

The Impact of Europeanization on Minority Communities in “Old” Member States: Italy and France

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The impact of Europeanization processes on minority protection is well researched regarding “new” member states, with the way that EU conditionality influenced minority politics during the accession phase being the most prominent topic. However, Europeanization processes in “old” EU countries have not been the focus of scholarly attention. When looking at the actual development of Europeanization, the “download” component (streams of influence from the European to the national and sub-national level) is stressed, while “upload” components (ideas and claims taken from the sub-national to the supra-national sphere) are often neglected. This paper aims to address both issues, by looking at the impact of Europeanization processes on minority communities in two “old” member states (the German-speaking minority in South Tyrol/Italy and the Breton minority in France) and taking on a process-oriented view of Europeanization, focusing on “bottom-up” developments. The data drawn from structured interviews with both representatives of minority communities and European Commission officials shows that the minorities’ different positions and degrees of protection lead to different goals and aims, which are expressed through diverse channels and strengths of “upload” and “download” processes.

Keywords: minority protection; Europeanization; “download” and “upload” processes; civil society

Minority protection and minority rights only came into the European Union (EU)’s focus after the downfall of communism, and after the Balkan wars had shown the devastating power of ethnic conflict. Faced with Central and Eastern Europe as well as the Western Balkans beginning their path towards accession, the EU needed to find a way to cope with the very heterogeneous societies and the high percentages of minority populations present in these regions. Therefore, the term ‘respect for and

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protection of minorities' was included in the 1993 Copenhagen Criteria for EU accession, which allowed the EU to exert influence on candidates via conditionality, and to make demands regarding improvements in minority protection. However, these demands could only be made in its "external" dimension; "internally" (meaning states that were already members), the EU possessed no leverage, and could not shape national minority policies. This led to a reality where the "new" member states had more extensive minority protection legislation and implementation than many "old" EU members, a discrepancy which is often criticized (e.g. Schweltnus, 2007) as undermining the credibility of the EU's commitment to minority protection.

In the EU's internal dimension, different channels of impact and collaboration can be identified. While the protection of human rights as individual rights and anti-discrimination measures have made it into EU law, and are therefore binding on all members, minority protection is a contested issue and remains a merely political criterion. This means that minority protection still largely depends on the member states, and the EU does not have much influence over it; it cannot implement rules or make demands "from above". Europeanization processes thus have to come "from below" in the "old" member states; e.g. through minority groups lobbying for their causes in Brussels, or through connections between minority groups made at the European level. Sub-national entities and actors can reach out to the supra-national level, bypassing the sometimes neglectful nation state. Conversely, the European level can connect with non-governmental organizations (NGOs) and activists, which could become the "eyes" and "ears" of EU institutions, providing information about local developments and on-the-ground implementation of measures (e.g. of the EU's programmes for fostering minority languages). Collaboration at the supra-national level and new opportunities for lobbying can then in turn impact on the minority's situation, through the sharing of best practices and new models in different policy areas, or through awareness-raising processes and demand for more regional co-operation.

The EU's inability to act on minority issues in its internal dimension is also reflected in scholarly work on Europeanization processes: most studies focus on "new" member states (the Central and Eastern European countries and the Western Balkans) and look at "top-down" developments, e.g. how accession conditionality shaped minority protection policies (Grabbe, 2005; Schimmelfennig and Sedelmeier, 2005; Sedelmeier, 2008; Schweltnus, Balázs and Mikalayeva, 2009). Conditionality

and the impact of “top-down” Europeanization processes (influence exerted by the European level on the national and sub-national levels) has been the focus of researchers’ attention, while “bottom-up” streams from the sub-national to the supra-national sphere have only recently been touched upon. Studies on an emerging European public sphere, European identity, and especially civil society groups and social movements connecting transnationally to achieve common aims, have contributed to more attention being devoted to “bottom-up” developments (c.f. della Porta and Caiani, 2009; della Porta and Diani, 2006; McCauley, 2011).

This article aims to address and combine two often neglected issues: the influence of Europeanization processes on minorities in “old” member states, and the importance of “bottom-up” developments such as new arenas for lobbying and furthering international fora for communication. This article focuses on two autochthonous minorities; both are linguistic minorities, but one has a kin-state (Austria) while the other is a stateless nation (the Bretons). The groups differ significantly in degree of protection, political influence and position, and therefore also in their needs, aims and the possibility and impact of both “bottom-up” and “top-down” Europeanization processes. The aim of the article is to provide a process-oriented analysis of Europeanization processes in both directions, and assess how these changing dynamics of interaction impact the minority’s situation, its preferred areas for lobbying and its self-perception in the EU. Due to the lack of EU competences on the issue, I expect “bottom-up” processes of Europeanization to be more prominent in the “old” member states; however, the highly different contexts of the two minorities may exert considerable influence on the degree and frequency of “uploading” and “downloading”.

I start with a theoretical introduction, examining Europeanization theories and defining the term “Europeanization” as used in the article, underlining the process-oriented view and the importance of the “upload” component. Following this theoretical section, I provide a short overview of the history and development of each minority community and a more detailed analysis of the current situation. I then discuss the empirical findings of structured interviews conducted both in person and via e-mail with five minority activists in South Tyrol and five in Brittany, and with two officials working at the European Commission (Directorate General (DG) Justice). My data suggests that the Breton minority respondents see the EU as an important partner, in particular as an organ capable of exerting influence on the

neglectful French nation-state, but are disappointed by its reluctance or unwillingness to act. Interviewees from the Commission highlight this view; the Bretons are described as being very active in trying to get EU support for their claims, even though it falls outside of the *acquis* in most cases, so that no action can be taken. In South Tyrol, European institutions are seen more as a forum for connecting with other minorities, and for possible lobbying activities; when it comes to actual minority protection policies, Austria (the minority's kin-state) is seen as the primary advocate in the event that the situation worsens.

1. Europeanization as a two-way process: the importance of “upload” processes

Europeanization has been prominently defined as ‘the domestic adaptation to European regional integration’ (Vink and Graziano, 2007: 7); or as ‘the emergence and the development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem solving that formalize interactions among the actors, and of policy networks specializing in the creation of authoritative European rules’ (Cowles, Caporaso and Risse, 2001: 3). Both definitions focus on a “top-down” view of Europeanization processes: “top-down” Europeanization normally refers to domestic change caused by “downloading” pressure or through the prescription of clear rules and policies, while “bottom-up” Europeanization can occur differently, through new possibilities for co-operation at the European level as well as through a more active civil society looking for new, trans-national arenas for lobbying. Adopting a uni-directional view of Europeanization limits our analysis to processes going from the European to the domestic and sub-national levels, and cannot capture processes addressed in the other direction, of “uploading” claims and ideas of “bottom-up” Europeanization. In the case of “old” member states, where conditionality is absent and “top-down” channels of influence are limited, “bottom-up” influence may indeed constitute the main form of Europeanization process. For the purpose of this paper, special attention is given to the “bottom-up” component of Europeanization, and to the dynamics of interaction between the different levels, adopting a process-oriented view, in which Europeanization is seen more as an underlying process than as an outcome (Radaelli and Exadaktylos, 2012). Unlike classic definitions of Europeanization, I define Europeanization as a two-way process, in which “download” and “upload” processes

occur; depending on the situation and external constraints, one or both directions of influence can be present for a specific case. Changes in the targets for lobbying, and the need for stronger collaboration and exchange with the possible development of trans-national networks, are an important part of the “upload” component, and may in turn affect minorities’ perceptions of other actors, as well as their own identity.

As described by Keck and Sikkink (1998) in their “boomerang model”, civil society actors may voice their concerns at the supra-national level, and as a result gain financial or other assistance for the realization of their claims at the domestic level, following a process-oriented approach, and benefitting from the two-dimensional nature of Europeanization. Following Börzel (2000), I argue that, as noted, Europeanization can consist of both “download” and “upload” processes; minority communities can “download” norms, rules and goals from the European level (e.g. in fields of EU legislative competence, such as anti-discrimination legislation), but they may also become “uploaders” of their own ideas and needs to the European level. More inclusive approaches to Europeanization also take into account the multi-level and multi-actor structure of European policy making, and therefore do not look only at national and supra-national actors and preferences, but also at other stakeholders, such as NGOs, civil society organizations, or sub-national and regional bodies (e.g. della Porta and Caiani, 2009; Rozbicka, 2013; McCauley, 2011). A functioning “upload” component requires a strong civil society (della Porta and Caiani, 2009), acting as a spokesperson for the minority, and making sure that its demands are heard at the supra-national level. della Porta and Caiani (2009: 25) even define Europeanization “from below” as “Europeanization of and by civil society”. Through a process of “Europeanization by externalization”, civil society groups may use the European institutions to exert pressure and aim to change national policies. But, as Warleigh (2001) correctly criticizes, the structures for the continuous involvement of civil society in the actual policy-making process are still lacking. It is therefore up to the activists themselves to organize, connect and ensure their political role on the international scene. One way of doing this is through “transnational advocacy networks”, which are characterized by ‘the centrality of values or principled ideas, the belief that individuals can make a difference, the creative use of information, and the employment by non-governmental actors of sophisticated political strategies in targeting their campaigns’ (Keck and Sikkink, 1998: 2). Following McCauley’s (2011)

definition of bottom-up Europeanization as ‘the reorientation of a (sub-)national actor’s *champ d’activité* towards supranational institutions, politics and/or policy-making’ (McCauley, 2011: 1,020), I also define changes in interaction, connections at the European level and targets of lobbying as instances of Europeanization processes, and indeed as crucial developments for “bottom-up” Europeanization.

Europeanization is therefore not a single, uni-directional mechanism, but an underlying process of change which has an impact on many fields of policy making, on the actors involved, on the level of decisions being made, and on how these decisions are transferred to the domestic or even regional level. In the “bottom-up” direction, new areas for lobbying and interaction can be identified, which in turn lead to new dynamics of exchanges between actors impacting the minority’s situation and its self-perception as well as its views on potential collaborations. As Radaelli and Pasquier argue, measuring Europeanization is a very difficult task, as it is ‘more a process than an end-state’ (2007: 39); this article aims to shed light on ongoing Europeanization processes through the data gathered during structured interviews, and to identify the impact of possible new developments in the dynamics that affect minorities. I specifically focus on the less researched “bottom-up” processes, but also identify possible “top-down” developments.

2. Case studies¹

A comparison between Italy and France reveals two very different cases in “old” member states, and allows a specific focus on the “bottom-up” component of Europeanization. Even though both countries are founding members of the EU, their approach to minorities differs greatly. While Italy recognizes minorities in Article 6 of its constitution, France does not grant any recognition to minorities, noting that this would constitute a violation of the republican principle of equality of all French citizens (French constitution, 1958). Not only are the countries’ overall approaches to minorities very different, but the specific minorities under consideration are also in very different situations. They vary in size, political influence, degree of protection, presence or absence of a kin-state, number of speakers of the minority language and strength of cultural identity, cultural or territorial concept for autonomy etc. While the German-speaking minority in South Tyrol is well-protected and was often cited as a model for territorial autonomy protection measures by both Breton and Commission

interviewees, the Bretons in France struggle to maintain their language and culture, and have been divided through the creation of two separate administrative regions in their area of settlement. Their goals mainly concern questions of official recognition and cultural protection (e.g. mandatory minority language education). In South Tyrol, questions of distribution are the focus of attention, namely requests for further autonomy across different issues, as well as for the necessary financial means to carry out newly delegated tasks. The two minorities' different positions (with regard to size, degree of protection, domestic political importance, competences at the provincial or regional level, etc.) also produce diverse answers and adaptations to Europeanization processes, as well as different approaches to European norms and the possibility of collaboration with European-level institutions.

Minority representatives were asked eight open questions about their experiences in collaborating with European-level institutions, and about how the EU and European integration have changed their community's situation in recent years, to which they could reply either in person or via e-mail, according to their preference. Minority members were given the option of speaking their minority language (or in French, for the Breton minority), and the interview was transcribed in its original language and translated by the author. Most respondents chose personal interviews, which were carried out between December 2013 and March 2014 in the minority's respective regions. Both minorities received the same set of questions, and the main topics were the EU's minority protection policy and practical collaboration with EU institutions and other minorities. They were questioned on the issue of how collaboration usually proceeded, which organs or institutions worked most closely with the minority, and which organs or institutions at the EU level were seen as the most trustworthy partners. The Commission officials were interviewed in March 2014, at different offices of DG Justice in Brussels, about their personal experiences with the minorities in question, how and whether they tried to contact the EU and what their claims were, as well as more general assessments of the EU's impact on minority issues. At the end, all interviewees were offered the option to provide additional opinions or experiences that related to the themes covered in the questionnaire. As the officials, like some of the activists, asked to remain anonymous, no names will be given and they will be referred to by their position. I interviewed five representatives and activists in South Tyrol, and five in Brittany. In South Tyrol,

all interviewees were present or former politicians (current and past members of the European Parliament (EP), or of the local government dealing with EU issues); two were also active in different NGOs promoting minority rights and connections. Most were members of the *Südtiroler Volkspartei* (SVP) the main minority party, while one was a member of the Green Party. The Breton interviewees were mostly activists (four out of five) from different civil society groups, while one was a journalist. At the Commission, only two officials from DG Justice willing to be interviewed could be identified, one male and one female, from different member states. Unfortunately, it was not possible to maintain the gender balance for interviewees: most were male (nine out of twelve), aged between 40 and 70.

2.1 *The German-speaking minority in South Tyrol (Italy)*

The German-speaking minority in South Tyrol, as well as the much smaller Ladin community, were part of the Austro-Hungarian Empire from medieval times until the end of the First World War and the Treaty of St. Germain in 1919. Assimilation and repression of the minority started in 1922, after Benito Mussolini came to power and established a fascist dictatorship in Italy. The use of German was outlawed, all education was only in Italian, place denominations as well as names and surnames were Italianized, and mass migration from other parts of Italy was enforced to create a largely Italian-speaking environment in which the minority would have to conform. In 1939, Hitler and Mussolini signed a treaty on the South Tyrolean question, granting its inhabitants the choice of remaining in an increasingly Italianized homeland or leaving for a future in the German *Reich*. Referred to as “the Option”, this development compelled over 86% of the population to opt for Germany; however, the large majority of the population did not depart for the *Reich*, as the operation was interrupted by the outbreak of the Second World War, which made resettlement much more difficult. Until 1943, only 37% (approximately 75,000) of the people who had opted for Germany had actually left Italy (Steininger, 1999: 182); a delay that later proved vital for the minority’s survival. After the war, the South Tyrolean People’s Party (*Südtiroler Volkspartei* / SVP) was founded, and it quickly became the minority’s main vehicle of political representation. On 5 September 1946 the Austrian Foreign Minister Karl Gruber and the Italian Prime Minister Alcide De Gasperi signed the “Gruber-De Gasperi Treaty”, which guaranteed mother tongue education, use of

the minority language in official proceedings, the possibility to use German names instead of Italian versions, and equal opportunities for employment in public administration (Steininger, 1999: 365). However, at first the document remained a mere promise on paper, and the First Autonomy Statute of 1948 lacked the political will for implementation. In 1960, the Austrian Foreign Minister Bruno Kreisky brought the issue to the United Nations (UN) General Assembly, which decided in Resolution 1497/XV that Italy and Austria were to negotiate proper implementation of the Gruber-De Gasperi Treaty. In 1961, attacks were carried out on railway lines and electricity poles by the secessionist organization *Befreiungsausschuss Südtirol* (BAS), which met with severe repression by the Italian state (Steininger, 1999: 491-492). The negotiations proceeded very slowly and with resistance from both sides, until a new “package” of measures was presented in 1969, which the SVP voted to accept, albeit by a very small majority. The Second Autonomy Statute entered into force in 1972 and provided the basis for the high degree of autonomy and wealth which the province of Bozen/Bolzano enjoys today. In 1992, the dispute at the UN was finally settled—a prerequisite for Austria’s admission to the EU. The South Tyrolean model relies on a proportional system for the distribution of public service posts between the three language groups (German, Italian, Ladin), and shared competences at the provincial and communal levels. Finally, each group has own competences over areas of high salience for their respective identities (e.g. schools and cultural matters).

Internationally, the German-speaking minority is regarded as well-protected. It has territorial autonomy, and makes up the majority in the province of Bozen/Bolzano, which grants it considerable power over local matters. Special clauses in the electoral system ensure that the minority is also represented in Rome, with seven members of parliament in August 2014 (three in the senate, four in the chamber), although how minority representation will be handled in the senate after the ongoing parliamentary reform process has yet to be decided. Education can be received fully in the minority language, and German is the second official language for all public proceedings (e.g. administration, judicial system). Article 6 of the Italian constitution states that ‘the Republic safeguards linguistic minorities by means of appropriate measures’ (Italian constitution, 1947). The general consensus is that a large degree of protection has been achieved, and the new tasks are thus to guard the competences delegated to the province by the state, while at the same time aiming at

more autonomy, especially in the financial and fiscal sectors. As Pallaver (2008: 323-325) notes, an erosion of traditional ethnic barriers has been a noticeable “bottom-up” development since the 1970s and a more associational model of autonomy is now being implemented, especially since the settlement of the UN dispute in 1992. In a more recent article (2014), he identifies a “territorialization” of the autonomy, which is leaving behind ethnic divides and progressing to a territorial model in which all ethnic groups are involved, and in which stronger autonomy does not only mean more minority protection, but better administration and a higher standard of living for all linguistic groups. Attacks by national media in the autumn of 2013 (especially by host Bruno Vespa in *Porta a Porta*, one of the main political talk shows) on the new South Tyrolean provincial government were aimed at the “privileged north” in general, and not specifically at the minority, which confirms Pallaver’s theory. The tax system (90% of tax revenue collected in South Tyrol remains in the territory) was one of the main criticisms, fuelled by the economic crisis. At the time of writing (August 2014), discussion of parliamentary reform and the future of the senate was one of the dominant topics in Italian, as well as South Tyrolean, politics.

The interview data underlined the concept of “territorialization”; more competences (e.g. more policy areas where decisions can be made, fully or partially, at the provincial level) are no longer seen only as a means of protection, but as a positive development in general, especially in light of the financial crisis that has limited the central state’s financial and political capabilities. Autonomy is often mentioned as a model of “best practice” for other groups in Europe. The EU is seen by respondents as an important international actor, providing a platform from which minorities can work together. Living in a region situated on the border between Austria and Italy, most respondents highlighted the importance of the EU for free travel and the abolition of borders, which have made life considerably easier. The idea of a “Europe of the regions” was also often mentioned as a positive aspect that could grant minorities a more prominent role as the nation-states declined in importance. Additionally, the principle of subsidiarity was mentioned as another strong point of reference for obtaining more competences and keeping most of the administrative capacities at the local or regional levels. The EU was thus generally viewed as a competent partner, as an asset which has improved the minority’s daily life. However, when asked about which entity they would turn to in case of crisis, most interviewees

mentioned first and foremost their kin-state Austria. Lobbying for their cause at the European level does not seem to be very important; it is mostly thought of as a means of achieving specific goals (e.g. regarding the distribution of agricultural funding), but not as the main contact point for minority issues in general. The European Commission's recent rejection of the Minority Safepack Initiative, a European citizens' initiative demanding a proposal for minority protection from the Commission, reinforced the feeling that the EU is not interested in the issue. The Commission mentioned that 'the initiative falls manifestly outside the Commission's powers to submit a proposal for a legal act of the Union' (quoted in Federal Union of European Nationalities (FUEN), 2013). However, FUEN—as the main force behind the initiative—has decided to take legal action against the Commission's decision through the European Court of Justice.²

As many South Tyrolean minority representatives were also involved in drafting and promoting the initiative, the Commission's "no" has damaged the generally rather positive view of the EU. As one interviewee explained:

The initiative was discussed with lawyers various times, and very carefully worded, in order to remain within the Commission's frame of competences. There is no reason to reject it based on the text submitted, so we have to believe that the Commission just does not want to get into the topic of minorities, in order not to damage its relationship with nation-states that do not respect minorities. (Interview, SVP politician and NGO representative, 2013)

However, Europe—and especially a borderless Europe with strong regional identities and federalist structures—is still seen as the most favourable context for the well-being and development of minorities. Due to the economic crisis, and the cuts and austerity measures undertaken by the Italian state, the minority is moving closer to Europe: 'I know many people ask for self-determination now, but I believe this is delusional. A strong, regionally oriented Europe and a weak nation-state are more likely to be favourable to us. We should aim for more cross-border cooperation, with regions in a similar position to ours, and proceed to get more competences from the state' (Interview SVP politician and Member of the European Parliament (MEP), 2013).

For South Tyrol, the struggle for the survival of the minority culture and minority language is no longer imminent; distributive issues (of autonomy, competences and funding) are currently the greatest concerns. Europe was seen by

respondents as an important means of increasing minority's prosperity, especially through the abolition of borders and the possibility to travel, work and study abroad. For concrete issues (e.g. agriculture) the EU has become the most important political arena and forum for lobbying, but for minority issues, Austria as the kin-state is still regarded as the minority's vital ally. The Commission's rejection of the Minority Safepack Initiative was regarded by most interviewees as its unwillingness to become involved in a sensitive subject, and this has certainly damaged the generally positive sentiments about a federalist, regionally oriented EU as a better solution for minorities than attempting border shifts. Collaboration on minority issues seemed to be especially prominent in the context of the EP, which some activists mentioned as a positive example: 'The EP is interested in human rights and provides a platform for it, like in the recent discussions about minority language recognition. Sadly, it is not the institution that is really in power of decision-making' (Interview, former MEP, 2013). Regarding Europeanization processes, both "download" and "upload" mechanisms can be identified; "downloading" and the added opportunities provided by the EU impacting the national and sub-national sphere are still seen as more important. "Upload" components have not yet become the minority's primary focus, although they are increasingly possible and used strategically for lobbying on specific areas. Free movement of people and goods, in particular, is seen by many interviewees as a very helpful EU-induced development for minorities, and the additional EU citizenship is identified as more important than the often resented national one. "Uploading" their ideas to the supra-national level is seen by most interviewees as difficult, but facilitated communication in a connected Europe is making it easier. In contrast to the Bretons who, as will be seen below, are also highly active in contacting the Commission about their concerns, the South Tyrolean representatives usually only raise questions about concrete issues related to EU law: 'I do not recall many incidents with the German-speaking minority. There was one claim about privacy issues with regard to the declaration of belonging to one of the linguistic groups, but I do not remember any other instances of them contacting DG Justice' (Interview, Commission official from DG Justice, 2014). The South Tyrolean model of territorial autonomy also raises interest in other minority groups across Europe, who engage in close contact with local representatives and activists to share best practices and opportunities for further collaboration on common goals. The Autonomy Statute for South Tyrol (of 1972, often also referred to as the Second Autonomy Statute) will

have to be amended further in the next few years, as it was drafted before EU law had become relevant to many areas of policy making; revisions are necessary to ensure conformity with current EU legislation, another area where the “download” process will occur and directly impact the minority’s situation. “Bottom-up” Europeanization is also likely to grow stronger: as more areas come under EU competences, there will be more concrete issues to lobby for in Brussels, even if those areas might not directly concern minority protection policies (e.g. demands to receive media and broadcasts from other EU countries in member states). If the Court in Luxemburg decides to positively evaluate the Minority Safepack Initiative, a process of greater civil society involvement fostering “bottom-up” Europeanization could be initiated.

2.2 The Breton minority in France

The Breton minority in France are speakers of an old Celtic language who reside in the north-west of France. The current administrative region of Brittany contains only four of the five historic provinces (*départements*). The province Atlantique Maritime, with the important cultural capital Nantes, is now part of the region of Pays de la Loire. This splitting of the minority is one of the most commonly criticized measures (including in my interview data), as it renders common efforts for safeguarding the language much more difficult. The Duchy of Brittany was incorporated into France in 1532, and kept its own laws and taxes until the French government abolished them and outlawed the use of Breton in 1790 (MRGI, 2009). The developments in Brittany at the time were caused by the French revolution, which demanded a unitary state in which all citizens were equals—making ‘unique and invariable use of the language of liberty in a Republic which is one and indivisible’ (quoted in Judge, 2007: 21). Even nowadays, French is called the ‘cement of our national unity’ (*Ministère de la culture et de la francophonie*, 1994, quoted in Judge, 2007: 22). By the 1930s, one in four people still spoke a regional or minority language; by the 1980s, this number had dropped to less than one in thirty (Dulong, 1975: 47). In 1951, the *Loi Deixonne* was implemented, which allowed one hour a week for Breton lessons—provided that teachers would hold them for free in their leisure time. In 1977, the Diwan Independent School System was established to ensure minority language education from nursery school level. In 1981, the French government approved a degree course in Breton at the Université de Haute Bretagne, and in 1999 the Breton Language

Office (*Office de la Langue Bretonne/Ofis ar Brezhoneg*) was established. Article 11 of the *Loi Toubon*, which was passed in 1994, stated that the language of education was French, but that the teaching of foreign and minority languages could constitute an exception to this rule (Judge, 2007: 28-29). Article 2 of the French constitution declares that ‘The Language of the Republic shall be French’, making no mention of minority languages (French constitution, 1958). This article is usually quoted in discussions of France’s non-ratification of the Council of Europe’s 1992 *European Charter for Regional or Minority Languages* (ECRML). As in the case of South Tyrol, Brittany also saw political terrorism, when the *Armée Revolutionnaire Bretonne* (ARB) or Breton Revolutionary Army, now a banned terrorist organization, carried out over 200 attacks. The political representatives of the minority are gathered in the *Union Démocratique Bretonne* (UDB, Breton Democratic Union), which has been active since 1964. The UDB advocates for autonomy within France instead of separatism, and has been successful in national and regional elections. It also campaigns for the abovementioned goal of reuniting all Breton territories in a single administrative unit (MRGI, 2009).

The radical republican French approach aims at equality, but fails to see the inequality produced by neglecting cultural differences. The interview data for the Bretons clearly showed that this lack of recognition was seen as the most pressing issue at hand, while distributive issues and opportunities for lobbying which dominated the South Tyrolean interviews were either absent or identified as being of secondary importance in the Breton case. One of the most important matters for the Breton representatives was the ratification of the ECRML. Although France signed the Charter in 1999, it has yet to ratify it, although current President François Hollande promised to do so during his electoral campaign. In its declarations to the Charter, France highlights that the ECRML is acceptable if ‘the aim of the Charter is not to recognise or protect minorities but to promote the European language heritage’ (French Declaration, 1999). On 28 January 2014, the French National Assembly voted in favour of a law that would enable ratification of the ECRML (European Free Alliance, 2014), which would represent a significant step forward in the struggle for cultural protection, and provide at least a certain degree of visibility to linguistic minorities.

In their quest for linguistic recognition, the Bretons have addressed the EU by writing letters to the European Council and President Herman Van Rompuy, as well as to the European Commission. As they lack a kin-state, the EU was seen by most interview partners as their main ally on minority issues; again, the European Parliament was viewed particularly favourably: ‘In the EP, minority issues are openly discussed. We can cooperate with Members of Parliament of other minorities, and take on a progressive approach to protection’ (Interview, Breton NGO activist, 2014). In relation to the other EU institutions, the Breton representatives seem rather disappointed: the rejection of the Minority Safepack Initiative by the Commission has considerably reduced the Bretons’ faith in the EU as a partner for minority protection. French regions are not allowed to autonomously set up office and lobby on their behalf in Brussels; according to all Breton activists, this is a major hindrance to the “upload” process, as regional entities and minorities cannot express their points of view. Despite these problems, the Bretons are still one of the most active minorities when it comes to contact with the European institutions; according to a Commission official: ‘The Bretons contact us relatively regularly and frequently, and complain about neglect by the French state or that they have to be split up between two administrative regions; many also express the desire for a referendum and separation from France, like the one soon to be held in Scotland. However, there is nothing we can do on these matters; if there is no judicial basis in EU law, we cannot do anything, but refer to the Council of Europe and national competences’ (Interview, Commission official from DG Justice, 2014).

Interestingly, as in the South Tyrolean case, lobbying opportunities and collaboration have come up through the agricultural sector: ‘In the 1980s, Breton agricultural economic lobbying was developed, nowadays represented in the movement *Breizh Europa*. Later on, in the 1980s and 1990s, and on a smaller scale, the EU has become a platform for cultural and minority rights exchange with other ethnic minorities’ (Interview, Breton journalist, 2014). The EU can therefore provide an important forum for establishing connections with other minorities, and is now seen as the main target of lobbying activities, but when asked if the EU was a reliable partner in minority questions, most Bretons paint a rather dim picture: ‘We have been in contact with [the EU Fundamental Rights Agency, situated in Vienna] (through *the Collectif Breton Démocratie Droit De l’Homme*, among others), but France—a

founding member of the EU—does not apply the laws that it demands from other member states. [...] We have been contacting all European organs since 2000, but with little success’ (Interview, Breton activist, 2014). The discrepancy in protection standards applied to “old” and “new” member states, a major topic in scholarly literature, was also frequently mentioned during the interviews. As France is one of the “engines” of European integration, the double standard regarding minority protection is perceived as especially unjust. In the absence of a kin-state, the EU seems to be the most important partner, and while it does provide a forum for collaboration, its institutions are seen as unresponsive and even unwilling to cooperate on minority issues. The Bretons are lobbying for two main goals, which the South Tyroleans already possess: recognition of their language, and thus to a certain extent acknowledgment of the minority itself; and one single administrative unit encompassing the whole minority. Distributive issues do not seem to play much of a role, except in the context of agricultural policy as described above. The minority benefits from a strong civil society, which is also very active in taking its claims to the European level. Despite the criticized irresponsiveness of EU organs, the EU’s cultural and linguistic programmes are used to establish trans-national networks: ‘Since the Breton cultural movement has grown strong again, relations with the other Celtic countries have been intensified with the help of funding through EU cultural programmes, e.g. there are exchange programmes between Wales and the region of Brittany. These are the most fruitful collaborations and exchanges’ (Interview, Breton journalist, 2014). Therefore, while official recognition seems to be slow, and in some cases blocked, an active civil society and cultural sector have opened up ways of collaboration on and fostering the minority culture. An “upload” of ideas occurs in the form of discussion and trans-national connections, but “download” channels are blocked due to the nation-state exerting its authority on the matter and maintaining its gatekeeper function. “Bottom-up” Europeanization is therefore much more prominent, largely due to the very active civil society, which is looking for new possibilities for lobbying and exchange; the EU’s “top-down” impact remains limited. A strong advocate in the supra-national sphere would be needed for greater impact; while the EU gets involved via the promotion of cultural diversity and its funding programmes, it does not openly commit itself to minority and linguistic protection, or make demands regarding French policy on the matter. The reports drawn up by the EP constitute an exception (e.g. the Motion for a Resolution on Endangered European

Languages and Linguistic Diversity of 26 June 2013, stating that ‘linguistic diversity is acknowledged as a citizen’s right in Articles 21 and 22 of the Charter of Fundamental Rights, which means that trying to establish the exclusivity of a language is a restriction and a violation of the fundamental values of the Union’), but a reluctant nation-state cannot be coerced into compliance by any EU institution without legal competence on the matter. As Boomgard (2008) notes, the Bretons need funding to keep their cultural activities—such as private Breton-language education—alive. Lobbying for funds used to occur predominantly in Paris, but has now partially shifted to the European level as a way of maintaining funding but distancing itself from France. If France follows through on its recently approved mission of finally ratifying the ECRML (January 2014), a channel for “download” processes on linguistic protection norms could be opened. However, “bottom-up” Europeanization is likely to remain the prominent process in the case of the Bretons; their very active civil society has shifted much of their lobbying efforts to the EU level, and although these processes have not led to new protection norms, they have certainly helped to raise awareness of the situation. The EU is also a valued platform for discussion and interaction with other minorities; through cultural programmes and funding, a positive impact of these developments on the minority’s situation can be expected.

3. Conclusion: “Bottom-up” Europeanization through “upload” processes as important developments for minorities in “old” member states

As expected, the interviewed minority representatives from both countries have shared goals (such as a stronger EU involvement in minority issues, and bringing the Minority Safepack Initiative into being despite the Commission’s “no”). Both minorities wish for a stronger EU, particularly during the ongoing financial crisis and a more prominent EU moving toward a “Europe of the regions” is viewed as a favourable situation for minorities and their development. Secessionist tendencies can be observed in both cases, but the majority of interviewees see European integration as the way forward. However, the minorities’ main goals differ from each other: the Bretons strive for official recognition and linguistic protection (one of the aims most often cited is ECRML ratification), while South Tyrol has already achieved these standards, and aims for further competences in self-government (e.g. more policy areas that can be decided upon at the provincial level), and the necessary financial

means to complete these tasks. Returning to the definition of Europeanization given at the beginning of this paper, and the expectation of “bottom-up” processes being stronger in the old member states, we can identify instances of both “bottom-up” and “top-down” developments for both minority communities. Indeed, a strong “bottom-up” component is visible in both cases, as both minorities have an active civil society. However, due to the minorities’ different positions and aims, the “download” and “upload” channels vary in strength.

For South Tyrol, both “download” and “upload” processes can be observed; “download” from the European to the sub-national level is possible, and interaction between the two spheres is not hindered (e.g. strong collaboration through the shared offices by representatives from North Tyrol and Trentino in Brussels, MEPs who are very active in minority issues, broad coverage of European and minority topics in local media). Additionally, EU law requires adaptation to the current legislative standards of the 1972 Second Autonomy Statute, another “top-down” Europeanization process which will directly impact the minority’s situation. European norms and discourses can find their way into the domestic sphere. Under the “upload” component, minority representatives are active in lobbying (e.g. in the agricultural sector), and also in the discussion of ideas in the EP, which is seen as one of the most favourable institutions for minorities. However, lobbying is confined to specific issues, mostly within the EU’s area of legal competence; minority representatives do not see the EU as their main ally in making general claims, and would turn to their kin-state Austria in the event of problems. The South Tyrolean MEP’s work in the EP underlines this development; the discussion of very specific issues, where the EU has already acquired legal responsibility or is likely to do so in the near future (such as the possibility of accessing German language internet content from Italian internet addresses), is addressed via parliamentary questions. Such lobbying activities and a shift from the local to the European level can be expected to increase in the future, as the EU gains competence over trans-national issues and regulations of particular importance to minorities, such as access to media and television stations. In turn, both directions of Europeanization processes and channels of interaction could increase: minority representatives and MEPs could discuss their policy issues at the European level, and if these are situated in an area of EU legal competence, possible EU

legislation on the topic would then result in a “download” of new norms to the national and sub-national levels.

The Breton case presents a different situation. Issues of recognition are very important to the minority; official recognition as a minority group seems an unreachable goal for now, but recognition for the endangered Breton language is vital for its survival, and by extension for the culture it embodies. The Bretons hope that France will finally ratify the Council of Europe’s ECRML, which it signed in 1999. This would at least grant visibility to the minority language, and enhance its status both nationally and internationally. Linguistic protection is one of the most frequently mentioned topics in the Bretons’ appeals to the Commission, and especially to DG Justice; however, the Commission cannot act on such proposals as they fall outside EU law. France’s centralist nature makes it difficult to achieve self-government competences or further funding for the regional level. In policy areas of EU legislative power, agricultural funding is the most prominent area of lobbying. “Download” processes happen in sectors where the EU has the power to create laws that the member states then have to implement, but are blocked in areas where the EU has no competency to take legal action, such as minority protection. “Upload” developments are therefore the dominant type of Europeanization process in the French case: networks with other Celtic peoples, discussions in the EP, meetings with other minority groups are all important means of raising awareness of the issue. For the Bretons, the shift in lobbying and goal-oriented processes from the national to the supra-national level has happened to a larger extent; they do not only lobby the EU on highly specific issues within EU legal competence, but also on more general claims regarding minority protection. Stronger support from the EU would be needed to complete a “boomerang-pattern” (Keck and Sikkink, 1998) of norm diffusion (e.g. further pressure on France for ECRML ratification; as the ECRML was one of the benchmark documents for the enlargement process, rhetorical pressure on France for not valuing the common standard should at least be possible). The EU’s lack of competency on the matter and its reluctance to interfere with topics of high national salience, such as minority rights, make direct involvement unlikely. However, cultural programmes (e.g. to foster minority languages) are important instruments that can serve as “unofficial” means of improving the minority’s situation. If the ECRML ratification process is brought to a successful conclusion, increased efforts can be

made. In “old” member states like France and Italy, where conditionality is absent but a strong civil society is present, “upload” processes could become even more important in the next few years, and indeed provide the way forward for minority representation and a new arena for lobbying in the EU.

Notes

1. The case selection stems from a larger study for my doctoral dissertation project, where Europeanization processes were not only analysed for “old” member states, but a comparative picture was provided through the inclusion of “old” and “new” member states, bridging the traditional dichotomy in the literature.
2. *Minority Safe Pack and Others v. Commission*, Case T-646/13, 25 November 2013. <http://curia.europa.eu/juris/document/document.jsf?text=minority%2Bsafepack%2Binitiative&docid=151054&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=107263#ctx1>. Retrieved: July 20, 2014.

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Interviews

- Interviews with five South Tyrolean minority representatives. Conducted in Bozen/Bolzano, December 2013 – March 2014.
- Interviews with five Breton minority members and activists. Conducted in Brittany and via e-mail, January 2014 – March 2014.
- Interviews with two Commission officials from DG Justice. Conducted in Brussels, March 2014.