

## **EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary and Poland\***

Peter Vermeersch\*\*

*University of Leuven (KU Leuven), Belgium*

To what extent has the EU's growing concern for norms of minority protection influenced domestic policy-making in the candidate member states in Central Europe? In order to begin to explore this question, the present article assesses the impact of both domestic and international factors on the development of policies towards national minorities in three Central European countries: the Czech Republic, Hungary and Poland. Following an introduction, which places the subject in the context of the larger debates on minority rights, the first part of the article describes the ways in which regional organizations in Europe have attempted to persuade or induce the three countries under consideration to adopt minority rights policies. The second section then describes policy developments in Central Europe and considers the factors that have contributed to policy shifts. Finally, the third part reflects on the uneven impact of the EU's accession criteria on the development of minority rights policies in the candidate countries and concludes that the EU's impact on policy has crucially depended both on domestic interests and receptivity to international concerns for internal security.

### **Introduction**

An important debate among a number of contemporary political theorists is about whether countries in post-communist Central and Eastern Europe (CEE) should grant group-specific rights to their national minorities (Kymlicka and Opalski 2001). This debate focuses in particular on the question whether Western minority rights policies serve as a useful guide to policy-makers in CEE. In other words – can such policies be ‘exported’? The term ‘minority rights policies’ in this context does not refer to a specific and uniform policy programme, but to a wide range of policies which have in common that they all in one way or another recognize and

\* This article was originally published in the *Journal on Ethnopolitics and Minority Issues in Europe*, Vol 4, No 1, 2003, 1-32. An earlier version of this article was presented at the Annual World Convention of the Association for the Study of Nationalities (ASN), Columbia University, New York, 3-5 April 2003. I would like to thank Eben Friedman and Graham Holliday for their very helpful comments on earlier drafts of this article.

\*\* Professor of Political Science.

accommodate the demands of communities distinguishing themselves from majority populations by religious, linguistic, cultural and other characteristics that are considered 'ethnic'. Minority rights policies offer forms of protection that go beyond the basic civil and political rights guaranteed to all individuals in a liberal democracy. Examples are the introduction of minority self-governments; the granting of territorial or cultural autonomy to minority groups; the funding of activities and organizations of national minorities; the introduction of particular forms of affirmative action, guaranteed representation, or consultation of minorities in government institutions; and the funding of bilingual education or mother-tongue instruction.

A number of controversies have come to the fore as a result of this debate. For example, there has been no agreement among political theorists on whether the adoption of minority rights *in general* is morally justified. Some critics have argued that liberal-democratic states should maintain their neutrality with regard to ethnocultural diversity (e.g. Barry 2001; Joppke 2003). Others have contended that although minority rights are not illiberal *per se*, there is nevertheless a danger that the institutionalization of ethnic boundaries will erode overarching identities, undermine potential cross-ethnic solidarities and therefore produce ethnic conflict (e.g. Phillips 1999; Gitlin 1996). In contrast, such authors as Kymlicka (2001), who believe that classical liberal theory should be open to the accommodation of claims made by minority groups, have argued that minority rights are indeed needed to help protect minorities from injustices that might arise from the fact that states are *never* ethnoculturally neutral. In this way, it is argued that states invariably support a particular 'societal culture' that is not necessarily the societal culture of the minorities.

Parallel to this discussion, it remains a topic of a debate whether minority rights policies – if one accepts that such policies are in principle commendable – are applicable in the *specific* area of CEE. In his introductory essay to *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Kymlicka (2001) contends that countries in CEE have a specific historical experience with ethnic relations that is very different from that of many countries in the 'West'. Nevertheless, he argues, the introduction of Western-style minority rights regimes in CEE is appropriate for both normative reasons (creating ethnoculturally just societies) and pragmatic considerations (achieving peaceful ethnic relations). In his view, a transfer of minority rights policies to the East should be viewed as a legitimate response to actual or perceived injustices that have arisen in the course of nation-building in the region. Critics on the other hand have pointed out a number of problems with regard to such a policy transfer. Some of them have argued that introducing minority rights policies in CEE, an area that has known many instances of violent ethnic mobilization, may

unduly support the development of ethnically organized political communities that merely care for their 'own' ethnic-based interests. Wolff, for example, has argued in favour of the "de-ethnicization of everyday politics" (2002: 14) in CEE. Others have raised the issue of *intolerant* minority nationalism (Dimitras and Papanikolatos 2001). On this view, such policies may open the way to new oppressive regimes at the sub-national level. Still others have questioned whether the adoption of minority rights policies would not make it more difficult to achieve democratic consolidation in transition states (Doroszevska 2001).

The discussion is far from over and is attracting the attention of an increasing number of scholars both in Eastern and Western Europe. One wonders, however, if these debates should not be complemented by more sustained empirical research on the impact of Western benchmarking on policy-making on minorities in CEE. Especially in light of the impending enlargement of the European Union (EU) such research seems particularly essential. While many theorists have pondered over the question whether minority rights policies *should* be exported to CEE, relatively few scholars have sought to find out whether such a process of transfer has not already been ongoing for some time. On the basis of the existing literature on the ability of European actors to impact upon domestic institution-building and policy-making in the member states, one is compelled to think that EU enlargement has indeed fostered a process of adaptation in the candidate member states. In particular, one would expect that the process of EU enlargement has considerably affected the shape of minority policies in the candidate countries. Lack of empirical data and analysis, however, makes it difficult to assess the extent to which this has been the case. Moreover, even assuming that a form of policy transfer has already taken place, it remains unclear what mechanisms have been at the root of such a transfer. In sum, two questions stand out: (1) To what extent have states in CEE been under pressure from the EU to introduce minority rights regimes? (2) To what extent are domestic policy changes in the field of ethnic relations in CEE related to the EU's pressures for adaptation?

In order to explore these questions, this paper investigates the internal and external factors that have influenced policy-making on national minorities in three Central European candidate member states: the Czech Republic, Hungary and Poland. These countries have been prime candidates for EU membership ever since they applied for accession and display roughly similar properties with regard to their ethnic composition. They are all three considered to be relatively ethnically homogeneous, but host a number of important and politically active national minorities. Notwithstanding this similarity, one observes conspicuous differences in the policies these states have introduced to deal with their national minorities and in how such policies have

come about. The paper starts with a discussion of the ways in which European institutions have attempted to bring about a 'policy transfer' concerning minority interests in the three EU prospective member states under consideration. In the second part, I explore the various policy shifts that have occurred in these countries since the collapse of communism. In the third part of the paper, I ask whether domestic policy changes should be seen as responses to normative pressures exerted by the EU on these countries. Since it is difficult to measure the level of *direct* influence of the EU's conditionality policy on policy outcomes in Central Europe, I have chosen to examine the various domestic policy formulations and the references they contain to the EU's accession conditionality. In other words, my aim has not been to investigate domestic policy practice in Central Europe, but to explore the extent to which the three candidate member states under consideration have utilized the preconditions set by the EU in order to underpin, justify and legitimize crucial policy changes. To this end, I have collated the policy proposals and policy programmes that have been adopted in Poland, Hungary and the Czech Republic since the beginning of the 1990s and examined whether the EU was mentioned, and if so, how much importance was attached to the topic of EU accession in these documents.<sup>1</sup> In this way, I have not directly measured the impact of European demands on domestic policy practice, but have nevertheless been able to gain an idea of how policy-makers have interpreted, reported and utilized the factor of EU conditionality.

The conclusion is then drawn that, although the EU's conditionality policy seems to have led to limited forms of policy transfer, the effect of European pressure on policy changes in general must be considered uneven. The evidence in this article suggests that policy shifts have often not correlated with the increasing importance attached to moral norms about minority rights on EU level. Rather they are connected to short-term interests of individual states.

## **I. International Organizations and Minority Rights Policies in Central Europe**

In what ways have international organizations in Europe pressured the EU candidate member states in Central Europe to change their minority policies? Since the beginning of the 1990s, talk about minority protection has become prominent in many European political platforms. International organizations have increasingly played a role in the promotion of particular policies on ethnic diversity. The literature on policy transfer offers some useful conceptual tools to explore this development. In order to gain a better understanding of how knowledge

---

<sup>1</sup> A list of documents consulted is listed at the end of this article, pp. 29-30.

about policies, administrative arrangements, institutions and ideas in one political setting affects the development of policies, administrative arrangements, institutions and ideas in another political setting, Dolowitz and Marsh (2000) have devised a heuristic framework that proposes to locate types of policy transfer on a continuum from voluntary adoption (lesson-drawing) to coercive transfer (direct imposition). They argue that pure voluntary and pure coercive forms of policy transfer should be considered ideal-types; they are not expected to occur in reality. Lesson-drawing might at first sight appear to be a process of complete voluntary learning, but in practice it will very often be driven by perceived necessity. What appears to be a purely coercive transfer, on the other hand, is in reality very often the result of negotiation.

In order to effectuate a 'policy transfer' to Central Europe in the field of minority provisions, international organizations have counted on a number of mechanisms ranging from voluntary adaptation to direct imposition. Of the international organizations in Europe that have assigned importance to the issue of national minority protection, the Organization for Security and Cooperation (OSCE) and the Council of Europe have most clearly counted on voluntary adaptation. The EU has to a great extent relied on the strategies and instruments introduced by these two organizations. In the latter part of the 1990s, however, it complemented such strategies by attempts to impose more directly specific types of policy through the application of 'conditionality'. The strategies utilized by these international institutions will be examined more closely in the following paragraphs.

### ***The diffusion of norms through the OSCE and the Council of Europe***

International organizations such as the OSCE and the Council of Europe have tried to influence domestic policy-makers both directly and indirectly. The OSCE attempted to codify minority rights in a number of important texts, such as the 1990 Charter of Paris and the 1990 Copenhagen Document. The Council of Europe did so through its 1992 European Charter for Regional and Minority Languages and the 1995 Framework Convention for the Protection of National Minorities. In the case of the OSCE, the attempts of the early 1990s to develop a legally binding text on minority protection were soon given up; the alternative was the introduction of a *political* instrument. This was the High Commissioner on National Minorities, an institution that since 1993 has been responsible for early warning and preventive diplomacy in cases of impending conflict involving national minorities in OSCE member states. The High Commissioner's activities have to a great extent focused on disputes in CEE.

By contrast, the Council of Europe did manage to introduce a number of legally binding instruments on minority protection. However, as was the case in the OSCE context, it was difficult to find agreement among its member governments. Member states have known very divergent historical traditions with regard to minority protection. Unsurprisingly, the result was a rather weak instrument with only a 'thin' version of a minority rights code. Thus in 1993, Recommendation 1201, in which the Parliamentary Assembly of the Council of Europe asked the Committee of Ministers to draw up an additional protocol to the European Convention of Human rights, still contained a strong endorsement of autonomy for minority groups, whereas the final text adopted under the Framework Convention for the Protection of National Minorities no such endorsement was included. Moreover, although the Convention has been in force since February 1998 and constitutes the first effective legally binding multilateral instrument on the protection of national minorities in Europe, not all members of the Council of Europe have signed and ratified it, and no effective enforcement mechanism has been put into place.

In short, although there are important differences in terms of strategy and aim between the initiatives of the OSCE and that of the Council of Europe, they have been part of the same trend in international politics to increase awareness of the predicament of minority citizens in Europe. Both initiatives, however, have also been hampered by the reluctance of many states to set clear legal standards and subject themselves voluntarily to international monitoring. What they furthermore have in common is that their legal or political instruments have relied on their ability to commit member states to minority protection through the promotion of moral norms. This means that the type of policy transfer that these organizations have intended is not coercive, but builds on the rational interests of the members and the perceived necessity of policy change among them. They have also in common that within the activities of both organizations, special attention has been given to minority-majority relations in CEE.

The leverage that the OSCE and the Council of Europe has exerted on the countries under consideration in this article is characterized by a number of traits. Understanding these characteristics may offer us a better understanding of the power of these organizations to compel states to introduce minority rights policies or, as has more been the case, their lack of power to do so. First, the existing instruments are the result of a compromise on the way minorities should be protected and therefore do not reflect a clear embracement of group-specific policies. This has given the three states examined in this paper a large margin of freedom to interpret standards on minority protection. Signing and ratifying the Framework Convention has for many states in Central Europe been an ideal way of demonstrating their commitment to the idea of protecting minority citizens without needing to adopt an ambitious catalogue of minority rights policies.

The High Commissioner on National Minorities has often advised and pressed states to grant a certain form of autonomy to minority groups. However, as a result of the limited mandate of the High Commissioner, such pressure has only been possible in cases where such policies were seen as necessary to prevent violent conflict.

Secondly, the weakness of the OSCE and the Council of Europe to introduce minority rights protection as a norm in Central and Eastern European domestic politics is to a large extent related to the very uneven support for such a norm among their Western European members. It is clear that both the OSCE and the Council of Europe's increased interest in promoting new norms on minority rights protection is a direct result of a concern for the specificity of the situation in CEE. These organizations insisted on minority rights only after 1989 in response to potential conflict in the East. As one scholar argues, the return of the importance attached to minority rights in European international organizations after 1989 is largely based upon prior assumptions about both East and West in Europe. "'The East' is assumed to be culturally predisposed towards intolerance of all varieties – most seriously towards other ethnic and racial groups" (Burgess 1999: 54). In the context of such a biased understanding of the European reality, it seemed logical to both the Council of Europe and the OSCE to pressure more for minority rights policies in the area of CEE than in Western Europe. Minority rights protection in 'the West' has never been at the centre of international attention, and there has never been any strong pressure from European institutions on Western states to adopt new policies. As a result of this differential treatment, the OSCE and the Council of Europe have made the fulfilment of standards of minority protection susceptible to interpretation and discussion. Central and Eastern European states which have been criticized by these organizations have often countered censure by making simple reference to policy practice in those Western European countries that do not embrace minority rights policies.

More direct attempts at coercive policy transfer from West to East have occurred within the context of EU enlargement. Since 1990, the EU has demonstrated a growing concern for the protection of national minorities in Central Europe. It has attempted to promote minority rights policies in two ways. First, it has relied on other international organizations in Europe. The European Commission's 'Agenda 2000' (1997), for example, has referred to both the Framework Convention and the Council of Europe's Recommendation 1201 (1993) on minorities as guidelines for prospective members. Secondly, in 1993 a very direct precondition was set that related to the position of minorities in the EU candidate member states. Owing to the strong willingness of Central European countries to join the Union, the EU had much more power than the other international organizations to influence policy. It is precisely within the framework of the

EU enlargement process that the most distinctive suggestions were made for the adoption of particular types of minority policy in CEE. As with the initiatives of the OSCE and the Council of Europe, however, the pressure coming from the EU cannot be considered as a pure form of coercive policy transfer.

### *The EU and membership conditionality*

The EU has applied the strategy of ‘membership conditionality’. The term refers to the attempts the EU has made since 1993 to induce policy change and legislative reforms in the candidate states by making entry to the EU dependent on compliance with a number of political and economic demands. At the bottom of this conditionality policy lie the

‘Copenhagen criteria’ (1993), which provided the requirements candidates were expected to fulfil before they could become eligible for EU membership. These criteria included the rule of law and stable democratic institutions as well as human rights and respect for minorities. Especially after the outburst of violence in the Balkans the EU sharply accentuated the role of minority protection in the enlargement process hoping that by so doing it would be able to maintain political stability throughout the future territory of the Union.

In theory, the EU is much more powerful in this field than the Council of Europe and the OSCE. The Union has the political capacity and the financial resources to influence policies of other states, and it can offer support to citizens to challenge government initiatives (or protest the lack of them). However, there is no general agreement on whether the EU’s conditionality policy has indeed been able to realize this potential impact. Various scholars have pointed out that the EU’s conditionality policy on minority treatment has faced a number of inherent problems. First, there is the problem of double standards. Hughes and Sasse (2003), for example, have noted the discrepancy between the EU’s lack of internal commitment to minority rights and the ‘rhetorical prominence’ of minority protection in its dealing with Central European candidates. Although the question of minority protection has figured prominently in debates about the EU’s external relations, until recently the topic was largely neglected in the Union’s internal affairs. Despite constant pressure by the European Parliament since the mid-1980s to adopt protective European legislation in the field of anti-discrimination and anti-racism, it took more than a decade before an important step in this direction was taken with the ratification of the Treaty of Amsterdam (European Parliament 1997).

Secondly, the EU’s condition on minority protection has been open to various interpretations and has created uncertainty over which commitments Central European states



should make in order to safeguard their accession procedures (Vermeersch 2002:86). This vagueness has rendered the EU's monitoring mechanism extremely limited when it comes to the actual improvement in minority protection. Moreover, the EU's demands on the introduction of minority policies have not always been equally strict. The demands by the EU have changed over time in response to political sensitive issues. This is illustrated very well by the way the EU has dealt with the treatment of the Roma minority as a precondition for entry.

In the beginning of the 1990s the EU's attention to the Roma issue in Central Europe was fairly limited. At the time of the introduction of the Copenhagen criteria, the Roma were clearly not a topic of primary concern for the EU because they were, at that time, not perceived as a potential threat to European stability. Territorial national minorities which formulated ethnonationalist claims were identified as a much more serious danger. The strategy of using membership as an incentive to enforce better minority protection appeared to reflect the EU's worry about the possible emergence of *territorial* disputes, inter-state war, and conflict between centralized governments and national minorities. Since the Roma made no *territorial* claims, the risk of a large-scale violent conflict involving the Roma was deemed minimal.

In the latter half of the 1990s, however, the situation of the Roma gradually became a more distinctive element in the EU's conditionality policy (Vermeersch 2002: 85-88). This was no doubt related the growing coverage of the Roma's predicament by the international media and by international advocacy organizations such as Human Rights Watch, Amnesty International, the Project on Ethnic Relations, and the European Roma Rights Center. It had also to do with the growth of the number of Roma asylum seekers from Central European countries arriving in the EU. Political controversy within individual EU states (most importantly, Belgium, the UK, Finland, the Netherlands, and Sweden) about this migration and fears of a massive influx after enlargement stimulated the EU's inclination to promote better treatment of the Roma as a precondition for accession.

Especially after 1997, it became clear that the European Commission found that the situation of the Roma was to play a certain role in deciding whether a candidate member would be ready to join the EU. In 1997, the EU's *Agenda 2000* programme described the treatment of minorities in applicant countries as generally satisfactory, "except for the situation of the Roma minority in a number of applicants" (European Commission 1997). In the years following, the European Commission gave the impression that it was gradually taking a stricter approach on the issue of the Roma. To give just one example: during a visit to Košice (Slovakia) in February 2001, the European Commissioner responsible for enlargement, Günter Verheugen, called

“respect of minorities and in particular the Roma population” one of the three important issues that need further monitoring under the Copenhagen political criteria (Verheugen 2001).

## II. Policy Shifts in Central Europe

I will now turn to developments of minority policy on the domestic level. In order to find out whether countries in Central Europe have increasingly adopted minority rights policies, I have collected and analysed the policy plans and programmes that governments have adopted in the Czech Republic, Hungary and Poland. As outlined above, these countries have been selected on the basis that they find themselves in a comparable position. They are fairly similar with regard to ethnic composition (less than 10% minority citizens). According to the 2001 census in Hungary (Központi Statisztikai Hivatal 2002), 314,060 (approx. 3%) Hungarian citizens identify themselves as belonging to one of the 13 recognized minorities. That this figure is only a rough indication should be clear from expert reports that have estimated the number of people who identify themselves in daily life as minority citizens as substantially higher (up to 7%).<sup>2</sup> The Czech 2001 census results reveal that almost 10% of the citizens identify themselves as non-Czech (Český statistický úřad 2001).<sup>3</sup> Of these the Moravians constitute the largest part (380,474), but because they are not a linguistic group they are usually not considered as a national minority.<sup>4</sup> Without them the total portion of minority citizens in the Czech Republic is 5.8%. Poland held a census in 2002 that for the first time allowed Polish citizens to indicate their ethnic identity. Although, the results are not available at the time of writing, Poland has nevertheless asserted in its 2002 report submitted in the context of the Framework Convention on the Protection of National Minorities that approx. 1 million people belong to a national minority, which accounts for 2% to 3% of the total number of inhabitants (Polish Government 2002a). All three countries have received positive reports from the European Commission with regard to

---

<sup>2</sup> Especially the official census figure for the total Roma population (192,046) is contested. Experts have argued that due to various reasons Roma are very often unwilling to identify themselves as Roma before an official administrator, independent of whether they identify as Roma in other circumstances. Independent research by Havas and Kemény (1999) has estimated the total number of Roma to be 482,000. Others have estimated the number of Roma even higher.

<sup>3</sup> Here, too, the figures should not be seen as simple reflections of reality. 1.6% of the population has remained unidentified in the census. Moreover, the figures for the Roma population need to be put into perspective. A 1999 government report cites a number of 200,000 Roma, substantially more than the 11,716 Roma as they appear in the census.

<sup>4</sup> They are not mentioned as a minority in the report the Czech Republic submitted in 1999 to the Council of Europe in response to its obligations in the context of the Framework Convention on the protection of national minorities (Government of the Czech Republic 1999). They are not represented in the Council for National Minorities, which gathers the six most important minorities in the Czech Republic (Slovaks, Roma, Poles, Germans, Hungarians and Ukrainians).

their democratization, and their candidacy for EU membership has, unlike that of Slovakia, never been subject to serious doubts (Vermeersch 2002). They are all three members of the OSCE. All three have furthermore signed and ratified the Framework Convention on the Protection of National Minorities in addition to a number of other international instruments.

It therefore remains to be asked how have policies on national minorities in these three fairly similar countries changed in the course of the 1990s, and what factors have generally been referred to as important triggers of policy change?

### *Hungary*

Hungary is a clear example of a country that in the course of a couple of years has increasingly adopted minority rights policies. In fact, Hungary has gone much further in the codification of collective minority rights than any other country in the region. This is a remarkable development, which warrants a more detailed examination.

The formulation of group interests on the basis of ethnicity gained legal justification in Hungary in the latter half of the 1980s, at a time when the state was beginning to undergo a process of economic and political transformation. The first crucial change was the introduction of legislation in December 1988 and January 1989 establishing the rights of association and assembly. Furthermore, through an amendment of the Constitution in October 1989, minorities gained the right to their own culture, religion and the use of their mother tongue.<sup>5</sup> In 1990, Article 68 was added to the Constitution, which stated that ethnic and national minorities living in the Republic of Hungary represent “a constituent part of the State” (paragraph 1). More importantly, the article also stipulated that the political representation of national and ethnic minorities was to be ensured (paragraph 3), and that these minorities had the “right to form local and national bodies for self-government” (paragraph 4). The new Constitution also contained a provision enabling the introduction of a Parliamentary Commissioner for the Rights of Ethnic and National Minorities (Article 32/B, paragraph 2), also known as the ‘minority ombudsman’, who was given the task to assist minority citizens, whose rights are abused.

Although all this was, in strict terms, perhaps not yet a minority rights regime, the core of legal changes clearly illustrate Hungary’s determination at the time to pursue a policy of what could be called ‘cultural differentiation’. The aim was to offer special rights to groups that considered themselves to be different in terms of cultural characteristics. In this sense, the new

---

<sup>5</sup> The Act of Constitutional Amendment No. XXXI (1989).

emphasis on differentiation was the logical extension of a policy stance that had gained ground during the late 1980s and represented a complete reversal of the Marxist-Leninist-inspired position on ethnic difference. On the basis of the claim that ethnic identity was inherently cultural, it was argued in 1989 that the assimilation of national and ethnic minorities must not only be stopped but indeed be reversed. This meant, for example, not only halting the suppression of minority languages, but preserving, and indeed actively reviving them. In this context, the constitutional changes were only the first step in a process leading to comprehensive legislation regulating the cultural autonomy of ethnic minorities in Hungary, introduced in the 1993 ‘Minorities Act’.

What factors have influenced this development? One should certainly mention the international context. Within the Nationalities Board and Secretariat (*Nemzetiségi Kollégium és Titkárság*) at the end of the 1980s – which did the preparatory work on the Minorities Act – discussions were held on the question of minority accommodation in Hungary, explicitly linking it to a specific foreign policy concern. Hungary wanted to secure regional stability and peace, so it decided not to pursue border changes. But still it wanted to be able to protect the Magyar minorities in the neighbouring countries. A strong endorsement of minority rights therefore served as a moral justification for its stance towards the Magyar minorities in neighbouring Romania, Slovakia, Ukraine and Yugoslavia, whose fate it wanted to influence positively (Schöpflin 2000: 375). In the final version of the Minorities Act, an allusion to this motivation was included in the preamble:

[T]he peaceful co-existence of national and ethnic minorities with the nation in majority is a component of *international* security. (Minorities Act, preamble, emphasis added)

The idea that gained ground was to work out a system that would aim at a maximal protection of cultural interests of minorities without linking this to territorial autonomy.<sup>6</sup>

This was a logical development, given the way policy-makers perceived the ethnic structure of Hungary at the end of the 1980s, that is to say, as an ethnically homogenous country containing only small minority groups that were territorially dispersed and had been strongly assimilated by the previous regime.

A core element of the Minorities Act was the regulation of the requirements set out in the

---

<sup>6</sup> By choosing this option Hungary is continuing a Central European tradition of thought on minorities. This tradition is well illustrated by the ideas of the Hungarian liberal sociologist Oszkár Jászi, who was Minister for Nationalities for a short time after the First World War in the government headed by Count Mihály Károlyi. Jászi formulated proposals that built on a model of personal cultural autonomy within a multinational state as propounded by the Austro-Marxists Karl Renner (*Staat und Nation*) and Otto Bauer (*Die Nationalitätenfrage und die Sozialdemokratie*) at the beginning of the century (Krizsán 2000: 250-251; Kołakowski 1988: 591-601). The Károlyi government attempted to make Hungary into a multinational republic after Austro-Hungary's defeat in 1918, but Jászi's idea of a Hungarian federation of nationalities fell on deaf ears and disappeared together with the dissolution of the republic and the Treaty of Trianon (1920).

Constitution, i.e. minority political representation and the formation of local and national bodies for self-government. National and ethnic minorities gained the constitutional right to establish local and national self-governments. The Minorities Act stipulated the details of the system of separately elected Local and National Minority Self-Governments.

The Minorities Act, however, did not entirely effectuate all rights established by the Constitution. One problem that remained was the question of how to secure representation in Parliament. The Hungarian concern for a minority protection system was strongly influenced by the idea that a permanent differentiation in the rights of minority groups was needed in order to protect them. Special representation rights for the national legislature were a part of this. Minority representatives believed that a self-government system did not meet the requirements for secured representation in parliament that were set forth in the Constitution. A demand thus arose for a law that would secure the representation of the recognized minorities in the Hungarian National Assembly. But until today the debate on this subject has been plagued by all kinds of practical difficulties. It has been far from easy to determine the degree of disproportionate representation a minority should receive, since there is one large minority (the Roma) and a series of smaller ones.<sup>7</sup> In addition, political leaders have feared that introducing secured seats in a unicameral legislature would affect the well-functioning of the parliament (PER 2001).

During the preparation of the Minorities Act, it was consequently decided to regulate the question of secured representation in the legislature through separate legislation (Article 20, Paragraph 1 of the Minorities Act). The topic remained subject to protracted discussion throughout the 1990s (Krizsán 2000: 258; Győri Szabó 1998).

There is a second factor apart from the Magyar minorities in neighbouring countries that affected the development of policy-making on minorities: the situation of Hungary's largest minority, the Roma. This became clear in the period between 1995 and 2001, when new policy initiatives related mostly to the Roma. Government report J/3670, prepared by the socialist-liberal Horn government (1994-1998), argued that the minority self-government system was primarily designed to foster the 'integration' of the Roma. At the same time, however, it noted that:

The issue of the integration of the Gypsies into society is of great importance for the internal stability and economic well-being of the country and it is also one requiring the implementation of measures that are different from those of traditional minority policy. (Government of the Republic of Hungary 1997: 11).

In other words, the 'traditional minority policy', in which the preservation and stimulation

---

<sup>7</sup> To give just one example: According to the 1990 census on the basis of mother tongue, the Greek minority numbered only 1,640 Hungarian citizens.

of cultural difference was seen as a way to integrate the minority, now became regarded as insufficient for the Roma. As the deputy president of the Office for National and Ethnic Minorities (NEKH) described the issue in 1999:

the situation of the Roma minority is in many respects quite different from other minorities. The problems they face are not only of linguistic or cultural character, therefore they cannot be solved within the framework of [the] minority law and need some other measures as well from the central, regional and local governments. (Heizer 1999: 4)

In 1995, some additional resolutions were adopted specifically aimed at ameliorating the situation of the Roma. Between 1996 and 1998, the Horn government's focus of the Roma as a 'disadvantaged sector of society' became increasingly apparent.

After the 1998 elections, which brought Orbán's right-wing liberal government to power, the position of the previous government on minorities was maintained, at least in its general wording and conceptualization. On the one hand, the new government emphasized that the minority issue was to be regarded as a question of the protection of cultural diversity. On the other hand, "the social integration of the Roma" was seen as "both a question of minority policy and of social policy" (Hornung-Rauh & Fretyán 2000: 2). In the government programme, the Roma were not mentioned as a specific topic under the heading 'Ethnic minorities in Hungary' (where one would expect them to be mentioned). Instead, they were mentioned by name in the paragraph entitled, 'Those who need help'. Moreover, they were the *only* ethnic minority group mentioned under that heading. The continuation of the approach initiated by the Horn government showed that a broad coalition of political parties could agree with the way in which Hungary's Roma policy developed. Government officials argued that there was a "political consensus" (Doncsev 1999: 1).

### ***Czech Republic***

Policy development on minorities in the Czech Republic differed quite profoundly from that in Hungary. In the period between 1989 and 1992, the Czechoslovak policy on minorities was based on what was called in the Czechoslovak official documents the 'civic principle' (*občanský princip*). This means that the Czechoslovak state sought to maintain a common (undifferentiated) citizenship status for all its citizens, and that the expression of ethnic difference was regarded as a private matter.<sup>8</sup>

---

<sup>8</sup> Interestingly, Czechoslovakia's post-1989 minority policy was not that far removed from the country's policy tradition in the inter-war period. In 1927, an article in *Foreign Affairs* quoted President Masaryk's concept of Czechoslovakia as a 'uniform' state with 'a recognition without ambiguity' for minorities. The article summarizes Masaryk's argument as follows: "The task of the Czechoslovak Government is to make the minorities feel

In contrast to Hungary's minority policy as it began taking shape in the beginning of the 1990s, Czechoslovakia in this period did not grant cultural autonomy to its ethnic minorities. This does not mean that these ethnic minorities were not officially recognized. Such recognition was, however, based on a model of citizenship in which all citizens share a common set of individual rights. In essence, this meant that the ethnic identity of individual people was deemed an inherent and valued element of their private lives. Recognition of ethnic diversity was not considered a basis for granting group-differentiated rights. The rights of minority citizens were protected on the basis of the Charter of Fundamental Rights and Liberties (*Listina základných práv a slobôd*), adopted by the Czechoslovak Federal Parliament on January 9, 1991, which through its articles 24 and 25 provided everyone the right to decide on his or her own ethnic identity ('nationality') and the right to form ethnic associations (Bugajski 1994: 299).<sup>9</sup>

According to this document, the protection of ethnic minorities was subsumed under the protection of the human, civil and political rights of all citizens in Czechoslovakia, and did not have to be guaranteed by group-specific rights or measures of exemption.<sup>10</sup>

With regard to Czechoslovakia's most troubled minority, the Roma, the Federal Government on 3 October 1991, adopted the 'Principles of the government of the Czech and Slovak Federal Republic on policy towards the Roma minority' (Government of the Czech and Slovak Federative Republic 1991). This resolution did not reverse the general minority policy. The policy continued to aim at achieving socio-economic equality. It differed with the communist way of dealing with the Roma, however, in that the policy of undifferentiated citizenship was now *not* meant to lead to assimilation. Instead, Federal Resolution 619/1991 promoted the

---

themselves at home in Czechoslovakia. They must not think of themselves as minorities. Czechoslovakia must become their state, as it is the state of the Czechs and Slovaks. The term "Czechoslovak" must denote not only the Czechs and Slovaks, but all the inhabitants of the Republic. There is only one way to achieve this end: the way of tolerance and of coöperation [sic]" (Broz

1927/1928: 160). It is characteristic of the time that the Roma are not mentioned in the article. Czechoslovak minority policy during the inter-war period focused on the Magyar and German minorities.

<sup>9</sup> Law No. 23/1991 Coll., which introduces the Charter of Fundamental Rights and Freedoms as a constitutional law of the Czech and Slovak Federative Republic.

<sup>10</sup> This is one of the reasons why the organisations defending the interests of the Magyar minority strongly opposed this new piece of legislation. One of the problems for the Magyars was that the Charter defined the state as a national state of Czechs and Slovaks, a definition which according to them would reduce the existing rights of minorities. When the Federal Assembly rejected the amendment proposed by the Magyars, the Magyar MPs walked out of the final vote on the Charter (see Bugajski 1994: 331).

development of Roma identity – and not its destruction – as a crucial element in equalizing the position of the Roma with the rest of society (Sulitka 1999: 226).

The new Czech Constitution, adopted in December 1992, reaffirmed the general acknowledgement of the rights and freedoms of individual citizens – including minority citizens – as stipulated by the Charter of Fundamental Rights and Freedoms. The Charter became a part of the constitutional order of the independent Czech Republic on 1 January 1993 (Government of the Czech Republic 1999a).<sup>11</sup> Precisely what this meant became clear when in 1994 a new institution was established in the newly independent Czech Republic that was meant to nurture the cultural life of the recognized national minorities: the Council for National Minorities (*Rada pro národnosti vlády České republiky*). In this governmental body, a selection of people from the different recognized national minorities (Magyar, German, Polish, Roma, Slovak and Ukrainian) who had been active in reputable minority organizations were brought together with delegates from the ministries, the Parliament, and the Office of the President. Together they acted as a consultative body for the government. The Council made summary reports about the state of affairs of the minorities' cultural situation and put forward suggestions for policy improvement.

As in Hungary, an important factor in the development of minority policy in the latter half of the 1990s was the position of the Roma minority. A crucial policy change took place in the latter half of the 1990s. In 1997, Pavel Bratinka, President of the Council for Nationalities and Minister without Portfolio in the center-right Klaus government, commissioned a group of experts to draw up a report on the situation of the Roma in the Czech Republic, taking into consideration the issues raised by the Roma members of the Council of Nationalities. An important role in the realization of this report was played by the head of Bratinka's office, Viktor Dobal, who had been a former MP for the Civic Forum (OF) and had worked with Roma communities in Prague's 5th district in the beginning of the 1990s. In 1997, Dobal considered it high time to make the government sensitive to the issue of the Roma and saw in the political controversy surrounding the wave of Czech asylum seekers a chance to rouse Bratinka's interest for the matter. The government's interest in a research report on this topic increased conspicuously after complaints had reached the Czech Republic from countries that were receiving a growing number of Czech asylum seekers (for example the United Kingdom, Canada).

---

<sup>11</sup> Law No. 2/1993 Coll., Resolution of the Czech National Council from December 16, 1992, on the declaration of the Charter of Fundamental Rights and Freedoms as a part of the constitutional order of the Czech Republic.



These new policy initiatives on the Roma did not affect the Czech government's general tendency to subsume the protection of national minorities under the broader umbrella of ensuring basic individual rights to all Czech citizens without reference to ethnicity. In accordance with the 'civic principle', members of national minorities were not granted special rights. However, it was asserted that, for the sake of social integration, it would be necessary to implement measures specifically designed to target the situation of *one* ethnically-defined group.

[E]stimates and practical experience indicate that certain problems of the Romani community are distinct from the problems of other [minority] groups, and thus require a different approach. (Council for Nationalities of the Government of the Czech Republic 1997: Paragraph ii)

Towards the end of the decade a more 'multiculturalist' view on general minority policy gradually began to take shape. The general vision of the Czech government towards minorities was now that members of national minorities should be encouraged to develop their identity, and that in the fields of education, official language use, and the promotion of minority culture members of these minorities should be granted certain 'special' rights. In July 2001, the Czech parliament adopted Act 273 'on the rights of members of national minorities', which was to some extent a deviation from the earlier 'civic principle' approach and the modest beginning of an approach of active protection of minority culture in public life, without however granting minorities self-government rights or far-reaching cultural autonomy. Unlike Hungary and Slovakia, the Czech Republic did not ratify the European Charter for Regional and Minority Languages. In the case of the Roma, however, the government justified a group-specific treatment, arguing that their situation has an important socio-economic aspect that needs to be addressed separately.

### ***Poland***

As in the cases of the Czech Republic and Hungary, Polish policies towards minorities during the communist period were generally aimed at direct assimilation with limited possibilities for the preservation of some essential minority traditions through official and state-led minority associations. There was a historical factor that played an important role in the Polish attempts to minimize ethnic differences. As a result of Nazi exterminations during World War II and the border changes and relocation of population groups after the war, Poland had become more ethnically homogenous than before. Homogeneity was considered as one of the important achievements of the new state (Łodziński 1999: 2). The communist leaders did not want to question borders again. In their view, the best way to achieve territorial stability was to discourage all identifications with majority populations in neighbouring countries.

This view changed at the end of the 1980s. Already in 1989, the foundation of a new attitude towards minorities was laid. Both Lech Wałęsa and Prime Minister Tadeusz Mazowiecki asserted in the media that national minorities should feel 'at home' in Poland and that the development of their languages and cultures should be supported by the state.<sup>12</sup> This was an important reversal of the general government stance on minorities, but international and geopolitical considerations still played an important role in policy-making towards minorities. The sudden recognition of minority identity in Poland is explicable in the context of the changing international environment. Hoping that it would reduce or even prevent disputes about border changes politicians were more inclined to recognize minority groups than they were during communism.

The end of communism meant first and foremost a symbolic affirmation of minority rights that found resonance in a few new institutions and laws. In 1989, a standing Committee on Ethnic and National Minorities (*Komisja Mniejszości Narodowych i Etnicznych*) was established in the Polish lower house (*Sejm*). A new law on associations gave minority citizens the freedom to organize themselves on an ethnic basis. In the period between 1991 and 1993 a number of parliamentary election laws were adopted through which the political participation of minority organizations was made easier (exemption on threshold rules). Furthermore, the 1991 Education Act and a 1992 resolution by the minister of education provided the basis for the introduction of proactive measures to protect minority pupils by enabling under certain conditions the organization of additional classes in a minority language.<sup>13</sup>

Yet in the years following, no other major policy initiatives were taken. For most of the 1990s Poland's ruling politicians were not visibly interested in introducing new policies for dealing with the demands of national minorities. The low concern for minorities is perhaps reflected in the timing of Poland's adoption of international instruments. Of the three countries discussed in this paper, Poland was the last to ratify the Framework Convention on the Protection of National Minorities.<sup>14</sup>

For most of the 1990s Polish policy-makers believed that minorities were sufficiently protected. The Polish Constitution of 1997 together with the above-mentioned regulations was thought to provide a satisfactory legal basis for minority rights protection. In contrast to Hungary and the Czech Republic, Poland did not introduce, and has not done so until today, a

---

<sup>12</sup> 'Lech Wałęsa do wyborców w sprawie mniejszości', *Gazeta Wyborcza*, No. 6, May 15, 1989. Mazowiecki's speech is quoted by the Polish Government (2002a: 7).

<sup>13</sup> *Dziennik Ustaw* No. 95, 425; *Dziennik Ustaw*, No. 34, 150.

<sup>14</sup> Poland signed the Framework Convention in 1995, just as Hungary and the Czech Republic, but only ratified it in 2001. Hungary's ratification dates back from 1995 and the Czech Republic's from 1997.

single legislation to guide the way in which national minorities should be protected.

There are two indications, however, that towards the end of the 1990s pressure for new initiatives had a growing impact on domestic policy. First, in 1998, the Committee on Ethnic and National Minorities prepared a draft act – which is currently again under discussion. This draft act not only contains provisions to forbid discrimination and assimilation. It also makes specific forms of affirmative action possible; mandates the establishment of a Council for National Minority Affairs that would become responsible for the implementation of government policies towards minorities; and increases the possibilities for utilizing minority languages in the public sphere in areas inhabited by sizeable minority groups. In May 2002, the government refused to adopt the draft law in its then current form, even though it was admitted that the legal proposal was a legitimate response to a need resulting from the country's ratification of the Framework Convention. According to the government, the proposal contained a number of fundamental problems. For example, the proposal did not specify the criteria for membership of a national or an ethnic minority, nor did it state precisely what conditions should be present in a municipality in order to mandate the introduction of special protection measures for the use of minority languages.

Furthermore, the government feared that the organization of separate minority education as proposed in the draft law will lead to the isolation of minority pupils from mainstream education (Polish Government 2002b).

Secondly, in contrast to the general reluctance of the Polish government to introduce far-reaching minority rights policies on minorities, the government showed increased interest in designing a programme targeted specifically at the relatively small Roma minority. In February 2001, the government adopted a group-specific project developed by the Minister of the Interior, aimed at tackling the problems of the Roma minority in the Małopolska region. The programme was meant to promote the awareness of Roma identity and fund initiatives that are related to the public image of Roma culture. Furthermore, it aimed to support initiatives that seek to push back unemployment, enable increased participation of the Roma in mainstream education, and improve housing conditions, health and security. According to the government report, this initiative was only the beginning of a much larger policy strategy in order to deal with the marginal situation of the Roma. At the time of writing, the programme is still confined to one region and its implementation is still ongoing. The ambition, however, is to gather experiences from this one region in order to achieve better results in future programmes that will target other regions (Polish ministry of the interior 2001: 7).

### III. Europeanization and Domestic Minority Rights Policies

To what extent are domestic policy changes in the field of ethnic relations in Central Europe related to the EU's pressures for adaptation? It is not easy to measure the influence of EU conditionality. As discussed, the requirements falling under the EU's strategy of accession conditionality are not quantitative measures. A large margin of freedom has been given to applicant member states in deciding how to meet the criteria and to what degree. Moreover, the EU has not been clear about how much adaptation of new policy is required in order to result in a positive evaluation. This problem of vagueness has been thrown into sharp relief by the decisions of the Helsinki summit of 1999 and the Laeken summit of 2001. By deciding to enlarge in an undifferentiated fashion to ten new members, these summits led the EU to shift away from a (more or less) strict application of the accession conditions to even greater vagueness.

Despite the difficulties of measuring such vague forms of influence, there are two conclusions that can be drawn from an analysis of policy documents. First, the EU's conditionality policy has clearly led to at least some limited forms of policy transfer. There is some evidence suggesting that the establishment of EU requirements on minority protection has indeed triggered the introduction of new documents and legislation. New documents have been inspired by the general international legal context to which the Commission has referred in its *Agenda 2000*. This is clear from references in the domestic policy documents as well as from additional comments made by ruling politicians in the three countries. It is also evident from the timing of the introduction of new policy initiatives. Most of the policy documents relating to minorities have been issued *after* the publication of the European Commission's *Agenda 2000*. This suggests that most of them have responded to the European Commission's monitoring activities, or perhaps have anticipated such monitoring.

The influence of European scrutiny is even clearer in the sudden increase in the latter half of the 1990s of policy documents relating to the Roma. Even in the first Regular Reports the Commission pointed to shortcomings in the Central European states' handling of the problems facing the Roma, while general minority policy in the three countries was considered satisfactory. In recent periods, all three countries have taken additional policy initiatives directly aimed at the Roma population. References in the available policy documents make clear that these were direct responses to monitoring by the Commission and by other monitoring agencies on which the EU has relied. For example, in the Czech resolution of 14 June 2000, outlining the Czech Republic's 'concept' of policy towards the Roma, the government called the situation of the Roma "one of the obstacles [hindering] entry into the EU" (Government of

the Czech Republic 2000: 6). Moreover, the government unambiguously stated that its decision to introduce a new programme was directly related to the concerns raised by the European Commission. That these policy initiatives towards the Roma were indeed responses to EU concerns is furthermore illustrated by a number of defensive comments that appear to be addressed at European institutions. In the document, the Czech government argued that because of the seriousness of the problem, the EU must not expect to see the problem resolved before the year 2020 (Government of the Czech Republic 2000: 6). Moreover, in various other documents, the Czech Republic as well as Poland and Hungary have emphasized that the issue of the Roma should be considered as a 'Europe-wide' problem, thereby pointing to the fact that domestic governments are not solely responsible for dealing with the matter. In 1999, the Czech government argued that the involvement of the international community "should not aim merely at monitoring the situation, but also at evaluating and preparing specific initiatives" (Government of the Czech Republic 1999b: 21). In 2001, Hungary's then Minister of Foreign Affairs, János Martonyi, argued that the Roma issue had a "European dimension".<sup>15</sup>

The second conclusion from my analysis of policy documents on minorities is that, although EU enlargement has been mentioned as an important factor of policy change, it has been a factor with very uneven effects. The EU has set preconditions as moral standards, but particular options for introducing minority rights policies in Central Europe are clearly *not* related to fundamental moral choices. From the timing and the choice of policy options in Central Europe it appears that policy change had less to do with moral intentions than with the domestic interests of the individual countries and with the domestic interests of individual EU member states. A clear example of policy change induced by the individual interests of a candidate member state is Hungary's introduction of cultural autonomy for its national minorities. Hungary had an extensive political debate on minority rights in the early 1990s; the sudden increase in interest for the topic at that time had nothing to do with demands from the EU, but much with the exemplary role Hungary has wanted to play in the Danube region and its concern for the Magyar minorities in the neighbouring countries. Hungary has repeatedly referred to its minority protection system, which is unique in Europe, for reasons of buttressing its bid for EU accession. Yet the five annual reports published by the European Commission between 1998 and 2002 do not consider cultural autonomy as a necessary condition. On other points the European Commission has repeatedly insisted on specific policy changes, but Hungary has never understood these encouragements for policy change as strict preconditions

---

<sup>15</sup> Speech delivered on the occasion of launching the books *A Roma's Life in Hungary – Report 2000* and *Caught in the Trap of Integration – Roma Problems and Prospects in Hungary*, Budapest, February 1, 2001.

for membership. In particular, all the annual reports about Hungary encourage the establishment of a regulation for the secured representation of minorities in parliament and the introduction of comprehensive anti-discrimination legislation. On both of these latter issues no progress has been made to date.

In the case of the Czech Republic, too, the connection between European censure and policy development is not always clear. Although the 1998 and 1999 annual reports by the European Commission do not mention the need to develop a new law on national and ethnic minorities, this is precisely what the Czech Republic did in the period between 1998 and 2001. Poland did not receive any strong censure on minority protection prior to 2000. In the 2000 report the predicament of the Roma is mentioned for the first time. As was mentioned above, the Polish policy programme for the Roma in Małopolska dates from February 2001 and can therefore clearly be seen as a response to the Commission's demands.

The conclusion here should be that there is not a very strong connection between European pressure and policy change on minorities in Central Europe *except* when it concerns issues that are important issues for the individual candidate state or when these are security priorities for individual EU member countries. The case of the Roma is an example of the latter. In short, the EU's general conditionality policy has been pushed in particular directions by concerns of individual member states. In the latter half of the 1990s, EU member states increasingly became countries of destination for Roma asylum seekers from Central Europe. Both in the Polish and Czech policy plans about the Roma there are direct indications that the candidate countries have realized very well that the demands of the EU are primarily connected to fear of further migration of Roma:

The situation of Roma in Poland is a matter of interest to European institutions and the European Union countries, particularly those which are the destination for Polish Roma seeking to acquire the status of refugees (e.g. the United Kingdom and Finland). The Government of the Republic of Poland cooperates with specialized agencies of the Council of Europe and the European Union countries in solving Roma's problems. (Polish Ministry of the Interior and Administration 2001:4)

A Czech report by the government commissioner of human rights hints at what the real concerns of the international community are in stimulating new policy on Roma:

It can be expected that the result of this social edification of the hitherto marginalized Romany community and the gradual formation of an emancipated Romany minority will lead to a perceptible fall in Romany migration to European Union countries. (Czech Government Commissioner 2000: 7)

#### IV. Conclusions

It was the aim of this article to begin to explore the possible linkage between normative pressures on the European level and domestic policy change in the field of ethnic relations in Central Europe. The material examined for this article suggests that to some extent there has been a correlation. Central European states have indeed adopted new policies on minority protection, and demands from the European Commission have been referred to as important factors of change. However, this paper also puts such a correlation into perspective and argues that there has been no real policy transfer from West to East. There are three main indications.

First, it is rather misleading to describe the spread of minority rights policies in Europe as a 'transfer' of Western policy models on minority protection to CEE. The reason is that there are simply no clear Western policy models. There is a lot of diversity with regard to minority policy among the current EU member states. EU requirements have often suggested that granting collective rights for ethnic groups in future member states is a desirable policy course, but has not demanded such a policy from its current members. This has made EU demands rather vague and open to interpretation.

Secondly, Central European states have not been concerned in the first place about minority protection because of European integration. The introduction of minority rights policies was much more connected to other short-term individual interests. The clearest example is Hungary. Hungary's system of minority protection has been important for regional strategic considerations, even though it has been portrayed by the Hungarian government as a crucial element in the country's 'return to Europe'.

Thirdly, there is no evidence to suggest that the EU has diffused *norms* of minority protection in CEE. Norms of minority protection remain contested among EU members as well as among candidate members. What has happened is that individual EU member states have pushed the EU conditionality agenda in particular directions, not depending on consensual norms, but on their own concerns and interests. For example, the shift from a focus on territorially concentrated ethnic minorities (at the time of the introduction of the Copenhagen criteria) to a focus on the predicament of the Roma over the course of a few years time seems to reflect increased concerns within the EU about the influx of asylum seekers and a decreasing concern about territorial conflicts in Central Europe.

This last conclusion brings us back to the debates mentioned at the outset of this article. These debates focused on the question whether Western political theory concerning minority

rights protection constitutes a legitimate basis for political practice in CEE. Although the normative context is interesting, many of the recent developments in the field of minority policy are clearly determined by interests more than by normative considerations. For this reason, it seems suitable to evaluate minority rights policies in CEE not solely from the perspective of norms and political theory. This article has revealed the usefulness of analysing minority rights policies from an approach that emphasizes the influence of pragmatic interests and security concerns. In other words, if our aim is to gain a better understanding of concrete policy options in CEE, it is important to analyse minority questions increasingly from the perspective of International Relations, taking into account the effects of transnational pressures, evolving international/regional regimes and the changing nature of the state.

## References

Barry, B. (2001). *Culture and equality*, Cambridge: Polity Press.

Broz, A. (1927/1928). "Minority rights in the Czechoslovak State", *Foreign Affairs* 6(1/4): 158-160.

Bugajski, J. (1994). *Ethnic politics in Eastern Europe. A guide to nationality policies, organizations, and parties*, New York: M.E. Sharpe.

Burgess, A. (1999). "Critical reflections on the return of national minority rights regulation to East/West European affairs", in *Ethnicity and Democratisation in the New Europe*, Cordell, K (ed.) London and New York: Routledge.

Dimitras, P. and Papanikolatos, N. (2001). "Reflections on minority rights politics for East Central European countries", in *Can Liberal Pluralism Be Exported? Western political theory and ethnic relations in Eastern Europe*, Kymlicka, W., Opalski M. (eds.) Oxford: Oxford University Press.

Dolowitz, D.P. and Marsh, D. (2000). "Learning from abroad: the role of policy transfer in contemporary policy-making", *Governance: An International Journal of Policy and Administration* 13(1):5-24.

Doncsev, T. (1999). "Minorities: recent changes in the condition of national and ethnic minorities", Lecture at the conference of the Hungarian Academy of Sciences and the Office for National and Ethnic Minorities, April 8-9.

Doroszewska, U. (2001). "Rethinking the state, minorities and national security", in *Can liberal pluralism be exported? Western political theory and ethnic relations in Eastern Europe*, Kymlicka, W., Opalski, M. (eds.) Oxford: Oxford University Press.

Gitlin, T. (1996). *The Twilight of Common Dreams: why America is wracked by culture wars*, New York: Owllet Press.



- Győri Szabó, R. (1998). *Kisebbségpolitikai rendszerváltás Magyarországon*, Budapest: Osiris Kiadó.
- Havas, G. and Kemény, I. (1999). "The statistics of deprivation", in *Encounters. A Hungarian Quarterly Reader*, Zachár, Z. (ed.) Budapest: The Hungarian Quarterly Society, Balassi kiadó: 361-370.
- Heizer, A. (1999). "State policies toward the Romani communities in Candidate Countries to the EU: Government and Romani participation in policy-making in Hungary", speech delivered at the European Commission, July 26.
- Hornung-Rauh, E. and Fretyán, I. (2000). 'Summary of measures taken by the government affecting the Roma minority over the past two years'. Budapest: Office for Ethnic and National Minorities. Hughes, J. and Sasse, G. (2003). "Monitoring the monitors: EU enlargement conditionality and minority protection in the CEECs", *Journal on Ethnopolitics and Minority Issues in Europe*, 2003(1): 1-38.
- Joppke, C. (2003). "The retreat of multiculturalism in the liberal state", Russel Sage Foundation Working Paper no. 203.
- Krizsán, A. (2000). "The Hungarian minority protection system: a flexible approach to the adjudication of ethnic claims", *Journal of Ethnic and Migration Studies* 26(2): 247-62.
- Kymlicka, W. (2001). "Western political theory and ethnic relations in Eastern Europe", in *Can Liberal Pluralism Be Exported? Western political theory and ethnic relations in Eastern Europe*, Kymlicka, W., Opalski, M. (eds.) Oxford: Oxford University Press.
- Kymlicka, W., Opalski, M. (eds.) (2001). *Can Liberal Pluralism Be Exported? Western political theory and ethnic relations in Eastern Europe*, Oxford: Oxford University Press.
- Kołakowski, L. (1988). "Austromarksiści, kantyści w ruchu marksistowskim socjalizm Etyczny", in *Główne nurty marksizmu: Powstanie, rozwój, rozkład*, Kołakowski, L., London: Aneks.
- Łodziński, S. (1999). *The Protection of National Minorities in Poland*, Warsaw: Helsinki Foundation for Human Rights.
- PER (Project on Ethnic Relations) (2001). *Parliamentary Representation of Minorities in Hungary: legal and political issues*, Princeton: PER.
- Phillips, A. (1999). *Which Equalities Matter*, Cambridge: Polity Press.
- Schöpflin, G. (2000). *Nations, Identity, Power. The New Politics of Europe*. London: Hurst & Company.
- Sulitka, A. (1999). "Vývoj a súčasný stav praktických riešení kompetencií vrcholných orgánov štátu po roku 1989", in *Romové v České republice*, Dluhošová, H., Gjuričová, J., Goral, L., (eds.) Prague: Socioklub.

Verheugen, G. (2001). "Slovakia on its path towards the European Union", speech held at the Technical University of Košice, February 21.

Vermeersch, P. (2002). "Ethnic mobilization and the political conditionality of European Union accession: the case of the Roma in Slovakia", *Journal of Ethnic and Migration Studies* 28 (1): 83-101.

Wolff, S. (2002). "Beyond ethnic politics in Central and Eastern Europe", *Journal on Ethnopolitics and Minority Issues in Europe* 2002(4): 1-21.

### **List of primary sources and official documents**

Council for Nationalities of the Government of the Czech Republic (1997), Report on the Situation of the Romani Community in the Czech Republic and Government Measures Assisting Its Integration in Society (Rada pro národnosti vlády České republiky, *Zpráva o situaci romské komunity v České republice a opatření vlády napomáhající její integraci ve společnosti*).

Czech Government Commissioner (2000), A Report of the Government Commissioner for Human Rights on the Current Situation of Romany Communities, June 14, 2000.

Český statistický úřad (2001), *Sčítání lidu, domů a bytů*, <http://www.czso.cz>

European Commission (1997), For a Stronger and a Wider Union, Agenda 2000, DOC 97/6.

European Parliament (1997), European Union anti-discrimination policy: from equal opportunities between women and men to combating racism. Directorate-General for Research Working Paper, Public Liberties Services, LIBE 102 EN.

Government of the Czech and Slovak Federative Republic (1991), Resolution No. 619/1999 on the Principles of Government Policy of the Czech and Slovak Federative Republic towards the Romani minority. (*Zásady politiky vlády České a Slovenské Federativní Republiky k romské menšině, Usnesení vlády ČSFR č. 619/1991*).

Government of the Czech Republic (1999a), Report Submitted by the Czech Republic Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities.

Government of the Czech Republic (1999b), National Programmeme for the Preparation of the Czech Republic for Membership of the European Union.

Government of the Czech Republic (2000), Resolution No. 599/2000 on the Conception of Government Policy towards Members of the Roma Community, Facilitating their Integration in Society, Resolution No. 599/2000. (*Usnesení 599/2000 ke Koncepci politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti*).

Government of the Republic of Hungary (1997), Report No. J/3670 of the Government of the Republic of Hungary to the National Assembly on the Situation of the National and Ethnic Minorities Living in the Republic of Hungary. (*J/3670. számú Beszámoló a Magyar Köztársaságban élő nemzeti és etnikai kisebbségek helyzetéről*).

Hungarian Government (1999), Report of the Republic of Hungary. Implementation of the Council of Europe Framework Convention for the Protection of National Minorities.

Központi Statisztikai Hivatal (2002), *Népszámlálás 2001*, <http://www.nepszamlalas2001.hu>  
~~Polish Government (2002a), Report to the Secretary General of the council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities.~~

Polish Government (2002b), Opinion of the Government towards the commission project on national and ethnic minorities in the Republic of Poland, May 13, 2002. (*Stanowisko Rządu do komisyjnego projektu o mniejszościach narodowych i etnicznych w Rzeczypospolitej Polskiej*, druk nr 223)

Polish ministry of the interior and administration (2001), Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003.