

PART I: THEMATIC ARTICLES

Minorities and Counter-Terrorism Law

Ben Saul

Abstract: Members of minority groups have historically been both victims and perpetrators of terrorism. This article examines how international and national legal controls on terrorism have addressed or impacted upon members of minority groups. In particular, it identifies three key areas in which legal questions arise: (1) the extent to which terrorism laws protect minorities (which is principally a question of the definition of terrorism, particularly ‘motive’ elements); (2) how terrorism laws apply to – or exempt – members of minorities who perpetrate terrorism (which concerns both definition and exceptions to definitions); and (3) how counter-terrorism laws differentially or disproportionately impact on minorities (which concerns definition as well as over-policing).

Intersectional Mobilisation and the EU: Which Political Opportunities for Romani Women Activism?

Serena D’Agostino

Abstract: Inspired by extant literature on the Europeanization of social movements, this study asks whether and to what extent the political opportunity structures (POS) for collective action created by the European Union (EU) contribute to intersectional mobilization. In particular, it investigates whether the EU integration process determines (political) advantages for domestic (intersectional) political actors, or rather facilitates their marginalization from mainstream political agendas. Do emerging forms of activism at intersections have access to a broader or a more limited range of EU-driven opportunities? So as to answer this question, this article uses Romani Women Activism in Romania as case-study. Specifically, it identifies a set of EU-driven POS for Romani women advocates and uses (political) intersectionality as an innovative analytical tool to explore them. Empirical analysis employs data collected via semi-structured interviews with Romanian institutional and non-institutional political actors carried out in 2015. Findings show that although the EU contributes to produce an intersectional political advantage for Romani women activists (e.g. by facilitating their access to the resources available under different policy regimes), it nonetheless hinders the development of their intersectional political agenda by fostering single-strand policies and discouraging grassroots political action.

PART II: REPORTS

A. International Developments

Economic, Social, and Cultural Life, including Education and the Media in the context of European minorities and from the perspective of international law

Mariya Riekkinen

Abstract: From perspective of the rights of minorities in Europe this section overviews international developments concerning economic and socio-cultural entitlements, including those related to education and the media. It is thematically structured, according to two clusters related to the minority rights, i.e., a) cultural activities and facilities, including the media and b) economic and social life, including education, which are covered by the provisions of the European Charter for Regional and Minority Languages (ETS. No. 148). This review starts with

European Yearbook of Minority Issues

the analysis of the 2016 developments at the level of the UN, and continues overviewing the advancements at the level of the OSCE, the EU, and the Council of Europe. The adoption of the Thematic Commentary No. 4 “The scope of application of the Framework Convention for the Protection of National Minorities” by the Advisory Committee on the Framework Convention for the Protection of National Minorities (the ACFC) is among the most important highlights.

Participation, citizenship and transfrontier exchanges – 2016

Sarah Stephan

Abstract: This chapter provides an overview of international developments in 2016 which took place under the auspices of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, respectively, with a thematic focus on participation, citizenship and transfrontier exchanges. It aims to capture some of the key developments and trends during this period.

Observing minority rights in the administration of justice and public administration: European developments in 2016

Noemi Nagy

Abstract: This section overviews the 2016 developments concerning the status and the rights of European minorities with respect to administrative and judicial proceedings, with special focus on language rights. The longest part of the paper is devoted to the activities of the Council of Europe including the case-law of the European Court of Human Rights, and the implementation of the European Charter for Regional and Minority Languages as well as the Framework Convention for the Protection of National Minorities. Furthermore, the author presents relevant legal developments in the activities of the United Nations, the Organization for Security and Cooperation in Europe and the European Union.

B. National Developments

“Breaking Point”?: Brexit, the burkini ban, and debates on immigration and minorities in Britain and France

Sarah Hackett

Abstract: This chapter uses the Brexit vote and the burkini ban to assess and explore debates on immigration and minority communities in Britain and France. Drawing upon both the historical context, and recent and contemporary developments, it discusses perceptions regarding there being “too many” immigrants, and Islam and Muslims specifically, as well as the character and tone of the political and public deliberations on these topics in both countries. In doing so, it offers an insight into two of the most contentious episodes of Europe’s 2016 debate on immigration and minorities.

Constitutional Reform in Ukraine in 2016: Prospects for Regional Reintegration and Reconciliation of Dominant Eastern and Western Ethnonationalist Factions

Marguerite Marlin and Antony Butts

Abstract: Decentralization in Ukraine – a key part of the Minsk 2 peace deal and EU recommendations – has only been implemented half way. Ukraine’s progress in the realm of territorial decentralization and judicial reform in 2016 holds promise for improving the autonomy of communities and reducing corruption. However, it falls short in meeting the kind of depth of decentralization beyond the community level that would facilitate reintegration of the separatist-held regions of the Donbass with the rest of the country. We examine two proposals that came

European Yearbook of Minority Issues

forward in 2016 that would seek to address some aspects of this – one laying ground work for reintegration through regional elections and measures aimed at stemming inter-ethnic violence, and the other aimed at further rooting out corruption. Aside from details of developments, we look at the non-legislative aspects of reintegration (oligarchic relationships and various international and non-state actors) and how reintegration affects them.

‘Autonomy Convention’ and ‘Consulta’: Deliberative Democracy in Subnational Minority Contexts
Elisabeth Alber, Marc Röggl, Vera Ohnewein

Abstract: The article compares deliberative practices within the two constituent units of the Italian Autonomous Region of Trentino-South Tyrol: the Autonomous Province of Bolzano/Bozen (South Tyrol) and the Autonomous Province of Trento (Trentino). South Tyrol’s ‘Autonomy Convention’ and Trentino’s ‘Consulta’ are consultative processes that are differently structured but have the same aim: the elaboration of proposals as to the revision of the region’s basic law, the Autonomy Statute of 1972. The article highlights differences in structures and procedures of both deliberative practices and it gives evidence on the implications such differences have in the respective socio-political contexts. Unlike Trentino, South Tyrol is characterized by a power-sharing system between its major language groups, German- and Italian speakers; some special rules also apply to the third language group, the Ladin. The argument developed is that, in South Tyrol, the successful settlement of conflict by means of consociational arrangements favoured the institutionalization of deliberative practices. However, the same arrangements pose challenges to deliberative practices. The article contributes to the emerging literature on pitfalls and potential of deliberative practices implemented in multilingual and divided societies.

Kosovo’s Uneasy Minority Politics in 2016
Adrian Zeqiri

This article provides an overview of major developments that marked 2016 concerning ethnic issues in Kosovo. Particular attention is given to the actions of Srpska Lista (Serb List), Kosovo’s largest Serb party, as well as to the planned Association/Community of Serb-Majority Municipalities. There is also discussion of interethnic tensions and violence and of the controversy surrounding the lead poisoning of Roma, Ashkali and Egyptian residents of un Interim Administration in Kosovo (unmik) camps in Mitrovica. The article finishes with a summary of the year’s positive developments and reflections on the potential for the future. It is concluded that despite major obstacles, incremental progress is being made in interethnic relations and, particularly, in the integration of Serbs into the Kosovar state.

PART III: BOOK REVIEWS

Tove H. Malloy and Francesco Palermo (eds.), *The Minority Accommodation through Territorial and Non-territorial Autonomy* (Oxford University Press, 2015), ISBN 978-0-19-874666-9 (Hardback)
Sergiu Constantin

Multiple Book Review: Pål Kolstø and Helge Blakkisrud (eds.), *The New Russian Nationalism. Imperialism, Ethnicity and Authoritarianism 2000–15* (Edinburgh University Press, Edinburgh, 2016), ISBN: 978-1-4744-1044-1 (epub); Federica Prina, *National Minorities in Putin’s Russia. Diversity and Assimilation* (Routledge, Abingdon, New York, 2016), ISBN: 978-1-138-78082-8 (hardcover)
Mary McAuley

European Yearbook of Minority Issues

Matteo Nicolini, Francesco Palermo and Enrico Milano (eds.), *Law, Territory and Conflict Resolution. Law as a Problem and Law as a Solution* (Brill, Nijhoff, Leiden, Boston, 2015), ISBN 978-90-04-31128-2 (hardcover)

Eduardo J. Ruiz Vieytes

Roberta Medda-Windischer and Patricia Popelier (eds.), *Pro-Independence Movements and Immigration. Discourse, Policy and Practice* (Leiden, Brill Nijhoff, 2016), ISBN: 978-90-04-29438-7 (Hardback)

Davide Strazzari