

*A Fair Price of Admission?
Minority Policies In and Out of the EU*

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Abstract

This paper tests the assumption that the European Union has forced potential new members to adhere to standards current member states do not meet in regards to the treatment of national minorities. The paper examines the treatment of the Russian minorities in Latvia and Estonia and the Roma population in Slovakia compared to the treatment of the Turks in Germany and the Roma in Italy. Using EU accession reports, OSCE recommendations, and the Minorities at Risk (MAR) dataset, a double standard becomes apparent. The newly democratized states of Eastern Europe are being forced to choose between the economic advantages of membership in the EU and legislation designed to protect the language and culture of the majority group. The paper concludes with an examination of the histories of Estonia and Latvia to illustrate why being forced into altering laws concerning culture and citizenship is so difficult.

"To the degree that the Union and its members do wish to create a community of shared values, some measure of common standards should be identified that constitutes the minimum that membership requires."¹

In October 2002 the European Union (EU) voted to expand its membership by 10 countries by 2004. The majority of the countries that were extended an invitation to join were from Eastern Europe.² There were numerous hurdles prospective members had to pass before they received their invitation into the fraternity of Europe, and each of them are set out in the progress reports for each country.³ Issues such as national debt, farm subsidies and other economic policies were all open for criticism and changes were needed to be made in order to comply with EU standards before final accession could be achieved. Another area where the EU demanded changes by the applicant states concerned human rights in general and the state's treatment of minorities. Laws that were deemed to be discriminatory to minorities or policies which adversely affect their ability to compete politically, economically or socially can be red-flagged, and until they were sufficiently amended the targeted country could not become an EU member. It is these policies concerning minority rights that are the emphasis of this paper. Almost every state in Europe has sufficiently large minority groups within their borders.⁴ Moreover, issues of minority nationalism and the rights of minority populations have become increasingly important in Europe.⁵ Based on this importance it would appear that the states of the European Union were acting in a responsible manner when they imposed restrictions on the prospective member states in regards to their minority policies. It could be seen as the established democracies of Western Europe providing helpful advice to the newly democratic states of Eastern Europe as they prepare to join the European community. This would be the case if the laws that are found to be unacceptable in Eastern European countries are also found to be the same in Western Europe. This paper will examine the possibility that what the Eastern European nations have been forced to change still exists in Western Europe. Are the laws that were deemed unacceptable in Eastern Europe by the European Union still law in countries already members? If this is the case then there is an apparent double standard by the EU. It may be possible that the European Union is holding prospective members to a higher standard than they themselves are willing to meet with their own minority groups

This paper tests the hypothesis that there is a double standard between the western and eastern halves of Europe that obliges the East to choose between legislation they have deemed important to protect their own culture, and legislation that complies with EU standards. To accomplish this task it is first necessary to place this issue in the larger context. This is followed by an examination of the recommendations by the various organizations of Europe for the prospective members. This will be juxtaposed with the laws and regulations of countries within the EU. The cases that will be used from prospective EU members will be the Baltic countries of Estonia and Latvia, and the Slovak Republic. Their laws will be compared to European Union members Germany and Italy. The history of the Baltic

states will be examined in some detail to show why this apparent double standard is of great importance to the newly democratizing states of Eastern Europe.⁶ The states of Eastern Europe currently have two important goals that seem to be in conflict with each other. First, it is imperative for the long term well-being of the newly democratic states that they are accepted into the EU and the other organizations of Europe. Through accession, they seek the economic and security advantages that membership offers. The second goal is to protect their culture. In order to ensure the long term survival of the states' dominant language, culture and society, it is necessary to enact laws that will protect them. By their nature, laws that protect one culture, disadvantage another. The EU has made the elimination of these laws paramount for accession. Therefore, in order to achieve the first goal, the second must be abandoned and vice versa. Without both of these issues being of such importance to the East, it could be argued that even if a double-standard was in effect it is of little consequence and that EU membership is worth any changes to the laws. Finally, the ramifications of this double-standard, both to incoming states and to the EU itself will be discussed. This paper does not attempt to examine every minority group and their treatment by the state within Europe. Such an analysis would be informative, but it is beyond the scope of this paper and is not necessary to prove that the Eastern European states face critical choices that those already with the EU do not.

This paper touches on many of the important issues addressed by others. The work of Brubaker is of particular interest. Brubaker's discussion of the concept of a nation in the 'New Europe' is of value to this paper. The new Europe is defined by the triadic relationship between the new nationalizing state, the nationalism of minority groups and the nationalism of diasporas.⁷ It is clear that this relationship can prompt change in certain laws in Eastern Europe. The national ideals of emerging states, long under foreign control, can be in contrast to those of a national minority who want what the majority now can enjoy. While both of these forces are in play, only the majority group can act upon them. This causes the development of the emerging state to be only concerned with the majority; the minority suffers and attempts to respond. As Kymlicka states "[n]ational minorities have typically responded to majority nation-building by fighting to maintain or rebuild their own social culture, by engaging in their own competing nation-building."⁸ As a result there may be a need for changes to be introduced by an outside party which can restore some balance between these competing claims. This is where this paper diverges from the ideas of Brubaker. The author does not account for the role of an outside force (other than a diaspora, which is an interested party), in this case, the European Union. It is clear that the new Europe is dominated by the EU, and if it has the power to influence legislation that at its core revolves around identity, then it needs to be accounted for in Brubaker's analysis. If this fourth influence is only affecting some of the countries of Europe and not others than the ramifications are clear. The balance between the majority and the minority is skewed in some cases and not in others. As Keating notes, when there are discrepancies of treatment

between states that are both under the influence of international institutions, both states suffer consequences.⁹ Herrberg goes further to argue that the EU much influence the identity politics of the member (and prospective member) states for security purposes.¹⁰ This paper begins to discuss some of these consequences in Europe.

McGarry also believes that institutions such as the EU allowed for a means of conflict prevention because they provide voices for minority groups. This is a second issue that this paper is concerned with, the management of ethnic conflict. Many authors have concerned themselves with the study of ethnic conflict, its causes, and potential solutions.¹¹ The European Union has indicated that the reason it has emphasized the rights of minority groups is to prevent in the future the type of violence seen in the former Yugoslavia. What is of importance is that the rules designed to prevent ethnic conflict within the potential members are not being enforced in the West, and therefore there is still the potential for continuing ethnic unrest within EU countries such as Spain and Northern Ireland, and future unrest in other EU countries that contain unhappy ethnic groups.

The work of Ted Robert Gurr and his study of ethnopolitical violence, and the warning signs that indicate potential problems are a valuable resource for this study. This paper uses the Minorities at Risk dataset as a main source of information. This dataset contains information on 285 ethnic groups across the globe that have been identified as at risk. The majority of the ethnic groups found in Europe are tracked within this database. The database contains information on the types of laws impacting groups, as well as their grievances. This allows for the comparison of policies across states within Europe. If there are cases when two groups are treated in a similar manner by their state but the EU responds to the two cases differently, this dataset will be able to identify them.¹²

This paper takes all of these issues and relates them to the policy choices of both the EU (the rules they set for accession), and the various states that are impacted by them (the decisions they make as they attempt to comply with the rules while maintaining their society). To understand the policy choices of the EU, and the apparent double standard it has created, it is necessary to examine the organization in Europe that monitors minority issues most closely and on whose recommendations the rules for accession are based, the Organization for Security and Co-operation in Europe.

The OSCE: The Watchdog for Minority Rights?

In 1992 the OSCE (then known as the Conference on Security and Co-operation in Europe) created the position of High Commissioner on National Minorities to deal with the increased level of ethnic tensions and ethnic conflict in Europe and throughout the world. The mandate for the commissioner is to provide "early warning and as appropriate, early action in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but in the judgement of the High Commissioner, have potential to develop

conflict within the OSCE area.”¹³ The OSCE emphasizes that the post is the High Commissioner *on* National Minorities, not *for* National Minorities. The post is to promote conflict regulation, rather than to act as a voice for national minorities. The position is to “contain and de-escalate tensions” and to be concerned with cases that could potentially “have a bearing on security.”¹⁴

By most accounts the OSCE and the High Commissioner on National Minorities has been very successful in achieving their goals, in the countries where they have decided to intervene. Zaagman describes the OSCE as being able to encourage “various forms of *structured dialogue* between the authorities and minority representatives so that these parties would interact and also find solutions on their own.”¹⁵ Chigas et al. describe the role of the OSCE as that of an ‘insider third party’, this allows the OSCE to maintain its distance and neutrality in dealing with issues, while at the same time being privy to the knowledge and experiences of the various parties within a state.¹⁶ This combination of roles has, in the authors’ view allowed for unprecedented access and influence in the minority group/majority group relationship. While the success of the OSCE has been applauded, as Troebst notes, what can only be accurately said is that no cases of ethnic conflict have broken out since the OSCE became involved in minority issues in 1992; there is nothing to prevent an outbreak in the future.¹⁷

When the influence of the High Commissioner is examined, an interesting pattern emerges. The mandate set out by the OSCE for the commissioner is to identify potential conflict and develop early warning strategies for states and minority groups in the entire OSCE region, not just in Eastern Europe.¹⁸ While the entire region is open for analysis, the western countries have historically not been examined equally with the east. While some reports are made for the entire region, on general issues such as linguistic rights of national minorities when specific countries are targeted for analysis, all 14 of the recommendations have been countries in Eastern Europe.¹⁹ There are 55 participating states in the OSCE (all of Europe and the United States and Canada), and yet all of the country recommendations are from one area of Europe, the east. How can this be? Is it possibly that only in Eastern Europe are there national minorities that are potentially ready for militant activity, and as a result need OSCE recommendations to avoid such conflict? This seems unlikely. Another possibility is that in order to make recommendations on the relationship between the state and the minority group, particularly as an insider third party, the OSCE needs to have permanent missions on the ground for long periods of time to collect information and survey the situation. These are large operations which are funded mainly by the richer countries of the OSCE (the west) therefore the commission has avoided criticizing the ‘hand that feeds it’. As a result according to Chandler there has been a “qualitatively different level of intrusiveness into the affairs of the states of Eastern Europe”.²⁰ Most likely of all is that the High Commissioner knows that any recommendation giving to western countries would be summarily ignored, and therefore it is more productive (both in appearance and in reality) to concentrate on the newly democratic countries of Eastern Europe. It is more productive because the

OSCE has influence on these groups compared to the west. The recommendations of the OSCE to the countries of Eastern Europe tend to become the rules for accession to the more important organization in Europe, the EU.

The European Union: A Fair Judge?

The proof that the EU accession holds the key to explaining why the states of Eastern Europe allow for OSCE observers in their country, let alone adhere to the recommendations they make, can be seen in the individual accession progress reports for each prospective member.²¹ It is in these reports where many of the recommendations made by the OSCE have become hurdles for accession to the European Union. The 1999 accession report for Latvia provides a clear example. One of the issues identified specifically by the High Commissioner on National Minorities is the naturalization process for the numerous Russians living in Latvia who upon Latvian independence lost their citizenship. The Latvian government decided that only Russians who could prove that they or their family had been in the country during its period of independence from 1918-1945 (this period will be discussed in more detail below) could claim citizenship.²² Pressure from the OSCE has changed the process used to obtain citizenship, but the High Commissioner still has found faults with the process.²³ From an early stage the OSCE was involved in trying to alter the relationship that was developing between the Latvian majority (only a slight majority) and the Russian minority. As Bernier contends, speaking of both Latvia and Estonia which has similar laws “[t]he High Commissioner made it clear, from the beginning of his involvement, that the path taken by both countries to secure the ‘privileged position’ of the core group over minorities not only ran against international norms, but also disrupted internal social cohesion.”²⁴ At issue is the use of an exam that tests a respondent’s knowledge of Latvian society, laws and government. The OSCE believes that the test is too difficult and therefore many Russians are being denied citizenship. This was incorporated into the 1999 report. Under the category of ‘Minority Rights and the Protection of Minorities’ the Latvian government is congratulated on meeting many of the OSCE recommendations; with statements such as “the Government took a number of important decisions in order to speed up the citizenship and naturalisation procedures . . . based on assessments by international organisations such as the OSCE.”²⁵ Unfortunately for the Latvians, other OSCE recommendations relating to the citizenship test were not met and remain the final hurdles for accession. Near the end of the 1999 accession report’s section on minorities there is the statement: “A last issue to be addressed in this context, concerns a further simplification of the citizenship tests on Latvian history, and the constitution in accordance with the recommendations made by the OSCE.”²⁶ In order to meet the EU’s demands, Latvia has a great amount of work to do; since as of 2001 there were still more than 550 000 stateless people (the vast majority Russians) in Latvia, comprising approximately 20% of the total population.²⁷ As mentioned there is a similar debate occurring in Estonia, where the Russian minority faces challenges to citizenship, and as a result Estonia faces challenges to accession.²⁸

A similar situation is found with another prospective European Union member, Slovakia. Slovakia has two large minority groups within its borders, the Roma, and Hungarians. As with the Baltic countries, after the creation of an independent Slovakia the constitution refers to the state as “the State of the Slovak nation.”²⁹ As Schöphlin notes, this creates a situation that “links citizenship with nationhood and seemingly makes the rights of one conditional on membership of the other.”³⁰ As a result of this situation, growing resentment has developed amongst both the Roma and Hungarian populations in Slovakia.³¹ To try to alleviate some of this tension the OSCE has tried to persuade the Slovak government to change its policies. In 1998 the High Commissioner urged changes to the country's language laws, so that the Hungarian and Romani could become more integrated into Slovak society. He suggested that the laws as they stood could be questioned as to “whether a number of provisions are compatible with international standards accepted by Slovakia.”³² Under pressure the Slovak government changed the laws, but their implementation was slow. The European Union accession progress report in 2000 identified the new language law's implementation as a new requirement for Slovakia to attain.³³ The second issue that the EU has put pressure on the Slovak government to improve is the discrimination and violence directed at the Roma population. The Roma will be discussed in greater detail below.

What the Slovak, Latvian and Estonian cases show is the impact the OSCE has had on the states of Eastern Europe. If a state of Eastern Europe is slow to respond to the recommendations by the High Commissioner, the European Union adds the recommendations to the accession report. The EU has decided how the states of Eastern Europe should deal with their minority issues, and how their laws and constitutions should be structured. Failure to comply has serious repercussions. As Burgess states in regards to the Slovak government's willingness to change its laws concerning the Hungarian minority: “[u]ntil they are judged to have shown enough willingness in this regard they are likely to remain marginalized. Perceived attentiveness to the wishes of minorities is deciding the fate of states and not simply that of non-titular national minorities.”³⁴ The question must be asked: are the fates of western states impacted the same way?

The EU Nations and Minority Rights

Since 1992 there has been a tension between the established states of Western Europe and the newly democratized Eastern Europe. The east has felt as though they have been treated as second class citizens. According to Chandler the western OSCE countries (the vast majority of them members of the EU) “had no conception of how to apply such policies in relation to their own minorities or of accepting such a level of international regulations in the affairs of the state.”³⁵ It appears that the western states have chosen to ignore the regulations as opposed to adapting to them. Due to a technical loophole, Germany does not include the Turkish minority as a national minority in the country. They claim that they are a new minority and should not count.³⁶ Other countries, such as Sweden and Denmark have also specified what

minority groups they would provide cultural rights for. Austria has limited protection to citizens, and Luxembourg claims to have no minorities, so the treaties do not apply to them. France, Greece and the Netherlands also have not signed the treaty on minority protection.³⁷ How the German treatment of the Turkish minority differs from the Latvian or Estonian governments' distinction between the Russian community that arrived prior to annexation and those who came after is unclear. The Russian minority in the Baltic and the German Turks provide a good comparison of treatment by their respective states. Both have faced severe restrictions to gaining citizenship in the past, and both have faced discrimination by the state. The Turks began arriving in what was West Germany in the early 1950's as a solution to Germany's labor shortage. It was expected that when the shortage ended, they would return to Turkey. In reality many stayed and have continued to arrive. Many have not been in Germany for generations and have little connection with Turkey. They speak German, and feel German, but face restrictive barriers to citizenship, and continued to be classified as foreigners. The Turks in Germany face restrictions on voting, access to jobs in the civil service or military, and face expulsion for illegal activities. While the restrictions on citizenship have been loosened, less than 10% of the total Turkish population was able to vote in the 1998 election, and only one member of the Bundestag was Turkish.³⁸ Some German provincial governments as late as the 1980's banned Turkish children from attending German schools, claiming it was multiculturalism. As Kymlicka notes "[m]ulticulturalism without the offer of citizenship is almost invariably a recipe for, and rationalization of, exclusion."³⁹ It is clear that the treatment of the Turks in Germany is similar to that of the Russians in the Baltic. Citizenship is based on ethnicity, and while there are procedures in place to gain citizenship, the barriers are so high that few can reach them.

As mentioned above, the EU is concerned with the treatment of the Roma population in Slovakia and has made an end to the discrimination by the Slovaks a key element of accession. While the EU does praise the efforts of the government on the Roma issue, as of 2000 "[t]angible improvement of the situation of the Roma minority in particular by implementing specific measures, a short term priority of the 1999 Accession Partnership, has . . . not been achieved to a large extent."⁴⁰ It is true that the Roma are discriminated against in Slovakia. The European Roma Rights Centre (ERRC), an advocacy group that tracks the treatment of the Roma across Europe, as well as others have raised serious questions about the treatment of the Roma in Slovakia. Beyond the citizenship questions, and discrimination faced by Romani children in education, the Roma face difficulty gaining employment and have been targeted by both the police and right-wing 'skinheads'.⁴¹ While there is no denying the poor treatment of the Roma in Slovakia, there is evidence that their treatment in other areas of Europe is no better. The Roma in Italy for example also face severe discrimination. The ERRC has documented cases of abuse by the police, including torture and sexual assaults on women by police during searches. The Italian Roma have faced restrictions on education, employment both in and out of the public sector, and mobility, with many Roma confined to 'camps'. The Roma also face the

threats of violence by non-state actors.⁴²

Based on this evidence it appears that the states in Western Europe should face the same recommendations as those put to the states of Eastern Europe. This evidence is further reinforced when the data from the Minorities at Risk database are examined. As discussed above, the MAR database tracks the treatment and actions of more than 285 minority groups across the world. Two of the variables tracked in the database concern political discrimination (POLDIS) and economic discrimination (ECDIS). There are 5 categories for these variables, with 0 indicating no discrimination to 4 indicating exclusion/repressive policies.⁴³ Table 1. illustrates how the groups discussed above were coded for the year 1998, a year when the EU was making demands for changes in the accession reports.

Table 1. 1998 Political and Economic Discrimination Codes- MAR Dataset⁴⁴

Group	POLDIS	ECDIS
Russians in Estonia	1	1
Russians in Latvia	1*	3
Turks in Germany	3	1
Roma in Slovakia	3	3
Roma in Italy	3	3

* in 1997 the POLDIS score was 4

The table shows that both eastern and western European states have discrimination in their societies. Other minority groups in western states have similar scores, such as the Muslim community in France (POLDIS = 4) and Afro-Caribbeans in the United Kingdom (ECDIS = 3). A double standard is clearly in place, and the states in the east are aware of it, as seen by a letter sent on June 4, 1997 by the Estonian Minister of Foreign Affairs Tomas Ilves to the High Commissioner on National Minorities. Ilves argued that the laws in Estonia were similar to those of many western states. He argues that it “can therefore not be argued that Estonian legislation in the present formulation is at variance with international practice or with practice in Council of Europe States.”⁴⁵

A Difficult Choice

What makes the double standard even more painful for the prospective members of the EU is that they currently have two main goals, the first is to join

Europe, and the second is to protect their culture and society. These goals appear to be in conflict with one another. It is important to understand why both of these goals are of equal importance. The importance of joining the EU is obvious. Why then is it so important to protect culture? Why is it so hard to give up the laws that the EU has demanded? A brief look at the history of the Baltic states of Estonia and Latvia holds the answer.

Estonia and Latvia have been ruled by many different countries throughout their history. At different times, Swedish, German, Russian, and eventually Soviets tried to replace the Baltic culture and language with their own.⁴⁶ After World War I, Estonia and Latvia became independent for the first time in their histories. During that period minorities were treated well, but the constitutions and other policies were designed to favor the Balts. Democracy eventually failed, but was briefly restored in Estonia before the start of World War Two. The Balts fell victim to the secret German-Soviet Molotov-Ribbentrop Pact which gave control of the countries to the Soviet Union. During the period of Soviet annexation (which the west never recognized) the now-Republics of Estonia and Latvia faced both a large influx of Russians and Russian speakers⁴⁷ and severe repression and deportations by the Soviet government.⁴⁸ Finally with Perestroika and Glasnost, the Baltic republics were able to begin nationalist movements under the guise of protests over ecological concerns.

The Baltic story while in some ways unique is similar to those of other newly democratic nations. Due to this history of invasion and domination, there is an understandable concern for the protection of the majority language and society. This is for many countries, their first real opportunity for many years to ensure the long term survival of their ethnic group. As Dawisha and Parrott note, the nationalist feeling in these countries was based on the belief that "their hard-won independence could easily be subverted by political actions of the non-native residents."⁴⁹ Smooha describes the society created by the Estonians and Latvians (and could be argued to apply to other Eastern European countries such as Slovakia) as an 'ethnic democracy' where democratic principles favor the dominant group.⁵⁰ However it is described, it is clear that the protection of the majority group is of key importance to the emerging states, which makes the fact that they must choose between it and joining Europe when other states do not have to even more difficult.

Conclusion: What Happens Now?

Countries in Eastern Europe are trying to protect their culture through discriminatory laws and join the EU, which they cannot do. The EU on the other hand is trying to enforce laws with prospective members, while not holding existing members to the same standards. The EU has been able to accomplish it so far because the pull of joining is greater than the pull of nationalistic protectionism. It would appear that Brubaker would need to add the impact of international agents into his current triadic relationship discussed above. The long term effects of this double-standard will need to be examined in the future. Many questions arise now that evidence of the double-standard has been documented, and the impact on the affected

states understood. Will there be a backlash in the states of Eastern Europe against this forced form of democratization, resulting in these countries turning their back on Europe to restore their protectionist legislation? Will a schism form between east and west since the east appears to be aware of the double-standard they have been subjected to? Does this double-standard exist in other areas outside of minority issues? Will this pattern of double-standards continue after accession is reached, and the states of Eastern Europe become, in the words of Holmes “second-class citizens”?⁵¹ Once EU members, will the state revert back to their old habits and policies? Also, questions arise concerning the minority groups who do not have the advantage of living in states currently trying to gain EU membership. When the states of Eastern Europe become full EU members, will they then have precedents for action? Who do they turn to?⁵² These questions currently do not have answers. There does appear to be a realization of a double standard in at least one of the organizations of Europe. The new OSCE High Commissioner on National Minorities, Rolf Ekeus has recently begun to call on the EU member states to meet their own standards. In a speech given on November 5 2002 in Copenhagen to discuss the enlargement of the EU and the application of the Copenhagen criteria on minority rights Ekeus stated that “the standards on which the Copenhagen criteria are based should be universally applicable within and throughout the EU, in which case they should be equally- and consistently- applied to all Member States”.⁵³ The EU may face problems in the future because they tried to do good deeds now. Improving the rights of minorities is a noble and important goal, and the EU should be commended for deciding to make it a criterion for membership. Unfortunately, the value of that deed may be lost because the EU was unable or unwilling to apply the same standards to itself as it would others. As Ekeus states “Simply, the EU cannot ignore minority-related issues on its own turf”.⁵⁴

¹ Open Society Institute, *Monitoring the EU Accession Process: Minority Protection Overview 2002*, p.20

² Associated Press, "EU Set for Eastward Expansion", *TorontoStar.Com* October 8 2002. The countries that were offered membership are: Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Cyprus, Malta, Latvia, Estonia and Lithuania.

³ See the European Union Website <http://www.europa.eu.int> for accession reports for all of the current prospective countries from 1999 to the present.

⁴ Iceland does not, but it is not a member of the EU, and is therefore not included in this analysis. There are small minority populations within Slovenia but it can be argued that they are also devoid of a demographically relevant minority.

⁵ See for example G. Schöpflin, 'Nationalism and Ethnicity in Europe, East and West' in C.A. Kupchan ed., *Nationalism and Nationalities in the New Europe* (Ithaca: Cornell University Press 1995); R. Brubaker, *Nationalism Reframed* (Cambridge: Cambridge University Press 1996); R. Caplan and J. Feffer ed., *Europe's New Nationalism* (Oxford: Oxford University Press 1996); D. Laitin, *Identity in Formation* (Ithaca: Cornell University Press 1998); C.C. O'Reilly ed., *Language, Ethnicity and the State* (New York: Palgrave Press 2001) vol. 1 and 2; N. Mišević, *Nationalism and Beyond* (Budapest: Central European University Press 2001) and M. Keating and J. McGarry ed., *Minority Nationalism and the Changing International Order* (Oxford: Oxford University Press 2001).

⁶ The case of Lithuania will not be included in the analysis of the Baltic states. While Estonia and Latvia have struggled with their large Russian minority since independence, Lithuania has been generally more successful in incorporating its minorities. This is a result of the much smaller size of the Russian population within Lithuania due to the lack of industrialization during the period of Soviet rule. See T. Lane, *Lithuania: Stepping Westward* (London, Routledge Press 2001); W.C. Clemens, *The Baltic Transformed* (Lanham MD: Rowan and Littlefield Press 2001) and R. Zaagman, *Conflict Prevention in the Baltic States* (Flensburg: European Centre for Minority Issues Monograph #1 1999).

⁷ Brubaker, p.6.

⁸ W. Kymlicka, *Politics in the Vernacular* (Oxford: Oxford University Press 2001), p.28.

⁹ The main consequence is an increase in intra-state ethnic conflict. See J. McGarry 'Nationalism Without States: the Accommodation of Nationalism in the New State Order' in Keating and McGarry ed.

¹⁰ A. Herrberg, 'Which Identity for Which Europe?' in A. Herrberg ed., *Which Identity for Which Europe?* (Aalborg: Centre for Languages and Intercultural Studies 1998).

¹¹ See for example D.L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press 1985); T.R Gurr, *Minorities at Risk* (Washington D.C.: United States Institute for Peace Press 1993) and *Peoples Versus States* (Washington D.C.: United States Institute for Peace Press 2000); D. Chirot and M.E.P. Seligman ed., *Ethnopolitical Warfare* (Washington D.C.: American Psychological Association 2001).

¹² Beyond the quantitative data, the Minorities at Risk project has extensive qualitative analysis on each group, and a chronology detailing major events, protests, and international intervention. These will also be used in the analysis for the paper.

¹³ OSCE fact sheet *High Commissioner on National Minorities* taken from the OSCE website <http://www.osce.org>.

¹⁴ Ibid.

¹⁵ Zaagman, p.16.

¹⁶ D. Chingas et al., 'Preventive Diplomacy and the Organization for Security and Cooperation in Europe' in A. Chayes and A. Handler Chayes ed., *Preventing Conflict in the Post-Communist World* (Washington D.C.: Brookings Institute 1996). Italics in the original.

¹⁷ S. Troebst, *Ethnopolitical Conflict in Eastern Europe and the OSCE (Flensburg: European Centre for Minority Issues Brief # 1 1998)*.

¹⁸ See Zaagman, Appendix A. The original mandate is for the CSCE region, but the entire OSCE region is under the jurisdiction of the High Commissioner.

¹⁹ The OSCE webpage <http://www.osce.org/henm/documents/recommendations/> contains all of the recommendations produced by the High Commission on National Minorities. The country reports available are for: Albania, Croatia, Estonia, the Former Yugoslav Republic of Macedonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Romania, the Russian Federation, the Slovak Republic and the Ukraine.

²⁰ D. Chandler, 'The OSCE and the internationalisation of national minority rights', in D.P. Forsythe ed., *Human Rights in the New Europe* (Lincoln: University of Nebraska Press 1994), p.68.

²¹ All of the more recent EU accession reports are available for each country on the European Union website <http://www.europa.eu.int>.

²² See Zaagman, p.39 for a description of the citizenship law for Latvia.

²³ See the correspondence between the High Commissioner and the Latvian government on the OSCE website.

²⁴ J. Bernier, 'Nationalism in Transition: Nationalizing Impulses and International Counterweights in Latvia and Estonia', in Keating and McGarry ed., p. 347.

²⁵ 1999 European Union Accession Progress Report- Latvia taken from the European Union website.

²⁶ Ibid.

²⁷ V. Poleschuk, *Accession to the European Union and National Integration in Estonia and Latvia* (Flensburg: European Centre for Minority Issues Report #8 2001), p. 4.

²⁸ See *1999 European Union Accession Progress Report- Latvia* taken from the European Union website and the High Commissioner on National Minorities country recommendations for Estonia on the OSCE website.

²⁹ Schöpflin, p.62.

³⁰ Ibid.

³¹ J. Bugajski, 'The Fate of Minorities in Eastern Europe' in L. Diamond and M.F. Platter ed., *Nationalism, Ethnic Conflict and Democracy* (Baltimore: Johns Hopkins University Press 1994).

³² Letter sent on November 4, 1998 to the Prime Minister of Slovakia, Mikulaš Dzurinda by Max van der Stoel, High Commissioner on National Minorities, found on the OSCE website.

³³ *European Union Accession Report, 2000- Slovakia* found on the European Union website.

³⁴ A. Burgess, 'Critical Reflections on the return of national minority rights regulations to East/West European Affairs', in Forsythe ed., p.54.

³⁵ Chandler, p.66.

³⁶ Ibid, p.67.

³⁷ Duncan Wilson, "Minority Rights in Education" report by the *Right to Education Project* 2002, p.10.

³⁸ See the analytic summary for the Turks in Germany on the Minorities at Risk Project website (<http://www.cidcm.umd.edu/inscr/mar/data/germturk.htm>), also see M. Ignatieff, *Blood*

and Belonging (Toronto: Penguin Press Canada 1993). The Turks situation had improved somewhat by 2001 when Turkey and Germany reached an agreement on expanding Turk citizenship.

³⁹ Kymlicka, p.171.

⁴⁰ *European Union Accession Progress Report, Slovakia- 2000* from the EU website.

⁴¹ See European Roma Rights Centre, 'Time of the Skinheads: Denial and Exclusion of Roma in Slovakia', *ERRC Country Report Series, No. 3* January 1997 and the analytic summary for the Roma in Slovakia on the Minorities at Risk Project website <http://www.cidcm.umd.edu/inscr/mar/data/slvroma.htm>.

⁴² See European Roma Rights Centre, 'Campland: Racial Segregation of Roma in Italy', *ERRC Country Report Series, No. 9* October 2000 and the analytic summary for the Roma in Italy on the Minorities at Risk Project website <http://www.cidcm.umd.edu/inscr/mar/data/italroma.htm>.

⁴³ T.R. Gurr et al., *Minorities at Risk Dataset Users Manual.899* August 1999 version. The remaining variables indicate the following: 1- historical discrimination with remedial policies, 2- historical discrimination with no remedial policies, 3- social exclusion.

⁴⁴ *Minorities at Risk Dataset Version .899*, Center for International Development and Conflict Management, University of Maryland- College Park.

⁴⁵ Letter by Ilves found on the OSCE website.

⁴⁶ See A. Lieven, *The Baltic Revolution* (New Haven, CT: Yale University Press 1993); G. Smith, *The Baltic States* (New York: St. Martin's Press 1994) and Clemens for a full history of the region.

⁴⁷ Beyond those of Russian origin, many Belorussians and Ukrainians immigrated to the Baltic region due to its better economy and standard of living.

⁴⁸ See A. Kirch, et al., 'Russians in the Baltic States: To Be or Not To Be?', *Journal of Baltic Studies* 24/2 (Summer 1993), pp.173-188 and P. Zvidrins, 'Changes in the Ethnic Composition of Latvia', *Journal of Baltic Studies* 23/4 (1992), pp. 356-368 for statistics of percentage of Russian speakers in the two republics, and M. Gorbachev, *Memoirs* (New York: Doubleday Press 1995) for a discussion of the influx of Russians and the repression faced by the Baltic states during the Soviet rule.

⁴⁹ K. Dawisha and B. Parrott, *Russia and the New States of Eurasia* (Cambridge:

Cambridge University Press 1994), p.77.

⁵⁰ See P. Järve, *Ethnic Democracy and Estonia: Application of Smooha's Model* (Flensburg: European Centre for Minority Issues Working Paper #7 2000) and S. Smooha, *The Model of Ethnic Democracy* (Flensburg: European Centre for Minority Issues Working Paper #13 2001).

⁵¹ S. Holmes, 'A European *Doppelstaat*?', *East European Politics and Societies* 17/1 (Winter 2003), p.107.

⁵² A leader of the Muslim community in France hinted at such action when he said "Muslims are informed about European legislation, but for the time being they do not see the necessity to call upon non-national authorities". Quoted in Open Society Institute, *Monitoring Minority Protection in EU Member States 2002*, p.138.

⁵³ Speech available from the OSCE website: <http://www.osce.org>.

⁵⁴ *Ibid.*