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Book Review: Effective Participation of National Minorities and Conflict Prevention

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Romans, W., Ulasiuk, I., & Thomsen, A. P. (Eds.). (21 Oct. 2019). *Effective Participation of National Minorities and Conflict Prevention*. Leiden, The Netherlands: Brill | Nijhoff.
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In “Effective Participation of National Minorities and Conflict Prevention”, editors Romans, Ulasiuk and Petrenko Thomsen explore the concept of 'effective participation' in relation to political rights and public affairs, shedding light on its significant role in conflict prevention, particularly within the mandate of the OSCE HCNM. The book aims to articulate from a theoretical level notions of democratic management of diversity, while offering operational insights through various case studies and adopting a conflict prevention perspective. From the editors to the contributions, especially the preface by former HCNM Lamberto Zannier, this volume sees itself as a guide to conflict prevention through democracy, human rights

and civil and political rights. Its editors argue that the “effective participation of national minorities broadly within society, particularly in public life, is a base-line requirement for long-term stability” of a country. Consequently, adopting an inter-disciplinary approach, the book ambitiously sets itself the task of providing a detailed overview of areas to consider when accommodating minorities’ rights to effective participation, from theoretical frameworks to measurement tools and considering effective participation of minorities in socio-economic, cultural and in political life (at a national and local level).

The structure of the volume mirrors the HCNM’s 1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life. In the first part, the contributors analyse the provisions of binding and non-binding international legal instruments that guarantee the effective participation of minorities in public life at the global (UN) and European (OSCE and Council of Europe) levels. The second part delves into effective participation in decision-making and through self-governance models. It does so through thematic chapters, for instance considering participation in cultural life or in electoral processes as well as dealing with political participation of minority women or persons belonging to Roma and Sinti communities. The case-study chapters focusing on political participation in Georgia or addressing self-governance claims of the Hungarian minority in Zakarpattia, ground the theoretical frameworks in concrete field implementation.

If the field of literature on national minority rights has seen numerous volumes dedicated respectively to effective participation in public, political and cultural life or on ethnic conflict prevention and management, this book takes the unique perspective of bringing together all those elements into one single collection.

Certain chapters distinguish themselves by developing new perspectives or topics in the field of minority rights. The first chapter, in which Romans and Ulasiuk provide a detailed overview of the international legal basis of the right to effective participation and a thorough analysis of the Lund Recommendations and OSCE standards on effective participation, also serves the purpose of a “fil-rouge”.

In Chapter 2, former UN Special Rapporteurs on Minority Issues de Varennes and Kuborska-Pacha engage in the delicate exercise of linking UN standards for peace and effective participation of minorities with those of the OSCE. In doing so, they underline the crucial link between violent conflicts and human rights violations, i.e. the result of grievances related to exclusion, inequality and injustice. Indeed, this second chapter moves away from a necessary

reminder of the legal standards of international human rights law to propose an argument based on the effective participation of minorities and their non-discrimination in the traditional political and economic spheres and, innovatively, in environmental rights, an area in which minority rights standards are rapidly growing.

The other two chapters of this first part focused on international standards for effective participation also bringing to the volume valuable insight on this notion through the Council of Europe standards. As such, Henrard questions, in the European Court of Human Rights' judgements, the correlation between, on one hand, the prohibition of the manifestation of religious beliefs by minorities in public life, and on another one, its impact on these minorities' participation in public life. This article sheds light on participatory rights through an analysis of the concepts of "equity", and "identity" in the practice of the Court. Palermo and Roter, in the fourth chapter, offer a reading of the Lund Recommendations via the Framework Convention on for the Protection of National Minorities. Their argumentation underlines the importance of promoting inclusion and allowing a pluralism of views, including intra-community, when considering the effective participation of national minorities in public life, as well as cultural, social and economic life or within self-governance models.

The second part of the volume is dedicated to effective participation in the Lund Recommendations, which after the general principles, is organised in three parts: participation in decision-making (arrangements at the level of the central government, elections, arrangement at the local or regional level and advisory or consultative bodies), self-governance (general frameworks for power-sharing agreements, non-territorial and territorial arrangements) and guarantees necessary for these arrangement to be effective. The volume attempts to reflect this structure while offering its own take on those topics, which sometimes can prove counter-intuitive to the reader. For instance, the editors chose to discuss non-territorial arrangements before participation in decision-making and in political life, in reverse order to the Lund Recommendations' structure.

Thus, this second part, which is based on thematic analysis and case studies, is opened by Malloy's analysis of non-territorial autonomy (NTAs) practices, from traditional to alternative ones. Whilst the examples can raise questions as to their original context, this fifth chapter aims to frame NTAs within international standards before conceptualizing and illustrating the various existing NTA models.

Smith and Semenyshyn delve deeper into NTAs by analyzing self-governance claims of the Hungarian minority in Zakarpattia. They provide a detailed overview of the Hungarian minority's political participation at the national level and in Zakarpattia, analyzing the impact and needed legislative changes to accommodate minority rights in Ukraine. They establish the Lund Recommendations as a key tool to offer a way forward through tailored solutions to accommodate the needs of the Hungarian minority in Ukraine and Zakarpattia.

Chapter 7, led by Kukkamaa-Bah and Croft, guides the reader through a gender-sensitive analysis of minority participation in political life. Their unique perspective not only provides valuable insight on the key role of women in political parties and in Parliaments but also offers advice and examples on models to ensure minority women are effectively represented and involved in decision-making.

Hadîrcă, for his part, seeks to contribute by weaving the links between respect for human rights, the Lund Recommendations and the inclusion of minorities in decisions concerning cultural rights. He underlines the difficult balance between the exercise of these cultural rights, the involvement and support given by kin-states for culture and the dangers of securitising minorities, especially in cross-border cultural cooperation.

Coming back to political participation, the ninth chapter allows Rostas and Pavel Doghi to give a thorough review of how Roma and Sinti have seized the Lund Recommendations to ensure their political participation in non-electoral and electoral processes and in public life. They set out the specific challenges these communities face regarding effective participation in political and public life, and draw attention to the scarcity of data available on Roma and Sinti participation, including for women, while emphasizing the benefits to these communities of improved attention for quality of electoral processes.

Chapter 10 sets itself apart as more theoretical in studying electoral processes and participation of national minorities. As such, Nurumov and Vashchanka, lay out the intricacies of electoral systems and the issues arising where minority participation is concerned: designing fair electoral systems for minorities, requirements on language proficiency, citizenship, self-identification or the languages of election campaigning as well as special measures to overcome issues identified. They conclude by recalling the equal importance of designing policies that foster the inclusion of minorities in public life.

Going hand in hand with the previous chapter, Gogoladze illustrates the implementation of models to accommodate minority participation in the electoral processes of a conflict-

affected country: Georgia. After having presented the Georgian electoral system, she analyses the representation of minorities in the 2012 and 2016 elections and discusses the role of the HCNM, through its activities to support minorities' political participation, notably their involvement in political parties and electoral lists. The analysis highlights how support mechanisms are crucial to ensure minorities' effective participation in political life.

Petrenko Thomsen closes the book with a final chapter dedicated to offering a measurement tool for the effective participation of national minorities as understood by the Lund Recommendations. He undertakes to "formulate a theoretical model, explaining how different aspects of minority participation fit together". He designs his model after a careful academic and policy review, and establishes a distinction between "minority participation *de jure*" (based on legal and policy frameworks enabling minority participation) and "minority participation *de facto*" (actual practices of minority participation). He then proceeds to the empirical analysis of minority participation in Kyrgyzstan and Moldova to offer insights on the applicability of this model to measure effective participation in other states, thus allowing the identification of good practices and lessons learned.

Overall this volume stands out by its unique take on effective participation as a tool for conflict prevention. It offers a transdisciplinary approach which can constitute either a first introduction to the concept of "effective participation" in international law or a more detailed, hands-on approach for those looking into effective, concrete answers in designing electoral systems, measurement tools or case studies on the implementation of such tools. As such, it bridges the gap between academia and policy-makers, providing useful information to non-initiated minority representatives or students as well as informing international civil servants or NGO workers on the possibilities and challenges to consider when discussing minorities' effective participation in political and public life, as well as in socio-economic and cultural life. Lastly, it also constitutes a solid and practical basis for the start of in-depth conversations on innovative areas in the minority rights field such as intersectionality and environmental rights.