 2012, Haderslev

Hansen Hans Heinrich: *President of FUEN and former chairman of Bund Deutscher Nordschleswiger*, 9 January 2012, Flensburg

Iwersen Uffe: *Cultural consultant at Bund Deutscher Nordschleswiger*, 3 November 2011

Jessen Uwe: *Secretary general of Bund Deutscher Nordschleswiger*, 1 December 2011, Aabenraa

Johannsen Dieter: *Chairman of the Social Service Nordschleswig*, 16 November 2011, Aabenra

Johannsen Peter Iver: *Former secretary general of Bund Deutscher Nordschleswiger*, 10 January 2012, Aabenraa

Jürgensen Heinrich: *Chairman of Bund Deutscher Nordschleswiger*, 19 January 2012, Aabenraa

Klatt Martin: *Researcher at Institute for Border Region Studies, University of Southern Denmark*, 8 June 2012, Sønderborg

Matlok Sigfried: *Editor in Chief, Der Nordschleswiger*, 18 November 2011, Aabenraa

Toft Gösta: *Party secretary of the Schleswigsche Partei*, 3 November 2011, Aabenraa

Tästensen Lasse: *Chairman of the youth forum 'Junge Spitzen'*, 12 December 2011, Flensburg

Greece

Cavus Mustafa Ali: *President of the Political Party DEB*, 18 April 2012, Komotini

Cukal Mustafa: *Mayor of Mustafcova and Vice-President of the Consultative Committee of the Turkish Minority of Western Thrace*, 17 April 2012, Mustafcova

Fotopoulo Angela: *Journalist, half Greek half Turkish (from Western Thrace),* 24 April 2012, Thessaloniki

Habipoglu Halit: *President of the Federation of Western Thrace Turks in Europe*, 15 March 2012, Witten

Haciosman Ahmet: *Member of Greek Parliament*, 19 April 2012, Komotini

Kabza Tzemil: *Chairman of the Culture and Education Foundation of Western Thrace Minority*, 18 April 2012, Komotini

Kadi Ismet: *Mayor of Yassiköy and President of the Consultative Committee of the Turkish Minority of Western Thrace*, 19 April 2012, Komotini

Kara Ahmet: *Chairman of the Turkish Union of Xanthi*, 16 April 2012, Xanthi

Koray Hasan: *Chairman of the Turkish Youth Association of Komotini and Secretary General of the Consultative, Committee of the Turkish Minority of Western Thrace*, 18 April 2012, Komotini

Mandaci Cetin: *Member of Greek Parliament,* 16 April 2012, Xanthi

Mavrommatis, Giorgos: *Researcher, University of Macedonia, Thessaloniki*, 23 April 2012, Thessaloniki

Mete Ahmet: *Mufti of Xanthi (elected)*, 17 April 2012, Xanthi

Mustafa Sami: *Chairman of the Union of the Turkish Teachers of Western Thrace*, 18 April 2012, Komotini

Mustafaoglu Sibel: *Chairwomen of the Independent list in the municipality of Komotini*, 19 April 2012, Komotini

Ridvan Molla Isa: *Deputy Mayor of Komotini,* 18 April 2012, Komotini

Rusen Erkan: *Chairman of the Western Thrace Minority University Graduates Association*, 16 April 2012, Xanthi

Tsistelikis Konstantinos: *Associate professor at the University of Macedonia, Thessaloniki*, 24 April 2012, Thessaloniki

Serif Ibrahim: *Mufti of Komotini (elected),* 18 April 2012, Komotini

Serif Ibrahim: *Mayor of Kozlukebir and Vice-president of the Consultative Committee of the Turkish Minority of Western Thrace,* 19 April 2012, Komotini

Uzun Irfan: *Vice regional Governor of Xanthi,* 16 April 2012, Xanthi

Romania

Attilla Korodi: *Deputy (Chamber of Deputies Romanian Parliament)*, 6 March 2012, Bucharest

Attilla Marko: *President of the Department of Interethnic Relations in Romania*, 5 March 2012, Bucharest

Bodor Laszlo: *Deputy Secretary General (programs and youth department) (DAHR),* 13 February 2012, Cluj Napoca

Borbély Laszlo: *Minister of Environment and Forests; Deputy in Chamber of deputies group; Political Vice president (DAHR),* 16 February 2012, Cluj Napoca

Ferenc Azstalos Csaba: *Head of the National Council for Combating Discrimination of Romania*, 7 March 2012, Bucharest

Hegedüs Csilla: *Advisor of the ministry of culture and national heritage (DAHR),* 13 February 2012, Cluj Napoca

Horváth Anna: *Deputy Secretary General (department for local government) (DAHR),* 17 February 2012, Cluj Napoca

Janosi Dalma: *Head of Office, Department of Interethnic Relations*, 7 March 2012, Bucharest

Kinizsi Zoltan: *Ministry of Public Health of Romania*, 6 March 2012, Bucharest

Kiraly Andras György: *Ministry of Education, youth and sports in Romania*, 7 March 2012, Bucharest

Kiss Tamás: *Romanian Institute for Research on National Minorities (ISPMN) - Secretary of the Scientific Council*, 14 February 2012, Cluj Napoca

Magyari Tivadar: *Deputy secretary general (department of education),* 16 February 2012, Cluj Napoca

Magyari Laszlo Nandor: *Vice-president of DAHR,* 24 April 2012, email interview

Moldován Jozsef: *Ministry of Communications and Information*, 5 March 2012, Bucharest

Sandor Krisztina: *Executive President of the Hungarian National Council of Transylvania (opposition party to DAHR),* 14 February 2012, Cluj Napoca

Sógor Csaba: *Member of the European Parliament (EPP),* 28 March 2012, Brussels

Székely Istvan: *Deputy Secretary General (social organization department) (DAHR)*, 15 February 2012, Cluj Napoca

Szekely Levente: *DAHR member Carpathian region*, 5 March 2012, Bucharest

Szell Lorincz: *Vice president undersecretary of state: Ministry of education, research, youth and sports in Romania*, 6 March 2012, Bucharest

Vincze Lorant: *Assistant to the MEP Iuliu Winkler, European Parliament*, 27 January 2012, Brussels

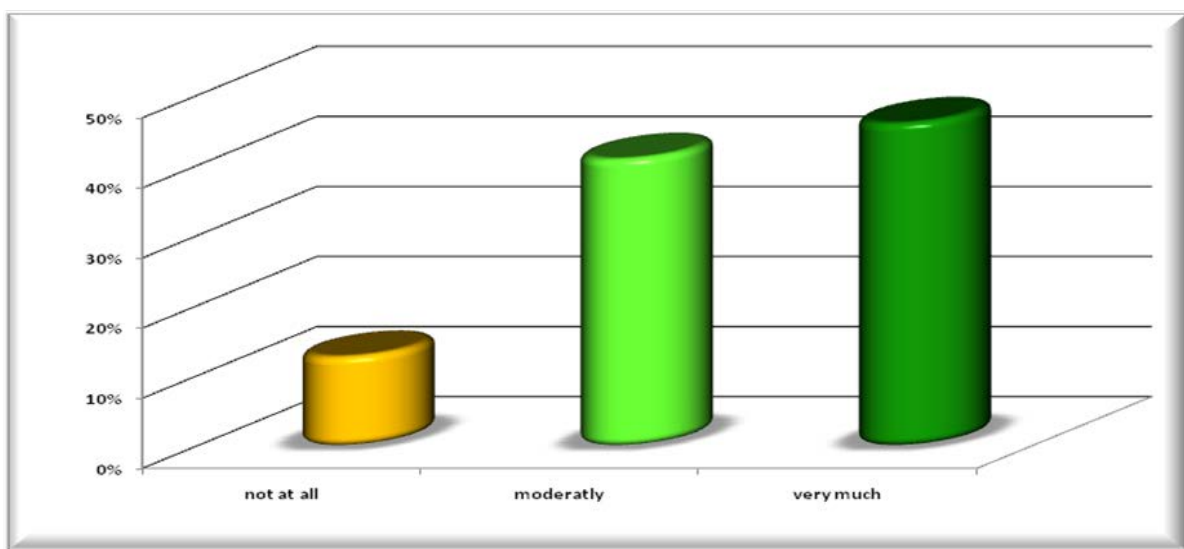Winkler Iuliu: *Member of the European Parliament (EPP),* 28 March 2012, Brussels

Survey conducted in 2011

Respondents: 40 Minority organizations in Europe

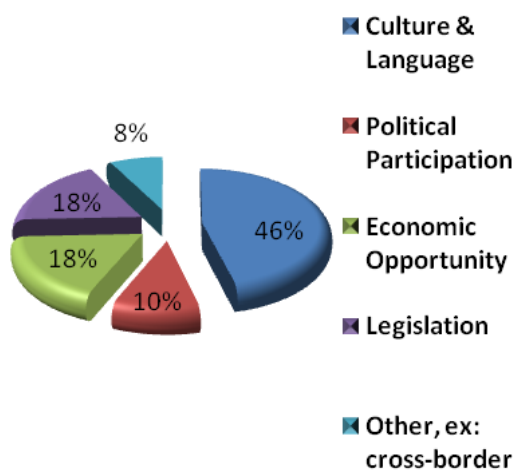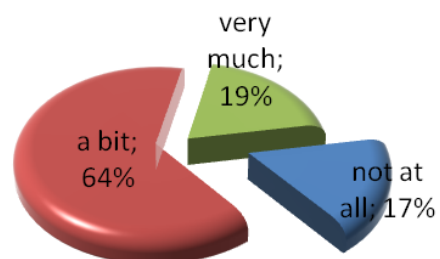Selected survey outcomes include:

Strongest EU impact

- Culture & Language
- Political Participation
- Economic Opportunity
- Legislation
- Other, ex: cross-border

8%
18%
18%
10%
46%

Do you see EU fundamental rights and minority norms as relevant for the protection of minorities?

very much; 19%
a bit; 64%
not at all; 17%

Minority participation in EU regional-, culture- and language policy initiatives

EU culture- & language policy
EU regional policy
No participation
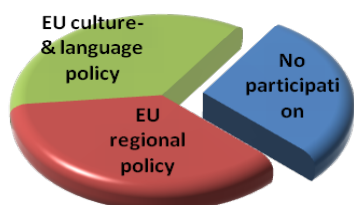
Is the EU a beneficial actor for your minority?

very much 49%
moderate 46%
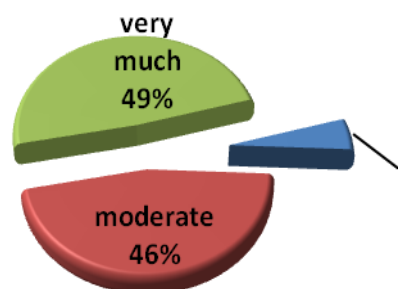
Do you see EU regional, cultural and language policies as relevant minority instruments?

3%
23%
74%

- not at all
- moderate
- very much