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POSTCOMMUNIST EUROPE AND NATIONAL MINORITIES

Will Kymlicka

Attempts to develop international norms of minority rights in Europe since 1990 have run into a series of dilemmas. Appeals to a right to internal self-determination have proven too controversial; appeals to a right to enjoy one's culture have proven too weak; and appeals to a right to effective participation have proven too vague to actually address any of the conflicts in post-communist Europe that generated the call for the "internationalization" of minority issues in the first place. It would be inaccurate to suggest that Western states have "naturally" or inevitably gravitated towards fair accommodation of national minorities without international pressure. Some combination of international pressure and/or domestic violence was present at one point or another in most Western cases of autonomy Given this history it seems naïve to assume that countries in eastern and central Europe will inevitably and peacefully move towards significant minority rights through their own domestic democratic processes. Some extra-parliamentary push – whether it is international pressure and/or domestic violence – may be needed for post-communist countries to seriously consider federal or consociational power-sharing. However, the goal of any international pressure should be to start a process that becomes domestically self-sustaining (and, ideally domestically selfimproving).
It is important that the minimal standards being demanded of post-communist states be presented as precisely minimum standards. If it proves impossible to codify substantive minority rights in international law, we must at least be clear that the meagre provisions currently codified in European instruments are the starting-point for democratic debate, not the end-point.

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Autonomies are very diverse and deeply contextualised political configurations of consensual coexistence between majority an minority. When they are designed and when they operate in professional conditions, they prove to be effective tools for minority protection in almost all regions of the world. The secret to their success, besides the particular historical past and democratic traditions, resides in that they strike and maintain a balance between the particular interests and the common ones of those involved, and they institutionalise a just proportion between separation and integration: they presuppose a institutional framework that separates the two different cultures only to a certain degree, beneficial to both parties, but they secure the presence of both parties in the public space, under circumstances of mutual tolerance and respect. Successful setting-up and working of autonomies are no easy tasks: they require a high political culture and a rich experience in managing democratic institutions. In order for autonomy claims of the Hungarians in Romania to be successful, many a thing should be different: the Romania majority should finally realise that autonomy is, at its very core, a form of political integration and that in most cases it leads to stability so it is worthwhile to take all the efforts it involves. On the other hand, the representatives of the Hungarians in Romania should realise that autonomy is not a panacea and it cannot be achieved as a result of one-sided political statements: achievement and effective working of different forms of autonomy needs political wisdom and much professionalism – a lot more than the political elite of the Hungarians in Transylvania has displayed so far.

The study aims to analyse the results of the dialogue and negotiation between EU and four countries in Central Europe (The Czech Republic, Slovakia, Poland and Hungary) in the field of ethnic and national minorities. To what degree EU's enlargement had an impact on the policies towards minorities in the four states? Although there cannot be made a clear-cut separation between the changes produced by the democratic processes initiated by the dissolution of the communist regimes and those brought about by EU's monitoring the candidate countries, the latter are certain to have played a crucial part in the policies for protecting minorities rights. Domestic regulations adopted in the field were underlied by the principle of cultural autonomy, which is necessary to minority identity preservation, and this meant that even before their accessiont to the EU, the four countries under consideration have adopted the logics of the multilevel governance working in the EU.

At present there is no acquis communautare regarding national minorities protection as there is no generally accepted definition of minortities either and no common policies of the EU member states in the field.

Nevertheless, the conditionalities imposed by the EU to Central European states contributed to the improving of the domestic provisions of those states regarding national minorities as well as to their implementation.

CASE STUDY

The paper describes and analyses the performance of the regional parties when they get the occasion to participate in the formation of a government. The period of this analysis is from 1945 onwards, and in Western Europe, specifically the 15 states members of the European Union. It focuses on the electoral alliances policies followed by these parties (do they form coalitions or not, what kind of coalitions and with what parties); about how, when and with what kind of parties do they sign coalitions to form government, either at the regional or the national (state) level (if it is the case); what type of participation do they have within such governments (which responsibilities they assume, for example); and to explore to what extent the regional parties – when they are at the opposition – they have and use a certain capacity to modify the rest of the parties' policies. Moreover, it makes some references about the political justifications of each option that are presented by these parties. In this sense, the differences among the members of this family of parties are very big. Sometimes, a regional party has been decisive – on certain occasions – for the political stability of the state this party belongs; while in other cases, the role of this kind of parties has been very limited: it has only certified the existence of several demands of a small part of the whole electorate.

It has to be stressed that in all the countries considered, the institutional framework – with two levels of government – increases the probability of the existence of this kind of parties, since there is a political arena where it is easier to compete for votes and, in consequence, for posts in the subnational government. Ironically enough, when a regional party has achieved force enough to be influential at the state level and to be capable to move or to change things in its side, then this party is facing the danger of loosing votes and support among its electorate.

DOCUMENT

Comment

György Frunda

Aware of the need to clarify the terminology used in constitutions and legislation in force to cover the phenomenon of ethnic, linguistic and cultural links between groups of citizens living in different states, in particular the use of the word "nation" as well as the correlation with a specific historical or political context, the Parliamentary Assembly has considered whether, and how, the concept of "nation" can help to address the question of national minorities and their rights in 21st-century Europe. Such a concept evidently comprises a political dimension and an equally important legal dimension. It is obvious, however, that the political dimension has been overlooked, in the debate on the rights and obligations of national minorities, and has been for decades. The real issue behind the debate about a possible "21st century concept of nation" is not the definition itself but the acceptance of a new way of thinking, of rethinking the nation, and specifically the transversality of the nation across boundaries – a nation often, but not always, deeply rooted in history. Following the two world wars in the 20t^h century, national borders were redrawn and, as a result, parts of the kin-state now live in the territory of one of the neighbouring states, where they represent "national minorities or communities". It is important that the Council of Europe member states incorporate into their national legislation provisions accepting national communities (minorities) on their territory, and that they apply them in good faith. These national communities (minorities) created as a result of changes in national borders – and not by migratory movements – represent traditional national minorities (communities). They must enjoy collective and individual rights in order to preserve, express and foster their national identity. The most important role in preserving the identity of national communities (minorities) falls to the state of which the persons belonging to national minorities are citizens.

The purpose of all these recommendations is to ensure that the concepts of "nation" and "national community (minority)" are interpreted flexibly and in good faith and to foster a peaceful and tolerant climate between the majority and national minorities in every Council of Europe member state

FACES OF EUROPE

Alexander Duleba

The main stream of Slovak nationalism has traditionally been pro-Russian and anti-Western. By contrast, Ukrainian nationalism has quite different historical features,

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being traditionally anti-Russian and pro-Western. This is a reason for Slovakia's historical "coldness" toward Ukraine and the Ukrainians. It is in logic of historical events that Slovaks looks at Ukraine mainly through Russian eyes. To this day, Slovaks perceive the entire post-Soviet space predominantly as "Russia". The traditional Slovak stereotype has not significantly changed over the last decade, and provides a negative mental framework for current Slovak-Ukrainian relations. Taking the history of Slovak and Ukrainian nationalism together, it is hard to find examples of common interests and co-operation. On the other hand, there are no historical crossing points that could be a source of national animosity or conflicts for the future. Rather, Slovaks and Ukrainians are historically indifferent to each other. There is a historical example of Slovak-Ukrainian co-operation from the past, which, however, in the historical memory of Slovaks is not connected to Ukrainians, but to Subcarpathian Rusyns (Ruthenians). Slovaks have shared with Rusyns (Rusnaks) living on the southern side of the Carpathian mountains a common fate for more than thousand years in the same state formations – the Kingdom of Hungary the Habsburg monarchy Austro-Hungary and the first Czechoslovak Republic.

Slovakia has officially recognized Rusyns as the national minority, while Ukraine did not. The Rusyn question cannot be viewed only in Slovak-Ukrainian context. Rusyn organizations were established in Ukraine, Slovakia, but also in Poland, Hungary and Romania in the 1990s. While ridges of Carpathian Mountains became natural historical borders between Central-European states, people who identify themselves as Rusyns or Ukrainians live on both sides of Carpathian slopes, actually in five countries. This is a really unique region in Europe, where the borders of five postcommunist countries come together.

DEBATE

The second session of the debate initiated by the Pro Europa League focused on national minorities rights in Romania as a significant component of the rule of law and democracy in this country The draft law on national minorities is inadequate as it has been drawn up hurriedly its target is not properly defined, it strengthens the monopoly held by the present minority organisations and it eludes the theme of cultural autonomy. The problems of national minorities is a very precise revealer of the problems of the overcentralised Romanian state, where Bucharest, the administrative centre, brings about more problems than it manages to solve. The law on national minorities should be based on several criteria: a community should be empowered to elect its own leadership, institutions should be created to represent the community and these institutions should have financial powers. Many of the problems Romania

faces now are generated by the confusion made between the right to association, the right to participate in elections and entitlement to public funding. Once these three rights separated, many solutions would emerge on their own. On the other hand, the present elites are rather elites of prey than political ones and this make resources never to be enough. Under the circumstances, it is only the EU pressure and civil society that can operate major changes in the Romanian society.

ECUMENICA

The partnership between the American Government, the Romanian Orthodox Church (ROC), a Pan-American Orthodox organisation and the Romanian Ministry of Education has been launched on a mined field. While it does have a capacity to carry out a project of such magnitude, ROC's hectic recent history is but blunt evidence against its involvement into an initiative with such a huge stake as the program envisaged by the Alliance for Strengthening Community Programs in the Field of HIV and of Combatting Domestic Violence in Romania. The way ROC has treated social issues closely related to the themes of the program, especially certain social categories (gay women, children), suggests not only a general reluctance, but sheer antagonism between the aims of the initiative and its capacity to attain them.

The option of preventing HIV infection through before-marriage abstinence programs does not seem the most appropriate in the Romanian background and, considering other communities' experiences, neither in other backgrounds as abstinence only leads to a poorer knowledge and use of contraceptives.

The most serious problem raised by COR's being chosen for this program is the impact on COR's role in the Romanian society and particularly in the public educational system. The program would no doubt strengthen the captive audience position where the COR has placed a large part of the Romanian society and it would also enroot the ungracious formula of compulsory religious education in Romanian schools. All these render disconcerting the American and Romanian's governements decision to choose the Romanian Orthodox Church as a partner in a such a initiative.

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