

# **The Europeanization of Minority Rights Policy: the Hungarian and Latvian Examples**

Casey Wilson

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Approved By:

Don Searing

John Stephens

Gary Marks

## **Abstract**

Casey Wilson: The Europeanization of Minority Rights Policy: the Hungarian and  
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The twentieth century has witnessed some of the most violent and extreme ‘policies of elimination’ towards minorities in the region of Central and Eastern Europe. However, it has also witnessed two major pan-European attempts towards tolerance and promotion of minority rights – one being the failed interwar League of Nations system and the other being the contemporary post-Cold War norms of the European Union, the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe. The purpose of this thesis is to examine this ‘europeanization’ of minority rights by specifically looking at its recent implementation and impact on minority rights issues in two Central and Eastern European countries with very different ‘minority situations’: Hungary and Latvia. What are the successes and limitations? How successful have these policies actually been in practice and will this positive trend last or has the leverage behind membership in Western institutions lost momentum now that these countries have become members? These are all questions I will address. By specifically looking at the case of Hungary, I will also argue that changes at the national level played an important role as a precondition for successful EU minority rights policy implementation. Alternatively, in discussing Latvia I intend to argue the opposite to be true – which is that in this specific case it was the requirement of EU minority rights policy adoption into national legislation that affected changes at the national level.

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## **Introduction**

Following the collapse of Communism and the disintegration of the Soviet Union in the late 1980s, it became painfully obvious that there existed a deep 'ideational divide' between the countries of East Central Europe and those of Western Europe with regards to the concept of minority rights. While most of these CEE states "consistently aimed towards European integration"<sup>1</sup> to solidify their economic and political status as liberal democracies, they first had to reconcile Western European norms regarding the protection of minority rights with their own laws and standards. Since many of these countries came out from behind the Iron Curtain with re-emerging ideals of nationalism strongly implemented in their political and social structures, the stipulation of respect for and protection of minorities required by documents like the EU's Copenhagen criteria and the Council of Europe's Framework Convention for the Protection of National Minorities (just to name a few) proved somewhat difficult to adopt. To add to that difficulty were the inaccuracies and imperfections that existed within the Western European minority rights policy itself (i.e. lack of minority rights standards within the EU; superficial monitoring of candidate states; more concern exists for regional stability rather than for actual minority protections; double standard that exists in the fact that while CEE states were required to adopt minority rights policy, Western European states were not, etc.).<sup>2</sup>

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<sup>1</sup> David J. Galbreath, "European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights," *Journal of Contemporary European Studies* 14, no. 1 (April 2006): 69.

<sup>2</sup> Bernd Rechel, "What Has Limited the EU's Impact on Minority Rights in Accession Countries?" *East European Politics & Societies* 22, no. 1 (2008): 171.

Regardless of these imperfections, however, many view the so-called ‘europeanization’ of minority rights through the European Union generally as a success in the countries of Central and Eastern Europe. While an irony does exist in the fact that Western governments insisted on imposing standards on Central and Eastern Europe in an area where they had adopted the least amount of consensus among themselves regarding minimum standards or best practices, Vachudova states that “scholars [still] widely agree that Western insistence eventually paid off, [and made] the treatment of ethnic minorities in East Central Europe (ECE) one of the most vivid cases of successful EU conditionality.”<sup>3</sup>

Despite this success, however, it is important to keep in mind that the “minority” situations in each Central and Eastern European country differ greatly. Even so, they have been forced by the *acquis* and the Copenhagen criteria to adopt the same standards, practices, and policies regarding minority rights in order to obtain EU membership. For example, a country like Hungary maintains very large Hungarian minority populations that exist *outside* its borders (in countries like Slovakia and Romania to name a few), which greatly affect its attitudes and actions towards its own minority populations inside its borders. A country like Latvia, however, contains a substantially large Russian minority *inside* its borders – a Russian “minority”, it is important to note, that before the collapse of the Soviet Union constituted the majority population. Therefore, while Hungary faces the problem of a large Hungarian diaspora outside its borders, Latvia faces the problem of large Russian minorities inside its borders. In this sense, obviously the

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<sup>3</sup> Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage, & Integration After Communism* (Oxford and New York: Oxford University Press, 2005), 145.

national attitudes and policies in each state regarding minorities are different, but are subject to the same scrutiny and policies from the European level.

The purpose of this paper will be to address this europeanization of minority rights by specifically looking at its implementation and impact on minority rights issues in these two countries – Hungary and Latvia. Is the relative success of minority rights policy in the region solely attributable to the europeanization of policy on the subject? Or are there other factors at work? How successful have these policies actually been in practice and will this positive trend last or has the leverage behind membership in Western institutions lost momentum now that these countries have become members? These are all questions I will attempt to address. By specifically looking at the case of Hungary, I will also attempt to argue that changes at the national level played an important role as a precondition for successful EU minority rights policy implementation. Alternatively, in discussing Latvia I intend to argue the opposite to be true – which is that in this specific case it was the requirement of EU minority rights policy adoption into national legislation which affected changes at the national level.

The first section of this paper will give a broad overview of minority rights as well as the evolution of minority rights policy throughout the twentieth century. Why were the minority rights standards that existed during the inter-war period with the League of Nations regarded as such a monumental failure while EU standards today have been regarded as successes? Why did the issue of ethnic and national minorities re-emerge with such intensity following the collapse of the Soviet Union and the end of the Cold War? These are important questions to address in understanding the intelligence and thinking behind EU minority rights policy today.

I will then move on to focus on the actual europeanization of this policy area and its strengths and weaknesses. I will address the different ‘limitations’ to EU minority rights policy itself and what actual problems these limitations present. How can the EU maintain its importance in the area of minority rights now that the carrot of membership is no longer seen as a reward? Will the momentum of success that has been seen with minority rights policy implementation during the pre-accession years be stymied now that EU membership has been achieved?

The third section will then move on to the case studies of Hungary and Latvia and the affects of EU minority rights policy implementation there. For Hungary, I will focus on its role as a kin and home state and its remarkable development of minority rights policies from the end of the 1980s onward because of this. I will also examine how this proactive record of minority rights protections helped later on when Hungary had to begin implementing EU norms and standards on minority rights to gain membership. Here I will begin to present the argument of changing national interests acting as preconditions for successful EU policy implementation. With regards to Latvia I will show that in this case it was the requirement of EU minority rights policy implementation that acted as a precondition for EU integration which in turn instigated domestic change in Latvian politics. I will begin by giving a very brief background of Latvia’s history with the Soviet Union, and how Latvia’s road towards European integration “has been significantly affected by the legacies of its Soviet past – [mainly the legacy of its] considerable minority communities.”<sup>4</sup> Significant focus will be put on Latvia’s pursuit of ethnic democracy rather than liberal democracy following the end of the Cold War, and

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<sup>4</sup> Galbreath, “European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights,” 69.

the passage of the controversial citizenship law in 1994. I will specifically look at how this law serves as an example of the type of nationalistic legislation and policies that were being passed, how it and policies like it were impeding Latvia's road towards becoming a member of the EU, and what changes were made to satisfy EU policy norms.



## **The Legacy of Minority Rights**

What is a minority? This term is not altogether as easy to define as one might think, but must be addressed in order to completely understand the issue of minority rights. Can a minority population be determined in terms of numbers with the idea being “that an inferior numeric status presupposes an inferior political status?”<sup>5</sup> Considering that sometimes it is the majority population that is discriminated against by the smaller population, this method of defining the term ‘minority’ is not always correct. Preece maintains that when defining the ‘minority’ population it is ultimately not size that matters but belonging:

Minorities are those who are denied or prevented from enjoying the full rights of membership within a political community because their religion, peace, language, or ethnicity differs from that of the official public identity.<sup>6</sup>

She goes on to add that “minorities are often described as being ‘non-dominant’, that is, not in a position of control or authority within a political community.”<sup>7</sup> Therefore, in general a minority can be described as a non-dominant group that does not enjoy full political participation or representation within a political community (i.e. state). To further compound upon this definition we can branch out and discuss the differences between the different categories of minorities – i.e. national and ethnic minorities. Tom Gallagher presents adequate definition for both of these categories defining national

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<sup>5</sup> Jennifer Jackson Preece, *Minority Rights*, (Cambridge and Malden, MA: Polity Press, 2005), 10.

<sup>6</sup> Ibid, 10.

<sup>7</sup> Ibid., 10

minorities “as groupings which, to differing extents, possess a national consciousness, but find themselves dominated by the political agenda of a larger grouping” and ethnic minorities as groups who “do not possess a distinct national outlook of their own, but their culture and customs might place them apart from other groups in society, thus strengthening their identity.”<sup>8</sup>

### - Pre World War I -

The issue of minorities in Central and Eastern Europe emerged alongside the rise of nationalism that was inspired by the French Revolution in the late 18<sup>th</sup> century:

The idea that a community that felt itself to be a nation was entitled to have a state of its own was attractive to ambitious groups outside the ruling elite [who] sought to convince the peasant masses that they should replace a purely local or religious identity with a national one and be prepared to support the break-up of the dynastic empires.<sup>9</sup>

This led to a number of territorial conflicts starting in the early 1800s with differing ethnic and national groups vying for control of territory that each claimed belonged to them because they had been there first or they had “already created a viable state in some earlier period before alien rule was imposed.”<sup>10</sup> This territorial conflict culminated in the violence of World War I, which led to the break-up of the dominant European empires and ultimately “swept the last remnants of the old dynastic European order away.”<sup>11</sup>

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<sup>8</sup> Tom Gallagher, “Minorities in Central and South-Eastern Europe” *Europa Regional Surveys of the World-Central and South-Eastern Europe 2008*, 8<sup>th</sup> edition (London & New York: Routledge Taylor & Francis Group, 2007): 11.

<sup>9</sup> Ibid, 11.

<sup>10</sup> Ibid., 11

<sup>11</sup> Jennifer Jackson Preece, *National Minorities and the European Nation-States System*, (Oxford: Clarendon Press, 1998): 59.

- Interwar Period -

In the aftermath of World War I, the dominant empires that had ruled over East and Central Europe for so long (i.e. the German, Habsburg, Ottoman, and Russian empires) were erased and replaced by “a dozen new or restored or enlarged would-be nation-states, all of which based their asserted legitimation on the then reigning politico-moral principle of national self-determination.”<sup>12</sup> This new concept of ‘national self-determination’ was identified by U.S. President Woodrow Wilson “as the new organizing concept for a Central and South-Eastern Europe shorn of multinational empires.”<sup>13</sup> With the emergence of these new nation-states came the emergence of the issue of minority rights.

Under the multinational empires that existed before World War I, ethnic minority groups tended to fare better due to the fact that power rested with the central bureaucrats, and all groups living under the rule of the empire were “equally powerless, and hence incapable of coercing or persecuting their neighbors.”<sup>14</sup> It is also important to keep in mind, however, that the territorial conflicts that had begun almost a century before with the state-building programs of the newly defined national groups had created many deep insecurities and suspicions among the different ethnic and national groups:

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<sup>12</sup> Joseph Rothschild and Nancy M. Wingfield, *Return to Diversity: A Political History of East Central Europe Since World War II*, (New York and Oxford: Oxford University Press, 2000), 1.

<sup>13</sup> Gallagher, “Minorities in Central and South-Eastern Europe,” 11.

<sup>14</sup> Michael Walzer, *On Toleration* (New Haven and London: Yale University Press, 1997), 53.

The violent collapse of dynastic empires and the tendency of nation-building efforts by successor states to be subverted by invasion, war, and revolution created deep insecurity from 1918 [onward]. As a result, few ascendant peoples were inclined voluntarily to share power with minorities. The transient nature of boundaries and states increased the predisposition of nationalist elites to impose cultural uniformity when they gained control of territories regarded as part of their natural homelands.<sup>15</sup>

Thus, with the rise of the independent nation-state in East and Central Europe immediately following the First World War, power shifted to the dominant “nation” leaving the minority group(s) perpetually disadvantaged “in terms of political, economic, cultural, and sometimes even civil and legal deprivations.”<sup>16</sup> This perpetual subjugation of the minority by the majority – whether intentional or unintentional, direct or indirect – leads to extreme ethno-national tensions and hinders the development of the whole state politically, socially, and economically. A vicious cycle then emerges with the dominant nationalist political parties exploiting ethnic tensions “in order to obscure social and economic weaknesses”<sup>17</sup>, thus exacerbating hostilities among the majority group and further alienating the minority group(s). While some groups are able to seek out support from their “ethnic and cultural ‘mother country’” (thereby internationalizing the issue), others without a home state of their own seek relief by retreating even further into their own cultural group, in effect deepening the ethnic cleavages between the majority group and themselves.

In the area of East Central Europe this issue of “majority versus minority” has long been one with two paths to follow – that of tolerance or that of elimination. Walzer states that “when subjection isn’t an experience shared equally by all the incorporated

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<sup>15</sup> Ibid, 11.

<sup>16</sup> Rothschild and Wingfield, *Return to Diversity*, 8.

<sup>17</sup> Ibid, 10.

groups, toleration among them is less likely,”<sup>18</sup> which presents an adequate explanation for why historically the most common path for dealing with minority groups has been one of elimination. This process of elimination can be pursued through the adoption of policies “ranging from non-violent assimilation to outright extermination.”<sup>19</sup> However, while the twentieth century has witnessed some of the most violent and extreme ‘policies of elimination’ in East and Central Europe, it has also witnessed two major pan-European attempts towards tolerance and promotion of minority rights – one being the interwar League of Nations system and the other being the contemporary post-Cold War norms of the European Union, the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe.

It is important at this point to briefly examine the dynamics of the League system and the reasons behind its ultimate failure. First of all, the interwar League system “accorded extensive rights to national minorities [mainly] to keep them from either seeking their own state or joining up with a revisionist ‘mother’ state.”<sup>20</sup> There was no genuine concern regarding the rights of national minorities. It is also important to note that the older discourse of the League “on minorities was not articulated in the language of ‘rights’ but that of ‘guarantees’.”<sup>21</sup> Preece explains the importance of the semantics behind the verbiage:

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<sup>18</sup> Walzer, *On Toleration*, 53.

<sup>19</sup> Libor Stepanek, “Minorities in Europe – the Divergence of Law and Policy,” eumap.org, <http://www.eumap.org/journal/features/2002/jan02/minorities> (accessed March 10, 2008).

<sup>20</sup> Lynn M. Tesser, “The Geopolitics of Tolerance: Minority Rights under EU Expansion in East-Central Europe,” *East European Politics & Societies* 17, no. 3 (Summer 2003): 483.

<sup>21</sup> Preece, *Minority Rights*, 13.

‘Minority guarantees’ were state obligations either voluntarily assumed as a gesture of good-will towards a particular group or state (usually kin-states of the minority in question) or externally imposed upon new or weak states by the great powers in the interests of international peace and stability. Such arrangements were primarily intended to preserve the territorial integrity of existing states and not to satisfy the moral claims or grievances of minorities per se. Accordingly, these ‘minority guarantees’ were relatively easy to repudiate when it was in the state’s interest to do so.”<sup>22</sup>

Preece goes on to say that these so-called guarantees gave priority “to the state [...] rather than the minority individual or group,” thereby leaving the power over the protection of minorities within the state’s hands as opposed to the actual minority group.<sup>23</sup> The semantics of the ‘minority guarantees’ further exhibit how policy for the protection of minorities under the League system mainly worked to uphold the international order and maintain good relations between states rather than as a way to actually safeguard minorities. By the 1930s the League system began to lose “its credibility once its sponsors appeared reluctant to invest the necessary energy in the development of a minority-protection framework.”<sup>24</sup> The ultimate failure of the League treaties and the ease with which Nazi Germany manipulated this system to achieve its revisionist and irredentist goals led to a shift of emphasis after World War II from collective minority rights to individual-based human rights among Western European states.

#### - Post-World War II / Cold War era -

It is important to understand this difference in ‘collective’ rights versus ‘individual’ rights. While “individual rights are designed to preserve and protect the

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<sup>22</sup> Ibid, 14.

<sup>23</sup> Ibid, 14.

<sup>24</sup> Gallagher, “Minorities in Central and South-Eastern Europe,” 12.

autonomy of persons as individuals[,] group rights are designed to preserve and protect the individual's propensity for communal attachments and associations."<sup>25</sup> The shift from collective rights to individual human rights in Western Europe was born out of the horrors of the war as well as the overwhelming failure of the League system to prevent it:

There was a fear that any codification of minority rights would be a source of continued instability as minorities asserted collective rights, particularly with the encouragement of "mother states."<sup>26</sup>

In response to these fears, immediately following the war there was a strong push to disassociate any rights with the concept of identity (be it national, ethnic, religious, etc.) as well as to strengthen "norms of noninterference by one state into another's minority policy."<sup>27</sup> The wide adoption of the Universal Declaration of Human Rights and the simultaneous establishment of the United Nations reflected these new aims with the Universal Declaration of Human Rights "subsum[ing] minority rights under a doctrine of individual human rights" and the United Nations assuming "the primary responsibility for addressing violations."<sup>28</sup>

In Eastern Europe, however, the situation was very different. While communist ideals maintained that ethno-national conflicts would be eradicated by uniting the people under the banner of Communism, in all actuality "its refusal to recognize their existence and dimensions drove these conflicts underground, where they festered."<sup>29</sup> As disillusionment with the political and economic systems of Communism grew,

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<sup>25</sup> Preece, *Minority Rights*, 15.

<sup>26</sup> Stephen Deets, "Re-imagining the Boundaries of the Nation: Politics and the Development of Ideas on Minority Rights," *East European Politics & Societies* 20, no. 3 (Summer 2006): 427.

<sup>27</sup> *Ibid*, 428.

<sup>28</sup> *Ibid*, 427.

<sup>29</sup> Rothschild and Wingfield, *Return to Diversity*, 263.

nationalism became a popular option to help “bolster legitimacy in all the East European States”<sup>30</sup> so that by the collapse of Communism in the late 1980s “even communist party elites [had] abandoned pretensions of preserving central dominance in favor of local national power.”<sup>31</sup>

- Post-Cold War -

With the collapse of Communism and the Soviet Union came the realization of how very large the “ideational divide between East and West”<sup>32</sup> was concerning minorities and the issue of minority rights:

The collapse of communism as well as the socialist federal states took place against this background of both rising reliance on nationalism for legitimacy in the East and increased support for minorities in the West.<sup>33</sup>

This so-called ideational divide has made the transfer of West European norms somewhat more difficult than what was originally expected by those “post-communist states aiming to join European organizations such as the Council of Europe, the OSCE, and the European Union.”<sup>34</sup> In fact, as Michael Johns argues, the main goal of EU membership among East Central European states following the collapse of Communism existed in direct conflict with the nationalist goals of these states that so recently emerged from under foreign control:

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<sup>30</sup> Deets, “Re-imagining the Boundaries of the Nation,” 426.

<sup>31</sup> Ibid, 427.

<sup>32</sup> Ibid, 419.

<sup>33</sup> Ibid, 429.

<sup>34</sup> Tesser, “The Geopolitics of Tolerance,” 483.



The states of Eastern Europe [had] two important goals that seem[ed] to be in conflict with each other. First, it [was] imperative for the long-term well-being of the newly democratic states [to be] accepted into the EU and the other organizations of Europe. Through accession, they [sought] the economic and security advantages that membership offer[ed]. The second goal [was] to protect their culture. 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 [...] made the elimination of these laws paramount for accession. Therefore, [in order] to achieve the first goal, the second [had to] be abandoned and vice versa.<sup>35</sup>

This poses a strong dilemma with regards to EU membership and the adoption of EU (i.e. Western European) norms regarding minority rights. Vachudova explains that “there is potential for backlash where certain sensitive ‘national’ policies are at stake [because] on these issues, the EU can be portrayed as a threat to the nation and thereby strengthen the hand of nationalist parties.”<sup>36</sup> This is of special concern regarding those countries that developed illiberal regimes after the fall of communism mainly because those governments were able to grab onto and maintain power through the auspices of nationalism.

Why did the issue of ethnic and national minorities in Central and Eastern Europe re-emerge with such intensity following the collapse of the Soviet Union and the end of the Cold War? As was mentioned before, as disillusionment with Communist economic and political policies grew so did the ethno-national tensions and nationalist tendencies that had previously been suppressed by communist rule:

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<sup>35</sup> Michael Johns, “‘Do As I Say, Not As I Do’: The European Union, Eastern Europe and Minority Rights,” *East European Politics & Societies* 17, no. 4 (2003): 685.

<sup>36</sup> Vachudova, *Europe Undivided*, 226.

The virtual destruction of civil society twinned with the oppression of ethnic minority groups during communism compounded the saliency of ethnic identity during the transition. At a time when very few civic organizations existed that regrouped citizens across ethnic lines, organizations representing ethnic minority groups mobilized quickly to press their claims for cultural and political rights. They viewed democratization as a great opportunity to gain power and protect their identity after long years of oppression.<sup>37</sup>

Because of the problems that emerged during the inter-war years regarding ethnic and national minority tensions, which inevitably led to the horrors of World War II, it is understandable why the issue of minority rights became so important for the European community immediately following the collapse of communism. Also, the break-up of the former Yugoslavia and the subsequent Bosnian war, which was the epitome of ethnic conflict, further proves that “the ‘problem of minorities’ may have very serious consequences not only for the individuals concerned but also for domestic, regional and indeed global peace and security.”<sup>38</sup> Hence the importance of a strong and clear EU minority rights policy.

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<sup>37</sup> Ibid, 145.

<sup>38</sup> Preece, *Minority Rights*, 5.

## **EU Minority Rights Policy – the Successes and the Limitations**

### **- Successes -**

Even though many concerns existed regarding CEE implementation of minority rights policy with regards to its possible affect on strengthening nationalistic parties, the overall implementation of this policy by accession states in CEE as required by the *acquis communautaire* as well as the Copenhagen criteria has been relatively successful. Vachudova maintains that “the treatment of ethnic minorities in East Central Europe [has proven to be] one of the most vivid cases of successful EU conditionality.”<sup>39</sup> Because of the requirements of the Copenhagen criteria and the necessity to ensure protection of minority rights to obtain EU membership, countries like Latvia and Estonia “have now adopted citizenship, language, and educational legislation”<sup>40</sup> directed towards their Russian minorities; Hungary and Slovakia have been directed to address issues like discrimination, education, and poverty towards their own minority Roma population; and Romania has pursued efforts to improve the educational and cultural restrictions on its Hungarian minority. It is interesting to note that the pressure that the EU placed on the illiberal governments of Romania and Slovakia was probably the most intense of all considering that the violence going on in the Balkans and the Western Europeans

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<sup>39</sup> Vachudova, *Europe Undivided*, 145.

<sup>40</sup> “The EU and minority policy- does enlargement signal the end of influence?” *Euractiv.com*. <http://www.euractiv.com/en/enlargement/eu-minority-policy-enlargement-signal-influence/article-110088>, (accessed March 1, 2008).

inability to stop it consequently led “Western governments [to apply] by far the most pressure on illiberal pattern governments to improve ethnic tolerance”:

Eventually they also extracted the most extensive promises in this area - in the special clauses attached to the Europe Agreements, in the agreements admitting Romania and Slovakia to the Council of Europe, and in the bilateral treaties that both the Mečiar and the Iliescu governments eventually signed with Hungary.<sup>41</sup>

The pressure of EU conditionality with regards to minority rights policy implementation can also be seen on countries with less illiberal governments:

The position of the Roma in the Czech Republic [...], and of ethnic Russians in the Baltic states [...], subsequently improved, because these states were required to regularize their treatment of minorities in order to join the European Union.”<sup>42</sup>

However, while these minorities’ situations did improve, Gallagher also maintains that “since minority protection is not covered by the EU’s founding treaty, the monitoring of inter-ethnic relations ceased upon accession.”<sup>43</sup>

#### - Limitations -

The absence of a sufficient EU-wide monitoring system for minority rights is just one of the limitations that exist within EU minority rights policy. In listing these weaknesses in EU minority rights policy it is important to keep in mind that the majority of these should be examined in the context of their potential harm to EU minority rights policy implementation *for the future*. Before CEE accession to the EU, these proposed limitations (while present) did not really count for much considering that the accession countries of Central and Eastern Europe had no choice but to adopt them if they wanted

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<sup>41</sup> Ibid, 145.

<sup>42</sup> Gallagher, “Minorities in Central and South-Eastern Europe,” 12.

<sup>43</sup> Ibid, 12.

to obtain EU membership. The point being made, however, is that now that these countries have obtained EU membership, now that they have “a choice” so to speak, how big of a factor do these limitations play in affecting minority rights policy implementation post-enlargement. Bernd Rechel lists six of these important factors that limit the EU’s impact in minority rights implementation in East Central Europe:

These factors include a lack of minority rights standards within the EU, an emphasis on the *acquis communautaire*, missing expertise on minority issues, the superficial monitoring of candidate states, a lack of concern for human rights, and a failure of addressing public attitudes towards minorities.<sup>44</sup>

Because of space constraints I am unable to examine each of these factors individually, but I will, however, address a few. With regards to the lack of minority rights standards, Rechel argues that “the Copenhagen criteria did not define [...] the process by which EU conditionality could be enforced and verified, limiting their potential impact at the domestic level.”<sup>45</sup> Rechel also maintains that because there exists no clear process of enforcement within the Copenhagen criteria then the weight of EU conditionality falls on the technical requirements of the *acquis* which “covers different policy areas to very different degrees.”<sup>46</sup> In the area of minority rights, for example, there exists no detailed coverage regarding implementation and because of this there exists a “‘conditionality gap’ where explicit leverage [has been] weak.”<sup>47</sup> Rechel further argues that the EU’s impact on minority rights in East Central Europe is affected by the lack of genuine concern that exists within the EU towards human or minority rights. With regards to the

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<sup>44</sup> Rechel, “What Has Limited the EU’s Impact on Minority Right in Accession Countries?” 172.

<sup>45</sup> Ibid, 179.

<sup>46</sup> Ibid, 179.

<sup>47</sup> Ibid, 180.

accession process, minority rights play only a secondary, perfunctory role that stems out of concern more for regional stability than for actual minority protections.<sup>48</sup>

Rechel's argument regarding superficial monitoring of candidate states has particular merit especially when considering the suggestion that because of the double standards that exist within the EU among old member states and new, old Western European member states are not monitored on the same level that the new East Central European members are. With a lack of an EU-wide system of monitoring or implementation, the EU depends mostly on the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) for monitoring and implementing standards. This becomes somewhat problematic when considering that these organizations themselves have not historically examined the Western countries equally with the East. Take for example the OSCE:

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.<sup>49</sup>

Johns argues that the most likely explanation for this lack of recommendations towards Western European countries is that the "high commissioner knows that any recommendation given to Western countries would be summarily ignored."<sup>50</sup> This lack of concern among the old Western EU member states could in the future generate the same lack of concern among new Eastern EU member states.

Probably one of the most valid arguments to address when discussing inaccuracies of EU minority rights is the case of the enduring double-standard:

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<sup>48</sup> Ibid, 182.

<sup>49</sup> Johns, "Do As I Say, Not As I Do," 689.

<sup>50</sup> Ibid, 689.

Minority rights protection is, in sum, one of the areas where the asymmetry of power between the EU member states and the candidates is most in evidence, because here, very clearly, the candidates are being required to meet goals that the member states have not set for themselves.<sup>51</sup>

While the new EU members were required to implement the Copenhagen criteria, which sets the requirement for the respect for and protection of minorities, the old member states were not. What's important to keep in mind is the affect these discrepancies with EU norms on minority rights policy will have in the future, because the absence of a European-wide system of monitoring coupled with "the fact that the Copenhagen criteria do not apply to existing member states are likely to [...] undermine post-enlargement attempts to continue protecting minorities."<sup>52</sup>

When examining these facts it is impossible to not acknowledge the importance of EU standards regarding the protection of minorities in its own member states as well as the leverage the EU holds over possible future members to adopt minority rights policy. However, the discrepancies and imperfections that exist within the EU minority rights policy as a whole have the potential to weaken the EU's leverage in the future – whether it be with current member states or possible candidate states.

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<sup>51</sup> Vachudova, *Europe Undivided*, 122.

<sup>52</sup> "The EU and minority policy- does enlargement signal the end of influence?"

**National Political Change as a Precondition for Successful EU Policy Implementation: the Case of Hungary**

Hungary stands out as a unique example when it comes to the issue of minority rights, mainly because it sees the importance of minority rights as a national as well as an international issue. With the signing of the Treaty of Trianon in 1920, Hungary was forced to secede over 2/3 of its territory as well as 2/3 of its population to its surrounding neighbors – “3 million Hungarians suddenly found themselves in the newly formed states of Czechoslovakia, Romania, and Yugoslavia.”<sup>53</sup> On top of this large minority population that lives outside Hungarian borders, there also exists a multitude of different ethnic and national minorities that live within Hungarian borders and make up around 10% of the population – these include Roma, Germans, Slovaks, Serbs, etc. just to name a few. Therefore, with regards to the minority question, Hungary sees this issue from two different perspectives – “both as a host state for thirteen national and ethnic minorities living within the present-day borders of Hungary and as Hungarians themselves, living as minorities in a number of neighboring states.”<sup>54</sup> Specifically because Hungary has such a large diaspora population outside its borders, it maintains a rather positive track record with regards to the different minority populations in its own borders. However, it is important to note the role that Hungary’s internal minority populations play in this positive track record as well. While Hungary does serve as the host state for around 13

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<sup>53</sup> Gwyneth E. Edwards, “Hungarian National Minorities: Recent Developments and Perspectives,” *International Journal on Minority and Group Rights* 5, (1998): 347.

<sup>54</sup> Ibid, 354-346.



different national and ethnic minorities, these groups are “spread over some 1500 cities, towns and villages [and] are, in general, geographically dispersed [...] which can make the maintenance of identity and group cohesion difficult.”<sup>55</sup> Guido Schwellnus goes further in detail regarding this minority disbursement and the role it plays in Hungary’s specific minority situation:

Not only the existence of large external minorities, i.e. fellow Hungarians living as minorities in neighboring countries [...], but also the fact that the external minorities are territorially concentrated, while the internal minorities are dispersed, well integrated and to a large extent assimilated – this amounts to a strong incentive to promote collective rights.<sup>56</sup>

Therefore, not only does Hungary’s large diaspora living abroad play an important role in the implementation of positive national minority rights policy, but it is the domestic conditions behind the minority populations within Hungarian borders that facilitate the promotion of these collective rights within Hungarian legislation as well. These two factors are the most important to keep in mind when considering how Hungarian national policy has smoothed the way for successful EU policy implementation in the area of minority rights.

#### - Historical Context -

To understand the issue of minority rights in Hungary today it is essential to briefly address Hungary’s history as a nation in the twentieth century. After losing the First World War and signing the Treaty of Trianon, “Hungary went from being one of the great powers of Europe and a key element of an empire to a weak state, surrounded by

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<sup>55</sup> Ibid, 348.

<sup>56</sup> Guido Schwellnus, “The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland,” in *The Europeanization of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca and London: Cornell University Press, 2005): 59-60.

countries where Hungarians lived at risk.”<sup>57</sup> The importance of this development in Hungarian national history cannot be over-stated. Before World War I and the break up of the Austro-Hungarian Empire, ethnic Hungarians within the boundaries of the empire enjoyed a majority status, with all of the benefits that came with it. After the war, however, 2/3 of the Hungarians “who had belonged to [the] influential majority [suddenly] found themselves [living outside their home country as] a minority with low status and with no kin state to protect them.”<sup>58</sup> Throughout the inter-war years that came after World War I and the subsequent Trianon treaty, attitudes and opinions towards minority groups in Hungary were somewhat mixed. While some political groups were extremely antagonistic towards the different minorities remaining in Hungary and feared “that their autonomous position might lead to further territorial mutilations of the country, [...] the government used great moderation in their policies [towards minorities].”<sup>59</sup> The reasons for this are similar to the reasons behind positive Hungarian minority rights policy today:

It was felt by the government that any hostile activity would trigger a very similar response against the Hungarians living beyond the border, where forceful assimilation undoubtedly would have been introduced on a reciprocity basis. The government also did not wish to alienate the majority populations in the neighboring countries but wished to impress them with its nationality policy.<sup>60</sup>

Whatever the reasons may have been, this position didn’t last long. As economic decline set in and the hopes associated with market capitalism and liberal democracy began to

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<sup>57</sup> Stephen M. Saideman and R. William Ayres, *For Kin or Country: Xenophobia, Nationalism, and War* (New York: Columbia University Press, 2008), 106.

<sup>58</sup> Edwards, “Hungarian National Minorities: Recent Developments and Perspectives,” 347.

<sup>59</sup> Józsa Hévízi, *Autonomies in Hungary and Europe: A Comparative Study*, (Buffalo, NY: Corvinus Society, 2005), 118.

<sup>60</sup> Ibid, 118.

wither away, “the financial despair combined with resentment about the war produced the rise of right-wing parties promising order and restoration.”<sup>61</sup> As the European continent was swept into World War II, Hungary saw the opportunity to gain back what it had so grievously lost after the Great War two decades earlier, and in its irredentist pursuits aligned itself with Nazi Germany. While initially Hungary profited greatly from this relationship – regaining most of its lost territory from countries like Czechoslovakia, Serbia, and the area of Transylvania in Romania – “these gains were only temporary and defeat on the battlefield led to the *status quo ante*.”<sup>62</sup> The situation for Hungary after this loss was somewhat different from that of its loss in World War I – “once again, Hungary lost historic lands, but this time, Hungarians in these areas were targeted for retribution for the crimes, real and alleged, of Hungary during the wartime occupation.”<sup>63</sup>

While discrimination against ethnic Hungarians living outside of their home state abounded during the Cold War years – particularly in Romania, Slovakia, and Serbia – it was a relatively dormant issue in Hungarian politics throughout this time period. The main reason for this being that in the effort to unite all citizens under the banner of communism and smother any hint of resistance to its political, social, and economic rule, communist leaders refused to acknowledge or legitimize the existence of ethnic conflict or division:

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<sup>61</sup> Saideman and Ayres, *For Kin or Country: Xenophobia, Nationalism, and War*, 106.

<sup>62</sup> Ibid, 106.

<sup>63</sup> Ibid, 106.

During the Cold War, the communist regime did not and could not pay much attention to the plight of Hungarians outside of Hungary. The focus of the regime and of the populations was on events at home, including the 1956 revolt and the increased repression that followed. Thus, the issue of Hungarians abroad was largely dormant until the end of the regime, when it became one of the [...] most important foreign-policy priorities of the new democratic governments.<sup>64</sup>

With the legacy of Trianon still so fresh on the hearts and minds of Hungarian citizens, the discrimination against Hungarians abroad during the Cold War, and the increasing concern regarding the fact that in the immediate years following the disintegration of communism “most of the Hungarians abroad were in states making difficult transitions from communism,”<sup>65</sup> it is easy to see why the question of minority rights as a foreign policy issue as well as a national policy issue became so important to the democratic Hungary that emerged from the remnants of communism and the Cold War.

#### - National Policy Development: Facilitator for EU Minority Rights Policy Adoption -

Compared with the other states of Central and Eastern Europe “Hungary has gone much further in the codification of collective minority rights than any other country in the region.”<sup>66</sup> From the late 1980s onward Hungary has worked to implement policies at the national level to instill protections for its minority populations. Below is a broad timeline of some of these policies:

- December 1988 and January 1989: introduction of legislation establishing the rights of association and assembly
- October 1989: Constitutional amendment gave minorities the right to their own culture, religion, and the use of their mother tongue

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<sup>64</sup> Ibid, 107.

<sup>65</sup> Ibid, 108.

<sup>66</sup> Peter Vermeersch, “EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary, and Poland,” *Journal of Ethnopolitics and Minority Issues in Europe* 1, (2003): 11-12.

- 1990: Article 68 added to the Constitution stating (1) that minorities living within the Republic of Hungary represented a “constituent part of the State; (2) that political representation of minorities was to be ensured; (3) that minorities had the “right to form local and national bodies for self-government; (4) established the introduction of a Parliamentary Commissioner for the Rights of Ethnic and National Minorities (i.e. Minority Ombudsman)
- July 1993: Act LXXVII on the Rights of National and Ethnic Minorities (“Minorities Act”) introduced as a comprehensive legislation regulating the cultural autonomy of ethnic minorities in Hungary<sup>67</sup>

Again, what is so fascinating about these policies is that they were implemented not only to focus on internal minorities, but they were also created and adopted as a part of explicit foreign policy goals:

On the question of minority accommodation in Hungary, [it is] explicitly [linked] to a specific foreign policy concern. Hungary wanted to secure regional stability and peace, so it decided not to pursue border changes. But still it wanted to be able to protect the Magyar minorities in the neighboring countries. A strong endorsement of minority rights therefore served as a moral justification for its stance towards the Magyar minorities in neighboring Romania, Slovakia, Ukraine and Yugoslavia, whose fate it wanted to influence positively.<sup>68</sup>

So important is this implementation of Hungarian minority rights legislation as a component of foreign policy that a provision to this goal was included in the ‘Minorities Act’ of 1993:

With the intention of promoting friendly co-operation and understanding between peoples and nations; and, conscious of the fact that the peaceful co-existence of national and ethnic minorities with the nation in majority is a component of international security.<sup>69</sup>

As has been previously mentioned, the significance of this ‘foreign policy’ element plays a crucial role in the successful development of Hungarian national policy with regards to minority rights (domestic conditions regarding the specific minority groups within

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<sup>67</sup> Ibid., 12

<sup>68</sup> Ibid, 13.

<sup>69</sup> “Act LXXVII on the Rights of National and Ethnic Minorities,” *Hungarian Helsinki Committee*, <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> (accessed October 15, 2008).

Hungary play an important role as well). In turn, the establishment of a cohesive and proactive minority rights regime in Hungary's national legislation allowed for a smooth and successful implementation of EU minority rights policy, thereby pushing Hungary one step further down the path to EU membership.

While overall there was relative ease in implementing EU minority rights policy into Hungarian national policy considering that "the minority protection system, guaranteed by the constitution and specified in the Minority Act of 1993, was well developed before the minority criterion in the EU accession *acquis* was formulated,"<sup>70</sup> it must be mentioned that a few obstacles on the road to EU membership with regards to the issue of minorities still existed. Two of the main problems were the adoption of the Hungarian Status Law in June 2001 and the stagnant and disadvantaged situation of the Roma minority population within Hungary. In order to fix these problems the government was forced to implement crucial changes to the Status Law, the original version of which neighboring countries believed violated "their sovereignty [by giving] Hungary a formal responsibility in their internal affairs," and the EU Venice Commission deemed "portions of [it] to be in violation of EU standards regarding discrimination."<sup>71</sup> With regards to the Roma population detailed "resolutions were adopted specifically aimed at ameliorating the situation of the Roma" in addition to the minority rights legislation that had already been passed which "became regarded as insufficient for the Roma," whose impoverished position within the population was seen not just as an ethnic

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<sup>70</sup> Schwellnus, "The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland," 59.

<sup>71</sup> Saideman and Ayres, *For Kin or Country: Xenophobia, Nationalism, and War*, 118.

issue, but a social one as well.<sup>72</sup> This issue with the Roma population in some ways calls into question existence of a “*genuine* support for the *domestic* implementation of [minority rights policy],” at least, that is, as it pertains to the Roma minority.<sup>73</sup> To address this problem in the future Hungary needs to further evolve its already proactive minority legislation to increasingly incorporate the Roma minority in addition to the current strategy of adopting separate legislation that is aimed specifically at the Roma.

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<sup>72</sup> Vermeersch, “EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary and Poland,” 15.

<sup>73</sup> Tesser, “The Geopolitics of Tolerance: Minority Rights under EU Expansion in East-Central Europe,” 512.

## **EU Policy Implementation as a Precondition for National Policy Change: the Case of Latvia**

The evolution of national minority rights policy in post-Soviet Latvian politics folds out somewhat differently than that of Hungary. Unlike Hungary, national policies implemented in Latvia in the early 1990s actually impeded the implementation of EU minority rights policy instead of facilitating it as in Hungary's case. Latvia's emergence as an independent nation is relatively recent and its experience is equally as limited – the nation didn't emerge as an independent state of its own until 1918 and soon thereafter during World War II was forced to assimilate into the Soviet Union “not [...] as a satellite state, but as [a] fully subservient Soviet republic.”<sup>74</sup> Considering this it is easy to understand how Latvia's road towards European integration “has been significantly affected by the legacies of its Soviet past – [mainly the legacy of its] considerable minority communities.”<sup>75</sup> Immediately following the collapse of communism and the restoration of Latvian independence and democratic institutions the country embarked on what some scholars have called a pursuit of ethnic democracy rather than liberal democracy. In pursuing this so-called ‘ethnic democracy’, controversial legislation passed in the 1990s in areas like citizenship, language, and education “placed the state

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<sup>74</sup> Vello Pettai, “Introduction: Historic and historical aspects of Baltic accession to the European Union,” in *The Road to the European Union Volume 2: Estonia, Latvia and Lithuania*, eds. Vello Pettai and Jan Zielonka (Manchester and New York: Manchester University Press, 2003): 3.

<sup>75</sup> Galbreath, “European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights,” 69.



firmly in the hands of the titular population, while politically alienating the largely Russian-speaking minority community.”<sup>76</sup>

While the country’s unstable past played a major role in Latvia’s pursuit of nationalistic policies following the collapse of communism, conversely it was this same past that created Latvia’s overwhelming desire to “rejoin” Europe by actively seeking membership in the prominent European international institutions like NATO and the European Union:

Their mere inclusion in the most extensive and cohesive political formation ever created in Europe offers a much greater prospect for stable development and lasting independence than at any time in their modern history. [With membership, Latvians now have the] the opportunity to regain their lost years and take part in the [larger future of the Union].

Furthermore, European integration in this sense was seen by “Latvian politicians and much of the titular populace [...] as the ultimate security guarantee.”<sup>77</sup> On top of this, “integration [was] viewed as essential for maintaining national sovereignty,”<sup>78</sup> and the economic benefits associated with European Union membership obviously played a significant role as well.

In order to obtain this membership goal, however, Latvia had to make severe changes in the nationalist policies that were implemented following the collapse of communism and were seen by the EU and other organizations like the OSCE and CoE as discriminatory against the Russian-speaking minorities. I will briefly focus on one piece of legislation in particular as an example of nationalist policies – the citizenship law – to

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<sup>76</sup> Ibid, 69.

<sup>77</sup> Ibid, 71.

<sup>78</sup> Marko Lehti, “Estonia and Latvia: A ‘New’ Europe Challenges the ‘Old’?” in *The Baltic States and Their Region: New Europe or Old?*, ed. David J. Smith (Amsterdam and New York: Rodopi, 2005): 96.

examine why it was deemed discriminatory, what changes were made to satisfy EU requirements, and the reasons behind why Latvia chose to make the changes that go beyond the country's basic aspirations for membership.

#### - Historical Context -

Latvia's history as a nation is fundamentally and inextricably linked with its Soviet past. In no area of the social, economic, or political system is this truer than the area of minority rights. Soviet population policies during the Cold War caused major demographic shifts, with the number of Russian-speaking minorities within the country growing from around 33% to 48% by the end of the 1980s.<sup>79</sup> So significant was this growth that "according to the 1989 census, [...] Latvians had become a minority in the eight largest cities."<sup>80</sup> This large demographic shift also had significant effects on language within the country as well – in the major cities the dominant language was Russian and throughout all of Latvia, statistics show that while around 60 percent of Latvians knew Russian, only 18 percent respectively of non-Latvians knew the Latvian language.<sup>81</sup> With regards to Soviet domination and migration of Russian-speaking peoples to the country, by the end of the Cold War it became painfully obvious that it was the Latvians who "had accommodated to the needs of the Russians, rather than vice versa."<sup>82</sup>

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<sup>79</sup> David Galbreath, "The Politics of European Integration and Minority Rights in Estonia and Latvia," *Perspectives on European Politics and Society* 4, no. 1 (2003): 37.

<sup>80</sup> Judith Green Kelley, *Ethnic Politics in Europe: the Power of Norms & Incentives* (Princeton, NJ: Princeton University Press, 2004): 73.

<sup>81</sup> Ibid, 73.

<sup>82</sup> Ibid, 73.

With independence and the restoration of Latvia's 1922 constitution along with its interwar pre-Soviet democratic institutions came huge issues concerning citizenship, language, employment, etc. These initial policies that were implemented in response to the aforementioned issues mainly served to exacerbate tensions between the Latvian majority and the Russian-speaking minority, and throughout the 1990s the laws were subjected to detailed scrutiny and criticism from the European international organizations that Latvia aspired to join. This criticism in turn resulted in extensive policy changes required by the European institutions that contradicted Latvia's initial pursuance of a stringent ethnic policy.

- National Policy Development: Impediment to EU Minority Rights Policy Adoption -

While there are a number of policy issues that existed in Latvia concerning the issue of minority rights (some of these include controversial election laws, education laws, and language laws that were passed throughout the 1990s and were found to severely discriminate – either directly or indirectly – the Russian-speaking minority), the citizenship law has by far been the most controversial.<sup>83</sup> In October of 1991 Latvia's supreme council issued an exceptionally strict resolution on citizenship which restored "citizenship only to those who were citizens of Latvia before 1940, and their descendants, leaving about seven-hundred thousand inhabitants without Latvian citizenship."<sup>84</sup> The conditions for those seeking citizenship were equally as strict requiring knowledge of the Latvian language, knowledge of the Latvian political and legal system, residency status of at least sixteen years, an oath of allegiance to Latvia, and renunciation of another state

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<sup>83</sup> Ibid, 84.

<sup>84</sup> Ibid, 84.

citizenship if applicable. This draft citizenship law created much concern among the European institutions. The main concern, according to the OSCE's High Commissioner on National Minorities, was "the state of the draft citizenship law [and the fact that] an overly conservative citizenship law [did] not bode well for Latvia's democratic transition."<sup>85</sup> Recommendations to amend the law came from both the OSCE and the CoE and included an amendment to Article 9 which mandated quotas, "to instead set forth a system of naturalization giving priority to certain categories of non-citizens and eventually opening up naturalization to everyone within a few years."<sup>86</sup> While other amendment recommendations were given, advocating limiting residency requirements to just five years, addressing the issue of stateless children, and easing the language requirements, it was this issue of quotas that remained the most crucial. So important was the removal of this provision that the CoE stipulated to the Latvian parliament if it "did not change the quota system in the law on citizenship, then the door to [Council of Europe membership] would be closed."<sup>87</sup> Even with their CoE membership on the line, the parliament went ahead with the original bill and approved the citizenship law, without removing the quotas condition, in June 1994.

The law instigated much international criticism from the OSCE and CoE as well as other European countries and institutions, but it wasn't until the EU voiced its criticisms of the law and fully backed the OSCE and CoE's positions that Latvia finally responded. In backing the OSCE and CoE, the EU made it very clear to Latvia that if it

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<sup>85</sup> Galbreath, "European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights," 78-79.

<sup>86</sup> Kelley, *Ethnic Politics in Europe: the Power of Norms and Incentives*, 86.

<sup>87</sup> Ibid, 87.

could not gain membership into these institutions then further integration in the Union would be endangered as well.<sup>88</sup> To avoid jeopardizing their future membership, Latvia's president "returned the law to the parliament with a request for revisions to meet the standards of the OSCE and CoE."<sup>89</sup> An amended law was approved in late July 1994 with amendments that replaced the quota system with a "window system" that was suggested by the European institutions and "would allow different categories to apply for citizenship, with all who wished to do so to apply by 1998."<sup>90</sup> Even though the nationalists in parliament were able to restrain most of the changes to the law (most of the other recommendations from the OSCE and CoE were ignored), "international praise abounded because the main concern, the quotas, was gone."<sup>91</sup>

The institutions' satisfaction, however, didn't last for long and over the next few years they continued to monitor Latvia and submit recommendations on reforming the citizenship law. They were mainly dissatisfied with the slow rate of naturalization as well as the fact that the issue of stateless children still had not been resolved. The nationalist government, however, "responded only to minor parts of [these] recommendations, [maintained] a strict nationalist stand on the citizenship issue, and had publicly committed to no further facilitation of naturalization."<sup>92</sup> The harder the European institutions pushed the more the nationalist parties of the Latvian government resisted against reforming the law. It was not until the EU made citizenship law reform a

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<sup>88</sup> Ibid, 88.

<sup>89</sup> Ibid., 88

<sup>90</sup> Galbreath, "European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights," 79.

<sup>91</sup> Kelley, *Ethnic Politics in Europe: the Power of Norms and Incentives*, 88.

<sup>92</sup> Ibid, 90.

“‘key criterion’ for beginning EU entry talks” that the parliament finally adopted the required amendments in late June 1998 abolishing “the window system and [giving] citizenship to stateless children without a language exam.”<sup>93</sup> Domestic opposition remained strong among the nationalist parties, however, and a referendum on the changes was held in October, but was defeated with 53 percent voting for the amendments. After such resistance from the Latvian nationalist parties to change any part of the citizenship law, “the success of the [1998] amendment [and] referendum marked a major turning point in relation to [Latvia’s] future European integration.”<sup>94</sup>

The example of Latvia’s citizenship law marks just one instance of how Latvian nationalist policies impeded the implementation EU policy regarding minorities. In this instance, it was the influence and pressure from the prominent European institutions, including the EU that shaped the Latvia’s domestic policies to be more favorable to their Russian-speaking minorities. Other areas that presented major problems and setbacks for Latvia in the area of minorities included education, language, legal, and employment rights just to name a few. Language rights (specifically the right to a bilingual education system taught in both Russian and Latvian) were especially important considering that the percentage of the minority population that actually knew Latvian was extremely small. However, in these areas just as with the citizenship law, the Latvian government usually yielded to pressure from the larger European institutions and made the requisite amendments to the legislation in accordance with recommendations and “overall,

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<sup>93</sup> Ibid, 91.

<sup>94</sup> Galbreath, “European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights,” 82.

European organizations were able to persuade Baltic governments to liberalize their social policies, although it took some time.”<sup>95</sup>

While Latvia still has a long way to go with regards to its policies that negatively affect minorities, the general consensus among scholars is that the country has made great strides in reforming and amending its nationalistic policies. In a recent statement from Knut Vollebaek, OSCE High Commissioner on National Minorities, he maintains that while “the issues of naturalization and education reform remain widely debated in the society at large, [he] noted a significant improvement in the socio-economic situation [and in] inter-ethnic relations in the country” as compared with previous reports.<sup>96</sup> Although education reform remains an on-going process and the rate of naturalization remains slow – only about 6,000 to 7,000 people a year – the important point to keep in mind is Latvia’s adaptation to ideals of the EU concerning the minorities. Considering that the “government is [currently] trying hard to promote an inclusive and non-discriminatory policy towards its minorities,”<sup>97</sup> which does focus on issues concerning the pursuance of education reform and the establishment of a bilingual education system, this should exemplify how the EU and its requirements on minority rights policy implementation inspired Latvia’s attitude towards this policy area from passive to active. While initially Latvia only included minority rights policy within its own national legislation in response to EU pressures, today the country actively pursues the development of its own national minority rights policy.

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<sup>95</sup> Galbreath, “The Politics of European Integration and Minority Rights in Estonia and Latvia,” 48.

<sup>96</sup> Organization for Security and Co-operation in Europe, “Statement by Knut Vollebaek, OSCE High Commissioner on National Minorities to the 718<sup>th</sup> Plenary Meeting of the OSCE Permanent Council,” (Vienna, Austria, June 26, 2008).

<sup>97</sup> Ibid.

## **Conclusion**

One of the most important matters for post-socialist Europe has been the management of majority-minority relationships. As democratization is as much about redefining the nation as the character of governance, the protection of minorities has been an important issue of conflict prevention.<sup>98</sup>

Following the end of the Cold War, the question of minority rights in Central and Eastern Europe as an issue of toleration and conflict prevention became one of extreme importance. For the countries of this region, because most of them overwhelmingly aimed for European integration to solidify their statuses as liberal democracies, it was absolutely necessary that these countries reconcile Western European norms regarding minority rights with their own domestic policies and standards. For the pan-European institutions and the countries of Western Europe (who belonged to the EU), because of the problems that emerged during the interwar years regarding ethnic and national minority tensions (which inevitably led to the horrors of World War II) and the break out of violent ethnic conflict in the former Yugoslavia immediately following the dissolution of the Soviet Union, it is understandable why the issue of minority rights became so important for the European community immediately following the collapse of communism. Hence the importance of developing a ‘europeanized’ minority rights policy.

This paper has examined this so-called ‘europeanization’ of minority rights by specifically looking at its implementation in two countries where the “minority”

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<sup>98</sup> Galbreath, “European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights,” 71.



situations differ greatly – Hungary and Latvia. While obviously the national attitudes and policies regarding minorities are different in each state, they are still subject to the same scrutiny and policies and at the EU level. With both cases I have examined how national domestic policy affected the rate and ease of EU minority rights policy adoption into the national legislation. In Hungary's case, because of its large Hungarian diaspora population and the foreign policy aspect of this political area, it has developed a remarkably proactive record with regards to minority rights protections. This has obviously facilitated the implementation of EU minority rights policy into national legislation. Latvia's experience with the EU and the adherence to EU norms regarding minority rights has been somewhat more problematic to say the least. The country's pursuit of nationalistic policies that severely hindered and impeded the social development of the large Russian-speaking minority hampered the adoption process of EU minority rights policy there. In this case, contrary to Hungary, it was the implementation of this 'europeanized' minority rights policy that acted as a precondition for domestic political change in Latvia.

While many scholars have ruled the adoption of EU minority rights policy in Central and Eastern Europe generally as a success, many imperfections and inconsistencies still exist within the ideals behind Western European minority rights policy today and it is important to address these limitations when looking towards the future. Some of these imperfections include an overall lack of minority rights standards within the EU, superficial monitoring of candidate states, the fact that more concern exists for regional stability rather than for actual minority protections, along with the fact that double standards exist considering that while CEE states were required to adopt

minority rights policy, Western European states were not, etc.<sup>99</sup> It is impossible to not acknowledge the importance of EU standards regarding the protection of minorities in its own member states as well as the leverage the EU holds over possible future members to adopt minority rights policy. What is important to keep in mind, however, is the possibility that these discrepancies and imperfections that do exist have the potential to weaken the EU's leverage in the future with current member states, possible candidate states, or both. Also important to keep in mind is the future role that minorities themselves will play in this 'europeanized' minority rights system. Consider the plausible possibility that "minority groups [could] increasingly [begin to] view the EU as their new 'host-state,' and [could try to] pressure the EU to enforce a broader and more uniform application of minority rights than has been previously possible."<sup>100</sup> How would this development affect the impact of the EU in this policy area – particularly how would it affect the impact of the EU in the countries of Central and Eastern Europe? Could this be seen as a way for the EU to increase its leverage on this issue – especially when considering the popular belief that "the Commission [no longer has the] power to influence minority policies post-accession"?<sup>101</sup> Or would increased pressure on the EU from minorities to act as a 'host-state' further weaken the EU's influence on this issue? These are all important questions to keep in mind when considering the future of minority rights policy on both the national and European level.

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<sup>99</sup> Rechel, "What has Limited the EU's Impact on Minority Rights in Accession Countries?" 171.

<sup>100</sup> Landau, David, "Testing the Limits of EU Integration: Minority Rights Ambiguity and the Hungarian Status Law," University of Oxford, <http://www.inter-disciplinary.net/AUD/Landau%20paper.pdf> (accessed October 20, 2008).

<sup>101</sup> "The EU and minority policy- does enlargement signal the end of influence?"

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