



# War in Georgia



Destruction in Gori. Photo by Giorgi Sordia

TOM TRIER

The August war in Georgia has had grave consequences for the small Caucasus country. Not only has the Georgian military been almost completely destroyed, the infrastructure and housing sector is also seriously affected in the central part of the country. While Georgian casualties are counted in their hundreds, dozens of thousands of people have been displaced from South Ossetia, Abkhazia and from the territories in Georgia proper occupied by Russian troops. Although the US has committed no less than 1 billion USD and the European Union 500 million EUR for assistance, the economic recovery of the country will take time.

Indeed, efforts to support democratization and promote good governance, including Denmark's Caucasus Programme implemented by the Council of Europe and ECMI, were temporarily interrupted by the dramatic chain of events. However, in September, activities under the project were partially resumed, and ECMI is currently consulting with the government on devising activities that may support relevant government institutions in readjusting to the post-war situation. Immediately after the war, ECMI in mid August also undertook efforts, based on funding provided by the Norwegian Ministry of Foreign Affairs, to provide assistance to the Georgian Ministry of Justice in collecting data on atrocities committed

again the civil population in territories under the control of Russian forces. During the first days of occupation, several acts of murder, arson, looting, rape, beating, abduction and other atrocities were committed as ethnic cleansing against Georgians took place in parts of South Ossetia. The documentation of the incidents took place in preparation of a court case at the International Court of Justice in the Hague that started on 8 September. As a related activity, ECMI is currently researching the perception of the Georgian-Russian war in Armenian and Azeri populated regions of Georgia as well as the impact of the crisis on the Ossetian population in Georgia proper. The studies will result in a working paper to be published later this year.

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# The Newborn State of Kosovo

ADRIAN ZEQIRI

## Declaration of Independence

On Sunday, February 17th, 2008 Kosovo declared its independence, bringing an end to nine-years of undefined status and international administration. In an extraordinary session of Parliament, Prime Minister Hashim Thaçi read the Declaration of Independence proclaiming Kosovo to be an independent and sovereign state. Furthermore, it established Kosovo as “a democratic, secular and multi-ethnic republic [... that] shall protect and promote the rights of all communities in Kosovo and create the conditions necessary for their effective participation in political and decision-making processes.”<sup>1</sup> Members of Parliament then approved the Declaration unanimously with 109 votes. While the Kosovo Serb members did not participate, all other members of parliament belonging to communities voted in favour of the Declaration.

Celebrations and fireworks had erupted the day before in the centre of Prishtina, auguring the move by Parliament. On the day of the declaration, tens of thousands filled the streets in anticipation of the announcement, gathering around the ‘Newborn’ independence monument installed for the occasion. Among Serbs, on the other hand, both in Kosovo and in Serbia, the Declaration of Independence triggered protests and acts of aggression, targeted mainly at the international community. In Mitrovicë/Mitrovica, hand grenades were thrown at the UN court building. In Belgrade protesters stormed the US embassy throwing rocks and lighting parts on fire and attacked other U.S. stores.<sup>2</sup>

### Reactions and Recognitions

Kosovo’s move to independence was carefully coordinated with and backed by the U.S. and key EU member states. The European Union reacted quickly to Kosovo’s Declaration, with all 27 EU Foreign Ministers meeting in Brussels on February 18th to determine the EU’s response. Failing to decide on a common approach, the Ministers pledged that the entire

Western Balkans would join the EU one day and vowed to work for stability in the region, while leaving it up to each member state to recognise Kosovo’s independence.<sup>3</sup> Shortly after the EU statement, France was the first to officially recognise Kosovo, followed by the United Kingdom, Germany and Italy. On the same day, the United States also recognised Kosovo as a sovereign and independent state. Within February, 24 states in total recognised Kosovo’s independence, including many of the world’s leaders as well as some of Kosovo’s closest allies and neighbours. The international standing of Kosovo has continued to strengthen, with 46 states now officially recognising its independence, including 20 EU-member states. Moreover, in July both the International Monetary Fund and the World Bank recognised Kosovo’s independence, opening the way for Kosovo’s membership.

On the other hand, on February 18<sup>th</sup> the Serbian parliament responded immediately by adopting a decision annulling Kosovo’s Declaration of Independence, holding that it violated the sovereignty and territorial integrity of the Republic of Serbia. To counter the move to independence, the Serbian Government launched a two-fold policy: on the one hand, strengthening the government presence in Serb-populated areas of Kosovo, and on the other hand, keeping Kosovo’s independence a controversial issue at the international arena.

Despite the increasing recognition of Kosovo’s independence internationally, especially among Western states, several powerful states continue to reject independence and support Serbia’s territorial claims. Russia and China, both permanent members of the UN Security Council, have rejected any considerations for independence. Within the EU, Spain, Greece, Slovakia and 4 others also oppose Kosovo’s independence.

With the establishment of its Ministry of Foreign Affairs and the nomination of Skënder Hyseni to Foreign Minister on April 3rd, 2008, Kosovo’s strategy to gain international recognition has relied on its allies - US and key European states. In a meeting with the President and Prime Minister of Kosovo on July 21st, President Bush pledged, that the U.S. would continue working with the states that haven’t recognised Kosovo yet, encouraging them to do so as soon as possible.

### Constitution and Legislative Developments

Since the Declaration of Independence, Kosovo has moved rapidly to establish a

constitutional and legal basis for the full implementation of the Ahtisaari Plan, the document that first opened the way for Kosovo’s independence.<sup>4</sup> Immediately after the Declaration of Independence, Kosovo entered a 120-day period of transition as the former Provisional Institutions of Self-Government prepared for the assumption of full executive powers. Central to this progress was the writing of the Constitution and the implementation of legislation based on the Ahtisaari Plan, which were to come into force at the end of the transition period. On February 19th a draft of the constitution was published for public debate and was approved by the EU representative to Kosovo Peter Feith. The Kosovo Assembly subsequently adopted the Constitution on April 9th, with all 103 members present voting in favour. On June 15th the transition period ended and the Constitution came into force. This was a major step in Kosovo’s sovereignty as it called for Kosovo authorities to take over most of the powers held by UNMIK, including foreign and internal affairs. It also gave the government in Prishtina sole decision-making authority.

The Constitution, which establishes Kosovo as a parliamentary republic, builds on the Ahtisaari plan and addresses the multi-ethnic nature of the new state. Albanian and Serbian are the official languages of Kosovo and extensive provisions were included for the protection of human rights and the rights of Kosovo’s minority communities, particularly Kosovo Serbs. Specifically, this commitment is demonstrated in the chapter on the ‘Rights of Communities and their Members’, which sets out the state’s obligations for the promotion of minorities’ culture, identity and language, as well as ensuring the political participation and equitable representation of minority communities. Moreover, the constitution requires the creation of a Communities Consultative Council (CCC) as a mechanism for exchange between the government and all of Kosovo’s communities. These provisions, and others, establish a system of minority rights that not only incorporates European Standards, such as the Framework Convention on the Rights of National Minorities, but in many places exceeds international norms.

With the promulgation of the Constitution, the implementation of the Ahtisaari Plan becomes legally binding for the new state. The Kosovo Assembly has already begun to adopt extensive legislation that brings the Ahtisaari Plan into the laws of Kosovo. President Sejdiu subsequently signed 41 laws alongside the Constitution on June 15th, bringing them into force. Following this milestone, the

1 “Kosovo Declaration of Independence”, Republic of Kosovo Assembly, Prishtina, 17 Feb 2008. <<http://www.assembly-kosova.org/?krye=news&newsid=1635&lang=en>>

2 “Protestors Attack U.S. Embassy in Belgrade”, New York Times Online, by Bostjan Videmsek and Dan Bilefsky, 22 Feb 2008. <<http://www.nytimes.com/2008/02/22/world/europe/22kosovo.html?n=Top/News/World/Countries%20and%20Territories/Serbia/Kosovo>>

3 “Council Conclusions on Kosovo: 2851st External Relations Council Meeting”, Council of the European Union, Brussels, 18 Feb 2008. <<http://www.consilium.europa.eu/uedocs/cmsUpload/98807KOSOVO.pdf>>

4 Maarti Ahtisaari, Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007.

government has now turned its attention to the full implementation of the obligations contained in these laws.

Among these laws, the most significant for minority communities is the *Law on the Promotion and Protection of the Rights of Communities and their Members (Law on Communities)*, which ECMI actively supported during the drafting process. The *Law on Communities* established that “Kosovo shall guarantee full and effective equality for all people” and that “Kosovo shall take special measures to ensure the full and effect equality of communities and their members”.<sup>5</sup> The articles of the law establish a range of non-discrimination and promotion-based rights, covering: identity, full and effective equality, language, culture, media, religion, education, economic and social opportunities, health and political participation.

#### **EULEX and UNMIK**

The end of the transition period has also brought new challenges. With the promulgation of the Constitution and the planned deployment of the EULEX civilian mission to Kosovo, there is increasing confusion over legal authority in Kosovo, especially in regards to the international presence. EULEX is mandated to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs. Although the mission was legally established on February 4th, 2008, deployment has been delayed amidst debates over the future of UNMIK and its relation to UNMIK.

Currently, the international presence in Kosovo is regulated by Security Council Resolution 1244, which established UNMIK and requires an invitation from the UN Secretary General Ban Ki-Moon before EULEX can deploy. Following Secretary General Ban plans for UNMIK’s reconfiguration, he appointed Lamberto Zannier of Italy as Special Representative to the Secretary General, advising him in July to begin the reconfiguration of UNMIK, planning for the transfer of competencies to EULEX. Since then, Zannier has been working to oversee the reconfiguration while clarifying UNMIK’s future role in Kosovo. It is envisioned that UNMIK will gradually clear the way for EULEX in the coming months, but confusion over the division of responsibilities remains.

#### **Kosovo Serbs and Parallel Institutions**

The greatest challenge to the independent Kosovo, however, is to ensure the inclusion of the Kosovo Serb community into the political and social life of the new state. While Kosovo’s other minority communities have accepted

the implementation of the Ahtisaari plan, the majority of the Kosovo Serbs have rejected the plan and any institutions derived from it. After the Declaration, Kosovo Serb police officers from the eastern Kosovo municipalities refused to work under the command of the Kosovo Police Service. Negotiations with KPS representatives failed, and the Serbian police officers claimed that they would only recognise the UNMIK Police Structure operating under the Resolution 1244. A similar pattern occurred among civil service staff, with a group of 73 administration employees refusing to work because they did not recognise the institutions of independent Kosovo. Moreover, the courts in the northern municipalities of Leposavić and Zubin Potok continued their work under the auspices of the Serbian Justice Ministry. An eruption of violent confrontations in March occurred, including a clash on March 17th in which peacekeepers seized a courthouse in Mitrovicë/Mitrovica that was occupied by Serbian protesters. A United Nations police officer was killed and dozens of others injured in the fighting. The situation remains tense.

Despite the Serb boycott on Kosovo’s institutions, there have been significant steps towards bringing the Serbs into the new state structures. On March 20th two Serb ministers, Social Welfare and Labour Minister Nenad Rasić and Returns and Communities Minister Boban Stanković, returned to work after walking out following the Declaration of Independence. Their return showed their support for the decisions made by the Kosovo Government. At the same time, Serb Liberal Party leader Slobodan Petrović announced that his party members would also end their month-long boycott and return to parliament and government institutions. Some Kosovan Serb Ngos are taking an active part in the establishment of the CCC and the implementation of the decentralisation plan.

The persistence of parallel Serb structures continues to pose a serious threat to Kosovo’s institutions. According to a leaked UNMIK Dossier, which was published in April in the Pristina daily *Koha Ditore*, the Serbian Ministries of Education, Culture, Social Welfare and Public Services all continue to operate in Serb areas of Kosovo. These parallel structures include more than 161 offices, buildings and other premises where these Serbian Ministries operate. Despite warnings from both UNMIK and Kosovo’s institutions, Kosovo Serbs participated in Serbia’s April elections at 279 polling stations in Kosovo, and in all Serb populated areas in Kosovo, there are now established local government units operating based in these elections and financed and controlled by Serbia’s Government. Kosovo Serbs established

their own Assembly on June 28th, 2008. Serbs gathered around party leaders Vojislav Sešelj and Vojislav Koštunica in Mitrovicë/Mitrovica. The Assembly, which was set up in defiance of the UN and the Kosovo government, aims to coordinate with officials in Belgrade and help Serbia to keep Kosovo. In response, both the UN and Kosovo’s government have declared the Assembly illegal and unable to validly challenge the Independence of Kosovo.

Nevertheless, the continuation and strengthening of these parallel institutions is a consistent threat to the stability of the Kosovo government and its ability implement the Ahtisaari plan, secure Kosovo’s sovereignty and establish an inclusive, democratic society. Moreover, they actively discourage the Serb community from participating in and shaping the structures of the Kosovo state, creating a real risk for marginalisation and long-term division, even if the parallel structures cease to exist.

#### **Donor’s Conference**

Alongside the continued challenges of the changing international presence and the parallel structures of the Serb community, Kosovo has also made some meaningful advances. In addition to the constitution and the implementation of the Ahtisaari plan, one of the most important events recently for Kosovo was the Donor’s Conference, organised by the European Commission and the Government of Kosovo in Brussels on July 11th, 2008. The conference was aimed at gathering funds to help Kosovo on its way to full statehood. Kosovo officials presented priority programmes for the donors’ consideration and were promised €1.2 billion in financial assistance for the coming years. Securing such funding is a huge achievement for the Kosovo Government and very promising for future development. The EU’s executive arm alone has already allocated €395.1 million for Kosovo for 2007-2011 and could allocate a further €200 million for specific socio-economic needs linked to its new status, such as roads, infrastructure, education premises and investments for improving the overall situation of minorities in Kosovo. The conference managed secured the attention of the most influential donors and world actors.

With the conference, Kosovo has gained some the financial support needed to backup the political will for Kosovo’s full development as an independent, multi-ethnic, democratic state. With the continued support of the international community, through a restructured UNMIK, EULEX and international donors, and the increasing strength of the independent government, Kosovo seems to be increasingly prepared for the coming challenges ahead of its new and fragile future.

<sup>5</sup> “Draft Law on the Promotion and Protection of the Rights of Communities and their Members in Kosovo”, Article 1, Sections 1.1 and 1.2.

## ECMI launches the Communities Consultative Council (CCC) in a new Republic of Kosovo and ensures community representation within the CCC

VIRGINIA STEPHENS

Between March and October 2008 ECMI and the first Government of the newly formed Republic of Kosovo have worked closely together in ensuring that Kosovo communities are represented and incorporated within the new state's structures. ECMI has done so primarily through supporting the establishment and implementation of the Communities Consultative Council (CCC) within the President's Office.

On 27<sup>th</sup> June 2008 ECMI helped organise the first ever meeting with representatives from all communities in Kosovo to launch the Communities Consultative Council (CCC). The meeting was chaired by the President of Kosovo, Mr. Fatmir Sejdiu, and attended by representatives from community political parties and larger non-governmental organisations, including representatives from Serb, Bosniak, Turk and Roma, Ashkali and Egyptian (RAE) communities.

The President opened the meeting by confirming Kosovo's commitment to the full and effective implementation of all constitutional and legislative provisions concerning the rights of communities. He stressed that the Communities Consultative Council is an important community consultative mechanism that will enable communities to voice their views on proposed legislation, public policy and programs of special relevance to them.

During the meeting, the President briefly outlined the composition of the Council as foreseen in the *Law on Communities*, which ECMI was previously involved in drafting. The Council is set to include representatives from each non-majority community in Kosovo and members of Ministries and governmental offices whose

remit is of particular concern to non-majority communities. Attached to the President's Office, the CCC will enable the communities to participate in the needs assessments, design, monitoring and evaluation of government programmes that are aimed at their members or are of special relevance to them and to participate in decisions concerning the apportionment of funds, both international and raised from the Kosovo budget, for projects aimed at communities or their specific interests.

The establishment of the Communities Consultative Council was warmly welcomed by community representatives present in the meeting who expressed enthusiasm for the initiative and their hopes that the Council will be an effective body to address the needs of all Kosovo communities. It is seen by all to represent a valuable forum for coordination and consultation between the communities.

Since the launch of the Communities Consultative Council in June, ECMI has supported the President's office in talking the first steps to operationalise the CCC. A Presidential Decree establishing the CCC has been prepared and submitted by ECMI to the Office of the President and the Rules of Accreditation and Nomination have been drafted allowing accredited community organisations to nominate their own candidates to the CCC. ECMI has also begun the process of working with communities to prepare them engage with the CCC productively once it is operational and to assist them to form organisations, gain accreditation and nominate candidates.

Thanks to ECMI support, the Communities Consultative Council is now legally entrenched and constitutes a crucial part of inter-ethnic cooperation in a post-status Kosovo.



## The Ministry on Communities and Returns (MCR) in Kosovo: Last Developments

VALENTINA RIGAMONTI

ECMI is involved in the EC Project "Institutional Support to the Ministry of Communities and Returns". The project aims to help build capacity in Kosovo's ministry for minority issues. The project is financed by the European Agency for Reconstruction - now EC Liaison Office (ECLO) - and ECMI is an implementing partner along with the European Consultants Organisation ECO.

Following the declaration of independence in February 2008, the MCR has started a process of stabilisation. This process has resulted in the formal appointment of many new directors of departments and concluded

with the appointment in mid-May of a new permanent secretary.

Still, many problems within the Ministry stem from the lack of initial capacity in the ministry and that it has suffered from what can only be termed as extreme dysfunctionality. This has led to many project activities having to be simplified and the implementing team is mindful of a recent report on the EU CARDS programme overall that concluded that significant attention is required to the absorption capacity of beneficiaries of EU actions. With this in mind, the team is applying for extensions to the project to ensure that the embedding of new management systems and processes within the ministry

are better embedded and hopefully become an integral part of the way in which the ministry better serves its clients — namely minorities and returns.

Since January 2008, the project activities have been focused on two main components:

Support the Ministry in project management, especially the project team has helped the staff in developing and launching an NGO call of proposals aimed to fund projects on communities and returns. The project team has also supported the Ministry in the following phases, such as the evaluation of the projects and the monitoring process. The NGO competition has been very successful (the MCR has received more than 300 projects from municipalities and local NGOs) and it helped the Ministry in enhancing its image towards both the main stakeholders and the international community. Finally, the project team has also produced a Manual on Project Management targeting the main needs and requests of the

Ministry regarding project definition and development.

Assist the Ministry in policy development through assistance and coordination in the organisation of policy workshops and in particular helping the ministry to consider policy initiatives with regard to communities/minorities. This last component has

just started and its final result will be the organisation of a conference on communities and policy related issues involving both local and international representatives. It will take place in Pristina in the late fall. The conference will also aim to raise the Ministry public profile within Kosovo.

Finally, following a request from the

consultants, the European Agency for Reconstruction assented to an extension to the project. The project will now conclude in March 2009. Thanks to this extension, the project team will be able to enhance its support to the Ministry hoping that the ministry will develop enhanced capacity to fulfil its mandate.

## Launch of Denmark's Caucasus Programme 2008-2009 in Tbilisi

TOM TRIER

Denmark's Foreign Minister, Per Stig Møller and his Georgian counterpart, Eka Tkeshelashvili, were prominent speakers at the official launch of Denmark's Caucasus Programme 2008-2009, held at Marriott Hotel in Tbilisi on 8 July. The programme entitled "Enhancing Good Governance, Human Rights and Rule of Law in Georgia" is implemented by the Council of Europe and the European Centre for Minority Issues as a key partner on enhancement of minority governance. The main focus of the project is on the improvement of the capacity of Georgian institutions to implement reforms recently adopted by the Georgian Government. These reforms were made to modernize the judicial and human rights protection systems and to put them in line with European standards, so as to fulfill the commitments Georgia undertook upon accession to the Council of Europe. The component implemented by ECMI aims at supporting the implementation of minority-related Council of Europe commitments in Georgia including the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and a newly adopted law on repatriation of the Meskhetian population deported in 1944.

In his speech, Per Stig Møller paid special attention to ECMI and its special mandate as an independent actor that can be instrumental in advancing policies on minority governance: "Located in the border town of Flensburg between Denmark and Germany, ECMI has the advantage of operating in an area where two historic nations meet with all the usual issues connected with national minorities," the Danish Foreign Minister said and continued: "A pattern that can be found all along the borders of Europe. I doubt, however, if there are any other border region in Europe where minority issues have been overcome as skillfully as here (...) A case to study!" The Minister also pointed out that the "true test of democracy is how the minority is



Foreign ministers of Georgia (left) and Denmark (right) at the launch of CoE-ECMI programme.

treated. True democracy is not a 'the winner takes it all' concept, but inclusive and respectful of the other part's point of view." Per Stig Møller concluded that a democratic state should be a protector of the weak and noted that this is an essential element of the programme.

The Georgian Foreign Minister expressed her appreciation to the Danish Government for the provision of EUR 2 million for carrying out the activities under the programme. Margaret Killerby, Director of Co-operation of the Council of Europe, noted that there is a need for continued cooperation with the Council of Europe to strengthen democratic institutions and to secure the fulfillment of accession commitments. Igor Gaon, Special Representative of the Secretary General of Council of Europe in Georgia, observed in his speech that there is a full commitment of the Georgian government, parliament and other institutional counterparts to achieve the objectives of the programme.

## ECMI Seminar on Settlement of Ethno-Political Conflicts

From 13 June to 15 June 2008, students from Hamburg gathered with interns and staff from ECMI for a block seminar led by Dr. Marc Weller of ECMI and Prof. Stefan Oeter of the University of Hamburg. The seminar, entitled "The Settlement of Ethno-Political Conflicts: A Legal Approach," used lectures, case studies, and student presentations to cover a range of issues and approaches relating to ethnic conflict.

The first day began with an overview of terms and concepts relevant to conflict and ethnicity and led into a discussion of several international legal issues, such as the doctrine of non-intervention (including legal foundations and potential justifications for

humanitarian intervention) and the mandates of international actors (focusing on the UN, AU, and OSCE).

The second day began with a case study of Bosnia and the requirements for statehood and state recognition. Prof. Oeter then described the possible methods of allocating power and decision-making capabilities within states: autonomy, asymmetrical settlements, federalism, and state unions. A "toolbox" of power-sharing techniques was discussed, and the day ended with presentations on parliamentary representation, the utility of power-sharing, and Kosovo.

The final day of the seminar focused on human and minority rights, such as how

to entrench such concepts in constitutions or state practice and how to enforce such rights internationally or nationally. The pros and cons of amnesty, criminal tribunals, and truth commissions were discussed as ways of dealing with past crimes. Student presentations focused on Bosnia and Afghanistan, and three Kosovo documents were examined to see how minority rights (including guaranteed representation and veto power) developed. The seminar ended with a brief exploration of the right of self-determination, including where such a right may come from and in which contexts it has been applied.

# Georgia's May Elections

TOM TRIER

The parliamentary elections in Georgia on 21 May resulted in a secure victory for President Saakashvili's United National Movement (UNM). Amidst allegations of foul play by the opposition, the UNM obtained 80% of the seats in parliament, while members of the oppositional alliance, the United Opposition, and the Labour Party in protest denounced their seats in parliament. The result is a parliament with the ruling party representing an

overwhelming majority. At the same time, national minorities are very poorly represented, with only six MP of a total of 150 (three Armenian and three Azeri), constituting a mere 4% of the members of parliament compared to 16% of the population as a whole.

On the positive side, the governance and parliamentary structures after the elections have been constituted with a number of new or reinvigorated bodies focused on minority and civic integration issues. A new department for Minority Issues and Human Rights has been established under the Office of the State Minister for Reintegration Issues, and the former long-term head of the Parliamentary Committee for Human Rights and Civic Integration, Ms. Elene Tevdoradze,

appointed as Deputy State Minister in charge of the department. At the same time, efforts are now being made to develop the office of the Advisor to the President on Civic Integration and Minority Issues, Tamara Khintsurashvili, who was appointed in April. Finally, MP Giorgi Arsenishvili has become the new head of the Parliamentary Committee for Human Rights and Civic Integration and MP Petre Tsiskarishvili his deputy. What may seem as a renewed attention to the importance of building structures for governance on minority issues bodes well for the future, and ECMI is currently holding consultations with these new bodies on areas of possible cooperation.

## POLITICAL PARTICIPATION

OLEH PROTSYK

The Political Participation Programme seeks to advance expertise on issues related to the inclusion of minorities in decision-making processes. Program activities in 2008 revolved around the issues of minority representation in parliament and party responses to the need for minority accommodation. The activities involved research, conference panel organization, and presentations. In terms of research, two working papers have been prepared on parliamentary representation of minorities in Eastern Europe. Another working paper that has been recently published examines the situation with democratic representation and support for secession in the non-recognized state of Transnistria. Current research also

involves construction of large databases on minority representation in Bulgaria and Ukraine. These databases contain details on ethnic and socio-demographic characteristics of parliamentary representatives.

Party responses to the need of minority accommodation have been analyzed through the analysis of the programmatic position of electorally relevant parties. The ECMI approach builds on the ECPR Manifesto Research Group (MRG) methodology for analyzing party programs. Constructing and refining a coding scheme for content analysis of minority issues-related programmatic positions of political parties has been the focus in this research area. Such a scheme will provide a useful analytical tool for identifying and comparing minority-related provisions in party programs in individual countries

and across party systems.

ECMI's work on parliamentary representation of minorities focuses on examining institutional channels and structures of opportunities that allows minorities to gain representation on the national level. Preliminary results of this work have been presented in the panel organized by ECMI at the Paris meeting of the Association for Study on Nationalities in July 2008. Further progress in articulating strategies of research and advisory work in the area of political participation was made in the Copenhagen Seminar on Political Participation of Minorities. This seminar brought together legal professionals, representatives of international organizations, and academics. It was organized by ECMI in July 2008.

## ECMI panel at ASN/ Sciences Po conference

ECMI organized a panel on minority representation at Joint Conference of the Institut d'Etudes Politiques de Paris (Sciences Po) and the Association for the Study of Nationalities (ASN). The panel brought together a number of experts on ethnic representation issues and provided a forum for discussing direction of ECMI research on minority representation. Political systems vary greatly in terms of the scope of national level representation granted for minority groups and in terms of additional opportunities (constraints) for such representation. Papers summarizing initial research findings on minority representation in parliaments of Moldova and Romania were presented during the panel meeting. The discussion which followed focused on institutional and political determinants of the degree to which societies' ethnic diversity is reflected in composition of their legislative bodies.

## Collaborators conference on ECMI commentary to Lund Recommendations

On 1 July 2008, a collaborators conference was held in Copenhagen to share and discuss contributions to an upcoming ECMI commentary on the *Lund Recommendations on the Effective Participation of National Minorities in Public Life*. Participants included advisors to the OSCE High Commissioner on National Minorities, the Council of Europe, and the UN High Commissioner for Human Rights, as well as professors and researchers. Topics included ethnic democracies, human rights, electoral systems, enhanced local self-government, security, and citizenship. Each collaborator gave an overview of his or her chapter and its relation to the Lund Recommendations, and then the group gave suggestions for additional resources, changes, or other aspects to consider. The conference also discussed topics that might be usefully added to the commentary, and suggestions were given for potential authors. The commentary will be published in 2009 for the tenth anniversary of the Lund Recommendations.

TIM DERTWINKEL

The Economic and Social Inclusion Program, with its ambitious aim to investigate causes and consequences of economic exclusion of minorities in ethnically mixed regions of Europe, is still awaiting a secure funding basis. In the meantime, desktop research has been carried out by the program leader Tim Dertwinkel mainly around two issues: the first task was a deeper exploration into the conceptual underpinnings and of the very meaning of economic exclusion. Questions were asked such as: What does “economic exclusion” exactly mean? How does it relate to the broader and more established phenomenon of social exclusion? Is economic exclusion, especially when applied to historical ethnic minorities, worthwhile studying in its own right, or is it just a fashionable reframing of “older” development concepts such as poverty or income inequality?

The argument is developed that concept specification related to economic exclusion is overdue mainly because of two reasons: first, there is a recent abundance in the use of the term, prominently taken up and further promoted by the work of minority rights related institutions and practitioners. Second, and in sharp contrast to fast emerging policy programs and legal frameworks, theoretical or conceptual clarifications — as well as empirical results on factors promoting or mitigating economic exclusion — are rare. The main argument put forward is that so far, working definitions of economic exclusion are broad and extensive, and tend to vary according to institution and legal frame. This lack of conceptual specification makes it almost impossible for empirical work to catch up with recent normative developments.

### Ethnic Politics Seminar at Flensburg University

From 16.-26. June 2008, a seminar organized by Oleh Protsyk, Tim Dertwinkel and Ulrike Schmidt took place at Flensburg University. It was carried out within an international group of 15 students following a BA/MA program in European Studies at Flensburg and Syddansk Universities. Participants came from such diverse countries as China, Nigeria, Turkey, Brazil, Ukraine and Malaysia, among others, and contributed with first hand experience to the lively discussions about identity framed politics. A broad range of topics was on the agenda, including the growing importance of ethnicity and identity issues in Europe, theories of nationalism and multiculturalism, causes of ethnic conflict and minority protection and linguistic diversity in Europe. The bloc seminar was very successfully evaluated, with an overall evaluation grade of 1.7 (mean value, 1 is best on a scale 1-5), and considered among students as one of the best seminars of the European Studies program so far.

Second, an assessment of the availability and usefulness of social and economic exclusion measures was on the research agenda. The aim was to give an overview of quantitative indicators as proposed under the Lisbon Strategy and the Social Inclusion Program of the EU. Here, the leading research question was what kind of indicators have been used so far in the empirical work related to questions of socio-economic exclusion, and whether these can be used for the study of potential economic exclusion of historical minorities as well. The results of this work will come out as ECMI Issue Briefs shortly.

### LANGUAGE & CULTURE DIVERSITY

## Language loss and ethnic identity

EWA CHYLINSKI, ULRIKE SCHMIDT

The approach to the issue of language loss and ethnic identity is one of the 3 min tracks of the programme. The main points of research address questions on to what extent language is crucial to the maintenance of ethnic identity by minority groups. Many European minorities have lost their language due to different circumstances, yet, they have not lost their ethnic identity. This situation has implications not

only on existing definitions of what characterizes minorities. It also may have an impact on international legal instruments for the protection of minorities and their culture, which have mainly used externally discernible traits assigned to minority groups such as language, religion, and ethnicity, but also numbers and dominance. However, the academic literature has started approaching the question from the angle of self-identification: groups continuing to claim their separate identity after they have suffered the loss of some of the visible traits that identity is usually connected with, such as language. The European legal system for the protection of minorities is slowly recognizing such self-assigned ethnic belonging. In consequence, also national provisions and bilateral treaties increasingly need to adjust to that situation either by providing measures preventing language loss and encouraging language revival or by recognizing the protection and promotion of cultural rights for groups that consider themselves ethnic minorities although the language shift has occurred. A series of issue briefs and working papers on the subject is forthcoming.

### ECMI Advisory Council and Board Joint Meeting, Copenhagen

On 30 June 2008, ECMI staff joined the Advisory Council and Board for a joint meeting in Copenhagen, led by Chairs Alyson Bailes (AC) and Knud Larsen (Board). The discussion began with a presentation by ECMI's director Marc Weller, reviewing the past, present, and future strategy of ECMI. Ewa Chylinski, Oleh Protsyk, Tim Dertwinkel, and Ulrike Schmidt discussed the programs they are developing. The meeting then addressed the role the Advisory Council should play in the future and which activities of ECMI best fulfilled its statutory mandate. Suggestions were made for future development possibilities, including collaborations with similar institutes. After the joint meeting, the Board met separately to conclude its business.

### 10th Anniversary of OSCE HCNM Oslo Recommendations

On 18 June 2008, in Oslo, a 2-day conference organized by the OSCE HCNM and the Norwegian Centre for Human Rights discussed “Linguistic Rights of National Minorities. Ten years after the Oslo Recommendations and beyond”. The High Commissioner opened the conference saying

“Linguistic rights are the quintessence of minority rights. The prevention of inter-ethnic conflicts goes hand in hand with the establishment of an adequate system of protection for linguistic rights”

ECMI presented the case of linguistic rights and their management from the German-Danish border area and the importance of Bonn-Copenhagen Declarations as a model of minority protection.

## Kin State Workshop

On 4-6 September 2008, ECMI hosted an UN-organized workshop with 16 participants on a difficult issue of "The Responsibility to Protect and the Problem of the Kin State"

The background for the workshop is that ethnic conflict and genocide have demonstrated the failure to protect people at risk, including those belonging to national minorities. Unilateral intervention from a so-called "kin-state" can escalate such conflicts into inter-state conflicts. This presents a dilemma: the world cannot stand by when people's lives are under threat – and states have a responsibility to rescue such people – but this responsibility should not be used as an excuse to violate state sovereignty in pursuit of national interests. How can the responsibility to protect (R2P) be applied to the protection of persons belonging to national minorities? Is it

legitimate intrusiveness or external interference?

Exploring and reconciling the dilemma between protecting minority rights and those of sovereign states within which minority rights are threatened, utilizing both historical and contemporary examples, is the project focus, that will result in a larger publication on the problem, putting it in a historical and contemporary context, provide an overview of relevant international laws and instruments, and engage international experts on what further steps should be taken.

During the meeting it was decided that the ECMI will formally participate in the project. ECMI director, Dr Weller will contribute a chapter to the emerging book, addressing the issue of the use of force by states. This problem has gained additional prominence by the recent developments in Georgia.

## Council of Europe Secretary General Terry Davis interest in furthering cooperation with ECMI

During his brief visit to Flensburg on 6-7 September at the Youth Minority Marathon, Terry Davis managed to meet with ECMI to declare his interest in furthering cooperation on concrete issues related to majority-minority relations. ECMI has been invited to meet with Terry Davis at earliest convenience in Strasbourg.

## Activity Plan

<b>March</b>		
<b>5 March</b>	Meeting "Minderheiten als Standortfaktor in der deutsch-daenischen Grenzregion", Kieler Landtag	
<b>28 March</b>	Visit by International Students sponsored by the Jaruplund Højskole	
<b>April</b>		
<b>7 – 15 April</b>	13 <sup>th</sup> Annual World Convention of the Association for the Study of Nationalities (ASN), Presentation on "A European Policy for Accommodating Linguistic Diversity", New York	
<b>9 April</b>	Meeting at the Europausschuss, Kieler Landtag	
	Seminar at the IFSH, Hamburg	
	13 <sup>th</sup> Annual World Convention of the Association for the Study of Nationalities (ASN), Presentation on "Ethnic representation in Ukraine", New York	
<b>18 – 27 April</b>	Lectures at the University of Sydney, Australia	
<b>23 April</b>	Cooperation meeting SDU/Denmark-ECMI, Odense	
<b>29 April</b>	Lecture on "Der Status des Kosovo", Hermann-Ehlers-Akademie, Kiel	
<b>May</b>		
<b>7 May</b>	Presentation on "Die Rolle des ECMI im Europaeischen Krisenmanagement" at the Europaunion, on the "Europatag" in Husum	
<b>8 May</b>	External Research Seminar on "Russia and the frozen conflicts in the South Caucasus – part of the solution?" by Dr. Sven Singhofen, freelance publisher, freelance assistant and lecturer (Hermann Ehlers Academy, Kiel; European Academy Schleswig-Holstein, Sankelmark	
<b>28 May</b>	Presentation on Darfur, Walther-Schuecking-Institute, Kiel	
<b>June</b>		
<b>5 June</b>	Schleswig-Holstein Kulturtreff, Saltzau	
<b>6 June</b>	Annual meeting of Danish Minority organizations, Lecture on: Minorities: Language and Culture – the last visible markers?"	
		<b>13-15 June</b>
		Seminar "The settlement of ethnic conflicts – a legal approach" in collaboration with Hamburg University, Institute of Peace Research and Security Policy and the Law Faculty, ECMI Flensburg
		<b>16, 19, 23 and 26 June</b>
		ECMI Seminar on Ethnic Politics, University of Flensburg
		<b>16 June</b>
		Minority Competence Report Schleswig-Holstein – discussion in the German Federal Parliament
		<b>18-20 June</b>
		OSCE High Commissioner for National Minorities & Norwegian Centre for Human Rights conference on the 10 <sup>th</sup> Anniversary of Oslo Recommendations – Linguistic Rights of National Minorities, Oslo, Norway
		<b>27 June</b>
		Meeting at Kieler Landtag on Minority Competence Cluster activities
		<b>July</b>
		<b>1 July</b>
		ECMI Advisory Council Seminar on: "Enfranchising Minorities: Political Participation in Pluralist States", Copenhagen
		<b>3-5 July</b>
		Presentation at Joint conference of the Institut d'Études Politiques (Sciences Po) and the ASN Empires and Nations, Paris
		<b>7-10 July</b>
		Meeting with Danish Foreign Ministry and Council of Europe at ECMI Regional Office in Tbilisi, Georgia
		<b>10-13 July</b>
		Celebration at the Lauterpacht Centre, Cambridge
		<b>27 July</b>
		Conference at the UNESCO, Paris
		<b>August</b>
		<b>29 August</b>
		Meetings with the University of Flensburg Collegium Mare Balticum, ECMI
		<b>27 August – 9 September</b>
		ECMI Presentation on "Romanian Parliamentary Representation at conference at the American Political Science Association, New York, USA
		<b>September</b>
		<b>4-6 September</b>
		Presentation: „Effective Minority Governance Approaches" at Symposium "Zeitgemäße Modelle der Minderheitenförderung in Europa", Görlitz
		<b>5-6 September</b>
		UN National Minorities Workshop on "Responsibility to Protect", ECMI, Flensburg
		<b>6 – 7 September</b>
		Minority Marathon "Youmm", Visit by Terry Davis, General Secretary of the Council of Europe
		<b>10 September</b>
		Presentation at conference on "Protecting Human Rights and Minority Rights in Europe" at the Konrad Adenauer Foundation, Skopje, Macedonia
		<b>10 September</b>
		Participation at the SPD Parliament Schleswig-Holstein Minority issues event: "Politik der Anerkennung"
		<b>11 September</b>
		Presentation to the Ministry of Justice: Das Europäische Zentrum für Minderheiten, europäischer Ausblick aus dem deutsch-dänischen Grenzland", Akademie Sankelmark
		<b>18-19 September</b>
		Presentation on ECMI Enriched Links Database at 18 <sup>th</sup> Annual EINIRAS Conference in Tallinn, Estonia
		<b>27 September</b>
		Lecture on Minorities in Europe at the Europa Union, Schleswig
		<b>29-30 September</b>
		Presentation at Conference "Crossing National Boundaries" at Collegium Mare Balticum
		<b>October</b>
		<b>9-10 October</b>
		Rapporteur at CoE Conference "Enhancing the impact of the Framework Convention for the Protection of National Minorities: past experience, present achievements and future challenges", Strasbourg
		<b>24-25 October</b>
		Conference on "Human and Minority Rights in the Life Cycle of Ethnic Conflicts", University of Frankfurt
		<b>November</b>
		<b>14 – 15 November</b>
		Interdisciplinary conference, "The Roots of Civil War and Conflicts and their Influence on Transformations of State- and Civil Society Institutions, Alslion, Syddansk Universitet, Denmark
		<b>December</b>
		<b>15-16 December</b>
		Participation at the UN Human Rights Council, Forum on Minority issues, first session, Geneva