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PART I: THEMATIC ARTICLES

Integration of New and Old Minorities: Beyond a Janus-faced Perspective

Roberta Medda-Windischer

Abstract: Diversity and integration issues are undoubtedly amongst the most salient ones on today's political agenda. Most European states have been searching for models and policies to accommodate diversity claims and integrate not only old minority groups, but increasingly also new minority groups stemming from international mobility flows. This article addresses these issues by bridging two fields of research: minorities and migration. Studying the interaction between 'old' and 'new' minority groups is not an obvious task since, so far, these topics have been studied in isolation from one other. The article investigates the alleged dichotomy between old and new minorities, their similarities and differences, especially in terms of rights and claims, and the potential extension of the scope of application of international instruments for the protection of minorities, such as the Framework Convention for the Protection on National Minorities (FCNM), as to include new minorities too. In the final part, the article analyses the states' responses to diversity with the aim to develop a common model for minority integration encompassing old and new minority groups.

Indigenous Peoples in Europe and their International Protection vis-à-vis the Threat of Climate Change

Alexandra Tomaselli

Abstract: Indigenous peoples are among the most vulnerable sectors of society in the face of climate change because they generally have a profound and spiritual relationship with the(ir) land. Paradoxically, they are among those who have maintained and promoted a holistic management of the(ir) land and the environment, and have caused less climate change effects. The Inuit petition against the US at the Inter-American Commission of Human Rights has prompted the debate and an increased international attention on climate change effects and human (and indigenous) rights. However, the nexus between human rights and climate change raises several conceptual issues. Against this background, this article pursues a threefold goal. First, it aims to introduce the international debate, scholarly approaches, and conceptual and analytical questions that have arisen and still arise about the human rights-climate change nexus. Second, it tries to ascertain how the exploitation of non-renewable natural resources, such as fossil fuels (e.g. oil and gas), are contributing to climate change and how (some of) its adverse effects may—directly or indirectly—represent a threat for indigenous peoples and their rights in the Russian Federation and in Northern Europe (Denmark-Greenland, Finland, Norway, and Sweden). Third, it seeks to identify which indigenous international law instruments may offer (some) protection to these indigenous peoples against (few) climate change-related harms.

PART II: REPORTS

A. International Developments

Justice and the Vulnerable: Developments from the Eighth Forum on Minority Issues Regarding Criminal Justice Systems

András L. Pap and Jacob Verhagen

Abstract: The Eighth forum on minority protection chose to focus on the treatment of minorities within the criminal justice system. During this forum, many issues were discussed, and solutions proposed. These included both long-standing historical issues, as well as contemporary issues of concern on a global scale. First, this paper will examine the background to the forum, its intents and purposes. Secondly, it will draw on the context according to which the topic of the eighth forum was chosen. Thirdly, the paper will take a look at notable contributions in the opening statements and each working group. At the end of the paper, we will examine recurring issues and proposed solutions throughout the forum. The intention of the paper is not to be analytical, but rather to highlight the main focuses of the forum and points of interest. As the event was a global forum, the contributions were on a global scale. Since the issues discussed are often universal and are often found at varying levels across national justice systems, it has import for European legal scholars and offers practical lessons for the better understanding the relationship between minorities and the criminal justice system.

International Developments 2015: Cultural Activities and Facilities, Including the Media

Mariya Riekkinen

Abstract: This section gives an overview of international developments from the perspective of minority rights concerning cultural activities and cultural facilities, as well as the issues of the media and, more broadly, freedom of expression. In dealing with cultural activities and facilities, it departs from the provisions of Article 12 of the European Charter for Regional and Minority Languages (ets No. 148). Although the provisions of the European Charter for Regional or Minority Languages provide the conceptual point of departure, this section does not limit its analysis to only language issues but addresses a wider framework of cultural rights of persons belonging to minorities. International developments in the said fields are tracked not only at the European level of minority rights regulation but also at the level of the United Nations. By examining the un praxis in the area of minority rights, we remain focused on minority issues, including indigenous issues, within the European legal context. This section starts with the analysis of the 2015 developments inside the un, and continues to address those of the osce, the eu, and the Council of Europe.

Participation, Citizenship and Transfrontier Exchanges – Engaging International Bodies in 2015

Sarah Stephan

Abstract: This chapter shall focus broadly on the most relevant international developments with a thematic focus on participation, citizenship and transfrontier exchanges in 2015, covering the activities of those international bodies seized to promote relevant international standards and to monitor progress under the auspices the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union respectively. The temporal scope of this chapter includes activities that either took place in or were first documented in 2015. The chapter aims to capture key developments and trends.

B. National Developments

‘The Song Remains The Same?’ Constitutional Developments in Catalonia and Scotland in 2015

Daniel Cetrà and Malcolm Harvey

Abstract: Scotland and Catalonia have long been seen as comparative cases: distinctive minority national identities with autonomist movements that have seen a measure of electoral or constitutional success. In 2014, both cases reached a critical juncture, with an official referendum in Scotland and a non-binding ‘participation process’ in Catalonia. Those events have been studied in detail elsewhere, but the focus of this article is on the aftermath – specifically, the political and constitutional developments in each case in the 12 months following their respective votes. In particular, we look at the plethora of actors involved in each case, the evolution of their attitudes and strategies and conclude that, irrespective of recent developments, the constitutional question will remain on the agenda in both Scotland and Catalonia for the foreseeable future.

Reviewing Minority Issues in the Middle of a Large-Scale Political Crisis: Analysis of Key Developments and Events during 2015 in Macedonia

Marina Andeva

Abstract: This article addresses minority politics and rights protection in the Republic of Macedonia, through scrutiny of key developments and events during 2015. The main events relate to the existing political situation in the country, minority party politics and dynamics, and the implementation process of the Ohrid Framework Agreement (ofa). Although it has been more than a decade since the ofa, the Macedonian system is still fragile and subject to further modifications; experts often discuss the need for its ‘revision’ or ‘review’. The major focus of this article is put specifically on the ofa and the discussions on its review.

National Developments – Russia Emphasis on Crimea, Russian Language, and National Security

Bill Bowring

Abstract: This report analyses the dramatic turn in the policy of the Russian Federation towards its minorities in 2015. In March 2014, the Kremlin created a new state agency, the Federal Agency for Affairs of Nationalities. This new Agency is headed by an fsb Colonel with combat experience in the North Caucasus, and no previous experience of work with minorities. There are three main manifestations of the new turn. First, there is an emphasis on protection of national security as the central aim of Russian nationalities policy, together with the strengthening of the state sovereignty and integrity of Russia. Second, there is the promotion of the Russian language, which is now seen to be in some ways under threat. And third, documents and speeches are replete with references to the ‘Rossiiskaya natsiya’ [‘Russian nation’], not to be confused with the ‘Russkiy narod’ [‘Russian people’]. This turn has been instituted against the background of a systematic ‘conservative turn’ by the Kremlin, with increasing obstacles placed in the way of all civil society organizations through the 2012 Foreign Agents Law, and the May 2015 Law on Undesirable Organizations. The ‘securitization’ of minorities policy in Russia and the appointment of fsb Colonel Barinov to lead the new direction of minorities policy in Russia will, as he has frankly stated, signify that preservation and promotion of cultural and in particular linguistic rights will be seen as threats to Russia’s continued existence.

European Yearbook of Minority Issues

Klaus Iohannis' Presidential Term: Between High Hopes and Disillusionment
Ovidiu Oltean

Abstract: The 2014 presidential elections in Romania and the victory of the former mayor of Sibiu, Klaus Iohannis, nurtured many expectations and high hopes. His election marks a rupture with the old political elite and was expected to bring a more western and balanced approach in the head institution of the state. But after almost a year and a half from the start of his presidential term his performance looks rather ambiguous and inconsistent. The president's selective use of presidential power and his discrete communication style have often put him in a hesitant and defensive position. In this context it is highly unlikely that Klaus Iohannis will pursue important changes and improvements during his term in the domain of minority politics, or extend ethnic minorities collective rights and provisions. Even though Klaus Iohannis belongs to Romania's ethnic German minority, his presidential agenda makes few references to the empowerment of ethnic minorities. His 'small steps' approach might bring surprising results, but so far the first one year and a half of the presidential term has been marked by a rather unconvincing performance.

The Kin-state Policies of Hungary, Romania, and Serbia in 2015: An Increasingly Centred Approach on Extraterritorial Citizenship
Andreea Udrea

Abstract: This article compares the kin-state policies of three countries: Hungary, Romania, and Serbia. It analyses the evolution of their legislation on kin-minorities focusing on the changes introduced in 2015. Even though the historical contexts greatly differ, all three countries became kin-states as a consequence of border changes: Hungary after the First World War, Romania after the Second World War, and Serbia following the disintegration of Yugoslavia. I show here that in spite of the normative prominence of the Act Lxii of 2001 on Hungarians Living in Neighbouring Countries in Europe, recent changes in the legislation of the three countries indicate that facilitated access to extraterritorial citizenship rather than identity recognition and support for culture has come to define the nature of their current kin-state policies

Ethnic Politics of the Hungarian Minorities in Slovakia, Romania, and Serbia in 2015
Carol Skalnik Leff and Oana I. Armeanu

Abstract: In the post-communist period, the driving forces behind minority rights protection have been international—the incentives surrounding membership in the European Union and relations with Hungary—and domestic—the minority's capacity to gain representation, and therefore leverage, in the political system. In this analysis of the current state of minority affairs, we focus largely on the domestic context—the politics of Hungarian minority representation in Romania, Slovakia, and Serbia—and the ramifications of relations with Hungary. In this overview, we will contextualize the key strategic situation in all three cases: the demographic challenge of inexorably declining minority populations. Given the size of their electorates, neither the half-million Slovak Hungarians nor the 1.2 million Romanian Hungarians can afford the kind of partisan split that could push all minority parties below the five percent electoral threshold. In Serbia, the Hungarian minority of around a quarter million benefits from the waiving of the electoral threshold. Nonetheless, they are a distinct minority even in Vojvodina, the region of their greatest concentration. We will also review ongoing controversies that have surrounded minority issues since the collapse of communism: language, education, and the issue of territorial and cultural autonomy

European Yearbook of Minority Issues

Ethnic Minority Rights in Georgia 2013–15: A Period of Stagnation

Giorgi Bobghiashvili and Graham Donnelly

Abstract: Georgia is the most ethnically diverse state in the South Caucasus. Since independence, it has been blighted by violent secessionism and Russian invasion, the roots of which are invariably described as having stemmed from this diversity; the lack of integration of its ethnic minorities; and the recurrent failures of Georgian governments to adequately balance the nationalizing tendencies of constructing a newly independent state on the one hand and the needs and desires of its multinational citizenry on the other. In the first part of this report, we look at the roots of the present minority situation in Georgia, noting the main minority groups and the issues concerning them, before moving on in the second part to consider the issue of minority governance. We also provide a review of the most significant developments in 2014–2015 before commenting on the prospects for the coming year.

PART III: BOOK REVIEWS

Levente Salat et al. (eds.), *Autonomy Arrangements around the World: A Collection of Well and Lesser Known Cases* (Editura Institutului pentru Studierea Problemelor Minorităților Naționale, Cluj-Napoca, 2014), ISBN 978-606-8377-30-8 (hardcover)

Annika Kress

Roberta Medda-Windischer and Andrea Carlà (eds.), *Migration and Autonomous Territories: The Case of South Tyrol and Catalonia* (Brill, Leiden, 2015), ISBN 978-900-4282-78-0 (hardback)

Christina Isabel Zuber

Multiple Book Review: Tove Malloy and Ugo Caruso (eds.), *Minorities, their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities* (Brill, Leiden, 2013), ISBN 978-90-04-21441-5 (hardcover)

Rainer Hofmann, Doris Angst, Emma Lantschner, Günther Rautz, and Detlev Rein (eds.), *Rahmenübereinkommen zum Schutz nationaler Minderheiten, Handkommentar* (Nomos, Baden-Baden, 2015), ISBN 978-3-8487-1310-3 (hardcover)

Ugo Caruso and Rainer Hofmann (eds.), *The United Nations Declaration on Minorities. An Academic Account on the Occasion of its 20th Anniversary (1992–2012)* (Brill, Leiden,

Metka Kuhar