



## **The EU Accession Criteria in the Field of Minority Protection and the Demands of Ethnic Minority Parties<sup>1</sup>**

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Over the course of the democratization of post-communist Europe, minority protection has been gradually strengthened. This study compares the positions of two key actors in this process. In particular, it examines how the EU accession criteria in the field of minority protection relate to the demands of minority parties. This article develops a categorization scheme of political positions on ethnic issues along three dimensions. As an example, the demands of the Hungarian minority parties in Romania and Serbia are compared with the conditions of the EU in relation to minority protection in Romania and Serbia respectively. The key finding of the study is that while the Hungarian minority parties in both countries have demanded cultural autonomy, the EU only has supported its establishment in Serbia. It is argued that, since the EU lacks internal standards on minority protection, it imposes criteria in the field of minority protection that mainly reflect domestic acceptance of certain demands of ethnic minority parties and pre-existing levels of minority protection.

**Key words:** ethnic parties; national minorities; minority rights; EU accession; EU conditionality; Romania; Serbia; Hungarian minorities

Countries in Central and Eastern Europe have a high level of ethnic diversity, and relatively homogenous nation states like Poland and the Czech Republic are rather the exceptions. The breakdown of multinational empires left large, often compactly settled and politicized ethnic minorities in newly formed states. The end of communist regimes and subsequent regime transformation and democratization provided a political opportunity structure for ethno-nationalist mobilization (Moser, 2005: 6). Ethno-nationalist issues are thus highly salient and a potential root of conflict in the region. In several Eastern European countries, ethnic minority parties provide national minorities with political representation and participation in the political decision-making process. Where they exist and are able to participate in public

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life, ethnic minority parties are often the most important and legitimate actors pushing for the adoption of legislation providing greater minority protection, and for its implementation (Bieber, 2008). The second-most important actor is the European Union (EU). The prevalent opinion in the literature is that the EU has succeeded in inducing higher levels of minority protection in Central and Eastern European countries (CEECs) by including minority protection within a set of accession criteria, and making EU membership conditional on compliance with those criteria (see Sedelmeier, 2008). The EU imposed minority protection as a political condition of EU membership for CEECs in order to counter the potential risk of ethnic conflict and its negative consequences for democratic stability. However, the EU's minority protection conditionality policy was criticized for lacking internal foundation, for its inconsistent application and the absence of transparency in the monitoring process by the European Commission (Hughes and Sasse, 2003; Kochenov, 2007; Sasse, 2005).

This article explores EU conditionality in the field of minority protection from a new angle. It assesses how the relevant conditions relate to the demands of ethnic minority parties during the accession process. It develops a scheme which categorizes the demands of ethnic minority parties and EU minority protection conditions. In the empirical part of the article, the demands of the parties of Hungarian minorities in Romania and Serbia are compared with the relevant EU conditions. The results indicate that, although the Hungarian minority parties have similar demands, the EU has imposed different conditions on the two countries. On the other hand, it also shows that the demands of the Hungarian minority parties are more far-reaching than the minority protection measures imposed by the EU.

The structure of the article is as follows. Section two provides a current literature review of EU accession conditions in the field of minority protection, which emphasizes the uneven effects of EU conditionality. Section three elaborates a coding scheme which identifies and compares the demands of political actors on ethno-national issues. Section four provides a brief outline of Hungarian minority parties in Romania and Serbia. Section five compares the application of EU conditions in Romania and Serbia with the demands of Hungarian minority parties in the respective countries, based on their most important programmatic documents and secondary literature.

## 1. Minority Protection as a Condition of EU Accession

In order to join the EU, candidate states in CEECs had to fulfil economic and political conditions and adjust their laws in accordance with the *acquis communautaire*. Respect for and protection of minorities was one of the political conditions that candidate states had to meet. The aim was stabilization of ethnically divided states, based on the premise that guaranteeing minority rights and ensuring political inclusion of ethnic minorities would prevent ethnic conflict. In post-conflict countries in the Balkans in particular, besides power-sharing arrangements the adoption and implementation of minority rights are the most important measures for ensuring stability and security. Minority protection often questions the national identity of the target states by emphasizing its multinational foundations. It has been shown that accession conditions that question the current national identity of the target country are less effective than conditions that are in line with the current national identity (Freyburg and Richter, 2010). The national identity of a state operates as a filter for appropriate action, so if accession conditions contradict the state's national identity the state will not comply.

Many studies have explored the effectiveness of EU conditionality in the field of minority protection. They analyzed whether and how EU conditionality led to higher levels of minority protection in CEECs (Hughes and Sasse, 2003; Kelley, 2004; Kochenov, 2007; 2008; Lerch and Schweltnus, 2006; Sasse, 2005, 2008; Schulze, 2010; Schweltnus, 2005; Schweltnus *et al.*, 2009; Vermeersch, 2003, 2007). The empirical findings of these studies showed that the application of EU conditionality was uneven among the accession states. Three main problems were identified to account for the lack of compliance with EU conditionality criteria. First, there was the inherent problem of the effectiveness of EU conditionality in an area in which the EU has yet to develop its own common internal standards. The *acquis communautaire* does not include standards of minority protection beyond the principle of non-discrimination (Lerch and Schweltnus, 2006; Schweltnus, 2005). Therefore, the EU had to refer to standards of minority protection developed by the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE) when it operationalized its conditions of minority protection in its progress reports (Hughes and Sasse, 2003; Sasse, 2005; Schweltnus, 2005). Yet, even if other regional or international organizations have developed norms and rules in the field of minority protection, there is no consensus on basic definitions regarding what constitutes a national minority or the nature of minority rights in the international arena. Therefore, the conditions formulated by the EU have been described as vague and open to interpretation (Vermeersch, 2003), or even

contradictory (Kochenov, 2007; 2008). Second, old EU member states have diverse practices towards their own national minorities and do not adhere to a single standard. The imposition of minority protection as an accession condition created double standards within the EU. The effectiveness of conditionality is potentially undermined if the conditions are not perceived as legitimate. Third, EU conditionality has also been criticized for its inconsistent application towards national minorities and candidate states, as well as for a lack of transparency in the European Commission's monitoring process (Hughes and Sasse, 2003; Kochenov, 2007).

While the overwhelming majority of studies have focused on the effectiveness of EU conditionality, few addressed the impact of European integration or minority protection measures on political actors and their relations in the target countries. Brubaker (1996) depicts ethnopolitical relations as a triadic nexus between national minorities, nationalizing host states and kin states. However, his conceptualization was criticized for not including the international community as the fourth political field shaping ethnopolitical relations (Smith, 2002). Taking up this criticism, Galbreath and McEvoy (2010) focused on the impact of European integration on the relationship between host state and kin state over national minorities and argued that in some cases European integration dampened the salience of nationalist politics between the two, while in other cases it intensified it. Tesser (2003) expects an intensification of nationalist politics, highlighting that minority protection norms promoted by the EU alongside the OSCE and CoE can lead to the politicization of ethnic groups such as the Moravians in the Czech Republic or Silesians in Poland. However, Vermeersch (2002) shows that Roma activists did not perceive external pressure by the EU as support for their concerns.

To date, there has been no study of the impact of European integration on ethnic minority parties. This article takes a first step towards filling this gap by exploring the relationship between EU conditionality and the demands of ethnic minority parties. This comparison is relevant since ethnic minority parties are often the political representation of national minorities; as such they are not only legitimate but often the most important actors pushing for higher levels of minority protection in the domestic arena of candidate states. A comparative analysis of EU conditionality as applied to new CEEC members and to potential candidates in South Eastern Europe can also provide new relevant insights.

## 2. The Measurement of Political Positions on Ethnic Issues

The literature on party politics and ethnic conflicts have both devoted considerable attention to determining the relative position of political actors on ethno-national issues. In the following section, I show that current datasets in both research fields have failed to provide an adequate conceptualization of the position of political actors on the ethno-national dimension of political competition.

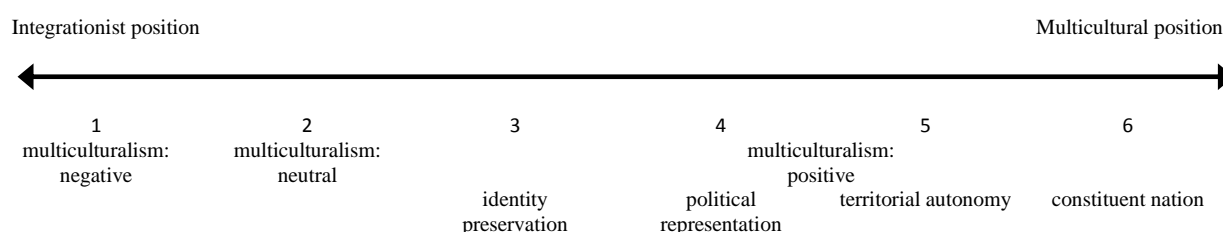
### 2.1. Literature on Party Politics

The literature on party politics has developed a variety of sophisticated methods for measuring the policy positions of parties e.g. the Comparative Manifesto Project (CMP) (Budge *et al.*, 2001; Klingemann *et al.*, 2006), the expert survey of Benoit and Laver (2006) and the Chapel Hill expert survey series (CHESS) (Hooghe *et al.*, 2010).

The Comparative Manifesto Project (CMP) determines the political positions of parties through a systematic analysis of their manifestos.<sup>2</sup> In recent years the CMP also came under criticism for its conceptualization of the ethno-national dimension of party competition in its coding scheme. Based on the re-analysis of the manifestos of Bulgaria, Moldova, Romania and the Ukraine, Protsyk and Garaz (2011) show that the coding scheme of the CMP has two main problems when measuring party positions along the ethno-national dimension. First, in the CMP many statements on ethno-national issues have been coded under other variables. Second, while the underlying dimension of ethno-national issues is multiculturalism versus integrationism, the categories are not very useful in covering the range of positions on this scale. The categories do not reflect the different claims that can be put forward by ethnic groups. Therefore, Protsyk and Garaz (2011) propose a stricter definition of ethnic categories and the introduction of new categories in order to capture the full scale of the ethnocultural dimension of party competition. Only statements that explicitly refer to ethnic groups and policies that affect the characteristics and conditions of these groups are considered as belonging to the ethnic dimension. They differentiate between two dimensions of ethnic issues. They denote the first dimension as multicultural versus integrationist and capture party preferences with regards to the accommodation of minority groups. Figure 1 presents the categories that belong to this dimension. As a first step the three categories are defined as: ‘multiculturalism: positive’, ‘multiculturalism: neutral’ and ‘multiculturalism: negative’. Then, sub-categories for positive multicultural statements are created. Four different subcategories are defined, each referring to a claim put forward by an ethnic group in their negotiations with the central state: ‘identity preservation’, ‘political representation’,

‘territorial autonomy’ or ‘constituent nation’. According to the authors, these claims can be ordered from least radical to most radical. The second dimension covers positions that are related to the status of the titular ethnic group. For this dimension, the authors only introduce the category of ‘titular ethnic group’ that extracts positive statements, arguing that negative or neutral statements on this particular category cannot be found. Additionally, in this dimension the sub-category of ‘diaspora’ is used to cover statements on the rights and situation of the members of the titular ethnic group living abroad as a national minority in a foreign country.

**Figure 1: The ethnocultural dimension related to the situation of ethnic minorities following Protsyk and Garaz (2010)**



The conceptualization of the ethno-national dimension of party competition provided by Protsyk and Garaz is more fine-grained and accurate than the original CMP coding scheme. However, two problems remain. First, the sub-categories in the category of ‘multiculturalism: positive’ such as ‘identity preservation’ and ‘political representation’ do not seem to differ in their degree of radicalism but refer to different issues. While the category of ‘identity preservation’ covers issues related to language use, education and culture, the category of ‘political representation’ covers the topic of the participation of the minority in the political system. Therefore, the sub-categories do not allow the position of political actors on the ethno-national dimension to be ranked along their extremism or radicalism. Second, the sub-categories mix issues of multiculturalism and ethno-nationalism. While the multiculturalism dimension refers to issues concerning the status of immigrants, the ethno-national dimension is concerned with the status of national minorities.

The expert survey of Benoit and Laver (2006) determines the political position of parties through expert surveys on a high number of predefined issue dimensions.<sup>3</sup> Despite measuring party positions on a high number of dimensions, there is no dimension that directly refers to the issue of national minorities across all countries. However, three dimensions are

linked to or are similar to the issues of national minorities. First, in post-communist countries (but not in Western European ones) the dimension of nationalism versus cosmopolitanism in terms of approach to history, culture and national consciousness is included in the survey. Second, the dimension of immigration policy is applied, but only in Western European countries. In the Western hemisphere - in the cases of Britain, Northern Ireland, Canada and Israel - the topics Northern Ireland, Québec and the Palestinian state are included to account for the specific situation of these ethnically divided societies. Third, the dimension of decentralization was applied in all countries. Usually, national minorities call for more decentralization and autonomy. It is therefore not a surprise that this dimension has a higher importance than the dimension of nationalism or immigration policy in countries with large national minorities such as Bulgaria, Estonia, Lithuania, Macedonia, Moldova, Romania, Serbia, Slovakia and Spain.

In the Chapel Hill expert survey on party positions (CHESS) (Hooghe *et al.* 2010) the same three dimensions (nationalism versus cosmopolitanism, immigration policy, decentralization) are covered for all countries in the survey. Yet, an additional dimension on ethnic minorities is included. The position on this dimension indicates to which extent a party opposes or supports enhanced minority rights.

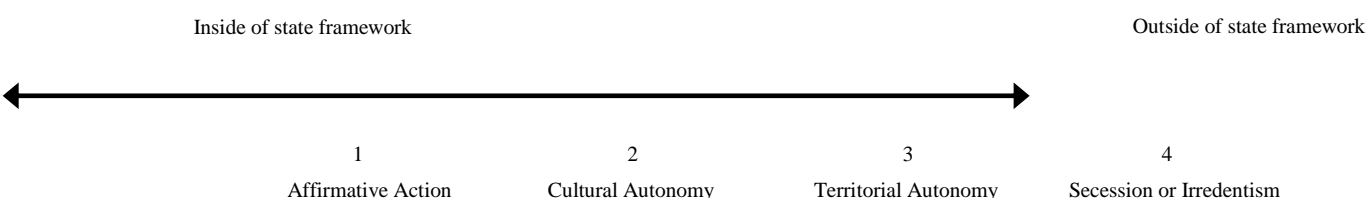
To sum up, in the expert survey of Benoit and Laver there is no conceptualization of a dimension related to national and/or ethnic minorities that would allow a comparison of the countries included in this perspective. The inclusion of a dimension on the rights of ethnic minorities in CHESS guarantees a cross-country comparison, but does not differentiate between different types of rights and only provides very rough indicators.

## **2.2. Literature on Ethnic Politics**

In the field of ethnic politics and ethnic conflicts several large-n datasets have been gathered with a lot of information on ethnopolitical groups such as the Minorities at Risk Project (MAR, 2009) or the more recent Ethnic Power Relations (EPR) dataset (Cederman *et al.*, 2009) and the European Survey of Ethno-political Groups (ESEG) (Chen, 2009). However, the internal differentiation of the groups related to the institutions (e.g. political parties) that represented them, and did not address the policy positions of those organizations. Recently, a few scholars (such as Birnir (2007), Chandra (2009) and Ishiyama (2009)) have begun to study ethnicity at the organizational level instead of at the group level. However, none have classified the explicit demands of the identified ethnic parties.

Jenne (2007) focused on the radicalization of ethnic groups in Central and Eastern Europe. Minority radicalization is defined by Jenne (2007: 40) as the growing extremity of collective demands that minority representatives make to the centre. Therefore, the more radical a claim is, the more it challenges the state. Figure 2 depicts the conceptualization of radicalization by Jenne. Four positions are defined. The most moderate claim is affirmative action, because it is only a call for greater integration into the majority-controlled society. One step in the direction of radicalization is the claim for cultural autonomy, which guarantees self-rule in the spheres of culture and education. The next radical demand, territorial autonomy, is a claim that does not challenge the external borders but the territorial structure of the state, and involves a devolution of competences to the region where the national minority resides. The demand for territorial autonomy is often perceived by the majority population as a first step towards the break-up of the existing state and therefore as a threat to the state's territorial integrity. The most extreme demands are those which challenge the integrity of the state itself, such as secession and irredentism. Secession is when the minority group establishes sovereignty over a part of the state while irredentism occurs when a kin state annexes the part of the host state where the national minority is located.

**Figure 2: The range of the demands of ethnic parties following Jenne's (2007) conceptualization**



Jenne's definition and conceptualization of radicalization are problematic for several reasons. Roughly, these concepts and the ranking of them are plausible, since they do indeed challenge the organization of the state in a growing degree. However, the problem is that the substance of these four concepts can change over time and can differ across minority groups or ethnic minority parties within the same group. What they mean *de facto* and what kind of rights they grant to members of a minority group or to the group as a whole are still not clearly specified. For instance, a state-financed, independent national minority university can



be realized within the conceptual framework of affirmative action, cultural autonomy and territorial autonomy. For this reason, in the next section I propose to measure the position of political actors on ethnic issues along different sub-dimensions.

### ***2.3. The Measurement of Positions on Ethnic Issues along Sub-dimensions***

Based on a review of documents of Hungarian minority parties, of secondary literature and after consultation with several representatives of Hungarian minority parties, I argue that the following sub-dimensions of ethnic issues are the most important: minority language use, education in and of the minority language and the territorial sub-national authority.<sup>4</sup> In each of these sub-dimensions, five positions (0-4) are defined that can be ranked from assimilation of national minorities (0 = no special rights) to segregation of all ethnic groups within the country (4 = maximum special rights, including the establishment of parallel institutions to realize cultural and territorial autonomy). Position 0 in each of the sub-dimensions refers to a situation where an actor opposes any special rights for national minorities based on their different cultural background. This position is not likely to ever be taken up by ethnic minority parties since their very reason for existence is to improve the situation of their co-ethnics. However, presumably, nationalist parties of the titular nation may espouse this position. Position 4 denotes a situation where an actor claims the most far-reaching rights for national minorities.

#### *Use of the Minority Language*

The sub-dimensions of minority language use, and education in and of the minority language, are the classical areas in which additional rights for members of minorities are recognized. The scale of positions in this sub-dimension is conceptualized following Schweltnus *et al.* (2009: 6) who analysed the conditions for formal rule adoption in the field of minority protection, with the aim of conceptualizing the level of minority protection. The more possibilities there are for using the minority language in the public sphere, the higher the level of minority protection. This reasoning can also be applied to the conceptualization of the classification of the political positions of actors. The following positions are identified:

**Table 1: Positions of actors on minority language use**

0	<b>The minority language can only be used in private space:</b> The use of the minority language should be restricted to the private sphere. In any sphere of public life the use of minority language should not be allowed.
1	<b>The minority language can be used in order to guarantee human rights:</b> In order to realize general human rights the use of the minority language (e.g. the use of an interpreter in court proceedings) should be allowed.
2	<b>The minority language can additionally be used in professional life:</b> The use of the minority language should be allowed in the private sector.
3	<b>The minority language can additionally be used actively and passively with the state authorities at the regional level:</b> In regions where persons belonging to a national minority are concentrated, the use of the minority language should be allowed in communication with public authorities. Further, signs used by the public administration should also be in the minority language.
4	<b>Minority language is an official second state language:</b> The minority language should be introduced as a second state language.

*Education in and of the Minority Language*

The more radical the position of a political actor, the more it demands a state-funded educational institution with teaching in a minority language covering all subjects up to the tertiary level of education, and the more it calls for autonomous operation of the minority educational institution. This issue dimension roughly follows the conceptualization of Schweltnus *et al.* (2009). The following positions are identified in the dimension of education in and of the minority language:

**Table 2: Positions of political actors on the education in and of the minority language**

0	<b>No education of and in the minority language:</b> No education of and in the minority language is provided by the state.
1	<b>Education of the minority language:</b> Education of the minority language is provided by the state.
2	<b>Additionally education in the minority language up to the secondary level:</b> Additionally, education of and in the minority language is provided up to the secondary level by the state.
3	<b>Additionally education of the minority language and education in the minority language through the tertiary level:</b> Additionally, education of and in the minority language is provided up to the tertiary level by the state.
4	<b>Additionally a separate university for the minority is established:</b> Additionally, tertiary education in the minority language is provided by independent institutions governed by the minority and financially supported by the state.

*Territorial Sub-national Authority*


Of crucial relevance to ethnic minority groups is the extent to which governance takes place in a multilevel setting. The more tasks and financial means are delegated to the regional and local levels and the more the boundaries of territorial–administrative units coincide with the boundaries of the settlement of the minority group, the more the ethnic minority group can govern itself. The most radical position is the claim for secession, which leads to a complete separation of the group from state institutions, and the constitution of a new independent state. The following positions are outlined in the dimension of territorial sub-national authority:

**Table 3: Positions of political actors on territorial sub-national authority**

0	<b>Unitary, centralized state:</b> No authority is located on sub-national level.
1	<b>Decentralization:</b> Devolution of resources to the sub-national level without constitutional guarantees.
2	<b>Federalization:</b> Constitutionally guaranteed resources and decision-making competencies at the sub-national level.
3	<b>Asymmetrical federalism on ethnic basis:</b> The federal boundaries are drawn according to the boundaries of the settlement of the ethnic minority group and the ethnically based units come to enjoy more competencies than other units.
5	<b>Secession or irredentism:</b> The complete separation of an ethnic group from the common state institutions and the constitution of a new independent state.

Table 4 presents an overview of the positions that political actors can have in the three sub-dimensions of ethnic issues discussed. The positions are linked to specific substantial minority rights in the different issue areas. While the sub-dimensions of minority language use, and education in and of the minority language, reflect the principle of personal autonomy, the sub-dimension of territorial sub-national autonomy – as already indicated in its name – mirrors the principle of territorial autonomy. Following the definitions of Brunner and Küpper (2002: 20–21), in the case of personal autonomy, the subjects of autonomous rights are persons who belong to a certain group. The subjects of autonomy rights in the case of territorial autonomy are the inhabitants of a territory vested with special status. Demands relating to minority language use and education in and of the minority language can eventually culminate in the demand for cultural autonomy that allows representatives of national minorities to organize their own cultural self-government.

**Table 4: Overview on position of political actors on ethnic issue sub-dimensions**

		Ethnic issue sub-dimensions		
		Minority Language Use	Education in and of the Minority Language	Territorial Sub-national Authority
<b>Assimilation of the national minority</b> 	0	Only in private space	No education of and in the minority language is provided by the state	Unitary, centralized state
	1	Additionally to guarantee human rights	Education of the minority language is provided by the state	Decentralization
	2	Additionally in professional life	Additionally education in the minority language up to the secondary level is provided by the state	Federalization
	3	Additionally in communication with state authorities at the regional level	Additionally education of and in the minority language up to the tertiary level is provided by the state	Asymmetrical federalism on ethnic basis
	4	Official state language	Additionally a separate and state-funded university of the minority is established	Secession or irredentism
<b>Segregation of the different ethnic groups</b>		Cultural autonomy		

### 3. The Hungarian Minority Parties in Romania and Serbia

Hungarian minorities in Romania and Serbia were selected because their parties have similar demands, as will be outlined in the next section. Further, the minority protection conditions as accession criteria of the EU have been analyzed separately in the context of the now Eastern European member states and the new candidate or applicant states in the Balkans. A comparison of the EU minority protection criteria between a new member state and a future member state with similar minorities has not been carried out so far, and will contribute to the broader discussion on the consistency of EU conditionality.

#### 3.1. Political Representation of the Hungarian Minority in Romania

The Hungarian minority in Romania constitutes roughly 6.6% of the population<sup>5</sup>, and lives mainly in Northwestern Romania (Transylvania). In the counties of Harghita and Covasna, located in the Eastern part of Transylvania, the Hungarian national minority forms the overwhelming majority of the population. The Democratic Alliance of Hungarians in

Romania (Romániai Magyar Demokrata Szövetség, RMDSZ), the main party of the Hungarian minority in Romania, was originally founded as an umbrella organization that encompassed the different ideological platforms and interest groups among the Hungarian minority at the end of 1989, but gradually it took over the function of the main party. Since 2000 the RMDSZ has been increasingly challenged by the emergence of other Hungarian political organizations; however, it is the only party in Romania that has represented the interests of the Hungarian minority since the breakdown of the communist regime at the national level. The RMDSZ successfully has managed to mobilize the Hungarian minority and has regularly obtained a vote share of around 7–8% in national elections. During the accession process of Romania to the EU, the RMDSZ participated in the government coalition during two periods, between 1996 and 2000 and between 2005 and 2008. Between 2000 and 2004 the RMDSZ supported the government without joining it.

### ***3.2. Political Representation of the Hungarian Minority in Serbia***

According to the 2002 census, the largest national minority in Serbia is the Hungarian minority, with a population share of 3.91%; they live predominantly in Vojvodina, where they amount to 14.28% of the population (Vučić, 2008: 279). In contrast to Romania, in Serbia today the Hungarian minority is represented by several parties. From 1990 to 1994, only the Democratic Community of Vojvodina Hungarians (Vajdasági Magyarok Demokratikus Közössége, VMDK) existed. In 1994, the VMDK split and a new party emerged under the name of Alliance of Vojvodina Hungarians (Vajdasági Magyar Szövetség, VMSZ). In 1997, the VMDK split again and dissident party members formed the Democratic Party of Vojvodina Hungarians (Vajdasági Magyar Demokrata Párt, VMDP). In the 2003 national elections the VMSZ ran in the multiethnic coalition ‘Together for Tolerance’ but it could not enter parliament. The other two Hungarian minority parties did not participate in those elections. In the parliamentary elections of 2007, the VMSZ managed to enter parliament with a vote share of 1.3% as part of the opposition. The other two Hungarian parties formed the Hungarian Union Coalition, but did not manage to enter parliament. In 2008 the VMDK, the VMSZ and the VMDP formed the Hungarian Coalition and accessed parliament with a vote share of 1.8%. However, only the VMSZ is represented in the parliament. The Hungarian Coalition supports the government coalition. Apart from these three parties there are two other minor Hungarian parties: the Hungarian Civic Alliance (GSM) (since 2006) and the radical right Hungarian Hope Movement (PMN) (since 2009).

#### **4. Comparison of the Positions of the Hungarian Minority Parties with EU Minority Protection Conditions**

In this section the positions and the related demands of the Hungarian minority parties are compared with the relevant EU conditions during the accession of Romania and Serbia. The positions of the parties are derived from their official documents, such as party and election programs or other programmatic documents and secondary literature. The minority protection conditions the EU has imposed on Romania and Serbia are derived from the regular annual reports of the European Commission, which are the key instruments through which the EU monitors and evaluates the candidate states' progress towards accession. For the analysis of EU conditionality on ethnic issues in Romania, the document 'Agenda 2000 – Commission Opinion on Romania's Application for Membership of the European Union', published in 1997 at the outset of the accession process, and subsequently the European Commission's annual Regular Reports from 1998 to 2006, are included in the study. For the analysis of EU conditionality in relation to ethnic issues in Serbia, I have included the progress reports from 2005, when negotiations for the Stabilization and Association Agreement were launched, until 2010.

##### ***4.1. Use of the Minority Language***

###### *Romania*

From 1996 onwards, the RDMSZ called for the widespread use of Hungarian in public life and in dealings with the state authorities. It called for new legislation on public administration, which would include more favourable regulation on the use of minority languages. In 2001 the Law on Local Public Administration was adopted, providing for the use of a minority language in dealings with public authorities in areas where the minority population is 20% or above. The RDMSZ has never demanded the introduction of Hungarian as a second state language in its political programs.

The EU referred very positively to the efforts to enact a new law on local public administration (EC, 1999: 19; 2001: 29). After the adoption of the law, the EU praised its smooth implementation and the several extensions of its application in its progress reports (EC, 2002: 35).

*Serbia*

As in Romania, Hungarian minority parties in Serbia demanded the use of Hungarian in public life and in exchanges with the state authorities. In Serbia, following the adoption of a minority law by the Federal Republic of Yugoslavia in 2002, minorities' languages can enter into official use in municipalities where the national minority reaches 15% or more of the population. In this sense, Serbian regulations on the use of minority languages is more minority-friendly than the Romania ones. However, in its party program of 2004 (which has not been updated since) the VSZM demanded the use of minority languages in municipalities where the share of the Hungarian minority reaches at least 5%. In the Autonomous Province of Vojvodina Hungarian is among the six official languages (Vučić, 2008: 291).<sup>6</sup>

In its progress reports, the EU commented positively several times on ongoing efforts to adopt legislation that would extend the use of minority languages in public life, including with state authorities.

**4.2. Education in and of the Minority Language***Romania*

In its programmatic documents, the RDMSZ has always demanded the broadening of all types of minority education and at all levels, including through the establishment of a separate state-financed Hungarian university. However, it has never managed to include the demand of a separate state-financed Hungarian university in government programs, or in the co-operation agreements it signed when it was in opposition.

In contrast to the RDMSZ, the EU has never demanded the establishment of a Hungarian state university in Romania. In 1997, the European Commission positively evaluated the promise that the 1995 Law on Education would be repealed in order to abolish restrictions on education in minority languages. Since 1998 it has focused on education in Hungarian at the tertiary level (EC, 1998: 11). Initially, it very positively the idea of the establishment of a multicultural university, and until 2001 criticized its lack of realization (EC, 1999: 18; 2000: 24; 2001: 29). However, in 2002 the issue was dropped after a private Hungarian university, Sapientia University, was founded with the financial support of the Hungarian state 2001, a solution which appeared to satisfy the EU (EC, 2001: 29). At the same time, in 2004 it noted that two Hungarian faculties at the state university in Cluj had still not been opened (EC, 2004: 30). In fact, although the EU has always addressed the question of education in Hungarian at the tertiary level, its position has been uncertain and it has not

taken an assertive stance. Sometimes it criticized the current situation, while other times it praised ongoing efforts, and was unassertive on the institutional solution of education in Hungarian at the tertiary level.

#### *Serbia*

In its program the VSZM demands the establishment of an independent state-financed Hungarian university, but does not specify either the location of the university or the process of its establishment. In 2008, the Hungarian Coalition demanded the establishment of a university in Subotica, but did not specify whether this should be a multilingual or a Hungarian-only university. To date, the EU has not taken a position on this issue, referring to education in and of Hungarian in Serbia only very sporadically and in a very general manner in its progress reports (EC, 2006: 14; 2007: 14-15; 2010: 16).

### **4.3. Cultural Autonomy**

#### *Romania*

Besides territorial autonomy, another integral part of RDMSZ's program for obtaining self-rule for the Hungarian minority in Romania is the establishment of cultural autonomy. However, it was only in 2005 that the RDMSZ managed to include its demand for cultural autonomy in the government program. It envisaged the adoption of a Law on the Status of National Minorities, which among other things, guaranteed cultural autonomy for national minorities. The EU praised this effort to develop a comprehensive piece of legislation on national minorities (EC, 2005: 19), but before 2005 it had been silent on the issue. In 2012, the law had still not been adopted, due to a lack of support from parties representing the Romanian majority.

#### *Serbia*

In Serbia, the first Hungarian minority party – the DSVM – has called for different forms of autonomy since the beginning of the 1990s, including cultural autonomy (Korhecz, 2010: 66). In 2002 a Law on the Protection of the Rights and Freedoms of National Minorities was adopted, which provided for cultural autonomy in the areas of minority language use, education, culture and mass communication; the new 2006 constitution also guarantees these



rights. In 2009 a Law on National Councils of National Minorities was adopted to regulate the implementation of minority self-government on cultural issues. The EU commented on this issue in every progress report and strongly supported it; in fact the establishment of cultural autonomy for the Hungarian minority was the issue on which the EU commented the most in relation to the Hungarian minority in Serbia.

#### ***4.4. Territorial Sub-national Authority***

##### *Romania*

The RDMSZ has always called for ethnic territorial autonomy in its party and election programs, supporting the idea of asymmetrical federalism on an ethnic basis. However, as with its demand for a state-financed Hungarian university, it has never managed to get this issue onto the government agenda or to make it a condition in exchange for its support of the government. The EU pushed for public administration reforms and it was a harsh reviewer of the process of decentralization of the Romanian public administration. It criticized the lack of a corresponding decentralization of financial resources, as well as the limited management capacities for implementation of decentralized responsibilities (EC, 1997: 13; 1998: 8; 1999: 26, 63; 2000: 16-17; 2001: 17; 19, 28; 2002: 21, 24, 123, 134; 2003: 14; 2004: 17-18; 2005: 8, 25; 2006: 5). However, it never linked its calls for decentralization with the issue of minority protection.

##### *Serbia*

On the one hand, all Hungarian minority parties have demanded autonomy for the Autonomous Province of Vojvodina in Serbia. On the other hand, their levels of support differ on the issue of establishing autonomy for Northern Vojvodina, where the Hungarian minority is overwhelmingly located. The joint program of the VSZM, VMDP and VMDK calls for both types of territorial autonomy. In 2009 the Statute of the Autonomous Province of Vojvodina was adopted, which guarantees substantial autonomy for the province. However, the establishment of the so-called “Hungarian Regional Autonomy in Northern Vojvodina” is not on the political agenda in Serbia. By contrast, EU comments on the topic of territorial sub-national authority remained very general. It was only in 2008 that it praised new legislation on local self-government, which included more detailed provisions concerning the obligations of municipalities with an ethnically mixed population (EU, 2008: 9).

#### ***4.5. Variable Stances of the EU Regarding Minority Protection in Romania and Serbia***

The claims of Hungarian minority parties in Romania and Serbia are rather similar. Both call for widespread use of Hungarian at the regional level in communication with public authorities and for state-financed Hungarian education at the tertiary level. They also both express considerable demands for cultural and territorial autonomy, although these seem to have varied in intensity over time, depending on their position in the political decision-making process (opposition versus government) and intra-ethnic competition. However, in both cases they have been continuously present since the breakdown of communism (Bochsler and Szöcsik, 2012; Szöcsik and Bochsler, 2012).

On the one hand, the EU's stance towards minority protection in the two countries differed markedly in relation to its position on cultural autonomy. To a certain extent it supported expansion of the use of minority languages in public life, including in communication with the state authorities and the extension of education in minority language up to the tertiary level. Yet, while it has almost never mentioned cultural autonomy in Romania, it was a strong supporter of it in Serbia. On the other hand, the EU's position was identical in the context of minority protection related to territorial sub-national authority: it supported decentralization in both countries, but never linked this to the issue of minority protection.

How can the EU's variable stance on cultural autonomy in Romania and Serbia be explained? It is very likely that its differing approach to cultural autonomy in the two countries is linked to the widely acknowledged problem of its failure to develop common minority protection standards. A consequence of the absence of these common standards is that, instead of imposing the same minority standards in all candidate states, the EU just reacts to current domestic politics. The endorsement of cultural autonomy by the EU is largely dependent on domestic politics in the two countries; in neither case did the EU impose cultural autonomy as a minority protection standard, but it commented positively on its establishment when it appeared on the domestic political agenda in the countries.

On the other hand, the EU's variable approach to cultural autonomy in Romania and Serbia might reflect the different role that EU minority protection conditionality could have in Central and Eastern Europe and the Western Balkans. At the beginning of the accession process in Central and Eastern Europe, national minorities were faced with discriminatory legislation and/or lacked basic minority protection. Their parties were extremely isolated from

the political decision-making process and belonged to the opposition. Pressure from the EU eased the entry of ethnic minority parties into government coalitions, discriminatory legislation was abolished and minority protection was strengthened. Today, Serbia and other countries in the Western Balkans have much more advanced minority protection legislation than Central and Eastern European states had in the mid-1990s, which means that the EU can push for even higher levels of minority protection. However, it is widely acknowledged and documented that minority protection legislation is often not implemented, or is only partially implemented, in the Western Balkans (e.g. EAR and ECMI, 2006). The issue of implementation of minority rights was also already raised during the accession process of the Central and Eastern European states, both by scholars and practitioners. It seems that the problem of implementation and enforcement of minority rights has become even more acute among the potential EU member and candidate states in the Western Balkans. In fact, this raises the question of how the EU can ensure better monitoring of these issues.

## **5. Conclusion**

To date, research on EU conditionality in the field of minority protection has focused primarily on factors that influence its effectiveness. This article contributes to the literature by analysing the position of two important political actors. Its underlying question is how EU accession criteria in the field of minority protection was related to the demands of ethnic minority parties during the EU accession processes of Eastern European countries. The theoretical part of the article described a coding scheme of political actors on the ethno-national dimension of political competition. The empirical part of the article then compared the demands of parties representing Hungarian minorities in Romania and Serbia with EU accession conditions on minority protection.

The main findings of the comparison were that, while the parties had similar demands, the application of EU minority protection criteria in the two countries was partially variable, notably in relation to cultural autonomy, which the EU supported in Serbia but not in Romania. At the same time, the EU gave equal support to both countries on the issue of the expansion of minority languages in public life, including in communication with the state authorities, and the extension of education in minority language up to tertiary level. Furthermore, the EU's position was the same on the issue of territorial sub-national authority. In both countries the EU pushed for decentralization, but never linked this to the issue of minority protection.

This article also provides additional evidence that the moderation and radicalization of Hungarian minority parties is predominantly a domestic process (Bochsler and Szöcsik, 2012; Szöcsik and Bochsler, 2012). Their most extreme or radical demands, such as their calls for territorial autonomy, were never addressed by the EU, which only addressed the issue of cultural autonomy when this emerged as a compromise between political actors representing the majority and the minority in Serbia. As such, EU minority protection criteria do not seem to have triggered a radicalization of the Hungarian minority parties.

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### Notes

<sup>1</sup> The development of a coding scheme of the positions of political actors on the ethno-national dimension of political competition in this paper is part of a larger research project conducted by the author and Christina Zuber. In this project, we conducted a Europe-wide expert survey of party positions on the ethno-national dimension of party competition.

<sup>2</sup> In the framework of the project a coding scheme was elaborated that consisted of 56 categories of seven policy dimensions, to which an additional 53 categories for Central and Eastern European Countries were added. The coding unit is a quasi-sentence that is defined as the verbal expression of one political issue or idea. Therefore, as a first step a manifesto was split into quasi-sentences and then each of them was assigned to one category. The categories were *a priori* assigned either to the left or to the right pole of party competition. The position on the left–right dimension was calculated by subtracting the sum of the percentages of all of the left categories from the sum of the percentages of all of the right categories.

<sup>3</sup> Briefly, following the authors, the most comprehensive population of country specialists were asked to locate party policy positions on a set of predefined policy dimensions on a scale from one to twenty and to assess the importance of each of the policy dimensions to each party, also on a 20-point scale.

<sup>4</sup> These are likely to be the most relevant dimensions in cases where the cultural distinctiveness of the national minority is grounded in its language. Furthermore, proportional representation in the public administration, as well as access to social and cultural state policies, can also be an important dimension of political contest between minority and majority groups.

<sup>5</sup> According to the 2002 population census of the National Institute of Statistics of Romania <http://www.insse.ro/cms/files/RPL2002INS/vol5/tables/t16.pdf>.

<sup>6</sup> Following Vučić (2008: 291), the use of minority language in Serbia is based on the 2002 minority law and the 1991 Law on Official Use of Language and Script. In the province of Vojvodina, the use of minority language is additionally regulated by the Provincial Assembly Decision on More Detailed Regulation of Specified Issues of Official Use of Languages and Scripts of National Minorities in the Territory of the Autonomous Province of Vojvodina (2003 and 2009).

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