National minority 'regions' in the enlarged European Union: mobilizing for third level politics?

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I. INTRODUCTION[1]

The Laeken Declaration adopted by the European Council in December 2001 recognized, for the first time in European Union (EU) history, regions as potential co-architects of a new and more democratic EU. The Laeken Declaration also initiated the Convention to draft a new Constitution for Europe. The Constitution was negotiated during the Intergovernmental Conference and presented to the citizens of Europe in June 2004. On 29 October 2004, it was signed by heads of states and governments and sent to parliaments for ratifications and referenda. The Constitution provisions an expansion of the principle of subsidiarity affording greater influence to European citizens residing in self-administering and self-governing regions. Article III-270 of the Constitution will empower the Committee of the Regions (CoR) to petition the European Court of Justice (ECJ) on policy matters violating the principle of subsidiarity as laid out in the Constitution. This could become a substantial empowerment of European regions. Although most national minorities do not constitute designated European regions and the Constitution may not be ratified anytime in the near future, the envisaged empowerment of the CoR may nevertheless contribute to a redefinition of the national minority political space. With some of the new members and accession states representing 'regions' of strong national minority identities, the EU may be facing new challenges of integrating diversity. The influence of national minorities in the decision-making processes may therefore assume relevance in the enlarged EU.

There are a number of reasons why national minority identities pose new challenges to policy makers and politicians alike in relation to EU25 sub-state integration. Firstly, although self-governing regions have gained inroads on the EU decision-making process in the EU15 era, they do not as yet have the clear co-governance mandate they have sought. While this deficit is destined to be reduced if the Constitution for Europe comes into effect, it will not as yet constitute co-governance. Secondly, national minorities without self-governing powers in the EU15 have begun to mobilize politically as states changed districting systems in recent efforts to democratize local politics. Some of these national minorities who draw on rediscovered identities linked to historical regions have benefited from cultural policies seeking preservation of European diversity. Thirdly, national minorities in the new member states have not been inept at copying their cousins in the West. In most of the new member states, national minorities are defined to a great extent by identities strongly attached to specific regions although not necessarily to recognized administrative regions. In other new member states, national minorities have been disempowered through recent redistricting legislation whose purpose it would seem is to weaken any strengthening of sub-state politics and nationalisms. As these national minorities often possess strong national minority identities and determination to be represented as sub-state groups, their existence may require redefinitions of political spaces. Fourthly, in some of the next wave accession states, national minority identities are often stronger and less fluid than those in the EU15 member states. These national minorities have shown particularly strong abilities to mobilize politically, drawing on long-term histories and self-identification as sub-state 'national minority regions' (NMRs), contrasting with the national majority identities and political systems. As the EU aims to counter the 'democratic deficit' with greater co-decision powers at all levels, these national minorities may mobilize not only as cultural forces but also as social forces. Certainly, in the new Europe where the proposed constitutional arrangement suggests increased respect for cultural diversity, and the Multi-Level Governance (MLG) system being put in place has recognized the value of regions, whether multicultural or mono-national,

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[1] Special thanks to research assistant Lucia Pantella.

whether self-administering or self-governing, national minorities in historic regions represent the variety and heterogeneity of identities with which the new multi-level system of governance will have to contend. Assuming that the EU would wish to ensure ethical political integration of these into a pan-European context of good governance, the new EU is not only confronted with problems of how to integrate new economies and polities but must also contemplate the accommodation of a plethora of new identities.

1.   EU Multi-Level Governance (MLG)

With the emergence of multi-level governance (MLG) in European integration during the last decade of the twentieth century, local and regional authorities have come to play incrementally a greater role in EU policy-making. The Maastricht Treaty established the CoR and adopted the principle of subsidiarity as a guide to the division of competences within the Union. Subsequent treaties have expanded the role of the CoR and refined the scope and reach of the subsidiarity principle. Sub-national authorities have thus come to constitute a so-called 'third level' integration,[2] the first level being the supra level and the second the member state level. The politics of the third level is rather complex as it involves different units in different member states and receives competency rights on some issues but not on others. Moreover, in some member states it draws strong attention and engagement from decision-making politicians while in others it is a politics largely disregarded. In some member states third level integration actors represent national minorities while in others national minorities are 'invisible' at this level of politics. This may of course be contributed to the diverse and heterogeneous character of national minority populations and histories in member states. While in some member states NMRs are historically established and autonomous, in others they have only recently begun to identify as 'regions' of the third level politics. The national identity of many member states is therefore essentially contested as sub-national groups mobilize on the basis of separate identities linked to sub-state regions and localities.

However, the main thrust in political integration of the EU continues to be linked to territory, the territory of the sovereign member states. Territory defines the political power of the member state.[3] It supports prevailing views of citizenship, identity, culture and rights, and legitimizes the use of control. Territory provides the space for social and economic interaction; it sustains human life and from territory springs solidarity. Member states subdivide sovereign territory for economic and democratic purposes, the aim and scope of which differ from member state to member state. Some subdivide on purely economic lines, many subdivide on the basis of geographical definitions, and a few have subdivided along the lines of sub-national identities. Many have employed a combination of these. In those states where subdivision is along the lines of sub-national identities, these identities are often linked to the national identity of a neighbouring state (Alto Adige, Italy, Flanders, Belgium, Western Poland, Narva, Estonia, Daugavpils, Latvia, Hungarians in Slovakia and Turks in Cyprus), or they may have unique characteristics (Wales, Scotland, the autonomous Spanish regions and Brittany, France). While most member states respect sub-state national identities, some new and old member states have created subdivisions that divide, or virtually 'bury', socially cohesive sub-state national groups administratively (Slovakia and Denmark). In other new member states, sub-state national groups are so small that they may not possibly be defined by subdivision but may perhaps be dominant in smaller units, such as municipalities (Estonia and Latvia). More importantly, in some accession and candidate states, sub-state identities are

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[2] Udo Bullmann, "The Politics of the Third Level", in Charlie Jeffery (ed.), *The Regional Dimension of the European Union. Towards a Third Level in Europe?* (Frank Cass, London, 1997).
[3] Michael Keating, *The New Regionalism in Western Europe. Territorial Restructuring and Political Change* (Edward Elgar, Aldershot, 1998).

strongly attached to territory and kin-state identity (Transylvania, Hungary, and Krajina, Croatia). One example is unique in that sub-national identity is in fact formed and redefined in diaspora communities in the EU (South East Anatolia, Turkey).

The sheer heterogeneity of these groups presents the EU with a number of new challenges in terms of integration. How will these NMR behave in the new EU25 and beyond? How will they mobilize at the member state level to influence the supra-state level? The answer to these questions is significant for the stability of Europe. How will they mobilize together across member state borders? This is significant for the future of EU politics. Which issues will they mobilize around? This is important for EU policy and the current division of competences in the EU. Which tools will they implement to influence Brussels decision-making? This is significant for the architecture of Europe. Will they lobby directly or will they cooperate with the existing structures of member states? Will they pressure the CoR to redefine and restructure? These are but a few issues of the salient question: Europe, whither?

In the CoR, the third level of governance consists of local (municipalities) and regional (regions) authorities. Nevertheless, where sub-state national groups have autonomy and perhaps self-government rights, their political power is considerably stronger at the member state level than at the EU level. While this has at times created frictions and disgruntling, leading for instance to a group of sub-state regions with legislative powers to form their own alliance and seeking influence on the design of the new Europe, these sub-state identities have not, however, been so strong as to result in major territorial break-up. However, in some of the new member states where local and regional authorities have recently been established and where strong sub-state national identities have not always been taken into consideration, the European political space for integration may face problems of how to accommodate these sub-state identities. The political mobilization of these sub-state identities, either within the system of subdivision of member states or by using other methodologies, will challenge the extent to which political integration at the EU level adapts to ever diverse identities.

The views of the impact of this political integration in the EU vary. While some argue that the emergence of a so-called 'new regionalism' will result in a weakening of member state boundaries[4] and thus perhaps the elimination of the member state level, others argue that the new regionalism in fact means stronger and more politicized regions and thus a buttressing of the three levels.[5] If the twentieth century was the era of consolidating Europe at the state level to counter the emergence of further major bellicose conflicts, the twenty-first century may be seen as the era where the EU consolidates at the regional level to counter emerging culture conflicts. Certainly, the EU has seen the need to address the growing 'democratic deficit' resulting from the state-level consolidation by expanding its system of governance to include those authorities that are closest to the individual citizen, i.e., the local and regional authorities. It is not unlikely that the EU will also have to address a 'culture deficit' by addressing the stronger sub-national identities. The incorporation of such identities into the common European society may therefore require alternative approaches to MLG.

2.   *The National Minority 'Region'*
Although the Laeken Declaration established regions as potential co-architects of a new and more democratic EU, it did not, however, define a 'region'. The word region is used in many

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[4] Malcolm Anderson, *Frontiers – Territory and State Formation in the Modern World* (Polity Press, Cambridge, 1996), 106-70.
[5] Michael Keating, *The New Regionalism in Western Europe…*, Chapter 7.

different ways.[6] Strictly defined, a region connotes physical contiguity. But proximity is also a characteristic of a region. Thus, when defining a region at the member state level, it would seem a prerequisite to be a region is that the territory in question is contiguous and in proximity of the member state. This is not to be confused with groupings of states defined by homogeneity. This can be social homogeneity based on race, religion, language or history but it can also, and more often is, be based on economic homogeneity. Finally, a region of states can of course be based on political homogeneity, as is the case in the European region, which is now largely defined as a homogenous region in terms of democracy. Regionalism, on the other hand, refers to a set of attitudes, loyalties and ideas, which influence the identities of the people inhabiting the region. In a sense, regionalism is to regions what nationalism is to 'nation-states'.[7] At the inter-state level, these visions often result in institutional frameworks based on regional themes, such as security, democratization or indeed integration.

Thus, the definition of a region is contested.[8] A 'region' may also be seen as a social construction *within* territorial boundaries. The territorial element is fundamental even if it is not its precise delineation, and the social, economic and political content of regionalism and the identity of the people living in the 'region' vary according to the outcomes of political and historical processes. But significantly, it is a social force in addition to being a separate historical and linguistic entity. Regions where national minorities are in the majority have also been termed nations or sub-state nations. This is of course for the purpose of delineating the contrast to the nation of the majority. In some cases, these may even be seen as co-nations.[9] Co-nations are cultural groups that are socially cohesive and who represent a strong social force at the political level based on a separate sub-state nationalism.

The post-Cold War era saw a rise of sub-state nationalisms in the new member states and accession states. These sub-state nationalisms asserted a strong sense of cultural distinctiveness and some made or implied demands for economic and political self-determination driven by a potentially different logic that draws on strong ties to history and territory, builds on deep collective solidarity, cultural affinity and exclusive membership. Sub-state groups with such potentially strong national identities different from that of the majority are usually referred to as ethnic minorities because they may be distinguished from the majority in terms of language, perhaps religion, certainly culture and ethnicity. However, they may more correctly be considered national minorities where there is the proximity of a kin-state. In either case, they are driven by a desire for cultural survival, both in terms of culture and language, but also in terms of national sentiments attached to a territory. Most important though, they represent a sub-state national identity, which stands in contrast to the national identity of the majority. Sub-state nationalisms, whether kin-state related or independent, may therefore represent strong social forces in addition to representing antagonistic cultural forces.

An example of a new NMR in the EU15 member states is Brittany. Brittany represents an example of a reformulation and redefinition of an ancient and unique European minority identity attached to a 'region'. In the new member states a number of new NMRs are in the

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[6] Michael Keating and John Loughlin (eds.), *The Political Economy of Regionalism* (Frank Cass, London, 1996).

[7] Evans, Graham and Newham, Jeffrey, *The Penguin Dictionary of International Relations* (Penguin Books, London, 1998) 473-74.

[8] Michael Keating, *The New Regionalism in Western Europe…*, 13.

[9] The Cluj Declaration adopted by the Democratic Alliance of Hungarians in Romania (DAHR) on 25 October 1992. See also: Tove Malloy, *National Minority Rights in Europe*, (Oxford University Press, Oxford, Forthcoming, 2005).

making. Examples are Narva, Estonia; Daugavpils, Latvia; Upper Silesia, Poland; Southern Slovakia, Transylvania, Romania and Northern Cyprus. All of these 'regions' represent conventional national minority areas with close proximity to a kin-state either within the EU or outside. Northern Cyprus is perhaps the exception as the separation of the island has for decades been seen as a self-determination issue. But this view is currently changing as the EU is committing funds to help bring the 'region' out of isolation, thus influencing the character of the issue through economic empowerment. Nevertheless, it should not be disregarded that it remains the only case of an unrecognized but *de facto* secession in the EU25. Many of these NMRs represent strong national minority identities which have been experiencing considerable discrimination and, in some cases, second-class citizenship status. Finally, a unique case of a redefining and reconstituting national minority is South East Anatolia in Turkey, which is constituted in exile. For brief descriptions of each of these NMRs, see Section IV.

3. *The Issues of NMRs in the Making*

EU integration is an historical process , which over the last half century has sought to integrate European states economically and, more recently, politically. This is a process that is far from finished and which has seen much energy spent on the reconciliation of divergent political and economic systems as well as diverse national identities. At a time when it was beginning to attain a common identity, at least at the economic level, geo-politics suddenly confronted Europe with the inevitable choice of integrating yet another set of politico-economic systems and national identities. However, the post-1989 systems and identities draw on a very different history, a history of suppressed identities and strategies. Moreover, the new national majority identities are far more contested than in Western Europe. The new national majority identities are, in many cases, revived identities, which in their revival have come to discover that they are not homogeneous identities. Indeed, most of them consist of sub-national identities in addition to the Westphalian defined identity. Thus, European integration is faced with not one new identity per one new member state but several new identities per new member state. This is arguably a new social and cultural space to which the EU will have to adapt. When these diverse national and sub-national identities mobilize to influence the EU decision-making process, the EU may have to revisit its conventional views of national identities and national power. This is why the current MLG scheme must connect with the potential mobilization of new sub-national identities representing a variety and heterogeneity of social and cultural narratives telling different stories. The relevance of the long-term historical processes of these new identities to European integration should not be under-estimated. These new identities bring to the European table a different history, different customs and conventions, and different intellectual and cultural frameworks often unknown to the rest of the EU.

The process of NMR mobilization in Europe has followed different paths in East and West Europe. While in Western Europe the administration of economic integration processes required vertical decentralization in the 1980s, the need to move toward democratic systems of governing as well as the jockeying for position to become members of EU influenced the way in which post-Communist states decentralized in the 1990s. In Western Europe, established NMRs such as Scotland, Wales, Catalonia, the Basque Country, Alto Adige and the Belgian NMRs survived the decentralization process due to their strong sub-state identities and histories as semi-independent units. In Eastern Europe, NMRs were faced with legacies of central distribution on the one hand and globalization demands on the other. At the same time, political liberalization and democratic procedures created space for regional diversity and local government. And last but not least, the knowledge and availability of EU

funds propelled regions and emerging NMRs into the arena of European politics.[10] Thus, in this landscape, incentives for NMRs to mobilize politically for their own social and economic prosperity appear strong.

Academic studies of this phenomenon have focused on the institutional, cultural and structure-agency aspects of NMRs, including institutional analyses of transition histories, political and administrative sub-state arrangements and political mobilizations, cultural anthropological overviews of national minority histories and identities, and structure-agency analyses of social and political issues related to European social and territorial cohesion.

The making of NMRs is determined by the availability of a number of factors which facilitate the mobilization force. In fact, the degree of availability may influence the degree to which political mobilization happens. Although the making of NMRs is actor-oriented and the existence of elites is vital to success, external factors are the facilitators that fuel the engine. The legal framework and the existence of autonomous institutions at the level of the 'region' are perhaps the most defining aspect of the force of political mobilization. If the legal framework is oppressive of national minorities seeking self-promotion, the more likely it is that the political mobilization force aims at the external level and the EU level. In the new member states in Eastern Europe particular, the history of transition plays a major role in how national minorities will act in third level integration politics. Not only recent history but also pre-Communist and Cold War history impacts on the way in which national minorities react to the display of opportunities offered by EU membership. If NMRs with strong identities suffered oblivion during the Communist era, they are more likely to seek restitution of these identities in the public's mind. This identity discourse thus may spill over into the strategies national minorities devise for the socio-economic development of their 'regions'. Drawing on strong identities provides resources for institution building in the NMR and thus strengthens the ability and possibilities to act and interact politically both at the international and at the supra-state levels. Seeing the making of NMRs as an isolated intra-state phenomenon is thus no longer feasible and the aspects of Europeanization and internationalization are perhaps the strongest factors in the changing fabric of not only member states but also the European mosaic of diverse identities. A closer look at each of these aspects of making NMRs reveals a diversity not only in identities but also in cultures and manners in which these new member state identities may approach third level integration.

The taming of ethnic nationalism and the dismantling of authoritarianism were the major tasks of democratization in all states in transition. This process was complicated by the weak state syndrome – a hallmark of transition – which discourages state authorities from sharing power with an equally weak civil society, let alone with different ethnic groups.[11] As this syndrome motivated the national majority to concentrate all power in its own hands, questions of the transition history are vital to explicating national minority political mobilization, or lack thereof, in the subsequent institutional set-up. Dilemmas and paradoxes experienced during post-Communist transition have influenced the post-Communist state design and the existence of national minorities has had implications for reforms and democratic transition. The legacy of socialism in elite action in terms of oligarchism and opportunity has constrained the shift to modern democratic institutionalism.

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[10] Melanie Tatur (ed.), The Making of Regions in Post-Socialist Europe - the Impact of Culture, Economic Structure and Institutions: Case Studies from Poland, Hungary, Romania and Ukraine (VS Verlag Für Sozialwissenschaften, Wiesbaden, 2004).

[11] Priit Järve, "Introduction", in Sammy Smooha and Priit Järve (eds.), *The Fate of Ethnic Democracy in Post-Communist Europe*, Budapest, Local Government and Public Service Reform (ECMI/LGI, 2005).

The example of Estonia is instructive. Estonia's peaceful secession from the Soviet Union was accompanied by anxiety concerning the creation of a 'pure' Estonian identity. For this reason, when Estonia restored its independence in 1991, Soviet-era settlers and their descendants were denied any automatic right to Estonian citizenship.[12] After the adoption of the Law on Aliens in 1993 by the Estonian Parliament, the ethnic Russian minority felt threatened by the possibility of being expelled. The Law on Aliens stated that non-citizens would have to apply for residence and work permits along with travel documents. Those, who did not apply or had their applications rejected could face expulsion from Estonia, being considered to be staying illegally on its territory. In response to this law, the Russians living in Narva and Sillamae prepared for local referenda on the issue of autonomy. The Estonian government declared the referenda illegal and threatened to use force if necessary to prevent the break-up of Estonia. Russian vigilante groups began to arm themselves and, in Russia, the President warned that he would intervene if necessary to protect the rights of Russian speakers. It was due mainly to the intervention of the OSCE High Commissioner on National Minorities who met with representatives of the Narva city council and President Meri of Estonia, that the tension between state and national minority was alleviated. The EU enlargement process since 1995 and the Copenhagen criteria have pushed Estonia to improve the legislation on national minorities, especially concerning the citizenship and language issues, and the EU continues to voice support for the integration of the Russian-speaking community in the socio-political Estonian institutions.

Transition history is not, however, defined purely by the state of post-Communism. In Northern Cyprus, transition history is in the making, as reflected in the recent changes in the enclave's achieved favouritism after the rejection in the South of the referendum on reunification based on the so-called Annan Plan. And transition history, in terms of third level integration, is not merely a new member state phenomenon. In France, the recent district changes have influenced the way the region of Brittany has rediscovered its cultural roots and renewed its interest in functioning as a NMR. While tense minority-majority relations are most often the reason why post-independence institutionalization does not fall out in favour of national minorities, peaceful relations between national minorities and the majority are largely dependent on the degree to which national minorities are ensured a voice in the decision-making process. Systems of group representation vary from member state to member state, and the extent to which a state is centralized, decentralized or devolved in terms of power. Although demands for group representation appeal to some of the most basic practices and principles of representative democracy,[13] governments are often strongly opposed to institutionalizing group differences in terms of political representation, holding that this goes against the general tenets of liberal democracy and the individual's right to a voice. Other aspects of minorities-majority tensions are related to cultural rights and freedoms. Discrimination in access to public administration jobs and other employment is often cause for friction, as is the right to education in national minority languages. Legal frameworks also play a vital role in minority-majority relations, especially in regard to a political voice. Problems of second-class citizenship, quiet discrimination, social and economic exclusion, marginalization and invisibility represent the dark side of minority-majority relations and thus impacts on the capability of NMRs to mobilize politically.

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[12] David J. Smith, "Minority Rights, multiculturalism and EU enlargement: the case of Estonia", 1 *JEMIE* (2003).
[13] Will Kymlicka, *Multicultural Citizenship* (Oxford University Press, Oxford, 1995), Chapter 7.

Specifically, for post-Communist states in transition, political institutionalization introduced a variety of other dilemmas, which has influenced the reluctance to devolve power to sub-state units of national minorities. These included the relation between old and new systems, or the combination thereof, and the path-dependency resulting from this. Depending on the speed with which the old systems adopted to economic liberalization and democratization, the post-Communist institutionalization process retained degrees of authoritarian policies to the detriment of national minorities wishing to self-promote their 'regions'. The availability of resources was another factor in the democratization process that resulted in continuity in change. Modernization and its resulting spheres of sociological vacuum influenced the way in which national minorities were able to mobilize, especially in those states where the transition from heavy industry resulted in high social costs. Corruption and clientelism also worked to the detriment of national minorities seeking power-sharing, resulting in virtual culture gaps between identities in power and identities without power.

As the legal frameworks and systematization of the access of national minorities to the democratic process were cast during a period of heavy Europeanization, institutionalization became heavily influenced by European normative standards on human rights and minority rights rather than power-sharing. This type of Europeanization began with the new democracies in Central and Eastern Europe seeking membership of the Council of Europe and the CSCE/OSCE, which was largely seen as the path to membership of NATO and the EU. But this type of Europeanization constituted mainly a first step Europeanization. Once memberships had been obtained or promised, and the path towards adopting normative standards had begun, a second step Europeanization took place, focusing on the institutionalization of post-Communist states in relation to the traditional Western European concept of market economy with emphasis on the influence of late modern production structures, such as growth and competitiveness, technology, communication and scientific research. This process is far more fluid and competitive, and difficult to map. The EU's Cohesion Policy has a great deal to do with this process as it influences the way in which Europeanization informs the political mobilization of NMRs and the ability of the NMRs to tap into the funds distributed under this policy. The capacity of NMRs to mobilize lobbying mechanisms both at the level of the central member state government and the supra-state level in Brussels is therefore significant to this policy. Thus, European spaces have been created in which established NMRs and aspiring 'regions' interface with each other and with the institutions of the internal market economy.

Kin-state relations are another key tool in the making of NMRs. While it may not seem overly important to the former EU12 and EU15 member states as half a century of integration and peace has mellowed sentiments and redirected sympathies, it has often been good kin-state relations that contributed to the forging of peace in border regions, such as in the case of the Danish-German or the Austrian-Italian border regions. In the EU25 realm, a century of Communist hegemony and other totalitarian ideologies restraining national minority identities must be taken into account as it has resulted in not only suppressed identities but also suppressed geo-political strategies. Although geo-political strategies would seem anathema to EU integration, the sentiments driving such suppressed strategies may not have abated. Certainly, the case of Cyprus is presenting the EU with this type of dilemma. Another example of this may be the so-called Status Law adopted by the Hungarian Parliament in June 2001 to support Hungarians in neighbouring countries in various ways financially and with

regard to education and employment.[14] As this law seeks to establish a legal relationship between the home-state and kin abroad and, in this sense, sets up a 'transnational' or a cross-border form of 'citizenship', kin-state relations take on a nineteenth century character. Unlike the *bilateral* Bonn-Copenhagen Declarations, which initiated similar type protection, the Hungarian law was a *unilateral* move disliked by its neighbours. Hungary committed itself to repeal before accession to the EU any provision that
would not be compatible with EC law. In the case of the Northern Cyprus-Turkey relationship, matters are even more volatile in that Turkey maintains up to 30,000 troops in Northern Cyprus. The existence of 'foreign' troops on EU territory is thus another matter related to national minority identity for which the EU will have to prepare.

The relevance of national minority histories to NMR mobilization is particularly acute in Europe. National minority existence as a concept, and the recognition of national minority membership go back to the 1815 Congress of Vienna[15] and perhaps even further.[16] The existence of national minorities has continued to dominate the agenda of European politics since Vienna, some times more prominent than others.[17] Especially, after each major bellicose conflict, the issue has sought resolve and each time the histories of national minorities have been replete with resettlements, redefinitions, restructuring and false reassurances. Indeed, during times of major upheavals, national minorities have been thrown into tumultuous periods of uncertainty about belonging. As a result, the social forces of national minorities have become strengthened in the bonds of suppressed identities that tied them to the territory rather than to the ever-changing state. National minority identities are thus more likely to forge independent action in an effort to protect against the rule of overlords.

National minority identity is a phenomenon ascribed from the membership of the societies to which national minorities belong: family, religion, and the nation. As societies establish identities, and identities form the norms and conventions of societies, national minority identities become historically attached to the values of the society to which the national minority belong. National minority identities thus become dependent on cultural survival and demonstrate high-level self-preserving energy.[18] In this process, national minority identities are almost always in tension with the national identity of the majority, and especially NMR identities include aspects of contrasting identities as national minority identities often contrast with the national identity of the majority in control. National minority identities are therefore an 'us-them' syndrome involving aspects of 'friend-enemy' and *modus vivendi* theory and so the relevance of national minority identities as social capital mobilizing politically becomes particularly acute. Particularly important here is the link between national minority identities and the mobilization of social capital. Social capital refers to features of social organization,

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[14] The law was designed to foster the position of Hungarian minorities abroad and granted them, on the basis of registration in Hungary, certain rights and privileges in the areas of education and culture. One of the law's major provisions allows kin-state Hungarians to work in Hungary for a three-month period each year; it offers financial support for public-transportation costs as well as assistance for students in institutions of higher education while they are in Hungary; and it extends assistance to Hungarians abroad who have more than two children in Hungarian-language schools. In exchange, the Hungarians beyond the borders have to do little more than establish their credentials as ethnic Magyars.

[15] Patrick Thornberry, *International Law and the Rights of Minorities* (Oxford: Clarendon Press, 1991).

[16] Geoff Gilbert, "Religio-nationalist minorities and the development of minority rights law", *Review of International Studies*, 25 (1999), 389-410.

[17] Jennifer Jackson Preece, *National Minorities and the European Nation-states System* (Oxford University Press, New York, 1998).

[18] Philip Allott, *Eunomia: New Order for a New World* (Oxford University Press, Oxford, 1990). Of the same author see also, *The Health of Nations: Society and Law Beyond the State* (Cambridge University Press, Cambridge, 2002).

such as trust, norms and networks that can improve the efficiency of society by facilitating collective action in terms of associational life, local media, political participation, and political party formation.[19] It is a theory of civic capacity, which has seldom been put in the context of national minority identity. This is a theory which argues that institutions are constructed by human beings and inhabited by humans self-identifying towards specific but multi-layered social and cultural constructs. As symbolic resources may play an important part in this identity formation, the social resources and capital draw on the history and territory of the NMR when mobilizing for political power-sharing.

The functional dynamic of economic restructuring is another powerful force behind national minority mobilization.[20] As new territorial hierarchies and new systems of action seek to escape the control of central governments, local policy makers seek to maximize the capacity of their territory to compete by emphasizing its human capital and other resources. Through mobilizing local energies in an effort to compete in the global economic restructuring and technological change, NMRs become active political players at the international level, perhaps even before they find a voice at the state level. In this dynamic, NMRs can draw additionally on strong identities and systems of solidarity and may prove more powerful and successful in developing their societies. Path-dependency in terms of reinforced institutions, formal as well as informal, cultural and ethnic, through the rationality of actors calculating costs and benefits, reproducing institutional opportunities while drawing on cultural codes, ideologies and world views determine the degree of mobilization.[21] Other theoretical frameworks include cultural tool kits in terms of historical and territorial self-identification turned into action. Clientelism can thus also work to the benefit of national minorities. At the informal level, nostalgic narratives, reference to stories, codes, values and norms can also influence the strength with which political mobilization happens. The making of NMRs therefore refers to institutional arrangements, social fabric, networks and discourses as well as strategies, social construction, self-identification and collective identification.

As post-Communist states went through political transition, national minority mobilization of social capital also became dependent on social and economic changes in terms of both outcomes and opportunities. This resulted in different scenarios as to the way in which NMRs sought to influence their future existence, both as political actors and social human beings. For instance, dissatisfaction with the ability of central governments to procure resources and development aid for NMRs in Western Europe manifested itself in local policy makers seeking to influence decisions in Brussels otherwise reserved for the supra-state level. Another aspect is the varied level of social and economic development in NMRs. Some NMRs are more successful in obtaining funds than other regions. As they liaise, they may create coalitions to lobby for increased funding for the regions. Thus, the interactive process of structuration,[22] including the invention of new strategies of interaction and collective action creates opportunities through existing frameworks, including legal frameworks, as well as inventing new frameworks and using horizontal and vertical alliances of trust-building.

The example of the Hungarian minority in Romania shows how trust and existing frameworks are important factors. Although the economic situation of the Hungarians in Romania is

[19] Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy*, (Princeton University Press, New Jersey, 1993)
[20] Michael Keating, *The New Regionalism in Western Europe…*.
[21] Melanie Tatur (ed.), *The Making of Regions in Post-Socialist Europe- the Impact of Culture…*, 29.
[22] Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Polity Press, Cambridge, 1984).

mixed, the Hungarians in Transylvania have gained certain advantages in the private sector, since many of them were familiar with the economic situation and model in Hungary. They are also linked by family and friendly ties with Hungary and benefit from them in business. As a result, a stratum receptive to entrepreneurship appeared relatively early after the beginning of transition and started to work more efficiently than was the case with the Romanian population. Thus, participation in private business is vital to Romania's Hungarians. This is the sector where Hungarian entrepreneurs face the least institutional barriers and where, both in services and in production, one easily finds very profitable and presently unsupplied sectors. In their endeavours to expand, cooperation with foreign partners is often considered more effective. Of course, foreign cooperation is primarily with Hungarian partners in the motherland. Hungary is one of the largest investors in Romania and the base capital of registered companies is in the three digit millions. This indicates that there is considerable interest on both sides to develop economic relations. As such, it constitutes a force by which the Hungarians develop their international relations through their kin-state.

However, horizontal internationalization of NMRs happens at different levels and implements varied tools. Social capital is also in focus in terms of mobilizing horizontal international networks. This is the view that dominant functions and processes in the information age are increasingly organized around networks. Networks constitute the new social morphology of our societies and the diffusion of networking logic substantially modifies the operation and outcomes in the processes of production, experience, power and culture. While the networking form of social organization has existed in other times and spaces, the new information technology paradigm provides the basis for its pervasive expansion throughout the entire social structure.[23] This network logic or form of organization induces a social determination at a higher level, one that was unknown before. With regard to NMRs, this is particularly relevant as the causal power of network flows becomes more important than the specific interests they represent, the flows of power. It becomes vital to be present in a network and not to be excluded from it. Hence, the emergence of the space of a new 'politics of third level integration'.

II NMRs AND THIRD LEVEL POLITICS

Third level integration is a concept related to the aspects of decentralization and multi-level governance in the EU institutional set-up, and these are related to the *problematique* of the democratic deficit that gained authority in the late 1980s.[24] Decentralization refers both to the function of vertical delegation and/or sharing of powers within member states, which took place in the 1980s and 1990s and to the horizontal power-sharing which began in the 1990s as a result of the democratic deficit debate. The latter form of decentralization was largely a result of the erosion of the role of member state parliaments by the increasing centralization that followed the Single European Act (SEA) of 1986. Not only member states' parliaments but also the parliaments of NMRs and other regions, which held self-governing powers at the national level felt sidelined by the forces of integration towards a unified political approach. This led to significant criticism of the hegemonic political decision-making in Brussels and eventually to the adoption of the principle of subsidiarity in the 1991 Maastricht Treaty. Today, we speak not of decentralization but of subsidiarity. Although the normativity of the

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[23] Manuel Castells, *The Rise of the Network Society* (Blackwell Publishers, Oxford, 2000).
[24] For a good discussion of this, see Miguel Poiares Maduro, "Europe and the Constitution: What if this is as Good as it Gets?" in J. H. H. Weiler and M. Wind (eds.), *Rethinking European Constitutionalism* (Cambridge University Press, Cambridge, 2000).

principle of subsidiarity was not immediately legitimized and institutionalized, the system of MLG emerged largely as the result of the adoption of the principle of subsidiarity and hence forced the principle to become normatively accepted and implemented. The result was the materialization of a horizontal system of governance. Heretofore, NMRs have only had a place in the vertical system.

It is debatable how powerful the politics of third level is and, certainly, the importance of NMRs in this discourse is still low if not insignificant. The number of national minorities that are members of the CoR is small and the visibility of new NMRs in the new member states is minimal at this point. The funds that these regions wish to receive from the EU are still, by and large, accessible only via the intermediary of the capitals of member states. Moreover, the period between the Maastricht and the Amsterdam treaties, which was seen largely as a 'farewell to the third level' due to the weak powers of the CoR,[25] will only be reversed by the set-up of the horizontal co-governance system envisaged in the Constitution for Europe. However, this system is virtually identical to the system stipulated by the German Länder in 1990 when they were lobbying strongly for the enactment of the third level. Although there was perhaps a disillusion with the politics of the third level in the mid-1990s, it is fair to say that the early part of the twenty-first century has seen a revival, especially in connection with the two intergovernmental conferences leading up to the Treaty of Nice in 2000 and the adoption of the Constitution in 2004. This has manifested itself in a number of ways at the horizontal level.

1.   *The Committee of the Regions (CoR)*
The CoR consists of members representing regional (regions) and local (municipalities) authorities that either hold electoral mandate or are politically accountable to an assembly elected by direct universal suffrage.[26] The members are nominated by member states and appointed by the Council for four-year terms. Each member state has its own selection procedure for members, and Belgium, Spain, Italy, and Portugal allocate seats to autonomous regions. Germany and Austria allocate seats to the Länder, and Germany includes representatives from the Länder as observers in its delegation to the Commission. According to the Maastricht Treaty, the Council and the Commission were obliged to consult with the CoR in five areas: Economic and Social Cohesion, Trans-European infrastructure networks, Health, Education and Culture. The Amsterdam Treaty added a further five areas for consultation: Employment Policy, Social Policy, Environment, Vocational training and Transport. Outside these areas, the Commission, the Council and the EP have the option to consult the CoR on an issue if they see important regional or local implications to a proposal. The CoR can also draw up opinions on its own initiative, enabling it to put issues on the agenda. Its work is organized through six commissions, made up of CoR members and specializing in particular policy areas. The commissions draw up draft opinions on the European Commission's proposals. The draft opinion must be approved at one of five plenary sessions each year, before being sent to the Commission, the Council and EP. The Bureau is the driving political force behind CoR. It draws up the political programme at the start of each new term, oversees its implementation and generally coordinates the work of the plenary sessions and of the commissions.

The historical road towards third level integration began with the adoption of the 1986 Single European Act (SEA), which signified a strengthening of the central power and thus alarmed

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[25] Jeffery in Charles Jeffrey (ed.), *The Regional Dimension of European Union…*, 64-65.
[26] CoR Resolution of 3 June 1999 amended the Maastricht Treaty.

those regions that had traditionally held a high degree of self-government, such as the German Länder. The increased salience of regions within member states, in particular federal systems as Belgium and Germany, coincided with the broader political developments of the European supranational integration.[27] Especially, the German Länder felt increasingly threatened in their prerogatives *vis-à-vis* the federal level by the way in which European measures were implemented. Traditional prerogatives of the Länder were being eroded because of EC directives, which made national governments responsible for their implementation. Therefore the Länder insisted on being represented in the Council of Ministers when this dealt with issues falling within their range of competence. Consequently, they initiated a series of conferences entitled the 'Europe of the Regions' with the aim of putting the question of federal Europe onto the political agenda. Similarly, the Belgian sub-state authorities, created during the period from 1988 to 1993, were keenly in favour of a 'Europe of the Regions'. The Spanish Autonomous Communities, like the German Länder, and the Italian regions also had motives for supporting a 'Europe of the Regions'. Moreover, the 1988 reform of the Structural Funds marked an important turning point in the relations between regions and the European Community. Thus, the increasing regional demands for a formal right to be represented at the European Community level, combined with the European Commission's own desire to reinforce regional consultation procedures, prompted the creation in 1988 of the Consultative Council of Regional and Local Authorities,[28] the immediate precursor of the CoR. Being a weak and fragmented body, the Council revealed itself not capable of putting any pressure on the European institutions. But pressure for greater access to decision-making for regions continued to increase, especially under the leading role of the German Länder. A Conference of Heads of Governments and Minister-Presidents of the European Regions was set up with the aim of demanding the insertion of the principle of subsidiarity into the EC Treaty and the creation of a consultative Regional Council. The Commission strongly supported the idea of a 'Committee of the Regions', which could reduce the perceived democratic deficit and represent a good ally. This eventually led the European Council to accept the establishment of the CoR, which was officially established in 1994 under Maastricht Treaty Article 263. Subsequent treaties have expanded the role of the CoR and refined the scope and reach of the subsidiarity principle.

While the principle of subsidiarity together with the related proportionality principle did not become fully operational until the Amsterdam Treaty, the Maastricht Treaty established it as a last resort protection mechanism for member states to use when in voting minority on a specific issue. Thus, the principle of subsidiarity was meant to regulate the exercise of powers and was seen as a vital democracy tool assuring the individual member states leverage where there was a question of equal or joint competence. On this view, the instigation of the subsidiarity principle was one of the stages in European constitutionalism where the politics of integration addressed the supremacy of state sovereignty.

The bottom line of the subsidiarity principle is to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at member state level. Specifically, it is the principle that the EU does not take action unless it is deemed more effective than action at the member state level. Thus, it is closely tied to the principles of proportionality and necessity, which require that any action by the EU should not go beyond what is necessary to

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[27] John Loughlin, "Representing Regions in Europe: The Committee of the Regions", in Charles Jeffrey (ed.), *The Regional Dimension of European Union…* .
[28] The Consultative Council consisted of 21 members of the local level and 21 of the regional level, proposed by the main organization of local and regional authorities and nominated by the Commission.

achieve the objectives of the treaties. However, the justiciability of the principle of subsidiarity – which is entrusted to the ECJ – is the object of much debate with regards to its feasibility. Moreover, the Maastricht Treaty unfortunately did not establish the criteria for the sharing of powers and responsibilities among all levels of government. With the Amsterdam Treaty, the principle became more operational and the CoR was included in the bodies that the Commission and the Council could consult.[29] The 2001 Laeken Declaration on the future of the EU raised questions to be addressed by the Convention to draft the Constitution for Europe in terms of democratic governance in relation to the citizens of Europe and stipulated that the challenge of reform would have to address again the question of competence including the competence of regions.[30] Although there was not much attention devoted to regions in the Convention drafting the Constitution, there was nonetheless widespread support for including regions more solidly in the Constitution. Consequently, in the Constitution for Europe adopted in 2004, the CoR's status will be elevated to that of an advisory body on equal footing with the Social and Economic Committee, and it has been entrusted with the right to petition the ECJ on matters related to the exercise of the principle of subsidiarity. The latter is a considerable empowerment of the body, which began its life in 1994 essentially as a discussion club. The principle of subsidiarity thus has direct relevance for those national minorities who either have self-government and legislative powers or hold majority in local government but may also indirectly influence national minorities active in local government.

In the Constitution for Europe the principle of subsidiarity is carried over in its original form but amended with reference to local and regional authorities. Article I-11(3) holds that:

> in areas which do not fall within its exclusive competence the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central level *or at regional and local level*, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.[31]

The successful elevation of the CoR in the new Constitution was the result of hard work by both the CoR and a group of its members with self-government rights. The latter, dissatisfied with the weak powers afforded the CoR in the 1990s, founded an informal cooperative venture of twenty powerful autonomous regions with legislative powers in 2000 to lobby the intergovernmental conference drafting the Treaty of Nice. United in the Conference of the Presidents of Regions with Legislative Powers (RegLeg), these regions represented around 56% of EU's population. While not successful with the Treaty of Nice, the RegLeg pressured their state representatives to ensure greater inclusion at the level of regions in the new Constitution. Thus, it has been argued that the real leverage in the Convention was not the six representatives of the CoR but the lobbying of the RegLeg.[32] This is likely to be true as they have the possibility to influence EU politics through their member state parliaments. Moreover, some of them usually represent strong economic forces and are thus able to influence the agendas of their member state governments. Contrary to the CoR, the RegLeg were lobbying for a restructuring of the CoR to reflect the power of the large group of members with legislative powers. The drafters of the Constitution did not however agree to this restructure.

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[29] Chapter 4, TEC and Protocol 30.
[30] See Laeken Declaration adopted at the European Council at Laeken, December 2001.
[31] Emphasis added.
[32] Charlie Jeffery, "Regions and the Future of Europe", *EU Reform Spotlight* (2002-03), Centre for Applied Research and Bertelsman, 2003, 2.

The CoR itself advocated in the Convention for three major changes to its role in the EU decision-making process. Firstly, it requested that its status be elevated to that of an EU institution on a par with the EP, the Council, the Commission, the ECJ and the Court of Auditors. This was of course a bold move given that the regions already had the possibility of being represented both by the EP and some in the Council. Secondly, the CoR called for greater consultation rights. This request had two components: one, the CoR wanted the governing bodies to consult widely with associations of regional and local governments; and two, the CoR wanted to be included in the consultation mechanism for the member states' parliaments. This is the Early Warning System (EWS), whereby member state parliaments will have the right to comment on the Commission's legislative proposals and are allowed to give reasoned opinions if they feel a proposal does not comply with the division of competence as laid out in the principle of subsidiarity. Thirdly, the CoR wanted the right to bring actions to the ECJ. This too was a bold step inasmuch as recourse to the ECJ is usually seen as the exception rather than the rule. While these three areas were basically the same as the CoR had sought incorporated in the Amsterdam Treaty without success, the pressure of the RegLeg may have helped the CoR to increase its own pressure on the drafters of the Constitution. But in the Working Group on the Principle of Subsidiarity to the Convention, there was wide agreement to give rights to the CoR but not to the Regleg.[33]

This is not to say that the CoR has found a comfortable place in the system of multi-level governance of the EU. For instance, relations with the Council of Ministers are not always uncomplicated. The Council, at present, plays an important role in determining both the composition and functioning of the CoR. Despite the existence of a working procedure between the Secretariat General of the Council and the CoR to systematize the exchange of information, the Council does not issue reports on the follow-up that was given to the opinions. While this may be indicative of the level of importance that the member states afford the CoR, it also reveals that future relations between EU institutions may well become a battleground of identities. Of course, it shows that third level integration continues to be constrained by the strong powers at the member state level. As regions with or without legislative powers cannot address the EU institutions directly, they must still go through their national parliaments. Where sub-state units have autonomy and perhaps self-government rights, their political power is considerably stronger at the member state level than at the EU level. The depth of this problem will vary from member state to member state and the ease with which it can be remedied depends heavily on constitutional arrangements. However, the challenge for the new member states and the candidate states consists in guaranteeing their local and regional authorities a certain degree of *voice* in the European institutions designed to represent them so that the sub-state entities can play an active role in monitoring the principle of subsidiarity. This challenge relates to issues of power-sharing, districting and public administration and, in many new member states, also to the impetus for national minority political mobilization supported by both internal and external factors.

2.   EU Cohesion Policy and NMRs
A major factor in national minority mobilization is arguably the EU's Cohesion Policy (also known as the regional policy). It traces its roots back to 1975 when, partly as a result of the UK's entry to the European Community, the European Regional Development Fund (ERDF) was established. The concept of economic cohesion was introduced in the SEA, and resulted

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[33] Report from the Chairman of Working Group I on the Principle of Subsidiarity, CONV 286/02 of 23 September 2002, at 8.

in the adoption of policies supported by the so-called Structural Funds. Since the Maastricht Treaty (1992), these have constituted one of the priorities of EU policies. According to Article 158 of the 1997 Amsterdam Treaty, cohesion is a precondition for harmonious development in the EU in order to promote its overall harmonious development. This means that the EU shall develop and pursue its actions leading to the strengthening of its economic and social cohesion and aiming at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas.

Under the 2000-2006 EU Cohesion Policy, 213 billion EUR (in 1999 prices), i.e., approximately one third of the entire EU budget, was set aside for distribution. This amount approximates 0.35% of the gross European product and averages 3.2% of the GDP of the regions receiving structural assistance. The budget for the Structural Funds alone amounts to EUR 195 billion in 2000-2006. There are four types of Structural Funds and each of them has its own specific focus.[34] The Cohesion Fund was established in 1993 as an instrument to provide direct finance for individual projects, with the aim of improving the environment and developing transport networks to member states with a per capita GNP of less than 90% of the Community average (Greece, Spain, Ireland and Portugal). The Cohesion Fund supports projects at member state level and, as requested by the EP, aims to maintain a 50-50 balance between environment and transport projects. The Cohesion Fund for the period 2000-06 is 19 billion EUR.

At present, the Cohesion Policy has three priority objectives. Objective 1 – holding fundamental priority – is to assist areas whose economic and social development is lagging behind. Only areas with a per capita gross domestic product lower than 75% of the Community average are eligible for assistance under Objective 1. Nearly 70% of all Structural Funds have been put into the achievement of this objective. Activities within the framework of Objective 2 concentrate on supporting a thorough economic and social conversion of areas experiencing structural difficulties in industry, agriculture, etc., while Objective 3 stresses modernizing education, training and employment systems.

Since the establishment of the Cohesion Policy, member states have had to negotiate at two levels: on the one hand, at the supra-state level and, on the other hand, at the regional and local levels. Particularly in the classic unitary states, the central level has more or less successfully tried to preserve its role of 'gatekeepers' by channelling contacts through central ministries and constraining the authorities of sub-state governments. The central governments play an important role at two levels: the programming and the management of the programme. Programming was an essential element of the 1988, 1993 and 1999 reforms of the Structural Funds. Programming involves the preparation of multi-annual development plans[35] and is undertaken, in several stages, through a partnership-based decision-making process until the measures are taken over by the public or private bodies entrusted with carrying them out. Development and conversion plans are first submitted by the member states. Under the new Structural Fund rules, the member states must furthermore appoint a

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[34] The European Regional Development Fund (ERDF); the European Social Fund (ESF); the European Agricultural Guidance and Guarantee Fund (EAGGF); and the Financial Instrument for Fisheries Guidance (FIFG).

[35] A Development Plan is the analysis prepared by a Member State in light of the objectives referred to in Article 1 and the priority needs for attaining those objectives, together with the strategy, action priorities, specific goals and the related indicative financial resources. A Community Support Framework (CSF) is a document approved by the Commission, in agreement with the Member State concerned, following appraisal of the Development Plan submitted by the Member State. It contains the action strategy and specific objectives.

managing authority (at state, regional or another level) for each programme. The tasks of this authority cover the implementation, correct management and effectiveness of the programme (collection of statistical and financial data, preparation and transmission to the Commission of annual reports, organization of the mid-term evaluation, etc.).

According to the degree of decentralization within the member state, there are different forms whereby the regions may have access to the funds. In France, for example, the regions have been formally excluded from the process of attracting EU Structural Funds, and the prefectures, as representative of the Ministry of the Interior, have led the negotiations, defining the object of intervention, the zones of eligibility and the inter-regional distribution of the funds.[36] Nevertheless, France has recently adopted a decentralization law, which introduces the possibility for regional councils and other territorial governments to experiment with the management of the 2000-2006 Programme. In the same way, the UK's sub-state authorities have had little influence on the EU Cohesion Policy, whereas the German Länder had strong influence, leaving the federal government with little influence. Although the influence of sub-state authorities on European policy-making varies, the EU has, nonetheless, enhanced their position in recent years. In new member states, the Managing Authority for the programme is always the central government through the ministries related to the programmes. But in other cases, as in Germany, Italy or Spain, with a higher degree of decentralization, the local/regional governments are designated to play the role of managing authorities.

Since 2000, EU's Cohesion Policy has undergone a fundamental change due to the EU enlargement. The new member states have already benefited from the pre-accession funding. The Phare programme has been funding modernisation in the Central and Eastern European states for over ten years. In 1997 and 1999, it was modified to meet the requirements of accession and to prepare the accession states for the Structural Funds. It finances a raft of projects, including cross-border cooperation schemes, in areas that will be covered by the Structural Funds. The Pre-Accession Structural Instrument (ISPA) has been funding transport and environmental schemes in all the Central and European states since early 2000, along the same lines as the Cohesion Fund model designed for the least prosperous EU member states. It provides direct financing for environmental projects to help apply directives that call for heavy investment, and for transport projects directly connected to the ten pan-European corridors that have been identified in these countries. The Special Accession Programme for Agriculture and Rural Development (SAPARD) has also been in operation since 2000, helping the applicants prepare for the common agricultural policy, in particular for its standards of food quality and consumer and environmental protection.

As the GNP of almost all the new member states is lower than 50% of the Community average, 48 EU regions qualified in 2000 for assistance under Objective 1 since their income was lower than 75% of the Community average. Whereas preliminary estimates show that the number of such regions in EU25 will grow to at least 67, several current beneficiaries will lose their right to assistance under Objective 1 because the average GNP will be lowered in EU25 if the current rules of the European regional policy are maintained. This problem is referred to as the 'statistical effect'. The European Commission calculates that as many as 18 regions that currently use EU assistance may find themselves in this predicament.

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[36] Udo Bullmann, The Politics of the Third Level, in Charles Jeffery (ed.), *The Regional Dimension of the European Union: Towards a Third Level in Europe?* (Frank Cass, London, 1997).

In July 2004, the Commission adopted a proposal of five new regulations for renewed Structural Funds and instruments. Over the period 2007-2013, these instruments present about one third of the EU budget or a total of EUR 336.1 billion. The majority of this amount will be spent in less-developed member states and regions. Almost every region of the new member states is eligible to receive the Structural Funds. Moreover, the new member states will receive 5.76 billion EUR for rural development during the 2004-06 period. As Poland is predominantly an agricultural country, it will receive nearly half of this aid. These funds will help farms in these states to modernize, restructure and comply with EU production standards.

The management of Structural Funds for the new member states implies far-reaching changes in the practice and operations of all levels of administration to comply with the legal framework of regulations on which structural assistance is based. Considerable efforts have already been made in the areas of the establishment of an appropriate legal framework and the definition of an administrative breakdown of the territory according to the NUTS classification[37]. But arguably, the sheer size of the EU's budget being allocated to these regions and the effects these funds will have on the future life of the populations living in these regions augurs for the Cohesion Policy area being a highly contested area of politics. Such a strong concentration of power is likely result in an impact upon those regions where national minorities have witnessed disregard and suppression by central governments for years. Although the Cohesion Policy is primarily seen as a socio-economic tool in the effort to secure territorial cohesion, it is important to keep in mind that the socio-economic sphere of the EU is indeed culturally diverse and culture is usually the driving force behind strong political movements.

3.   *National Minority Party Coalitions*

One piece of evidence demonstrating national minority politics mobilization at the third level is the emergence of national minority transnational party coalitions. These party federations have successfully expanded due to the disaffection of electorates with existing traditional political parties. They are defined as referring to the efforts of geographically concentrated peripheral national minorities, which challenge the working order of member states.[38] They have followed the model of socialist parties by developing transnational federations and political groups. Indeed, the European Parliament (EP) funds programmes to encourage cooperation between parties in Europe for elections and within the Parliament itself. The European Free Alliance (EFA) is an example of this type of cooperation (with members of the Scottish National Party, from Wales and Catalonia), allied with The Greens in the EP. Since its creation in 1981 (signed by six parties), membership in EFA has increased dramatically to include over 20 parties. Another strong and fairly recent coalition is the Regional Authorities with Legislative Powers (RegLeg). RegLeg is a group of 20 powerful EU regions, which

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[37] In order to facilitate the collection, compiling and dissemination of comparable regional statistics, the European Union is introducing a common classification of territorial units for statistical purposes (NUTS) in place of the one established by Eurostat. The NUTS classification divides up the economic territory of the Member States, including their territory outside regions as such. The latter comprises parts of the economic territory that cannot be assigned to a given region such as air space, territorial waters and the continental shelf, territorial enclaves (embassies, consulates and military bases), or resource deposits located in international waters and exploited by units residing in their territory. The NUTS classification is hierarchical in that it subdivides each Member State into three levels: NUTS levels 1, 2 and 3. The second and third levels are subdivisions of the first and second levels respectively. Member States may decide to go further still in terms of hierarchical levels by subdividing NUTS level 3.
[38] F. Müller-Rommel, "Ethnoregionalist parties in Western Europe: theoretical considerations and framework of analysis" in Lieven de Winter and Huri Türsan (eds.), *Regionalist Parties in Western Europe* (Routledge, London, 1998), 19.

founded an informal cooperative venture to lobby the 2000 EU Intergovernmental Conference and to influence the Treaty of Nice. RegLeg regions have competence in three areas of government: legislative, executive, and judiciary. Indeed, a large percent of the EU population live in RegLeg regions. The aim of the RegLeg is to strive for an enhanced role for those regions in the EU. This means increased political and legal status in all domains of EU governance, according to their competencies and responsibilities. Finally, a third example of coalition is the Federal Union of European Nationalities (FUEN). This association specifically represents national minority groups, whether territorially defined or not, and pursues the goal of preserving their national identity, their language, culture and the history of national minorities. It works towards a neighbourly, peaceful coexistence of majority and minority in one state or region. FUEN supports all state activities aimed at peaceful reconciliation of interests and democratic minority policy and attempts to convince European parliaments and governments that part of the peaceful development of Europe involves taking account of the interests that national minorities and ethnic groups are entitled to in preserving their original identity and helping them to preserve their traditional culture.

4. *Brussels Based Representation*

Representation offices established in Brussels by sub-state units are a mushrooming phenomenon, which emerged in the EU15 realm. As an answer to a perceived lack of information on the part of the European institutions on the one side and the national governments on the other side, regions lobbying within the EU have been seen to involve two complementary strategies. First, regions have used 'intra-state' strategies to lobby the EU through national institutions. Individually or collectively, regions seek to influence national government positions on EU policy that will be transmitted through the Council of Ministers and the Committee of Permanent Representatives (COREPER) to the Commission. Secondly, 'extra-state' strategies employed by regions to lobby the Commission directly through regional information offices in Brussels have resulted in the establishment of a number of regional offices in Brussels.[39] The first such office was established in 1984 by Birmingham City Council. By 1988, 15 offices had opened, 54 by 1993 and 140 by 1995.[40] Although its relevance to the mobilization of NMRs in the new architecture of the EU is unknown, the number of representation offices has reached almost 170, including both regional (151) and local or municipal authorities (17) representations.

Furthermore, some states, such as Germany, Austria and Spain have regional representatives within the offices of the national Permanent Representations to the EU in Brussels. Their main task is to inform the governments of local and regional authorities and parliaments of all EU policy developments, which could affect their exclusive competencies or essential interests. This is aided by their receiving all EU documents from the Council Secretariat and other EU institutions. Equally important is the task of bringing regional interest or concerns about EU proposals to the attention of their colleagues in the Permanent Representations.

In terms of structure, there are different models of regional information offices established in Brussels. This variety reflects, on the one hand, the degree of decentralization in the member state, and on the other hand, the purposes and the activities which the office wants to carry on within the European institutions. The most common model is to represent the regional/local authority jointly. Another common model is to have a consortium of local authorities (and

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[39] Peter Lynch, "Regions and the Convention on the future of Europe: a dialogue with the deaf?", 11(2) *European Urban and Regional Studies* (2004), 170-177.

[40] Charles Jeffery, "Regional Information Office in Brussels and Multi-Level Governance in the EU: A UK-German Comparison', in Charles Jeffery (ed.), *The Regional Dimension of the European Union... .*

some times regional development agencies, higher education institutions etc.), which pool resources to set up a small office with a group of staff employed by that office (rather than representing individual members of the partnership). There are one or two variants, including having a development agency representative in a government office or having a university representative in a government office. Finally there is a third model, which foresees the establishment of a multilevel office for the representation and the coordination of both governmental and non-governmental, and public and private interests.

The German Länder, most of the Italian Regions and some Spanish Regions Representation offices belong to the first model of a single regional/local authority office. This kind of office represents one single territorial entity and is often considered to be the direct extension of the region's European strategy and operations. Whether it has to report to the President's office, or the Department/Ministry of European Affairs, Finance or Justice of the region often depends on the level of importance and competence it is given, which in turn leads to different sets of working criteria, prestige and perhaps political influence. The German Länder established their Regional Information Offices between 1986 and 1992, with the main purpose of boosting their capacity for input into the European decision-making process and of accessing European information flows and policy debates. There are also other reasons for the establishment of Länder office in Brussels, such as access to the Structural Funds and various other EU funding sources. They also constitute an important two-directional communication channel to the Commission. The first direction consists in getting hold the information as early as possible on Commission initiatives and priorities, which may be of interest to the Länder executives. The second direction of information flow involves the regional offices in a more pro-active role, in which they seek to feed in the information to the Commission at the early stages of policy debate and formulation.

Cross-border regional offices represent a variant of the first model. Here, the regional office is composed of sub-state entities from different member states, such as the joint Anglo-French office of the county of Essex and the region of Picardy; the Austrian-Italian EU Liaison Bureau of Tyrol, Alto Adige and Trentino; or the Euroregion Secretariat of Kent; Nord-Pas de Calais; and Wallonia. They are often based on former and, hence, close relationships between the entities, a shared tradition and interest as well as joint participation in European initiatives and programmes. Despite some initial institutional and legal difficulties or misunderstandings within their own federated system, these transnational regional offices are able to provide the know-how, contacts, linguistic ability and experience of internal structures and agendas of at least two member countries. Given these advantages, this model might be regarded as *the* future model for bases in the EU.[41]

A good example of the second model of consortia of regional/local authorities is the regional representation office of Catalonia. The Patronat Català Pro Europa is a public consortium created in 1982 by *Catalonia Generalitat* and by a joint-group of Catalan entities representing the economic, financial, cultural, administrative and academic interests. It was first established in the region's capital, Barcelona, in order to prepare and familiarize the Catalan population for Spain's integration. In 1986, the institution opened a delegation office in Brussels, which supplies information and maintains contacts with the Commission and other Community institutions. Nearly 50% of these are requested by economic, social and professional sectors. The Patronat carries out its tasks mainly in Barcelona (even if the

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[41] Alexander Heichlinger, *A Regional Representation in Brussels: The Right Idea for Influencing EU Policy-Making?* (European Institute of Public Administration, Maastricht, 1999).

institution has its offices also in the provinces of Tarragona, Girona and Lleida, which ensure a bottom-up approach), while the Brussels delegation has been established at the aim of fostering interregional cooperation and of maintaining close relations with the Permanent Representation and with the other European institutions. It takes care of organizing, promoting and coordinating activities linked to the Community and other European organizations. Chaired by the President of Catalonia, the Patronat assembles representatives of Catalan Universities, Save Banks, Chamber of Trade and Industry, Local Government associations and the town hall of Barcelona. The body's council is organized in three sections: the academic, the parliamentarian and the socio-economic, in which participate enterpreneurial organizations, professional associations and unions, including Catalan representatives of Community lobbies and officials in Brussels. The Brussels delegation is composed of 15 members, who deal with European affairs, commercial and cultural promotion. The main activities of the Patronat are the preparation of courses and seminars about the EC especially addressed to economic and professional sectors; the diffusion of the R&D Community programmes; and a consulting service called 'Europa-93' aimed to provide information about the impact of the internal market.

An example of the third model is the Scotland House in Brussels, created in 1999. Scotland House brings together Scotland Europa, the umbrella organisation promoting Scotland's non-governmental and commercial interests in Europe, the Scottish Executive EU Office, Convention of Scotland Local Authorities (CoSLA), the Highlands and Islands European Partnership and several other offices from both the public and private sectors. A total of 50 full-time members of staff work in Scotland House for 20 organisations from both the public and private sectors. Although the various organisations work independently, collaboration occurs frequently where priorities overlap. The original feature of the Scotland House model is that it reflects the plurality of Scottish civic, governmental and commercial society. It allows a very wide range of Scottish bodies to participate in having their own direct access to information, and scope for influence. Scotland Europa was established in 1992. At that time, in the absence of devolution, it was not considered appropriate by the Scottish Executive Office to seek a separate presence in Brussels. However, the Scottish Executive Office gave its blessing to the Scottish enterprise-led initiative to set up Scotland Europa. Following the change of Government in 1997 and the prospect of devolution, the Scottish Executive Office set up a two-person team in Brussels.

However, the list of regional office models is not exhaustive, in the sense that more forms of representations could be identified and defined. For example, it is not unusual that regional offices cooperate in specific fields, establishing *ad hoc* partnership offices. This type of regional office can be described as partnerships of sub-state bodies in the sense that the bodies have come together of their own volition to work together on a range of issues that have a European dimension. They normally do not have any formal or institutionalized role in the governmental structures, e.g., NASC West Ireland EC Liaison and Regio Randstad (NL).[42] Only a few of the new member states have set up regional or local representation in Brussels so far. Poland has the highest number of regional representations (eleven regions out of sixteen have their regional representation office in Brussels). Slovakia has three regional offices in Brussels, while Estonia has only the representation of Tallinn City. Latvia and Cyprus do not have any regional representation offices as yet. Romania's national association of county councils is represented by a separate office although the link between regions and the decision-making process is at present handled by Romania's Representation. Aiming at

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[42] *Ibidem*

enhancing the dialogue and cooperation between regional and local authorities in the EU and Romania, a Joint Consultative Committee between representatives of local authorities from Romania and the CoR is envisaged. Certainly, it is not only the regions of the established EU15 member states that have shown ability to organize themselves for lobbying but also the new and aspiring member states are preparing for this activity. For the new member states, the desire to access EU funding flows has been, and remains the driving force behind the establishment of a presence in Brussels. Even though NMRs in the candidate countries have not established direct regional representations in Brussels, it is likely to be a phenomenon of the near future.

5.   *Para-diplomacy*

The phenomenon of para-diplomacy has emerged as a result of the stronger NMRs seeking expanded leverage through partnerships. One definition of para-diplomacy holds that para-diplomacy is functionally specific, usually limited to matters of common economic or cultural interest – although in the case of NMRs it does extend to the promotion of the territory as something more than a mere region – and serves to legitimize nationalist aspirations.[43] The concept of para-diplomacy thus refers to external relations of sub-state actors. Such relations can be either coordinated with, or complementary to, activities of the central state level or pursued in conflict or concurrence with traditional diplomacy. The term 'para-diplomacy' appeared in the literature in the 1960s, with the international involvement of American and Canadian federal states in the context of globalisation.[44] As para-diplomacy concerns all levels of international action (military, cooperation, development, human rights) when regional governments become international actors, the trans-national relations of regions may constitute a challenge to the member state's monopoly over international relations. The objective of para-diplomatic actors is thus to encourage transnational as opposed to international collaboration. Para-diplomacy means that although European states remain the principal actors of European integration, they are no longer in a position of monopoly. The bulk of para-diplomatic activity in Europe occurs between regional governments and NMRs holding self-government (interregional or trans-border/national relations). The Four Motors of Europe is an example of this type of para-diplomacy with cross-boarder and interregional cooperation (regions of Baden-Württemberg, Catalonia, Rhones-Alpes, Lombardia).

Traditionally, European states acted according to the logic of a centralized state when determining which international policies to adopt. However, sub-state actors push for a greater role of regions in Europe both on their state government and on European institutions. NMRs seek to become international actors in order to obtain resources and support, which they often lack at the internal level. Globalisation and European integration have provided a new context for territorial politics and regional restructuring. Regions are no longer confined within their state borders but have become an element in European and international politics.[45] The need for recognition and identity construction of certain regions (Catalonia, Quebec, Scotland, Flanders, Wallonia, the Basque Country) explains the priority of para-diplomacy for nationalist sub-state movements. Thus, nationalism is a crucial force behind para-diplomacy. Indeed, the development of para-diplomacy is much stronger in NMRs where there are strong nationalist movements. While many central governments consider the intrusion of these movements into their exclusive domains of foreign policy as essentially

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[43] Keating, *The New Regionalism in Western Europe...*, 178.
[44] P. Soldatos, "An Explanatory Framework for the Study of Federal States as Foreign-Policy Actors," in H. J. Michelmann and P. Soldatos, *Federalism and International Relations: The Role of Subnational Units* (Clarendon Press, Oxford, 1990), 34-54.
[45] Keating, *The New Regionalism in Western Europe...*, 161.

negative, this is arguably a paradigm that has emerged as a result of a more diverse world picture.

III THE MODEL NMRs: BELGIUM

The prominent examples in Europe of NMRs are the two Belgian national minorities. The Belgian state has been ethnically mixed for centuries, with a Flemish community in the north and a French-speaking Walloons community in the south. The national question in Belgium was initially defined as a language issue, although later it assumed socio-economical aspects as well. At present, the population of Belgium amounts to 10,309,700 people.[46] The Flemings, with 5,765,800 people, constitute 57.8% of the total population, the Walloons constitute 32.6% and the German speakers 0.7%. The peculiarity of Belgian federalism is that it not only uses 'regional territory' as the basis of its federal structure but also comprises a non-territorial component. Thus, there are officially three territorially defined entities, called Regions: the Flemish Region (Flanders), the Walloon Region (Wallonia) and the Brussels Capital Region (Brussels). Furthermore, Belgium is divided into three cultural communities: the Flemish community (thus bringing together the Dutch-speakers who live in Flanders and in Brussels), the French community (assembling the French-speakers who live in Wallonia and in Brussels) and a tiny German-speaking community in the east of the country. Each of these Regions and communities has its own parliament and executive and is entrusted with constitutionally assigned powers. For this reason, Belgium is constituted in the form of a so-called 'multinational state', that is to say that the Belgian concept of state is based on the idea of multilingualism and the coexistence of different ethnic groups enjoying equal rights.

The present redistribution of power between federal and sub-national entities is the result of a long devolution reform (1970, 1980, 1988, 1993), under the pressure of the Walloon and Flemish nationalistic demands. Reform then came in three waves. In 1970, the existence of different territorial and cultural identities and the right to autonomy were constitutionally recognized. The second wave came in 1980, when the state was regionalized. The third wave of federalization began in 1989. The constitutional reform of 1989 stopped short of creating a federal state but in 1993, the reform formally characterized Belgium as a federal state. A mini-reform in 2001 further deepened federalization.

Belgium's unitary state structure resisted ethnic pressure until 1970, when the government declared before parliament that "the unitary state, its structure and functioning as laid down by law, had become obsolete".[47] The reform of 1980 opted more unambiguously for regionalization. The cultural communities gained new competences, the socio-economic regions were given institutional infrastructures and regional autonomy in general was strengthened. In addition to this, legislative acts of the regional and community councils were given the same legal status as national laws.

The state reform of 1988-89 opted for a more systematic implementation of the dual federalism ('two worlds') model than that of 1980, but with a peculiar twitch. As usual under dual federalism, most competencies were exclusive and very few concurrent. This reduced opportunities for the federal level to interfere with the regions and communities and vice versa. But the second component of dual federalism, according to which the division of

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[46] Source: Institut National Belge de Statistique, 2002.
[47] Liesbet Hooghe, "Belgium: from Regionalism to Federalism", in John Coakley (ed.), *The Territorial Management of Ethnic Conflict* (Frank Cass, London, 2003), 73-99.

powers runs along jurisdictional rather than functional lines, was still weak. With the constitutional reform of May 1993, Belgium finally became a federal state *de jure*. The revisions put in place the several institutions and mechanisms typical of a modern federation: direct election of regional councils; a senate representing constituent units' interests; residual competencies vested within constituent units; fiscal federalism (changes in financing mechanisms and more fiscal autonomy); constitutional autonomy for each level over its working rules; international competencies and treaty power; and coordination and conflict resolution machinery. [48]

One of the principle features of the new Belgian federal system is that there is no hierarchy between the federal level and the sub-national level. Thus, after the reform of 1993, the Belgian political system can be identified as a cooperative system, where the NMRs and the national government are mutually interdependent. The far-reaching character of the Belgian state reform is visible in the international competences of the Belgian NMRs. With the reform of 1993 the NMRs acquired the right to conclude international agreement in those policy fields in which they possessed exclusive competences, but respecting two limitations: acting within the confines of their competences and recognizing the general principles of Belgium's foreign policy.

Belgium's territorial regions as well as the cultural-linguistic communities enjoy extensive involvement in EU institutions. The coordination of EU policy-making in Belgium is based on a highly institutionalized negotiating system and on an extensive set of informal agreements. This ensures that regions and communities are directly involved in both the formulation of Belgian responses to EU policy and in representation in the Council of Ministers. To this regard, in 1994 was concluded a Co-operation Agreement (CA) between the NMR governments and the federal state, which set up a system of concertation and co-ordination among the different Belgian authorities. According to the CA, the Federal Foreign Ministry plays a central, albeit non preponderant, role in Belgian coordination on Council issues by way of its Directorate for the European Affairs. [49] The Directorate organizes meetings where federal and NMR representatives take part (also the Permanent Representation of Belgium in EU is present), in order to determine the instructions for the Belgian representatives in the EU Council. A crucial element of the system is that the regions and communities can exercise a veto in the determination of Belgium's policy in the Council. According to the Article 146 of the Maastricht Treaty, it is possible for Belgium to be represented in the Council by a member of one of its NMR governments. Regarding the different competences (exclusive federal, exclusive sub-national or shares competences), the Co-operation Agreement determines which governmental level is responsible for the issue in the Council. This mechanism obliges both sides (federal and sub-national) to work together if they want to gain something within the EU Council, and to achieve their individual and their joint interests.

IV THE 'NEW' NMRs

1. *Narva, Estonia*
The municipality of Narva, where the Russian minority represents 85% of the population, is situated in the Ida-Virumaa county, along the border with the Russian Federation. In addition, Estonia claims 2000 sq km of territory currently in the Russian Federation, in the Narva and

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[48] *Ibidem*

[49] Bart Kerremansm and Jan Beyers, "The Belgian Sun-National Entities in the European Union: Second or Third Level Players", in Charles Jeffery (ed.), *The Regional Dimension of the European Union….*

Pechora Regions, based on the boundaries established in 1920. After 1991, the Russians living in Narva have insistently requested concession of some form of autonomy to avoid the discrimination policies that affect the Russian minority in the region. To that end, there appears to be a move towards support for enhanced territorial autonomy in northeast Estonia.

The economic situation of Narva region is generally considered bleak by Estonian standards. Younger residents who go to study in Tallinn or Russia rarely return after graduation, whilst more and more are leaving to start new lives in the West. To reduce the disparities with the other regions, the Government of Estonia has recently adopted the Regional Development Programme of Ida-Virumaa. The Regional Development Programme defines new fields of economic activity that receive state support and, next to the economic sectors originating from the previous period of development, diversify the economic structure of the county. They also compensate for and anticipate the negative effect on employment and living standards of the fallen-out links in the county. The focus of the Programme is on the factors that facilitate and accelerate natural development and considerably change the social, economic, cultural and technical environment. The goal is a multicultural region with a diverse economic and social structure, its own distinct features and face; a region that is successful and known all over Europe.

At the administrative level, Estonia is divided into 15 counties (*maakond*). Counties are divided into municipalities, which are of two kinds: rural municipalities (*vald*) and urban municipalities (*linn*). The Russian minority is concentrated in the area of Tallinn, the capital city of Estonia (in the Harjumaa region) and in the northeastern part of the country (in the Ida-Virumaa county). With the exception of Ida-Virumaa county, where 71% of the population is Russian, all counties in Estonia possess an Estonian majority. In the other 14 counties, the Russian Minority composes, on average, 10% of the population. However, there are 194,000 Russians living in Tallinn, where they make up about 36% of the population.[50]

2.   *Daugavpils, Latvia*

The situation in Daugavpils, Latvia's second biggest town due to the industrial development that took place after World War II, is in some ways contradictory. The current ethnic composition of Daugavpils is: 58.8% Russian; 13.77% Latvian; 13.19% Polish; 8.6% Belarussian; 2.89% Ukrainian; and 0.86% Lithuanian.[51] Since 1991, Latvia has adopted restrictive legislation with the intention of diminishing the status of Russians within Latvia, excluding them from the new polity by reserving citizenship for those with roots in Latvia prior to 1940 (when 77% of the citizen were Latvian and only 8% Russian) and by limiting the use of the Russian language in public activities. As a result, the main part of the Russian and Russian-speakers minority is now a mass *stateless* in Latvia. Despite a jump in the naturalization rate, also under the pressure of European Union, Latvia still has about 550,000 stateless 'non-citizens', 547,515 who are ethnic non-Latvian (and 67% of them are Russians). The naturalisation rate in Daugavpils is considered unsatisfactory. Currently more than 30% of Daugavpils residents do not participate in political life, they have no political choice.

A debilitating effect of lack of access to citizenship in Latvia is the restricted influence of the Russian-speaking minority over the composition of decision-making bodies. Although the rhetoric of ethnic protectionism, common in the early independence elections of 1993, has given way in Latvia to the discourse of integration, minorities remain disproportionately

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[50] Source: Karl Cordell and Stefan Wolff (eds.), *The Ethnopolitical Encyclopedia of Europe* (Palgrave MacMillan, New York, 2004).

[51] The Newsletter of the Latvian Center for Human Rights and Ethnic Studies, October-November 2004.

under-represented in decision-making bodies and state institutions. No laws guarantee political representation to minorities. By contrast, minority representatives seeking election in national as well as municipal elections are required by law to demonstrate the highest level of fluency in the Latvian language to be registered as candidates, in breach of Latvia's international obligations. For example, following municipal elections in March 2001, the newly elected mayor of Daugavpils belongs to the Russian minority. After having been elected, he was required by the State Language Center to take a new language test in order to demonstrate Latvian language proficiency even though his language proficiency certificate was still valid.

Nevertheless, the Russian community of Daugavpils has a well-developed organizational structure. The governing council has the most important functions: decision-making and the defence of Russian rights. For this reason, many Latvians complained that Russians are in a privileged position compared to them, that they are often obliged to speak Russian in the shops and in public activities, and that Latvian language education is threatened, especially in secondary schools.

The challenge for Latvia as a member of the EU consists in overcoming the existent contradiction between a liberal democracy based on individual rights and the nation-state as an expression, guardian, and in a sense, property of one ethnic community. There are no special institutions dealing with minorities on the local level in Latvia. Meanwhile, local bodies concern minority issues in their activity. Thus, municipal councils decide on the establishment, structure and closure of secondary schools (including minority schools) on a given territory. A special committee on non-citizens (Aliens of Latvia, who are predominantly persons belonging to minorities) was established in Daugavpils but does not function now. In 2000, another Russian municipality in Ventspils developed its own programme for integration minorities. But these samples are isolated, unsystematic cases.

Latvian legislation recognizes the division of powers between the national and local governments. The administrative division of the country consists of 26 counties (*rajons*) and 7 municipalities*: Aizkraukles Rajons, Aluksnes Rajons, Balvu Rajons, Bauskas Rajons, Cesu Rajons, Daugavpils*, Daugavpils Rajons, Dobeles Rajons, Gulbenes Rajons, Jekabpils Rajons, Jelgava*, Jelgavas Rajons, Jurmala*, Kraslavas Rajons, Kuldigas Rajons, Liepaja*, Liepajas Rajons, Limbazu Rajons, Ludzas Rajons, Madonas Rajons, Ogres Rajons, Preilu Rajons, Rezekne*, Rezeknes Rajons, Riga*, Rigas Rajons, Saldus Rajons, Talsu Rajons, Tukuma Rajons, Valkas Rajons, Valmieras Rajons, Ventspils*, and Ventspils Rajons. In the early 1990s, several laws concerning local governance were adopted, such as the *Law on Urban Local Governments* (1991) or the *Law on Local Government in the Capital Riga* (1992). In 1994, the government of Latvia approved the *Law on Local Governments* (with several amendments in 1995-2001), which replaced previous legislation on local governance. The law determines types of local governmental bodies, areas of their competence, rights and duties of local bodies, principles of cooperation with the Government, etc.

3. *Brittany, France*

In the years of the French Revolution, Brittany was in opposition to the forced reorganization of the Roman Catholic Church. In both the nineteenth and the twentieth century, Brittany had been conservative in maintaining old religious sentiments. There is, even today, an ingrained separatist movement in the region, and over a quarter of Brittany's population speak Breton, a language that is closely related to the Celtic Cornish and Welsh. The Universities of Brittany, in Brest and Rennes, are centres for Celtic studies.

Breton nationalism grew in the nineteenth century and was fuelled by the anticlericalism of the Third Republic. The Breton autonomists, long successfully repressed by the French government, nevertheless resisted German bids for collaboration in World War II. During the 1970s, Breton nationalists once again protested the French repression of Breton culture. Groups such as the Breton Revolutionary Army and the Movement of National Liberation by Socialism committed sporadic acts of violence, such as the exploding of a bomb in the palace of Versailles in June 1978.

Brittany comprises four departments (Côtes d'Armor, Finistère, Ille-et-Vilaine and Morbihan) and covers 27,208 sq km, or 5% of metropolitan France, making it the ninth largest French region. Located at the westernmost tip of the European continent and boasting a 3,000 km coastline, the region has a population of nearly 2.8 million, making it France's seventh most populated region.

A Celtic language, Breton, is still spoken in some parts of Brittany – traditionally in the west. In the east, a *langue d'oïl* known as Gallo, which is still spoken, was the traditional language until the French language came to dominate in the second half of the nineteenth century. Gallo now finds itself under pressure, not only from the dominant Francophone culture, but also from the Breton language revival, which is gaining ground in territory that was traditionally Gallo-speaking. The privately funded *Diwan* schools, where most classes are taught in Breton, play an important part in this revival. The issue of whether they should be funded by the State has long been and still remains controversial.

There are about 800,000 school-going children in Brittany. Only 5,700 of them can benefit from bilingual schooling (Breton-French). This figure takes into account all types of schooling – Diwan, state and private schools. Despite this insignificant percentage, the impact of these schools is very important, particularly on the Bretons' perception of their language. The number of pupils in the bilingual schools has progressed every year by 15 to 20%. To cope with this situation, a real movement in favour of the Breton langue now exists in Brittany. It is supported by dynamic cultural associations and some local communities.

The Breton Liberation Front (BLF) is an illegal organization to which only a small number of Bretons subscribe. It advocates absolute independence for the region and its members have carried out terrorist bombing with the object of calling attention to their cause. However, the vast majority of Bretons advocate French rule, with the majority of those calling for more local control of their political affairs. A common thread, between all groups, is dismay over the decline of the Breton culture and a desire to restore its importance.

4.   *Upper Silesia, Poland*[52]

The historical region of Upper Silesia (*Oberschlesien* in German, *Górny Śląsk* in Polish and *Horní Slezsko* in Czech) is composed from the two following Polish regions: *Województwo Opolskie* and *Województwo Śląskie*. In English, the Polish '*województwo*' may be rendered as 'voivodeship', but for the sake of clarity we translate this term as 'region'. Thus, in English, the former region is the Opole Region, while the latter – the Silesian Region. The name of the second region (prior to 1999 known as the Katowice Region) is quite confusing. It alludes to the eastern slither of Upper Silesia, which was granted to Poland in 1922. Then, in Polish usage, this area was termed as "*Śląsk*" (Silesia), while German sources more appropriately

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[52] Thanks to Tomasz Kamusella for providing extensive information for this section.

referred to it as '*Ostoberschlesien*' (Eastern Upper Silesia). The historical region of Silesia (*Schlesien* in German, *Śląsk* in Polish, and *Slezsko* in Czech) extends from Görlitz (Germany) in the west to Katowice (Poland) in the East, and from Zielona Góra (Poland) in the north to Opava (the Czech Republic) in the south. Since the 15th century the western half of Silesia extending from Görlitz to Wrocław (Poland) has been known 'Lower Silesia' (*Niederschlesien* in German, *Dolny Śląsk* in Polish and *Dolní Slezsko* in Czech), as opposed to Upper Silesia located east of Lower Silesia and extending from Nysa to Katowice.

The Opole Region derives its name from its administrative capital – the city of Opole. The same was true in the case of the Katowice Region until 1999 when it was renamed as the Silesian Region. However, its administrative capital remains the city of Katowice. Another complication is that close to half of the territory of the Silesian Region is comprised from historically non-Upper Silesian areas. It is true of the northeastern section of this region that extends from Kłobuck to Jaworzno, and, in the southeast, of the Żywiec area bordering on Slovakia. Last but not least, in popular speech and in journalese, the Opole Region is known as *Śląsk Opolski* in Polish or *Oppelner Schlesien* in German (Opole Silesia), and as the *Opolskie* in Polish and the *Oppelner Land* in German (Opole Land). Despite the 1999 change in the name of the Katowice Region, the local population tends to refer to their region as the *Województwo Katowickie* (Katowice Region), while in popular speech and journalese the synonymous phrase the *Katowickie* (Katowice Land) crops up quite often.

In 1922, the League of Nations split Germany's Upper Silesia between Germany and Poland, while a small southern area had been granted to Czechoslovakia two years earlier. In 1945, all of Upper Silesia (less Prague's fragment of this region) and most of Lower Silesia were incorporated into Poland along the majority of the German territories east of the Oder-Neisse line (*deutsche Ostgebiete*). Five years later, the administrative division of Upper Silesia into the Opole and Katowice Regions was introduced. Unlike in the rest of the *deutsche Ostgebiete* (with the exception of the Olsztyn Region), in Upper Silesia the population – which was deemed of Polish and Slavic ethnic origin, or Polonizeable – was retained under the ambiguous name of the 'Autochthons' (*autochtoni*). However, in Communist Poland, most of the 'Autochthons' were not allowed to progress beyond the status of second-class citizens. This prompted their mass emigration – mainly to West Germany – whenever the Polish Communist regime slackened. In Upper Silesia during the period 1950-1989, this immigration involved 558,000 people, known as *Aussiedler* (ethnic German resettlers) in West Germany.[53] In 1990-91, 165,000 more followed in their footsteps but in the mid-1990s this emigration wave subsided.[54]

In 1990-91, 300,000 to 400,000 'Autochthons' declared themselves as Germans. In the Polish-Germany Treaty on Cooperation and Good Neighbourliness (1991), Warsaw recognized the existence of the German minority in Poland. The vast majority of this minority's members reside in Upper Silesia. Numerous German minority organizations came into being. The most significant one is the TSKN (*Towarzystwo Społeczno-Kulturalne Niemców* in Polish, *Sozial-Kulturelle Gesellschaft der Deutschen* in German, that is, Social-Cultural Association of Germans), based in the Opole Region with branches in the Silesian

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[53] Tomasz Kamusella, "Ethnic Cleansing in Silesia 1950-89 and the Ennationalizing Policies of Poland and Germany", 2 *Patterns of Prejudice* (1999), 70.

[54] Tomasz Kamusella, "Ethnic Cleansing in Upper Silesia, 1944-1951", in Steven Béla Vardy and T. Hunt Tooley (eds.), *Ethnic Cleansing in Twentieth-Century Europe* (Boulder, Social Science Monographs, distributed by Columbia University Press, New York, 2003) 307.

Region.[55] In 1990, this German minority was represented by seven deputies in the Polish Parliament though recently the number sank to two. Since 1992, at least 250,000 members of Upper Silesia's German minority have acquired German citizenship without the necessity of leaving for Germany. The German/EU passport has allowed them to seek legal employment in Germany and all over the EU, while this possibility remained closed to their Polish neighbours until Poland's accession to the EU in 2004. The accession still did not level out this difference because the Polish passport allows one to seek employment only in three member states out of the pre-2004 EU's 15, namely in Ireland, Sweden and the UK. The question of employment is of vital social importance due to the closure of almost all heavy industry (coal mines, metallurgical and chemical works) where most of Upper Silesia's inhabitants worked until the mid-1990s.[56]

In 1993, the *Kriegsfolgeneberinigungsgesetz* (Act on the Consolidation of the Consequences of the War, passed by the Bundestag in 1992) came into force. Since that time, with the legal support of this act, Berlin's policy has aimed at stemming the inflow of *Spätaussiedler* (late ethnic German resettlers) from Central Europe and at limiting the possibility of obtaining German citizenship by ethnic Germans residing outside Germany. These measures led to the rise of alienation among the traditional Upper Silesian ('autochthonous') population, especially in the Katowice/Silesian Region. They felt equally "left out hanging in the cold" by Berlin and Warsaw. The grudge against the Polish government is that after the speedy deindustrialization of Upper Silesia in the 1990s, its inhabitants were not provided with equally satisfactory employment alternatives. In the Opole Region, a similar feeling of alienation was shared by the middle-aged and young ethnic Germans who could not progress in the structures of the German minority organizations where leadership was reserved for the oldest generation who had attended at least two or three years of German elementary school before 1945. Ethnic Germans educated after World War II overwhelmingly do not speak German, as the use of this language was prohibited in Upper Silesia prior to 1989.

Both of these alienated groups constitute the demographic basis of the Silesian national movement. In 1997, an initiative group of the Union of the Population of Silesian Nationality (ZLNŚ, *Związek Ludności Narodowości Śląskiej*) came into being. It emerged from the structures of the Movement for Silesian Autonomy (RAŚ, *Ruch Autonomii Śląska*), established in 1990. RAŚ has sought to make the Katowice Region into an autonomous region and to unite the Opole and Katowice Regions into the Region of Upper Silesia that would enjoy autonomy too. RAŚ lost its representation in the Polish Parliament in 1993 when the new Election Act introduced the 5% threshold for parties allowed into this Parliament. Organizations of national minorities were exempted from this requirement, so if the ZLNŚ were registered, this would allow for representing the ethnoregional issues from RAŚ's programme in the Polish Parliament. But registration was denied to the ZLNŚ in 1997 and in consecutive years. The case was even brought to the European Court of Human Rights in 2001 and 2004. Eventually, the Silesian leaders worked out alternative organizational structures within RAŚ. In 2002, the first census was conducted in post-Communist Poland. Also for the first time since 1946, questions about one's nationality and family language were asked. As a result, Silesians numbering 173,000 constitute Poland's largest national minority, immediately followed by the German minority with 153,000 members.

[55] Bogumiła Berdychowska et al., *Mniejszości narodowe w Polsce. Informator* (1994). (Wydawnictwo Sejmowe, Warsaw, 1995); Tomasz Kamusella, "Asserting Minority Rights in Poland", 3 *Transition* (9 February, 1996), 15.
[56] Tomasz Kamusella, "Dual Citizenship in Opole Silesia in the Context of European Integration", 2(10) *Facta Universitatis* (2003), 699-716.

The overwhelming number of the members of both these minorities reside in Upper Silesia. Silesians concentrate in the Silesian Region and stem from two groups. The first embraces people who, in the 1990s, declared themselves as Germans but could not secure German passports for themselves. The other groups comprises 'Autochthons' who during the years 1945-89, agreed that they were Poles. Now alienated by Warsaw's economic policy and having no chance to obtain German passports either, they declared themselves as Silesians in the 2002 census. In the Opole Region, those who consider themselves to be Silesians come from the middle-aged and young members of the German minority, alienated by the fact that no career paths are available for them to progress in the TSKN structures. On top of that, the officially registered number of Silesians seems to be too low due to all kinds of irregularities and pressure exerted by census takers to prevent declaration of Silesian nationality during the 2002 census. There were also cases of census takers who arbitrarily changed returns with 'Silesian nationality' to 'Polish nationality'. Hence, the adjusted number of Silesians is about 200,000.

The main problem faced by the German minority is its shrinking and aging demographic base, and the outflow of active middle-aged and young members to the ranks of the Silesian national movement. Another difficulty is that German as a national language has not been revived in Upper Silesia and those who speak it on everyday basis are usually aged over 70 and do not number more than 3,000. On the other hand, Warsaw denies recognition to the Silesians as a national or ethnic minority, choosing to term them as a 'social group' in stark violation of the popular will expressed by Silesians in the 2002 census. In practice, this condemns them to prolonged social, economic, political and cultural marginalization, which the German minority in Upper Silesia suffered prior to 1989.

Around 400,000 to half a million inhabitants of Upper Silesia, belonging to the German and Silesian national minorities, makes this region the most multicultural and ethnically variegated in contemporary Poland, which is unusually ethnically homogenous as compared to other Central European states. According to various estimates, national and ethnic minorities account for 2 to 5% of Poland's population of 39 million. Germans and Silesians make up a quarter to one-third of the Opole Region's populace of 1.1 million. But 150,000 to 250,000 Silesians and Germans form an insignificant percentage among the 4.9 million inhabitants of the Silesian Region.

5.   *Transylvania, Romania*

The Hungarians in Romania (1,447,544 persons) constitute 6.7% of the total population, representing the largest minority group in Romania.[57] The majority of the Hungarians (99%) live in Transylvania, the western part of Romania, with an area of approximately 103,000 sq km, together with 12 other ethnic groups. None of these ethnic groups reaches 1% of the population except for the Roma (2.62%) and the Germans (1.41%). In Transylvania, Hungarians make up 20% of the population. They constitute a closed compact bloc, mainly in the Szekler Region. In two counties of this region, Co-vasna and Harghita, the Hungarian population represents the majority, more than three quarters of the population. Close to 28% of Transylvania's Hungarians live along the 400 km-long Romanian–Hungarian border (in Szatmár/Satu Mare/, Bihar /Bihor/, Arad /Arad/ and Temes /Timiº/ counties, 16% to 18% live in Central Transylvania, and the remaining 18% to 20% in a multi-ethnic diaspora. At the level of municipalities, far more than half of the Hungarians live in settlements where their

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[57] Romanian Statistical Institute, 2002 Census.

share is 50% or more. This aspect is especially important for analyzing issues of local administration and local decision-making.

As a result of the Romanian Government division of the country in eight so-called Regional Development Regions (mainly geographical regions: North East, South East, South, South West, West, North West, Centre and Bucharest Ilfov), the Transylvania historical region has been divided between the West, the North West and the Centre Development Regions.

Politically, the Hungarians have been actively involved in central politics since the beginning of the transition period. Between 1996 and 2000, the Democratic Alliance of Hungarians in Romania (DAHR) took part in the central administration as a member of the government coalition. Thus, for the first time since its 80-year existence as a minority, the Hungarian national community in Romania came through the organization representing its interests in a position to accept governmental responsibility. The participation of DAHR in the Romanian government coalition provided a new opportunity, which it had never been given before.

Local administration is comprised of a two-tiered system: the local level and the county level. There are 42 counties in Romania. Prior to 1996, the law on public administration seriously limited the effective exercise of local autonomy. Since 1996, the process of revising local administration and the relevant system of public finance has been underway, but the results have been highly ambiguous. A new law on local public finance was adopted, with the introduction of full autonomy in the management of local public funds.

Another important dimension of public administration reform relates to minorities in public administration – a sensitive issue in Romania due to the ethnically selective personnel recruitment policies carried out during the Communist period. The Communist regime tended to distribute administrative positions unequally to Romanians, even in regions where Hungarians represented a majority of the population. In 1992, Hungarians comprised 3.73% of the people working in the areas of public administration and social security – a figure well below their percentage of the total Romanian population. Thanks to the engagement of the DAHR, which is not only a political party but also an organization functioning on a national and democratic basis and actively protecting minority rights, the situation of the representation at the local level has improved in the last years. As a result of the June 2000 municipal elections, DAHR won 148 (5.01%) of the mayoral offices, and 2,451 local DAHR councillors (6.17%) and 315 county councillors (7.86%) were elected. At the same time, the party has four county council chairmen (Hargita/Harghita); Kovászna/Covasna; Maros/Mureº/; and Szatmár/Satu Mare), and nine council vice chairmen (Beszterce–Naszód/Bistriþa–Nãsãud/; Bihar/Bihor; Brassó/Braºov; Hargita/2; Kolozs/Cluj; Kovászna/2/; and Szilágy/Sãlaj/). Following the 2000 parliamentary elections, DAHR obtained 27 mandates in the 354-seat House of Representatives (Lower House) in Bucharest with 786,863 votes (7.83%), and 12 mandates in the 140-seat Senate (Upper House) with 751,310 votes (8.57%).

The Romanian Constitution declares the country unitary and indivisible, which excludes any form of federal constructions. Minority language use in local administration was provisioned by the 1997 Emergency Act No. 22/1997, which guaranteed the use of minority language in those territorial-administrative units in which at least 20% of the population belonged to a minority community.

6.   Southern Slovakia

According to the data of 2001 census, the Hungarian minority in Slovakia represents 9.7% (520,528) of the total population (5,379,455).[58] Some 77.7% of the Slovak Hungarians live in 502 municipalities where Hungarians make up more than 50% of the population, and 90% of Hungarians live in 502 municipalities where they comprise at least 20% of the population. The geographic distribution of members of national minorities is politically as important as their total numbers. The Hungarian minority in Slovakia is fairly compactly located in three areas in southern Slovakia proximate to Hungary, which is crucial to some of the Slovaks' fears relating to Hungarian demands for autonomy. In a country with a relatively low level of urbanization, the Hungarians are especially concentrated in rural areas. This inevitably means that Hungarians live in communities with an above-average unemployment rate and a below-average income.

Although Article 34 of the Slovak Constitution provides a certain degree of protection of ethnic minorities' rights,[59] the reform of State administrative boundaries concluded by the third Mečiar Government in 1996 altered drastically the territorial map of Slovakia, and the new administrative under-represents Hungarians in regional governments. This reform divided the country into eight regions (*Kraje*): Pozsony/Bratislava; Nagyszombat/Trnava; Trencsén/Trenèín; Nyitra/Nitra; Zsolna/Žilina; Besztercebánya/Banská Bystrica; Eperjes/ Prešov and Kassa/Košice, plus 79 districts. The regional division was done in a way that prevented the concentration of the Hungarian minority within single regions and districts. Hungarian counterproposals were likewise based on national criteria and tended to arrange administrative boundaries to maximize the areas where they would form a majority. On the contrary, the eight new regions were created horizontally on the map of Slovakia so that there is no region with a Hungarian majority anymore and in only two districts do the Hungarians make up more than half of the population. [60]

In June 2001, the Slovak Parliament also established self-government districts, which, despite the protests of the Hungarian Coalition Party, are identical with the state administrative districts. The new Dzurinda government formed in October 2002 – despite the fact that all three parties now making up the Slovak government coalition had promised to do so – did not include in its programme a re-evaluation of the country's territorial arrangement as proposed by the Hungarian Coalition Party. The district offices have been discontinued as of 1 January 2004 and their tasks are being taken over by area, special, and in part village offices.

The inequalities in the economic situation of the Hungarian minority in Slovakia are expressed in the following areas: income, land and other property, access to higher education,

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[58] According to the UN Human Rights Committee of 1996, the Hungarians represent 10.6% (568,714 persons) of the population in Slovakia. There is reason to believe that this number also includes about 150,000 Hungarian-speaking Roma who prefer to be identified as Hungarians.

[59] Article 34(1). In the Slovak Republic, development in every field is guaranteed for citizens constituting a national minority or ethnic group, particularly the right to develop, together with other members of their minority or group, their own culture. They further have the right to disseminate and receive information in their own native language, to group themselves in nationality communities, to found and maintain educational and cultural institutions. The details are defined by law.

(2) In addition to the right to gain proficiency in the state language, citizens belonging to national minorities or ethnic groups are ensured the right:

a) to be educated in their native language;

b) to use their native language in official contacts; and

c) to participate in the resolution of issues relating to national minorities and ethnic groups.

[60] K. Henderson, "Minorities and politics in the Slovak Republic", in *Minorities in Europe – Croatia, Estonia and Slovakia*, Snežana Trifunovska (ed.), Centre for Migration Law, University of Nijmegen, T.M.C., Asser Instituut, The Hague, Netherlands, 1999.

presence in commercial activities, presence in professions and presence in official positions. The Hungarian habitat is rural in character and lacks large cities. Accordingly, unemployment in this region (southern part of Slovakia) is relatively high. By the end of 1995, the unemployment rate in Slovakia's district where Hungarians are in the majority was 8.1% higher than the average for the Slovak Republic. The Hungarian minority has been hit particularly hard by the collapse of the agricultural sector. Also the average income of members of the Hungarian minority is less than that of members of the Slovak majority; this is due partly to the lower level of educational attainment among the Hungarians. According to the data of the Statistical Office, the average national monthly income in 2003 in Slovakia was SK 14,365, while in the regions populated by the Hungarian minority, the average is only around SK 12,600.

7.   *Northern Cyprus*

With the accession of the Republic of Cyprus to the EU on 1 May 2004, the entire island of Cyprus effectively became EU territory, even though the island remains divided between the Greek-Cypriot Republic of Cyprus and the Turkish-Cypriot enclave in Northern Cyprus known as the Kuzey Kıbrıs Türk Cumhuriyeti (Turkish Republic of Northern Cyprus, TRNC). Northern Cyprus is only recognized by Turkey.

According to the estimate of 1998, Northern Cyprus has a population of 200,000.[61] The division of the island in 1974 caused some 11,000 Turkish-Cypriots from the South to take refuge in the North; only 130 remain in the South. Immigration from the Turkish mainland has been encouraged and there are now about 40,000 Turkish farmers settled in Northern Cyprus.

Living standards in Northern Cyprus have plummeted, partly as a result of the lack of international recognition and partly because of the Greek-Cypriot trade sanctions. The economy is now heavily dependent on aid from Turkey and many Turkish-Cypriots have emigrated, especially to the UK.[62] According to the survey of the European Commission, in areas where the Government of the Republic of Cyprus does not exercise effective control, per capita income stands at around EUR 4,400.[63] The monetary union and high trade dependence of Northern Cyprus with Turkey effectively make the economy an extension of the economic situation there. However, modest growth was reported in 2002. Inflation, directly imported from Turkey, has been decreasing but is still unsustainably high – 24.5% in 2002. The fiscal deficit reached about 17% of the GDP, entirely financed by transfers from Turkey, whereas the current account deficit fell below 1% of GDP.

Behind seemingly high employment numbers, there is a large amount of hidden unemployment in the economy where the public sector is the largest employer. Public ownership or control is widespread and price control is pervasive. Reform programmes have been put into effect during the last two years but there is still a long way ahead and a great need for technical and financial assistance to construct and implement structural transformation. For this reason, the General Affairs Council of the EU is determined to put an end to the isolation of the Turkish-Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish-Cypriot community.

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[61] Source: Turkish Republic of Northern Cyprus authorities.
[62] Minority Rights Group International (ed.), *World Directory of Minorities*, London 1997.
[63] Note that the data on the areas where the government of the Republic of Cyprus does not exercise effective control could not be independently verified.

Following the accession of Cyprus, the EU has pledged to reduce the regional disparities between the two communities. To this end, a package of financial aid and trade measures for the amount of EUR 259 million has been prepared for the period 2004-2006. The aim of the package is to prepare Northern Cyprus for full EU membership and, thus, the activities are similar to pre-accession activities. Due to the isolation of the Turkish-Cypriot community over the last years, the package will have a strong focus on helping with acquis approximation, especially with regard to complying with European norms, *inter alia*, in the environmental and transport areas. Moreover, it will put emphasis on alignment with EU legislation and policies, reconciliation and confidence building measures, social and economic development, development of infrastructure and people to people contacts.

Furthermore, the European Commission has proposed to facilitate direct trade from Northern Cyprus. This would include a preferential regime for products originating in Northern Cyprus entering the Customs Territory of the EU. This is envisaged as a tariff quota system, which would encourage economic development while avoiding the creation of artificial trade patterns or facilitating fraud. Finally, it has been decided to define special rules with regard to intra-island trade, including authorizing the Turkish-Cypriot Chamber of Commerce to issue the necessary documents accompanying the goods, which will cross the Green Line between the North and the South.

Recently, the European Commission announced its plan to open a representation in Northern Cyprus to monitor the flow and implementation of the EU funds. While setting up an office in the North does not mean the diplomatic recognition of the TRNC, it does, however, indicate that the EU is willing to cooperate with the leadership of Northern Cyprus to normalize the relationship with the EU.

8. *South East Anatolia, Turkey*

According to the census of 2000, the total population of Turkey amounts to 67,44,000, (according to estimates of July 2004, the number has risen to 68,893,918). The Turkish population includes different minorities: Kurds, Alevis (religious minority), Zaza language group, Balkan origin immigrants, Circassian and other Caucasus groups.   Other   Kurdish communities live in the territories of Syria, Iraq, Iran and in the Caucasian countries of Armenia, Azerbaijan, and Georgia at the border with Turkey.

With 6,198,000 people, the Kurds are the largest national minority in Turkey, representing 9.8% of the total population. There is not, however, agreement as to the exact number of Kurds who live on the territory of Turkey. At present, their numbers are estimated at around 13,000,000, amounting to 20% of the population, although other sources estimate their number at 6 to 12 million.[64] The Kurds are concentrated in the South Eastern Anatolian region of Turkey but, at present, they are displaced in other regions of Turkey, particularly after the upheaval in the 1990s, which led to the evacuation of a large proportion of the population. Thus, at least 6 millions Kurds live in Istanbul, Ankara, Izmir and other industrial centres outside Kurdistan.

At the administrative level, the territory of Turkey is divided into seven regions: Marmara, Aegean, Mediterranean, Black Sea, Central Anatolia, East Anatolia and South Eastern

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[64] Turkey Study 1995. Nevertheless, the large discrepancies between the figures cited for the size of the Kurdish population is also probably connected with the fact that there are different definitions of who is Kurd, depending on the criteria adopted (language, dialect, ethnic consciousness etc.).

Anatolia. Historically, the Turkish state has been overly centralized, primarily as a defence against centrifugal forces within the country. Ankara is at the centre of all administrative decisions; it appoints all the regional administrators, except for mayors and municipal council members. In early 1995, Turkey was divided into 76 provinces or *vilayetlar*. Each province was further subdivided into an average of about eight districts or *kazalar*. Provinces have very limited means of raising revenues on their own and are thus dependent on the central government for almost all disbursements. In the absence of any attempt at devolution of powers to the provinces, a move is taking place to increase the number of provinces by dividing the existing ones. According to this trend, in the last decade the number of provinces has increased to 80.

Considering, on the one hand, the particular situation of South East Anatolia, the level of violence, the depth of grievances and the economic differentiation and, on the other hand, the Kemalist-Turkish political culture, a federalist solution for the Kurdish question is not yet envisaged. Nevertheless, the integration process within the EU could lead the Turkish government to accept the regionalization process and to introduce devolution policies into the political agenda.

Politically, the Kurds are constituted in exile. The Kurdish Parliament in Exile was established in 1995 and held its first session in the Netherlands. It has played a significant part in placing the Kurdish question on the European political agendas. It acts as a Kurdish diplomatic representation and has established contact with numerous parties and personalities in Europe. Some of its core members represented the pro-Kurdish party HEP in Turkey's parliament and asked for asylum in Europe when their immunities were lifted and they were threatened with imprisonment for 'separatism'. Other members represented various Kurdish associations and constituencies, most of them close to the PKK. The Parliament is transnational in more than one respect. Most obviously, it is itself part of the Kurdish diaspora in Europe. It is 'trans-state' in that, although established by Kurds from Turkey, it includes at least one member from Iraqi Kurdistan and attempts to strengthen the representation of the other parts. Finally, it is transnational in that its members have political asylum in different European states and that, although it has permanent offices in Brussels, it has held its plenary sessions each time in a different European state, including the Netherlands, Austria, Denmark, Russia and Italy. In Russia and Italy, it was able to convene in the national parliament buildings and was addressed by members of various political parties in the host country.[65]

Thus, the Kurdish diaspora is no longer marginal to what happens in South Eastern Anatolia but plays an increasingly central role. The history of the Kurdish diaspora illustrates the process of resurgence of Kurdish identity after a period of gradual incorporation into the Turkish, Iraqi and Iranian would-be 'nation-states'. Significant Kurdish networks emerged in the mid-1970s. Not only has the Kurdish diaspora in the past two decades become increasingly oriented towards the situation and the struggle in Turkey, it has also come to make increasingly effective contributions to developments there. The role of the diaspora has been significant in the strengthening of a Kurdish culture, in organizing relief efforts and in supporting the military as well the political struggles in Turkey. The revival of Kurdish writing, at a time when the Kurdish language was banned in Turkey, could only have taken place in exile. Without the repression that forced Kurdish intellectuals out of Turkey, Kurmanci literature would probably not have experienced its present renaissance. Meanwhile, Turkey has, under European pressure, relaxed its laws and Kurdish books and journals can be

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[65] Martin van Bruinessen, "Transnational aspects of the Kurdish question", available at http://www.let.uu.nl/

published there, though within narrow limits. Thus, books that were first published in Europe could be reprinted in Turkey and debates from the diaspora were carried back to Turkey. Satellite television (MED-TV and its successors) has been an even more effective medium for bringing uncensored (or at least not state-censored) news and opinions to the Kurdish public in Turkey and neighbour countries. This, again, would have been unthinkable without the Kurdish diaspora. From the mastery of foreign languages and international legal expertise to know-how about European institutions and technical facility with the new media, the diaspora has significantly enriched the Kurds' repertory of skills for representing their common interests.

The politicization of the Kurdish diaspora as well as increasing efforts by the Turkish authorities to maintain or regain their control of their Turkish and Kurdish subjects abroad have gradually made clear that the Kurdish question is not just a Turkish problem but that it has also become a problem of European politics. The presence of increasingly effective Kurdish legal and political representation in Europe, the Kurds' use of European civil liberties and Turkey's efforts to limit these (for instance, by demanding a ban of MED-TV and attempting to outlaw the Kurdish Parliament in Exile), force European politicians to take a stand on the Kurdish issue. And a political stand on the Kurdish issue is ultimately also a stand on regionalism and minority rights in Europe itself, as many regionalists are very much aware.

The 1982 Constitution, adopting the 'unitary state' model and the principle of a 'single nation' within the cultural mosaic, does not recognize the Kurds as an ethnic minority. They suffer many restrictions culturally, socially and politically. In fact, Kurds are technically allowed to publish in Kurdish but face police harassment and death squads if they do so. At the moment, the only legal Kurdish political party is HADEP, the socialist-oriented People's Democracy Party. All the others are considered illegal.

The August 2004 legislation lifted restrictions on minority language courses and broadcasting, including those in Kurdish. The change seemed to represent a new respect for linguistic diversity but the reforms were hedged with qualifications that could block effective implementation. Kurdish still could not be taught in universities or be broadcast by independent radio or television stations. Furthermore, no Kurdish language courses were apparently approved by the authorities and thousands of individuals were arrested for signing petitions asking for the right to be educated in Kurdish. Most Kurds in Turkey speak Kirmanji but many Alevis and some Sunnis speak Zaza.

V CONCLUSIONS

NMRs, whether kin-state related or independent, represent strong social forces in addition to representing antagonistic cultural forces. To avoid having to address a 'culture deficit' in terms of neglected sub-state identities, the EU may have to pay attention to NMRs seeking inclusion in the third level integration process. Indeed, European spaces have been created in which NMRs and aspiring regions interface with each other and with the institutions of the internal market economy. Networks, para-diplomacy and representation offices are the currency of these new spaces. As social resources and capital draw on the history and territory of NMRs to mobilize for political power-sharing in the system of European governance, institutional arrangements, social fabric, networks and discourses as well as strategies, social construction, self-identification and collective identification become part of the making of NMRs. Seeing the making of NMRs as an isolated intra-state phenomenon is thus no longer

feasible and the aspects of Europeanization and internationalization are perhaps the strongest factors in the changing fabric of not only member states but also the European mosaic of diverse identities. Where European states have traditionally acted according to the logic of the centralized state, they may now be faced with sub-state actors pushing for a greater role for NMRs in Europe, both on their state government and on European institutions. If these national minorities show particularly strong abilities to mobilize politically, drawing on long-term histories and self-identification as sub-state identities, it would seem that whether empowered or disempowered, they may become a force for EU policy makers to contend with in the new EU25 and beyond.

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