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Foreword

PART I: ARTICLES

A. General Articles Section

Bridging National and Ethnic Borders: The European grouping of territorial cooperation as a Space for Minorities
Alice Engl and Johanna Mitterhofer

Abstract: This article investigates territorial cooperation as an instrument that may help to link the two central objectives of the Council of Europe and the European Union: strengthening integration and cohesion, while encouraging and safeguarding diversity. Drawing on studies on minority protection and diversity management as well as on European integration, the authors examine the impact of regional development policies and strategies, in particular territorial cooperation, on minorities, on the one hand, and the importance of minorities for these policies on the other hand. The article focuses on the European Grouping of Territorial Cooperation (EGTC) as concrete policy instrument to promote territorial cooperation, studying its practical implementation on the Austrian-Italian border.

Keywords: European Grouping of Territorial Cooperation, territorial cooperation, crossborder cooperation, border regions, cohesion, minorities, diversity

National Minorities and the Crisis of Multiculturalism in Europe
Andreea Udrea

Abstract: This article discusses the retreat from multiculturalism in Europe. It questions whether the crisis of multiculturalism has had any impact on the accommodation of national minorities and/or ethnic groups. It opens with an interview with the former OSCE High Commissioner on National Minorities, Knut Vollebaek, which is followed by commentaries of four leading scholars: Will Kymlicka, Keith Banting, Tariq Modood and Jennifer Jackson-Preece. Ambassador Vollebaek argues that the crisis of multiculturalism only affects immigrants, and although the rights of national minorities are well protected, it may eventually undermine these rights. In their commentary, Kymlicka and Banting disagree with the view that the backlash against immigration threatens the rights of national minorities. Ambassador Vollebaek also supports the view that more inclusive policies targeting the members of minority groups are necessary. Modood and Jackson-Preece agree, and in their responses discuss how current arrangements could be modified or expanded to become more inclusive.

Keywords: crisis of multiculturalism, inclusion, national minorities, immigrant groups, Europe
Societal Security in South Tyrol – a model to deal with ethnic conflicts
Andrea Carlà

Abstract: South Tyrol has been referred to as a model to deal with ethnic diversity and resolving ethnic conflicts. This article explains the South Tyrol model’s success by blending ethnic politics with concepts from security studies: societal security and securitization. Societal security refers to threats that emerge from the fact that humans belong to communal groups that do not correspond to defined state borders. Securitization is the process by which an issue is considered as an existential threat that requires emergency measures. The article develops a framework to identify which dynamics made South Tyrol successful, analyzing factors that sparked security concerns and processes of securitization and highlighting actions and measures that tackled these dynamics. Concurrently, South Tyrol is used as an empirical case to expand our understanding of societal security and elaborate (and test) a detailed toolkit to prevent or dissolve the violent mobilization of ethnic diversity and societal security threats.

Keywords: societal security, securitization, de-securitization, ethnic conflicts, minority protection, South Tyrol

B. Special Focus: Bilateral Treaties - Bilateralization

Andreea Udrea

Abstract: This article examines Romania’s kin-state policies after it became an EU member state in 2007. After 2007, Romania expanded its kin-state obligations and strengthened its kin-state role. First, the article discusses the current understanding of its kin-state responsibility. And second, by examining the grounds, subject and scope of Romania’s policies, and evaluating the limits of its kin-state responsibility against dominant liberal views on reparations for historical injustice and state support for culture, the article shows that Romania’s kin-state policies remain highly discretionary and raise important questions over its liberal commitments within and beyond its borders.

Keywords: Kin-state responsibility, historical injustice, state support for culture, discretionary treatment, Romania

The Protection of Lithuania’s Polish Minority: Bone of Contention in Bilateral Polish-Lithuanian Relations
Elżbieta Kuzborska

Abstract: This article provides an overview of the recent political and legal events surrounding the protection of Lithuania’s Polish national minority in the context of Lithuanian–Polish bilateral
relations, focusing particularly on what has occurred since the so-called golden age of relations between the two countries. This article aims to present up-to-date information on the current stage of dialogue on the issue of national minorities in Lithuania and on the actual protection of the Polish minority in this country. After the expiration of the Law on national minorities in Lithuania in 2010, the primary bones of contention between the two countries have been the use of the language of minorities in communication with local authorities and in bilingual topographical signs, the use of names and surnames in a minority language, rights related to the education of national minorities, and rights related to political participation of national minorities.

**Keywords:** Polish–Lithuanian relations, Polish minority in Lithuania, Law on national minorities in Lithuania, Treaty on Friendly Relations and Neighbourly Cooperation

Hungarians in Slovakia and the Evolution of Hungarian-Slovakian Bilateral Relations – Improvement or Stalemate?

*János Fiala-Butora*

**Abstract:** This article analyses developments in Hungarian–Slovakian bilateral relations since the new Slovak government took office in 2012 and the countries’ governments developed friendly relations. Analysis shows it is too early to discuss a turning point in bilateral relations. Underlying problems can erupt into conflict. An overview of serious issues shows they are almost exclusively related to minority rights. Improvement cannot be expected without eliminating the sources of minorities’ dissatisfaction. Analysis of meetings, especially of the Slovakian–Hungarian Joint Commission for the Issues of Minorities, shows that despite the parties’ intentions to improve their relationship they were unable to solve issues requiring policy change. To some extent, the approach to preventing conflicts is part of the obstacle to harmonious Slovakian–Hungarian relations. Not all conflicts are the same: those that result in solving contentious issues are necessary to achieve long-term stability. The bilateral approach’s usefulness should be evaluated considering this differentiation.

**Keywords:** Hungarian minority in Slovakia, Slovak minority in Hungary, bilateral treaty, conflict prevention, minority rights, multilateralism, international organizations

**PART II: REPORTS**

**A. International Developments**

Case-Law of the European Court of Human Rights Concerning the Protection of Minorities: July 2012 to August 2014

*Bill Bowring*

**Abstract:** This article highlights a number of interesting and significant cases concerning minority rights at the Strasbourg Court during the recent period of just over two years. The issues include the continuing deadlock in enforcing the Court’s controversial anti-discrimination judgment in
Sejdić and Finci v. Bosnia and Herzegovina; a new emphasis on and attention to social and economic rights as protected by the Revised Social Charter in the context of forced evictions; the Court’s expanding jurisprudence on the positive duties of the state; the fascinating Slovenian case on the fate of the “erased;” and a continuing focus on discrimination against Chechens as part of the Court’s recent return to a focus on the long-neglected Article 14 of the Convention. The article concludes by summarising a new scholarly interpretation of minority rights through the concept of vulnerability.

**Keywords:** minority rights, European Court of Human Rights, discrimination, social and economic rights, Roma, positive rights, vulnerability

Developments in the Field of the European Charter for Regional or Minority Languages in 2012

_Vesna Crnić-Grotić_

**Abstract:** The article shows the developments which took place in 2012 with respect to the monitoring of the application of the European Charter for Regional or Minority Languages by the Committee of Experts. In 2012, the first report on the application of the Charter in Romania, the second report on Montenegro, two third reports (Cyprus and Spain) and two fourth reports (the Netherlands and Finland) became public. The committee evaluated them and proposed a number of recommendations to be made by the Committee of Ministers with a view to improving the state of implementation of this treaty. The monitoring revealed that structured measures and policies are necessary in all fields covered by the Charter including measures of encouragement for speakers of regional or minority languages to use their languages. Imposing limiting percentages cannot be considered such a measure especially if the number of speakers can otherwise be considered sufficient for implementation of the Charter.

**Keywords:** minority languages, minorities, European Charter for Regional or Minority Languages, Committee of Experts

The Activities of the OSCE High Commissioner on National Minorities: January 2013 to December 2013

_Stéphanie Marsal and Jennifer Croft_

The European Union and Minorities in 2013

_Gabriel N. Toggenburg and Karen McLaughlin_

**Abstract:** This article reflects selected developments that took place from 1 January to 31 December 2013 both in the EU’s internal policies (section II) as well as in the EU’s external relations (section III). With regard to the internal dimension, developments in the field of Roma integration, the fight against hate crime and the protection of minority languages are traced. For the external dimension, the article covers the EU’s enlargement policy, its policies _vis-à-vis_ countries in its wider neighbourhood in the East and in the South, and finally, the EU’s engagement at the broader international level.
Keywords: European Union, Roma integration, hate crime, minority languages, EU enlargement policy, EU foreign policy

Minority-Related Activities in the United Nations System in 2013
Sally Holt, Rajiv Jebodh and Jeremie Gilbert

Abstract: In reviewing the activities of relevant UN human rights institutions, bodies and mechanisms, this article identifies and examines some of the main issues that emerged regarding minority rights in the year 2013. It notably analyses how the UN has focused particular attention on the situation and the rights of religious minorities, as well as on the elaboration of the post-2015 development agenda. The article also reviews activities in other issue areas that are important for minorities, such as language, education, combatting racism, hatred and intolerance, and the prevention of genocide and mass atrocities. It highlights developments with regard to specific groups such as Roma, people living with albinism and Dalits. It also examines some of the urgent situations that have arisen from conflicts which have targeted minorities across the globe.

Keywords: religion, Independent Expert on Minority Issues, discrimination, racism and intolerance, conflict, sectarian violence, minority protection

B. National Developments

Teaching in and Studying Minority Languages in Turkey: A Brief Overview of Current Issues and Minority Schools
Nurcan Kaya

Abstract: Turkey is a nation–state built on remnants of the Ottoman Empire where non-Muslim minorities were guaranteed the right to set up educational institutions; however, since its establishment, it has officially recognised only Armenians, Greeks and Jews as minorities and guaranteed them the right to manage educational institutions as enshrined in the Treaty of Lausanne. However, they have faced bureaucratic restrictions and discriminatory practises. Turkey’s EU accession triggered developments toward democratisation, including in minority rights. Private language teaching courses teach ‘traditionally used languages’, elective language courses have been introduced in public schools and universities are allowed to teach minority languages. However, there is still a long way to reach EU standards. This article assesses existing legal frameworks in regard to the teaching in and studying of minority languages and their implementation. It covers developments since the EU accession process began and provides an overview of current issues and minority schools.

Keywords: education, elective language courses, minority schools, study of minority languages, teaching in minority languages, Treaty of Lausanne, Turkey
One Step Forward, Two Steps Back? Reflections on the Recent Attempts to Reform the Austrian National Minorities Act of 1976

Jürgen Pirker

Abstract: From 2009 to 2012, the Austrian federal government conducted a political process to modernize the national legal framework for minority protection to support national minorities and further promote the linguistic and cultural diversity of Austria. A final draft for an amendment to the National Minorities Act of 1976 suggested reforming its legal terms with regard to a “modern and pluralistic society” and reconfiguring the National Minority Advisory Councils to the federal government (Volksgruppenbeiräte) following a “civil society-model” (zivilgesellschaftliches Modell). This article focuses on the implications and consequences of this intention.

Keywords: Austria, National Minorities Act, “civil society,” ethnic groups, language and culture, Carinthia

Czech Republic Acknowledgement of Belarusian and Vietnamese as New Minorities

Kiryl Kascian and Hanna Vasilevich

Abstract: As a result of the Czech government decision of 3 July 2013, the Government Council for National Minorities was expanded to the representatives of Belarusian and Vietnamese minorities. This article discusses the aspects of the Czech minority-related legislation within the context of this decision. The article also focuses on the formation of these two minorities during history and on their current position in the Czech society.

Keywords: Czech Republic, minority policies, new minorities, Belarusians, Vietnamese

PART III: BOOK REVIEWS


Petar Prazic


Oana Buta and Alexander Osipov

APPENDIX: List of International Norms