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SAPIENTIA HUNGARIAN UNIVERSITY OF TRANSYLVANIA



CLUJ-NAPOCA

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***MINORITY POLITICS WITHIN THE  
EUROPE OF REGIONS***

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*MINORITY POLITICS WITHIN  
THE EUROPE OF REGIONS*



FACULTY OF SCIENCES AND ARTS, CLUJ-NAPOCA  
DEPARTMENT OF EUROPEAN STUDIES



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NATIONAL MINORITIES

# ***MINORITY POLITICS WITHIN THE EUROPE OF REGIONS***

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*Edited by*  
**ISTVÁN HORVÁTH**  
**MÁRTON TONK**

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## FOREWORD

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The present volume of essays and studies includes the presentations of the international scientific conference organised between 17-19 June 2010 by the European Studies and International Relations Department of the Faculty of Sciences and Arts of the Sapientia Hungarian University of Transylvania and the Romanian Institute for Research on National Minorities. The co-organisers of the conference entitled “Minority Politics within the Europe of Regions” (held in Cluj-Napoca/Kolozsvár) were the European Consortium for Political Research (Standing group on regionalism and federalism) and the University of Amsterdam, while among the participants there were internationally recognised experts from many countries worldwide.

The conference was a natural continuation of another conference held two years ago and entitled “Nations and National Minorities in the European Union”, but in the same time it was a very strong expression of the main research areas of the two organising institutions: minority research, minority rights and discriminations research, regionalism and European-level minority protection. The interest for these prominent research areas is a logical one: our specialists work in institutions (the Sapientia Hungarian University of Transylvania and the Romanian Institute for Research on National Minorities) that are related to national minorities, our specialists – most of them – are members of national minorities, and for our specialists, the minority status is not only a scientific object, but at the same time a very subjective and personal issue.

The international conference “Minority Politics within the Europe of Regions” formed an integral part of these research initiatives and the lecturers of the session (most of them authors of this volume) investigate issues related to the status of European national minorities and European regionalism and federalism. The central elements of the conference (as it is also reflected in the present volume) were such topics as language rights and cultural policies, ethno-regionalism and autonomy, the political representation of European minorities, the past and present of ethnically or religiously divided societies, ethnopolitics, and minority protection in Romania.

We are convinced that the present volume of studies will contribute with new results to the international-level minority research, and it will become a useful tool for the researchers and policy makers preoccupied by these subjects.

October 2011

On behalf of the organising committee  
István Horváth  
László Marác  
Márton Tonk

**I.**  
**ETHNO-REGIONALISM, STATELESS**  
**NATIONS, AUTONOMIES AND**  
**FEDERALISM IN WESTERN EUROPE**



# **“NEW” NATIONS IN “OLD” EUROPE: ETHNOGENESIS AND ETHNOPOLITICAL MOBILISATION IN THE SHETLAND AND ORKNEY ISLANDS OF SCOTLAND**

## **Introduction**

Since the end of World War II, and particularly since 1980, countries in Europe have developed a growing set of institutions designed to guide signatories' policies towards autochthonous groups within their borders. Striving, at least in part, to prevent the recurrence of genocide in Europe, these institutions articulate rights to ethnic groups *qua* groups, rather than collections of individuals aggregating individual human rights. In conjunction with regional institutions established by member states individually and/or the European Union, the Europe of the Regions represents an ethnic mosaic partly in contrast to the overlay of member “nation-states.”

However, this mosaic, and its associated political institutions, is itself in a state of change. Most notable are those ethnic groups, such as the Basques, Catalans, Flemish, and Scots, that are highly salient and mobilised, with some members of each of these groups demanding an independent state commensurate with the ethnic boundary. There are other groups, particularly those whose identity rests on a distinct language, less politically active for the time being but with the potential for subsequent mobilisation. Although the politicisation of these groups would increase the diversity of the European framework, they represent additional cases comparable to those currently active within Europe.

This paper examines two cases that represent emerging but as yet far less coherent examples of ethnic identity formation: Shetland and Orkney. These island archipelagos off the north coast of Scotland have been part of Scotland and, later, Britain for more than five centuries, have relatively small populations, and have no distinct language. Yet their distinct history, deployed by these communities to celebrate their unique heritage, remote location, and the persistence of local dialects appear to provide the grounds

for potential “ethnogenesis,” in which members of these communities come to see these cultural artifacts not merely as local variations on the larger Scottish or British themes but representing a distinct identity despite the absence of a formally distinct language, in some ways similar to the arguments made by Andalusians in southern Spain.

Unlike that case, the formulation of Shetlandic and Orcadian identities, as significantly distinct from the larger identity, appears to have only limited acceptance. That said, and in some ways parallel to the Spanish case, the stimulation of ethnic nationalism elsewhere, particularly in Scotland but also Faroe, seems to be leading to an emerging shift towards the acceptance of the distinctiveness of the islands and, for some, the suggestion that this distinctiveness gives rise to legitimate claims for institutional differentiation. This process, normally overlooked in studies of ethno-political mobilisation, represents the critical first step on a path that, for some groups, leads to significant ethno-political conflict. Yet such cases appear to fall under the spirit but not the letter of European law. How various institutions and states will choose to address similar movements is unclear, but that new “nations” can appear within “old Europe” suggests scholars and policy-makers should develop an understanding and framework to address such possibilities.

## **European Norms and Institutions**

Over the past two centuries, a variety of approaches have been adopted by European states and intergovernmental institutions to address a fundamental tension: the number of nation-states, often formed around and advancing a single national identity, is far fewer than the number of autochthonous communities these states encompass. Since the end of World War II, five distinct strategies have been attempted, at various times and by different states, to address the potential vulnerability of ethnic minorities within sovereign states.

International guarantees for minority rights was the option that most closely paralleled the League of Nation’s “minority treaties” system; as a result, it was largely discredited, at least among the negotiators. Some sought to establish a clearer system of controls for Central and Eastern Europe, where the problems appeared the most intractable. Oscar Janowsky proposed a regional federation of national territorial subdivisions (Janowsky 1945. 145–147.). Others proposed a universal system of

minority protection, arguing that the principle applied to all states and that restricting its application to Eastern Europe was one of the main failings of the League system (Jackson Preece 1998. 99.). However, the skepticism over League-style solutions undermined support for this option.

A second option, in part stemming from the Potsdam conference, was to (primarily) transfer populations or (rarely) adjust borders in an attempt to homogenise the populations of individual states; this option was used almost exclusively in Central and Eastern Europe. In addition to the Allied agreement to transfer 6.5 million Germans out of Poland, Czechoslovakia, and Hungary to Germany (Jackson Preece 1998. 103.), a number of bilateral agreements provided for population transfers (i.e. Greece and Turkey). Yugoslavia and Romania unilaterally encouraged emigration of their German populations. Border revisions were used much less frequently, in part because the ethnic map of Eastern Europe made such an approach unlikely to yield the desired results; indeed, of the various border transfers made during and after the War, only the redrawing of the border between Italy and Yugoslavia around Trieste appears to have been solely a function of accommodating ethnic realities.<sup>1</sup>

A third approach was to emphasise individual human rights rather than attempting to protect group rights; by focusing exclusively on individual rights, this approach would undermine the emphasis on group rights, which came to be associated with the numerous problems and eventual failure of the League system, while also discrediting potential minority mobilisation in Western European countries. Furthermore, the establishment of universal human rights in a Bill of Human Rights appeared most consistent with the principles underlying the formation of the United Nations. Supporters of this approach argued that the central problem with the treatment of minorities was the barriers to equal treatment based on ascriptive characteristics; the problem was not a “minorities” problem but one of individuals failing to realise their basic individual rights. Critics pointed to two problems with this approach. First, there was no guarantee that the enforcement of human rights would be any more successful than that of minority rights under the League. Second, some argued that minority rights were inherently group rights; any solution proposing to advance universal human rights was by definition supporting the majority against any minorities.

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1 The Soviet Union, in extending its control over the satellite states of Eastern Europe, relied on simultaneous border adjustments and population transfers.



Of the two other options, assimilation was most closely in line with historical attempts in Western Europe to achieve an idealised homogenous nation-state, albeit by ostensibly less violent means than ethnic cleansing, population transfers, and border adjustments. Assimilationist policies had long been used within France, Spain, the United Kingdom, and elsewhere, with a particular reliance on public education to advance a singular national identity at the expense of regional identities and languages (see e.g. Weber 1976). Critics countered on a number of fronts. First, there was no guarantee that assimilation would permanently protect individuals; the Nazis did not differentiate between assimilated and practising Jews. Second, assimilation seemed contrary to the principles of national self-determination institutionalized at the end of World War I. Third, some argued that assimilation represented cultural genocide and was an anathema to democratic states: “cultural genocide represents the end whereas physical genocide represents the means” (quoted in Alcock 2000. 101.). Finally, assimilationist policies were seen by some to be as likely to provoke minority resistance as to alleviate it (Miodownik–Cartrite 2006).

The stark alternative to all of these approaches was cultural pluralism, in which minority groups were tolerated and supported alongside the majority; such an approach was clearly antithetical to the nationalist framing of the nation-state. Furthermore, the numerous problems of the multi-ethnic empires prior to World War I could be seen as indicative of the weakness of this alternative, despite counters that such empires were only minimally tolerant of ethnic minorities and certainly did not seek to provide them rights and protections equal to the majority. However, over the past three decades, a range of European institutions have been established which, practically speaking, protect the rights of autochthonous communities within existing states, *de facto* requiring member states to adopt the multicultural approach. Such measures date back at least to the Community’s *Charter of Rights of Ethnic Minorities* (1981).

As the Commission of the European Communities study “Lesser Used Languages of the European Union (1994)” noted, some 40 autochthonous minority or regional languages had been identified and were in use by an estimated 40 million European citizens. The European Commission has overseen research and education initiatives designed both to encourage language acquisition and to preserve the multilingual nature of Europe. In addition, the independent European Bureau for Lesser-Used Languages, which ceased operations in January 2010, was responsible for

coordinating activities and funding research and cultural projects among its member states.

As a result, the equation of a minority group with the existence, however tenuous, of a distinct language represents a critical formulation. Funds, legal and institutional support, and other opportunities are readily manifest for such groups (even if more in spirit than in official practice). However, the equation of linguistic with ethnic distinctiveness is problematic, in that dialects and languages are in a constant state of flux. Language death represents a salient issue globally, but language revival and divergence represent real dynamics, even if rarer. Interestingly, European positions provide a modest incentive to establish the “fact” of linguistic distinctiveness, and the increase in efforts to preserve and indeed extend the teaching of local languages and dialects in recent years in many highly varied locales in Europe must be understood in this light.

## **England, Scotland and Britain**

As the very name *The United Kingdom of Great Britain and Northern Ireland* suggests, state policy towards autochthonous communities in the British Isles has rested partially on institutional accommodation, under which a civic British identity tolerates multiple ethnic identities. However, the British Isles have included a wide array of peoples and languages over the centuries; only a small remaining number suggests the power of assimilationist policies central to the building of the English state. The institutional and cultural assimilation of Cornwall, leading to the disappearance of the Cornish language for more than a century, contrasts with the institutional cooptation of Wales while the language and culture of the region persist. The complicated story of the relationship between England and the Irish encapsulates the entire array of options described above, with no equilibrium having been reached.

English relations with Scotland represent, at least on some vectors, the most complicated story of the British Isles. On the one hand, Scotland had established itself as an independent kingdom early in the Middle Ages in part through the resistance to expansion by England and various Norse states, and in part through the conquest of a variety of autochthonous peoples. After centuries of conflict with England, an Act of Union was signed in 1707 that allowed Scotland to retain its legal, educational, and religious systems while merging the English and Scottish parliaments

into a single one at Westminster; the new entity was titled Great Britain. At the same time, resistance to this new institution, styled by some at the time as the selling of Scotland by her elites over the wishes of her people, became associated with the Jacobite resistance, whose ultimate failure led directly to the quashing of Highland Scots culture and language. Interestingly, once the Highlanders were “tamed”, their culture was revived in the 19<sup>th</sup> century through the efforts of, among many others, Sir Walter Scott, in which Highland culture was romanticised and increasingly associated with the whole of Scotland.

While Scotland was overrepresented in the British Imperial administration and military abroad, efforts towards Home Rule in Ireland in the later 19<sup>th</sup> century were echoed in Scotland. Scottish nationalist organisations emerged, building on prior cultural organisations, in the latter decades of the century, formalising as political parties as early as 1900. The merger of the National Party of Scotland with the Scottish Party in 1934 created the Scottish National Party (SNP). The needs of the Labour Party for SNP support in Parliament to support for “devolution,” the transference of political and administrative authority to a Scottish institution, starting in the 1960s, facilitated by the discovery of North Sea oilfields off of Scotland, culminated in a referendum for devolution in 1979. The referendum, while supported by a majority of votes cast, failed to meet the threshold of 40% of the electorate and the Labour government collapsed. After the long tenure of Conservative rule in Britain, the Labour government of Tony Blair put forth another referendum for devolution in 1997; this vote, which passed overwhelmingly, led to the (re)establishment of the Scottish Parliament in 1999.

### **Similarities between Shetland and Orkney**

*‘We are Orcadian first, and Scottish second’ (quoted in McClanahan 2004. 25.).*

Bagpipes, kilts, haggis, and *Gaelic*: these cultural artefacts, derived from the Highlands and Western Islands of Scotland, are now commonly attributed to the whole of Scotland (McCrone–Morris–Kiely 1995. 50–56.). Indeed, the Scottish Parliament itself appears to promote this rather simplistic view of the Scots through its emphasis on *Gaelic* media and education. And although this representation of the Scots belies considerable cultural, historic, and linguistic diversity within Scotland,

from Aberdeenshire in the northeast to the cities of the Central Belt and down into the Borders region and Dumfries and Galloway, Scottish nationalists have emerged as a stable and increasingly potent factor in Scottish and, to a lesser extent, British politics. Arguing the need for an independent Scotland to protect and advance Scottish identity and interests, the SNP represents one of the most powerful ethno-nationalist parties in Western Europe today.

Interestingly, within Scotland, there are two regions whose inhabitants generally see themselves as distinct not just from Highland tartanry but from the Scots more broadly: Shetland and Orkney. The peoples of these two archipelagos, situated off the north-east Scottish coast and part of Scotland since 1468-9, never operated under the clan system associated with mainland Scotland. Rather, they trace their heritage back to the Norse settlement of the 8<sup>th</sup> century, the now extinct *Norn* language (bits of which survive in the local dialects and place-names), the once-powerful Orkney *jarldom*, and decades of, at best, benign neglect by Edinburgh and later London. While a sense of being “Orkadian” and “Shetlander” is pervasive among the inhabitants of the islands, the meaning of these categories appears to be contested.

Both the Shetland and Orkney archipelagos consist of dozens of islands, only a few of which are inhabited. The island groups represent the boundary between the North Atlantic and North Sea and, despite their northern latitudes, enjoy relatively mild winters and short, cool summers due to the warmer waters of the Gulf Stream. Both island groups were occupied during the Neolithic period over 5000 years ago (some evidence of Mesolithic occupation in Orkney was discovered in 2007), subsequently occupied by Picts from neighbouring regions of Scotland, and were then occupied by large numbers of Norse coming primarily from what is today Western Norway.

Although Shetland was under the direct control of the Norwegian (and later Danish) crown while Orkney was administered as a somewhat independent *jarldom* (earldom), both island groups were pledged as collateral by the King of Denmark in his daughter Margaret’s marriage to James III of Scotland. Despite subsequent attempts by the Danes to redeem the islands, Scotland formally annexed the islands in 1472, imposing Scottish law and significantly opening up trade with Europe more broadly. Increasingly, Scots immigrated to the islands, helping boost their populations to roughly 20,000 inhabitants each. However, Scottish attention was increasingly oriented towards England and the

long process that culminated in the establishment of Great Britain. Shetland and Orkney were, as a result, increasingly marginalised and indeed forgotten. Scottish cultural hegemony remained, however, and the old Norse language finally died out in the 18<sup>th</sup> century, replaced by local dialects of Insular Scots.<sup>2</sup>

Both island groups experienced a demographic boom in the mid-19<sup>th</sup> century associated with the advent of commercial fishing. Immigration from Scotland and elsewhere boosted the population in each island group in excess of 30,000 by 1870. This influx of people from outside the islands furthered the process of cultural assimilation well under way, although despite the tremendous *relative* increase in both population and economic output, Shetland and Orkney remained small, relatively isolated parts of the United Kingdom. After the boom of commercial fishing waned, the population of both islands suffered a long, steady decline so that by 1971 the population of both island groups had dropped below 19,000.

Politically, Shetland and Orkney have perhaps been most notable as the safest constituency for the Liberal-Democratic party, consistently rejecting both Labour and the SNP, the main players in Scottish politics in the past few decades. In terms of political parties, although there was a brief ethno-political period represented by the Shetland Movement (1977) and Orkney Movement (1980), little overt political success has been achieved. The highpoint of the movement was the joint contestation of the Westminster parliamentary seat in 1987 (which the Scottish Nationalist Party agreed not to contest): although the movements received 15% of the vote, they finished behind all three of the UK-wide parties. Neither party has contested the Scottish parliamentary elections nor the Westminster seat since then; rather, both the Shetland-Orkney Westminster seat and the Shetland and Orkney seats in the Scottish Parliament have been safe Liberal-Democrat constituencies. Part of the failure of these two political efforts, according to Lynch (2001, 208–9.), is due to their ambiguous position as both political parties and broader interest groups; in council elections, for example, while the two have fielded candidates, many councillors associated with other parties have nonetheless supported the movements' efforts.

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2 English and Scots Gaelic (in which only a very small percentage of the population is fluent) are the two official languages in Scotland, although Scots is being considered for such a designation. Ulster Scots enjoys official status in Northern Ireland. Insular Scots is the Lowland variant of Scots brought to the islands by Scottish immigrants from the Central Belt and southern Scotland.

The political distinctiveness of the two island groups relative to Scotland was somewhat evident in the 1997 referendum on the establishment of a Scottish parliament. Turnout was lowest in Shetland (51.5%) and third lowest in Orkney (53.5%), compared to an average turnout of 61.53%. On the first question (whether there should be a Scottish Parliament), Orkney recorded the lowest rate of “yes” votes (56.98%) of all districts, while Shetland was the seventh (63.67%), compared to an average of 72.18% in favour. On the second question (whether or not the Scottish parliament should have the power to tax), Orkney again came in lowest (47% and one of only two regions to vote “no”), while Shetland was the eighth (52.5%), compared to an average of 61% in favour. Indeed, the prospects of a “no/no” vote, particularly in Orkney, generated discussion regarding the possibility of requiring such constituencies to come under the authority of a devolved Scottish parliament.

### **Differences between Shetland and Orkney**

“A Shetlander is a fisherman with a bit of land; an Orcadian is a farmer with a boat.”

Initially, Shetland (and Caithness on the Scottish mainland) was part of the locally powerful Earldom of Orkney and, as a result, during the early centuries of Norse rule, their paths were intertwined. Shetland found itself at the centre of the sprawling Norse empire in the North Atlantic, close to Norway and on routes to Faroe, Iceland, and Greenland; this strategic location provided additional incentive to the Norwegian and later Danish crowns for considerable direct control of the islands. Conversely, the *jarldom* lay along the major route from Denmark and Norway to northern Scotland, the Western Isles, and further to Ireland and the Isle of Man, providing Orkney with resources that allowed it to establish itself from an early date as a relatively independent power. Indeed, Orcadian power extended into Caithness and Sutherland (“Southland”) on the mainland where, for centuries, the earls of Orkney were increasingly in conflict and integrated with the dynamics of Scottish state formation. The lack of significant control of Orkney by Norway and, later, Denmark allowed the *jarldom* to remain reasonably open to trade for agricultural goods, woollens, and fish during the period, in contrast to Shetland. When combined with the somewhat earlier infiltration of

Scots into Orcadian society, including the lowland Scots language, the transference of Orkney to Scotland in 1468 represented a far less severe transition than did the change in Shetland the following year.

In addition to the distinct historical trajectories of the 8<sup>th</sup>-15<sup>th</sup> centuries, other differences between the islands appear significant. Differences in topography have resulted in important economic differences for millennia, with Orkney supporting a relatively large agricultural base when contrasted to the pastoralism of Shetland. Shetland has fishing as the largest source of economic productivity, although in 2007 this represented less than 50% of economic activity, with government services coming in second, followed by oil and distantly by agriculture, tourism, and knitwear (Shetland in Statistics). By contrast, employment figures suggest that Orkney's largest sector is now tourism, due in no small part to the proximity of mainland Scotland, followed by agriculture (particularly beef), fishing, and oil (Orkney Islands Council). While both economies depend on fishing and, more recently, oil as significant sectors, the Orcadian economy is much more diverse than that of Shetland and, particularly through tourism, more dependent on Scotland.

Despite the considerable similarity between the paucity of formal ethno-political mobilisation in Shetland and Orkney, there remain notable differences in terms of cultural activism around the two identities. In 1947 the New Shetlander literary magazine was established to provide local authors an outlet for their creativity; from the beginning, the magazine has published works in Shetlandic, the local Scots dialect. In 1969, to mark the 500<sup>th</sup> anniversary of the transference of Shetland to Scotland, students created the Shetland flag (the colours of the Scottish Saltire but with a Scandinavian cross design; it was not officially recognised until 2005). And attempts to standardise Shetlandic led to the publication of a dictionary in 1979, which in turn generated ongoing attempts to include language instruction in schools.

Perhaps not surprisingly, attempts to standardise the Orcadian dialect of Scots and the establishment of other symbols have lagged behind those in Shetland. An Orcadian literary journal with some publications in the dialect, *Orkney Voice*, appeared in 1983 but folded in 2002, when no younger editors could be found to take over the journal. Activists interested in advancing Orcadian published a wordbook (1995) and dictionary with grammar (1996); little advance has been made in terms of proposals to include teaching the dialect in schools, however. Finally, a flag was designed and accepted, by referendum, only in 2007.

## The “New Nations” of Shetland and Orkney

Much of the current energy regarding Shetlandic identity focuses on the desirability of standardising and teaching the local dialect. Some argue that to standardise the dialect across its many variants in the islands would be to effectively kill an organic, evolving language. Others see in attempts to standardise and teach the language the possibility of a “nationalist” agenda for possible secession from Scotland and/or the UK. As it was the case in Faroe, proponents of language standardisation argue that such a move will help save a dying culture independent of the political implications of such an advent.

Interestingly, Scottish nationalism, the successful reestablishment of a Scottish Parliament, and the Scottish National Party’s (SNP) goal of independence appear to be exacerbating this debate. Individual interviews clearly indicate that Shetland is perhaps the least Scottish part of Scotland, with evidence of its Norse roots and ties to Norway and Faroe, in particular, found throughout the islands. Interestingly, the establishment of the Scottish Parliament increased the institutional distinctiveness of Shetland: in addition to the Shetland Islands Council, the islands represent a single constituency in the Parliament (Orkney and Shetland together comprise a single Westminster constituency). Calls by the SNP for independence raise concerns for interviewees, most of whom expressed the desire that the whole issue be set aside for the time being. However, the possibility of a Faroese secession from Denmark clearly impacts the view of some interviewees as pointing to the potential secession of Shetland from any Scottish secession and of outright independence. For the time being, however, these are salient if purely speculative concerns.

Individual interviews suggest that, from the Orcadian perspective, Shetlanders are more “aggressive” or “in your face” about their identity than are Orcadians. However, there does also seem to be a stronger sense of anti-Scottishness in Orkney than in Shetland (where Edinburgh is often thought to be as removed from local interest as London or Brussels). And, notably, Orcadian resistance to the establishment of a Scottish parliament was somewhat higher than in Shetland.

In the short run, the appearance of political parties along the lines of the Shetlander and Orcadian movements seems unlikely. While many of the factors established by Cartrite (2003) as significant preconditions for ethno-political mobilisation have been put in place, the critical role



a distinct language appears to play in subsequent activism is, as yet, missing. In this light, however, the efforts of a few highly committed intellectuals in Shetland and Orkney towards increasing the use of the local dialects and their inclusion in school curriculum, similar in many respects to the efforts of autochthonous activists in other groups during the 19<sup>th</sup> century that gave rise to current nationalist movements throughout Europe, necessarily raises the possibility that, should their efforts prove successful, a similar minority nationalist trajectory could unfold. Indeed, critics of these efforts in both Shetland and Orkney evoke the possibility of eventual secession as the unstated ultimate goal of such efforts.

Additionally, the potential for a Faroese secession from Denmark, while somewhat lessened by the recent financial crisis, has tangible implications for Shetland and Orkney (Cartrite 2010). Shetland in particular has historic and contemporary ties to Faroe and some interviewees in both island groups argue that a Faroese secession would provide a potent example for Shetland, particularly given the latter's considerable oil resources (which thus far the Faroese lack). Should ethno-political mobilisation in Shetland markedly increase, it seems likely that efforts in Orkney would increase in response.

Although Shetland and Orkney remain oft-forgotten constituencies within Scotland, the trajectory of Scottish nationalism and the potential for independence there both impacts and would be impacted by Shetlandic and, particularly, Orcadian ethno-political activism. The SNP's long-held goal of independence from the UK, predicated on the need to protect both Scottish identity and interests, clearly stimulates a response from Orkney and Shetland. Indeed, the logic of Scottish nationalism would seem to support any Shetlandic or Orcadian movement,<sup>3</sup> while any arguments from the Scottish side for retaining the island groups (i.e. historical control) would necessarily find their parallel against Scottish secession.<sup>4</sup> While nothing prevents the Scottish nationalists from applying one standard to themselves and another to Shetland and Orkney, such transparent hypocrisy poses a problem for the movement.

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3 Particularly given the absence of any broadly agreed-upon standard for "distinctiveness" that might justify the differentiation between Scottish identity and those of the islands.

4 Interestingly, this parallel can be found with regards to North Sea oil. While the SNP has long held the position that "It's Our Oil," arguing that resources due the Scottish people are unfairly diverted by London, Shetlanders and Orcadians could and do make the exact argument vis á vis Edinburgh.

As the potential for an Orcadian “no/no” vote suggests, the potential problem of Orcadian and/or Shetlandic resistance to Scottish nationalism is also a potential problem for Britain. London may be called in to mediate any possible dispute between the movements, should they arise. Furthermore, the partitioning of Ireland following Irish Home Rule, with the retention of six of the nine counties of historic Donegal by Britain in the form of Northern Ireland and the subsequent decades of turmoil and violence there, may stimulate a reluctance on the part of London to intervene in any emerging political dispute within Scotland, yet it may find itself unable to do so. On a different line, an “ethnogenesis” in either Shetland or Orkney based on a dialect raises prospects within England for efforts to promote regional identities as distinctive enough to justify the establishment of institutions recognising such difference, particularly in northern England. Indeed, the absence of an English “parliament” comparable to the devolved institutions of Scotland, Wales, and Northern Ireland, the so-called “West Lothian question,” and the pressures arising from this perceived institutional imbalance would no doubt be exacerbated by any mobilisation in the northern islands.

With regards to Europe more broadly, the potential secession of any region from a member state raises significant implications for the European Union more broadly. While a Faroese secession might generate few follow-on effects, given that Faroe remains outside of the European Union as part of the terms of Home Rule with Denmark, the secession of Scotland would likely have significant effects in other highly-mobilised regions such as Flanders, Catalonia, and the Basque Country, among many others. An Orcadian or Shetlandic secession absent Scottish independence, a highly unlikely scenario, would likely have much more muted effects. But the European Union arguably has a strong incentive to promote the institutional integrity of member states, as any sudden increase in the number of member states through the break-up of existing members could easily destabilise European institutions broadly. Thus the Union finds itself interested in promoting both the decentralisation of some authorities under the principle of subsidiarity and concerned with the potential such decentralisation has for stimulating ethno-political mobilisation (Miodownik–Cartrite 2010).

These scenarios are, of course, merely speculative. What is clear is that Shetlandic and Orcadian identities remain highly contested in terms of how their putative members perceive the degree of distinctiveness and any political implications such distinctiveness may engender. The efforts

around, in particular, linguistic activism remain limited to a relatively small number of people in each case. That said, clearly the identities are in flux and such efforts are having effects. Faroese secession, should it occur, will have an impact on identity mobilisation in the islands, particularly Shetland. Scottish nationalism is also stimulating nascent ethnogenesis, while North Sea oil provides a degree of economic stability, if not explicit incentives, that can further the goals of activists in the islands.

However, it seems likely that any attempt from the outside to stifle such movements, perhaps by banning or marginalising the teaching of dialects in schools, would run counter to extant European institutions and to normative and legal principles more broadly. Preventing the emergence of Shetlandic and Orcadian identities as distinct ethnic markers is likely beyond the pale. As a result, Scotland, the UK, and the European Union must face the prospect that new “nations” may continue to appear on the European map demanding political institutional accommodations, and that such movements result, in no small part, from institutions and frameworks designed to protect existing autochthonous communities.

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**MINORITY RIGHTS AND THE DYNAMICS OF  
EUROPEANISATION: CONVERGENCE IN THE  
REGIONAL GOVERNANCE OF THE DANISH-  
GERMAN BORDER REGION  
*OR WHAT ONE PREACHES, THE OTHER PRACTISES*<sup>1</sup>**

**Introduction**

The politics of regional governance in the Danish-German border region is breaking new grounds for the European minority rights regime. Drawing not only on their well-developed cross-cultural competencies and social capital but also on years of institutionalised intercultural dialogue at various levels, national minorities have increasingly informed an emerging regional discourse seeking economic development through cross-border institutionalisation and capacity-building (Malloy 2009). When a need for new cross-border infrastructure or service projects is identified, it is often the members of the national minorities that spot the opportunities. When harmonisation of social protection regulation was identified as a major hurdle to labour commute across the border, national minorities engaged their national heads of governments to address the issue. When the 2007-2013 INTERREG Commission was established, representatives of national minorities were seated alongside local representatives. When public authorities and local governments meet to review cross-border projects and progress, national minorities participate. When the Euroregion assembly meets, representatives of national minorities take their seats as elected officials. However, this is by no means a ‘best case’ scenario. National minorities have fought hard for increased influence through their local commissions and representative offices. Their political parties have been active since the end of World War II (Kühl 2001). And still there are areas where they are excluded from,

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1 Work in progress. Please, do not quote without permission. Comments are welcome. Contact: malloy@ecmi.de.

even though their actions complement the ongoing strategy definition (*Competence Analysis* 2007). But whereas the early years saw minority parties pursuing an emancipation discourse, the broader European integration discourse has seen them turn to regional development (Klatt-Kühl 1999). Thus, years of trust building have enabled a 'marriage' between former antagonists in the common pursuit of regional development and European integration.

The notion that national minorities can promote rather than obstruct European integration has yet to be accepted in politics and explored fully in political science. When new capacities emerge and new spaces for politics become defined, national minorities are rarely seen as primary actors. This is because these minorities in Europe continue to live in the shadow of the historical events of the nineteenth and the twentieth centuries, when they had been seen as obstacles to nation and state building (Jackson Preece 1998). A normative regime that emerged after the disruptions in Europe in 1989 has begun a reversal of this negative attitude, but has yet to shed itself of the statist doctrine whereby national minorities are seen as trouble-makers likely to create intrastate conflicts (Malloy 2005a). The fact that in the Danish-German border region national minorities have joined local political elites in a quest for regional cross-border development is thus a unique example of local cross-cultural capacity building, which refutes the old notion of "one state, one nation." The need to define a new border region profile that can promote the region as modern and European has mobilised cross-cultural competencies and the social capital of the minorities, who in turn have created a role for themselves as cultural actors in a space where regional politics and minority politics now converge and act together towards a common goal. This politics is informed not only by the EU's cohesion strategy, the Regional Policy but also by the Council of Europe's democratisation strategy, especially the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980), (hereafter the Outline Convention) and the European Framework Convention for the Protection of National Minorities (1995), (hereafter the Framework Convention). Indirectly, the Helsinki Process initiated by the Conference on Security and Co-operation in Europe (CSCE), after 1995 the Organization of Security and Co-operation in Europe (OSCE), also influenced the minority governance regime in the Danish-German border region. EU Structural Funds played a first role in initiating cross-border co-operation, whereas

the establishment of a Euroregion institutionalised the partnership. But it was the Council of Europe's normative framework on minority rights, the Framework Convention, which became, if not key, at least a major factor in ensuring national minority participation in this co-operation. There is thus reason to argue that the intersection of these integration strategies makes for a view that the democratisation narrative on minority rights converge with the Europeanisation narrative in this border region. A convergences view of these narratives therefore lends itself to support a different view of the European minority rights regime, a view based not as heretofore on normative frameworks but also on the dynamics of Europeanisation.

## Minority Politics and European Studies

The study of national minority existence in Europe has been the focus of historians as well as legal and international relation scholars for half a century (Claude 1955; Laponce 1960; Sigler 1983; Van Dyke 1985; Kymlicka 1995; Jackson Preece 1998; Vieyetz 1999; Henrard 2000).<sup>2</sup> The bulk of this research focuses on the plight of national minorities, especially after major bellicose conflicts in Europe, as well as on the rights of members of national minorities to preserve and develop their cultural identities. The approach of most of these studies is normative. It is only in the last couple of decades that political scientists have turned their attention to the role of national minorities as political actors in developed democracies (Keating 1988; Hannum 1996; Kymlicka 1995, Keating 1998; Keating 2001; Kymlicka–Opalski 2001; Keating–McGarry 2001, Malloy 2005a).<sup>3</sup> While much of this narrative focuses on the political and institutional accommodation of national minorities in terms of self-government or self-administration, such as collective autonomy within unitary and federated states, it also takes a normative view. This narrative is informed by both the security and the justice discourses but has remained frozen in its focus on the national state due to the substantial number of national minorities that gained collective autonomy rights

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2 For an excellent overview of national minorities in international relations, see Jennifer Jackson Preece 1998. For a discussion of national minority rights, see Kristen Henrard 2000.

3 Most notably the work of Will Kymlicka, see Kymlicka 1995 and Kymlicka and Opalski 2001. For a political theory of national minority rights, see Malloy 2005a



within European national states in the twentieth century.<sup>4</sup> One offspring of this narrative has put national minorities in the perspective of European integration and speculated whether autonomous national minority regions might be mobilising within the politics of multilevel governance in the EU (Malloy 2005b; Malloy 2008). Thus, little has been written about national minorities as political actors in regard to cross-border issues, with a few exceptions in the study of Euroregions (Klatt 2006; Bray 2002). Even these studies focus mainly on the institutionalisation of Euroregions and less on the fact that national minorities have been, if not the primary advocates of these type regions, at least at the forefront. This paper offers, therefore, a political sociology analysis of a new type of minority-majority politics in the Danish-German border region, which focuses specifically on the actions and functions of national minorities in relation to Europeanisation.

The theories that inform this analysis include neo-institutional theories about international, regional and local politics. The analysis of local capacity building is informed by Caitriona Carter and Romain Pasquier's new research framework on 'EU capacity' at the regional and local level (Carter-Pasquier 2006). This new framework focuses on the capacity that regional and local actors develop and implement to create new spaces for politics. Arguing that since existing institutional dimensions have been studied widely and with mixed results in terms of 'multilevel governance,' Carter and Pasquier wish to go beyond the deterministic approach and find new ways of understanding the relationship between European integration and regional governance. In particular, they wish to focus on processes of change as exemplified in local *ex post* and *ex ante* strategies about EU integration based on formal and informal polity-making, as well as identity construction and ideologies about EU polity-building. Representations of territory are thus at the core of their agenda. Next, the theory of hybridity of border regions proposed by Christopher Browning and Pertti Joenniemi augments this view with a non-state perspective (Browning-Joenniemi 2007). They argue that there is a conceptual possibility of seeing peripheral areas as hybrid based on a refusal to think in terms of the neat territorial packages of modernist frames of reference. Hybrid political spaces allow for creativity and conceiving of subjectivity outside of the either-or strictures of sovereignty. Thus, a major aim is to overcome the divided

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4 For an overview of autonomy arrangements, see Hannum 1996

sociality and move towards joint economic prosperity.<sup>5</sup> In a similar vein, but from a very different perspective, William E. Connolly argues for de-territorialisation of politics, regional or national, as a result of the disaggregation of democracy, which identifies elements of a democratic ethos that extend beyond the walls of the state (Connolly 1995. 155.). This is a globalisation view that refutes the notions that the state is the ultimate agency of self-conscious political action, and demands of us to rethink the relation between sovereignty and democracy. Finally, Michael Keating also argues for disaggregation of sovereignty, highlighting the increasing importance of the region as a self-identifier as opposed to traditional nation-state identification (Keating 1998). This, he holds, has implications for the future of regional politics in Europe. Mechanisms are developed to deal with the changing global outlook of the economic and cultural landscapes. These mechanisms pay attention not only to the promotion of local economic growth but also to the construction of identities, territorial solidarities and territorially-based systems of action. In this scenario, national minority cultures are revalorised and made more visible through information technology and dissemination of cultural production. The value of national minority cultures is therefore entering the sphere of internationalism through European integration.

## The Border Region

Geographically, the Danish-German border region coincides with the old Duchy of *Slesvig* (Danish) or *Schleswig* (German), which covered the area from the River *Eider* in today's Schleswig-Holstein to the River *Kongeåen* in today's *Region Syddanmark*. Since the twelfth century, the Duchy has been under the rule of both Denmark and Germany at different times, with predominantly Danish rule. Throughout this period, both the Danish and the German cultures and languages have been living side by side. The permanent division after a referendum in 1920, which offered the people of the Duchy the opportunity to decide to which nation-state they wished to belong, put an end to the political entity of the Duchy and institutionalised the splintering of a common bicultural identity. The

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5 In the case of Gibraltar, the local Spanish authorities in the region of Campo, which borders to Gibraltar, have shown interest in co-operating with authorities in Gibraltar on issues of trade and tourism, even in spite of opposition from Madrid (Browning and Joenniemi, 2007. 11.).

events and conflicts of the twentieth century scarred the relationship between the two nation-states almost irreconcilably, and the rebuilding after 1945 of a co-operative relationship and a common regional border identity has been a slow and difficult process. NATO membership, EU integration programmes, Council of Europe democratisation programmes, Schengen co-operation and other external factors, such as globalisation of the European space, have helped speed up the reconciliation process in the border region. Today, an emerging “European Schleswig” region is searching for a marketable modern profile that can serve it for the twenty-first century.

Close to 1 million people live in this border region, which covers roughly 10,300 km<sup>2</sup>. Approximately 12.5% of the border region population belong to national minorities recognised by their respective nation-states. These are the Danish minority in Schleswig-Holstein and the German minority in Southern Denmark. In addition, there is a sizeable Frisian minority and a very small Roma community in Schleswig-Holstein. The highest concentration of minorities is found in Stadt Flensburg (21%) and Kreis Nordfriesland (30%). In the four Danish municipalities nearest to the border, where the German minority lives, the concentration is between 5 and 8%. No exact numbers exist, as census does not collect data on ethnic origin in Denmark and Germany. It is often unknown to many that the Danish-German border region is culturally one of the most diverse border regions in Europe. In total, including immigrant communities, at least eleven different population groups are identified in the border region (Klatt 2006). Immigrants may again be subdivided into numerous nationalities. In 2005, at least thirty-one nationalities were registered in Schleswig-Holstein alone. In addition, the region is home to at least seven different languages or dialects.

In spite of this variety of cultures and languages in the border region, the region is seldom described as multicultural or multilingual. At most, there is a general recognition that it is a bicultural region with two national cultures centred on a national border. The regions on either side of the border are more often depicted as monolingual. The local media is monolingual. The profile of the border region is therefore linked to those aspects of national borders that have dominated Europe in the 20<sup>th</sup> century: separation of sovereignties and separation of cultures. Interculturalism remains largely an ethos of the political elites and the minorities. Consequently, in the minds of the majority populations in the border region, the identity of the region is usually seen as the meeting

place, first of all, between two nation-states, and next between Europe and the North, or Continental Europe and Scandinavia.

The Danish-German border region is furthermore peripheral in terms of the national economies of both Denmark and Germany. An uneven development between the two national economies in recent years has intensified the interaction across the border. While the Danish region closest to the German border was experiencing the Danish economic boom, Schleswig-Holstein continued to suffer economically from the unification of Germany. Socially, the border region is experiencing demographic patterns similar to many border regions in Europe. The population is ageing, and the young often find a greater variety of opportunities outside the region. The problem of how to retain the young is a challenge for both the general population and the minorities. The political identity of the border region is a mixture of progressives and conservatives with a growing number of Green citizens. The region is home to a number of areas in need of environmental protection, such as the Wadding Sea and its bird life. Alternative wind energy is also becoming a large part of the local economy, thus placing the region in the group of European regions, which are more innovative and progressive. At the same time, the border region also represents a number of traditional sectors, such as agriculture, light industry, border trade, shipyards, transport, cruise and cultural tourism, as well as a growing service industry. Internationally, the region is not a strong player. A joint regional identity clearly does not exist. Some have argued for a joint Schleswigan identity, based on the intercultural ethos of the old Duchy of Slesvig. Most scholars have rejected the feasibility of this as simply non-existing due to the conflicts of the 20<sup>th</sup> century (Klatt 2006). The region is therefore faced with the paradox that it needs a new identity, but it is not yet ready to capitalise on its intercultural origin.

## **National Minorities and Participation**

The history of the Danish minority as a corporate group is closely linked to its political history, which began after the annexation of the entire territory of the Duchy of Slesvig to Prussia in 1866. The group of Danes, which had become a national minority in the Federation of Germany, was initially in the majority in the population of Schleswig, but eventually dwindled due to the assimilation policies of the Prussian

regime. In 1920 the northern part of the Duchy was returned to Denmark after the referendum stipulated in the Treaty of Versailles in 1919. In the years up to and during World War II the size of the Danish minority fell to some 5-6,000 people (Kühl 2001). Immediately after the war, the minority's numbers swelled to around 120,000, but remained at this level only for a brief period and has since been reduced. Today, the estimated number of members of the Danish minority is around 50,000, or some 8 to 10% of the population in Schleswig, where most of them live.

The existence of the German minority in Denmark dates back to 1920 and the plebiscite, which returned parts of the Duchy of Schleswig to Denmark. While 75% of the population in the returned territory voted for a return to Danish rule, 25% of the inhabitants preferred the status quo. In the period between the two World Wars, the German population group in Denmark was three to four times the Danish group in Germany. A total of 32,000 Germans lived in the areas that had been ceded to Denmark (approximately 18% of the total local population). After several decades, these proportions have changed such that today exactly the opposite situation exists. Only 15-20,000 view themselves today as German minority members. For the German national minority, the years between the two wars were characterised by the hope for a revision of the border, even as bilateral relations between Denmark and Germany were increasingly strained by the rise of Nazism in the 1930s and reaching their low-point in 1940 with the occupation of Denmark by German troops. However, at the end of the War, members of the German national minority declared their loyalty to the Danish state in the hope of receiving a guarantee of equal rights within Denmark.

The North Frisians are descendants of the longest living minority group in the border region. They are believed to date back to around the 800s, when a first wave of Frisians settled on the islands off the West coast of Schleswig-Holstein. Later, they populated also the western part of the mainland. They are called North Frisians because they form part of a much larger group of Frisians spanning the Atlantic coast line of Germany and northern Holland. While it may be easy to think of the North Frisian people in Schleswig-Holstein as the younger brother of the minorities, the North Frisians today number around 50,000, thus equalling the size of the Danish minority. It is unknown how many of Frisian descent live in Denmark. In Schleswig-Holstein most North Frisians live in the Kreis Nordfriesland, which is Schleswig-Holstein's largest county. It is estimated that they constitute about 30% of the population in Nordfriesland, thus

a stronger presence than almost any language or national minority in European states, aside from the autonomous minority regions of South Tyrol, Catalonia or the Basque region (Steensen 2005). The number of the North Frisians has remained fairly steady in modern times except for periods of economic depression when especially the islanders were forced to immigrate and many went to North America.

Except for the Roma community, the three national minorities have constituted themselves efficiently as corporate groups over the years. They all have corporate structures that allow them to become players in the local politics of the border region.<sup>6</sup> They have steering committees and special issues committees as well as political parties. It is perhaps at the political level that the European outlook is mostly pronounced. The two minority parties, *Sydslesvigsk Vælgerforbund* (SSV) and *Slesvigske Parti* (SP) have transformed their political discourses over the years from addressing a narrow range of minority rights issues to include the full spectrum of regional and European politics.<sup>7</sup> It is of course

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6 The numerous functions needed to ensure the right to culture of the Danish minority are according to the minority's website divided among a large number of institutions. The major institutions include *Sydslesvigsk Forening* (cultural association), *Dansk Skoleforening for Sydslesvig* (minority school system), *Sydslevigs danske Ungdomsforeninger* (youth), *Dansk Sundhedstjeneste for Sydslesvig* (social services), *Sydslesvigsk Vælgerforening* (the party), *Dansk Kirke i Sydslevig* (the church), *Dansk Centralbibliotek for Sydslesvig* (the library) and *Flensborg Avis* (the minority newspaper). In addition, a number of thematic associations exist as well as *Sydslevigs Museumsforening* (cultural heritage protection), *Fælleslandboforeningen for Sydslesvig* (agriculture), and *Dansk Erhvervsforening* (commerce). With regard to the German minority, the main organisation is the *Bund Deutscher Nordschleswiger* (or BDN, the Alliance of Germans in North Schleswig), which was founded in 1954. As an umbrella organisation of the German national minority in North Schleswig, the BDN represents around 3,900 members in matters that concern the national minority in political, economic, cultural, linguistic, and social aspects. According to its statutes, the BDN represents interests of the German national minority with respect to Denmark, Germany, and with respect to international organisations. Finally, the North Friesians have seen a more difficult post-war period mainly due to the national and border revision politics that characterised Schleswig-Holstein and the German-Danish border region after the war. Today, there are three major associations in Schleswig-Holstein representing the North Friesians. Together they meet in the *Frasche Rådj* Section Nord (Friesenrat Sektion Nord e.V. or Friesian Council North), which is the institution that represents the interests of the North Friesians externally. The main purpose of the *Frasche Rådj* Section Nord is to promote the North Friesian culture and especially the North Friesian language in Schleswig-Holstein.

7 With a combined 146 years of party experience of which 91 in local and national parliaments, the two minority parties currently represent 56,217 of the voters in the border region. In 2006, the two representatives of SSV delivered 199 speeches in the

the accumulation of social and human capital over the years, which enables the minorities to speak up and participate. In a recent study of the minorities' competencies, it was established that the minorities could well be considered a location factor (*Standortfaktor*) in terms of regional development (*Competence Analysis 2007*).<sup>8</sup> The human and social capital of the national minorities in the Danish-German border region is evidenced in the large self-administration of institutions, such as educational<sup>9</sup> and social care facilities<sup>10</sup>, but also cultural,<sup>11</sup> economic<sup>12</sup>

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Schleswig-Holstein *Landtag* alone. In 2005, the SP turned a much feared election for new regional bodies into a success.

- 8 The study, which was commissioned by the Schleswig-Holstein *Landtag*, identified hard as well as soft location factors that the minorities represent in terms of enriching the region in the views of investors. These factors were based on identification of social and human capital as well as cross-cultural knowledge of the minorities. The study also provided a toolkit for intensified co-operation across the border on issues related to national minority knowledge.
- 9 In the area of education, the number of institutions as well as the self-administration of these represents some of the strongest competencies of the minorities both in terms of human and social capital but also in terms of infrastructure. 146 private school institutions teach a total of close to 10,000 minority children in the two national languages, and one Danish school teaches in three languages. The total value of these institutions represents more than EUR 83 million.
- 10 In the social services sector, the Danish and the German minority operate a combined number of 72 institutions providing services to the elderly, the needy, and the sick. These institutions represent a value of EUR 7.6 million annually, and many members work for these institutions on a voluntary basis. In addition, both minorities help the most needy members with financing for housing.
- 11 Activities in this sector contribute to the multicultural fabric of the border region in terms of theatre, concerts, festivals, museums, youth and sports clubs, public information and libraries, media and religious services. It is estimated that some 2.700-3.000 events per year attract between 70.000 and 100.000 visitors with an additional up to 30.000 visiting the minority museums. Quantifiable evidence was also found in terms of youth participation, media and public information as well as library and archive services.
- 12 In the economic sector, minorities are actively involved in agriculture and the environment, the energy sector, the printed media, and national heritage tourism. The German and the Danish minority as well as the Frisians have long and strong traditions in agriculture. The minorities do not only provide advisory service to their farmers, but they also secure credit opportunities. In addition, the farmers of the German minority have been pioneers in organic farming and alternative energy, such as bioenergy, whereas the Danish minority is now home to a new environmental movement following the global initiative of "think global, act local". In the media sector, the minority newspapers represent a combined 200 years of experience in minority media participation and agenda setting. In national heritage tourism, the minority competencies are represented in the self-management and the funding of museums. In the general tourism sector, the national minority kitchens and the existence of minority cultures in the region are seen as positive values.

and media institutions.<sup>13</sup> Finally, at the international level, all three minorities participate in several civil society organisations.<sup>14</sup>

## National Minority Governance and Intercultural Dialogue

The main *raison d'être* of national minorities is the right to culture as stipulated in the joint Bonn-Copenhagen Declarations (1955) and guaranteed legally through Article 5 of the Schleswig-Holstein Constitution, as well as Denmark's and Germany's ratification of international conventions. It is the 'administration' of this right to culture that sets the objectives of the minorities as corporate groups, and which has developed into a strong system of functional autonomy.<sup>15</sup> The development of a minority governance regime in the border region is therefore a major factor in the argument for convergence of integration discourses in Europe.

The minority governance regime in the Danish-German border region has developed over time, taking its starting point from the Bonn-Copenhagen Declarations. These identical, legally non-binding declarations of intent started the process toward the functional cultural autonomy that the minorities in both countries enjoy today. The documents related to the rights of national minorities in the region are listed in Table 1.

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13 One of the oldest national minority newspapers in Europe is the bilingual Danish-German language paper, *Flensburg Avis* based in Flensburg. Across the border there is the German language national minority newspaper, *Der Nordschleswiger*. The history of *Flensburg Avis* goes back to 1869, whereas *Der Nordschleswiger* was founded in 1946. Together, the two newspapers represent many years of national minority news reporting and intercultural dialogue experience. In total, they print almost 10.000 copies per day and employ forty-four journalists. Both newspapers have also established publishing houses, and *Der Nordschleswiger* produces five minutes of radio news per day. Journalists from both newspapers have received prizes for good journalism.

14 These include the Federal Union of European Nationalities (FUEN), the European Bureau for Lesser-Used Languages (EBLUL), and the Young European Nationalities (YEN). The German minority has also shown skills in pioneering peace-making between other minority groups in Europe as representatives of Denmark under the auspices of the Organisation for Security and Co-operation in Europe (OSCE). The Frisians network across the North Sea in the forum for North Sea Co-operation.

15 For a description of functional autonomy, see Heintze 1998 and Malloy 2009.



**Table 1.** *Legal framework*

<b>Federal Republic of Germany</b>	<b>Schleswig-Holstein</b>	<b>Denmark</b>
Constitution of the Federal Republic of Germany (1949) <i>(individual civil and political rights)</i>	Constitution of the State of Schleswig-Holstein (1990), Art. 5, 8	Danish Constitution (1953) <i>(individual civil and political rights)</i>
Bonn Declaration (1955) <i>(politically binding)</i>	Kieler Declaration (1949) <i>(politically binding)</i>	Copenhagen Declaration (1955) <i>(politically binding)</i>
European Convention on Human Rights (1950)	Bonn Declaration (1955) <i>(politically binding)</i>	European Convention on Human Rights (1950)
European Charter on Regional or Minority Languages (1992)	Education Act (1990), Art. 4, 58, 60, 63	European Charter on Regional or National minority Languages, 1992
Framework Convention for the Protection of National Minorities (1995)	Elections Act/ (1991), Art. 3	Framework Convention for the Protection of National Minorities (1995)
UN Covenants and Declarations	Day Care Act (1991), Art. 5, 7, 12	UN Covenants and Declarations
	Radio Act (1995), Art. 17, 24, 26, 34, 45, 54	
	Act to Promote Frisian in Public Spaces (2004)	
	Other laws and local regulations	

Source: Competence Analysis, 2007

These documents inform the dialogue that takes place in the Danish-German border region. In addition, several forums exist at the federal level in Germany. These are also important for the understanding of the dialogue, as some of these had been established before the institutions established in Schleswig-Holstein and in Denmark. Clearly, there is no shortage of institutions for minority-majority dialogue in the Danish-German border region. Sixteen institutions or offices participate in the dialogue, eleven established after 1989. The development in the institutionalised dialogue is described in Table 2.

**Table 2.** *Institutionalised dialogue*

1949–1989	1989–2007
Committee for Issues Concerning the German National Minority in North Schleswig (1975)	Commissioner of the Minister-President for Minority Affairs and Culture (1998)
Liaison Committee for the German National Minority to the Danish State (1964)	Federal-State Government Conference with Minorities for a Draft Accord on the Protection of National Minorities
German Secretariat in the Danish parliament (1965)	Federal-State Government Conference with Linguistic Groups on the European Charter for Regional or Minority Languages
Advisory Committee for Danish Minority Issues (1965)	Commissioner for German Minority Issues and German Embassy Contacts in the Border Region (2000)
European Bureau for Lesser Used Languages (EBLUL) (1986)	German Federal Government Commissioner for Emigrant Issues and National Minorities (2002)
Committee for Issues Concerning the Frisian National Minority in the State of Schleswig-Holstein (1988)	Trans-Factional Initiative for Regional and Minority Languages (2003)
	Advisory Committee for the Frisian People (2004)
	DialogForumNorden (DFN) (2004)
	Secretariat for Minorities in the Federal Government (2005)
	Regional Growth Forum, Region Syddanmark (2006)
	INTERREG Commission, 2007-2013
	Discussion Group on National Minorities, German Bundestag

Source: Competence Analysis, 2007

The issues discussed in these institutions cover the entire spectrum from political and legal matters to cultural, educational, and social matters. More recently, economic and environmental issues have become part of these discussions. It is no coincidence that the official dialogue has intensified after 1989. The end of the Cold War and the fall of the Berlin Wall with the subsequent ‘revolutions’ in Eastern Europe saw increased conflict on European

soil. This required international co-operation and action on national minority protection. The legal instruments adopted to protect national minorities in the new democracies in Eastern Europe were also adopted by the Western member states of international organisations. The legal framework therefore had an impact not only in conflict prone areas, but also in Western Europe itself. As observers of the border region have argued, the international legal instruments ratified by the nation-states have contributed to the finalising of the legal struggles for recognition of the national minorities.

## **Regional (Cross-Border) Governance**

Historically, the interest in cross-border co-operation (CBC) has been the greatest in Schleswig-Holstein. The results of World War II had left the Danish government uninterested in bilateral affairs with Germany. After some years of virtually no contacts across the border after World War II, Germany's membership application to NATO and the resulting non-binding Bonn-Copenhagen Declarations establishing equal rights for the national minorities on either side of the border normalised the relationship somewhat. Schleswig-Holstein officials tried to break the ice and intensified their quest for co-operation in the decades during the Cold War. When Denmark joined the EU in 1972, the hope in Schleswig-Holstein grew that Denmark would be more interested. This was not, however, the case. Whereas the approach in Schleswig-Holstein was border integration within the EU, the view on the Danish side was defensive and protective (Klatt 2006. 249.). The border was seen as a protection against the German power. The officials in Schleswig-Holstein did not give up and continued to court the Danish national government. Even though it was against the federal agreement to conduct foreign policy directly, Schleswig-Holstein had no choice as the Danish approach at that time was entirely national. Border relations were considered part of Danish foreign policy. These conditions are now history as a first development strategy was elaborated between the government of Schleswig-Holstein and the Danish county *Sønderjyllands Amt* in 1988. From 1993, these strategies became the joint INTERREG programmes. In 2007, representatives of the national minorities were for the first time assigned seats in the INTERREG IV (2007–2013) Commission.<sup>16</sup>

16 The assignment of seats to the two national minorities in the Commission is particularly noteworthy as this apparently came as a result of the Danish government's effort to mainstream minority participation in public decision-

The cross-border Euroregion of Region Sønderjylland/Schleswig was created in 1997 on the model of pre-existing Euroregions. The Region Sønderjylland-Schleswig (as it was later renamed) works to combat regional development problems by combining forces in the areas of economic development, job market, education, culture, health, environment, and nature conservation. The goals of this increased co-operation are to reinforce – and to better develop and utilise – the Region’s economic potential (in particular in the areas of research, technology, and tourism), to create skilled jobs, improve the region’s competitiveness, and market it as an attractive commercial location. Among the means used to achieve these goals, there are measures for promoting economic development, education, and continuing education, promoting co-operation in economic policy and employment policy, promoting cultural and artistic co-operation, contact and exchange between different population groups, promotion of language knowledge, and infrastructure development. Since its founding, the Region has seen the implementation of numerous projects in the areas of economy, job market, traffic, environmental protection, sports, youth, and health. The membership of the Region’s Council includes the mayors and political leaders of the counties nearest the border, Stadt Flensburg, Kreis Schleswig-Flensburg, and Kreis North Friesland on the German side, and the former Sønderjyllands Amt, now the municipalities of Tønder, Aabenraa and Sønderborg on the Danish side. The Danish parliament, *Folketinget*, and the Schleswig-Holstein parliament, *Landtag*, have observer status. The Danish and German national minorities have now both guaranteed direct representation in the Regional Assembly as well as representation in their capacity as elected officials in their constituencies.

Eventually, when Denmark joined the Schengen co-operation in 2001, CBC became the norm rather than the exception. The co-operation initiated in 1998 was renewed in 2001. In 2007, the Schleswig-Holstein government and the newly established *Region Syddanmark* signed the most strategic document to date. The aim of the 2007 Partnership agreement is to prepare annual work plans for new projects. The annual work plans are prepared by two Steering Committees, one on each side of the border. In Region Syddanmark, a Growth Forum for business development constitutes the contribution to the 2007 agreement. The German minority has been awarded an observer status in this Forum.

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making venues. According to the INTERREG office of the Region Syddanmark, the Danish Ministry of Business and Trade issued a letter to the Region urging it to include the minorities in the new Commission.

## Convergence

Converging norms may seem an overstatement of the politics at work in the Danish-German border region. Neither the EU's Regional Policy, nor the Council of Europe's Outline Convention provision national minority rights. Indeed, one is hard pressed to find any reference to national minorities in the EU's Regional Policy. Similarly, the Outline Convention restricts its reach to local governments.<sup>17</sup> However, in stressing these ideals, they address issues of European integration that are at the core of minority rights in Europe, namely the right to participate in the management of regional affairs as well as the right to co-operate across state boundaries.<sup>18</sup> Moreover, these ideals implicitly promote the idea of a European identity. And Europeanness is a major factor in the self-identification of the minorities in the Danish-German border region. The German minority in Denmark has openly declared itself a European minority (Hansen 2003). This is not surprising given its blood relations to many German minorities scattered across Europe and the Caucasus. The Frisian minority has followed the same path for different reasons, however. While the Frisians also have brothers and sisters in neighbouring countries, they do not have a kin-state to tie them to a national identity. The Frisians history goes back to the sacking of Rome and the freedom rights won from the Holy Roman Emperor. This clearly makes the Frisians feel European before they feel German. In contradistinction to these two European minorities, the Danish minority has remained monocultural until the last decade, which has seen a turn towards Europe. Thus, the self-identification of the national minorities as European as well as regional may take it part of the way.

To many national minorities, the protection of the environment is often intrinsically linked to the protection of the minority culture because the survival of the culture is dependent on the survival of the homeland, i.e. the region's environment. The North Frisians are leading the way when it comes to Europeanising minority politics in the Danish-German border region, being eagerly involved in the protection of the islands off the west coast of Schleswig-Holstein. They are involved in a Euroregion called the Wadden Sea Euroregion, which consists of a number of islands off the west coast of Northwest Europe. The aim of this Euroregion is the preservation of the biodiversity in the wading waters off the coast,

17 See the Explanatory Report to the Convention.

18 See Framework Convention Article 15 and 17 as well as the Explanatory Report to the document.

and an INTERREG III B project supported the management of this region through the Integrated Landscape and Cultural Heritage Management and Development Plan for the Wadden Sea Region (LANCEWADPLAN). The North Sea plays a very important role in the identity of the Frisian minorities across Northern Europe. In fact, the old name for the North Sea is *Mare Frisicum* and for thousands of years the Frisians earned their livelihood from the North Sea. Moreover, the Schleswig-Holstein government has made it a goal to become a leader in the North Sea Co-operation and is openly using the Frisian minority to this end. A political roundtable organised by the Frisians in Leck (Schleswig-Holstein) in 2006 had North Sea Co-operation as the main item on the agenda. There is now an initiative in the *Landtag* to make Schleswig-Holstein the leader in the North Sea co-operation and to seek closer CBC in this area. The fusion of environment and culture is thus a potent cocktail that is likely to reinforce any politicisation of the regional identity.

The Danish and German minorities have also influenced the local development discourse in a spirit of European integration. In 2005, they were instrumental in establishing a Joint Danish-German Committee for the Promotion of Cross-Border Mobility. This initiative came into fruition on the instigation of the national minorities, who were receiving inquiries from their co-nationals as to how to handle such commuting. During the 50<sup>th</sup> anniversary celebrations of the Bonn-Copenhagen Declarations in 2005, which was attended by the Danish Prime Minister and the German Chancellor, it was announced that the two dignitaries would head up the Committee. The first action of the Committee was to commission a study analysing the barriers and obstacles individuals wishing to commute to work on the other side of the border face.<sup>19</sup> The centre-periphery relations between the national governments and the minorities in both countries thus contribute to the intensified EU integration of the two member states.

Trust has also been a major factor in this converge scenario. The ability to build trust and personal relations within national state politics is to a great extent dependent on the goodwill of the holders of political and public offices. These types of relationships have grown in the

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19 A report elaborated by the Commission cited the most common problems faced by cross-border commuters in the border region. In light of the specific problem areas, the legal situation in Germany and Denmark and at the EU level was laid out. The report covered the areas of social security, unemployment insurance, family benefits, vocational qualifications, communication and information, as well as taxation (Final Report, 2006). The number of commuters has grown considerably since 2004, when about 500 commuted daily. Today, it is estimated that 12.000 make the daily trip.

Danish-German border region as well as in the two capitals. For instance, the Director of the Schleswig-Holstein *Landtag* has been a keen actor and promoter of minority participation in the region for years. The Director has been keeping the informal channels to the national minorities alive. Other noteworthy public figures who often get mentioned in the region as friends of the national minorities are former and current mayors. Where these could have disregarded the minority presence in their constituencies, they have instead chosen to include the national minorities both formally and informally in the public discourse.<sup>20</sup> It is questionable whether this could have happened had it not been for the minority governance regimes implemented in the two countries.

## Conclusions

In Europe, minority rights are discussed primarily in terms of normative frameworks and national compliance to these as well as state practices of implementation. This has put the EU in a bad light since there are no minority rights standards in the *acquis communautaire* and new member states have argued that there is a discrepancy between the level of minority standards in old and new member states (Sasse 2005). Moreover, as a result of poor implementation of the minority rights framework in many countries,<sup>21</sup> the focus of minority research has turned to evaluating effective participation in public life (Marko 2006). Here the empirical data shows even worse performances.<sup>22</sup> However, with the

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20 The current mayor of Flensburg, a staunch defender of CBC, has learned Danish in order to communicate with his large Danish minority constituency. The mayor of Aabenraa on the Danish side has co-operated with and openly encouraged the German minority to help the German families who have settled and taken jobs in the area. Also very important to the inclusion of the national minorities in the general discourse have been the holders of the office of the Minister President's Commissioner for National Minorities and Culture. At the national level fewer examples exist, but it is not unheard that cabinet ministers as well as the Danish royal family pay 'official' visits to the national minorities. Goodwill actions furthermore include honouring members of minorities publicly for voluntary social work and with national medals. Representatives of the minorities have also been included in official government delegations, both kin-state and nation-state ones. Moreover, in 2006 the Danish Minister for Education offered an apology to the German minority for the treatment their fathers had experienced immediately after World War II (Bruhn, 2006).

21 See for instance the opinions of the Advisory Committee to the Framework Convention

22 See state reports submitted to the Council of Europe under the monitoring system of the Framework Convention

findings in the Danish-German border region, it would appear that the Europeanisation process, especially the Regional Policy of the EU has an impact on this normative framework and thus warrants more attention in terms of minority participation. We may have to rethink, therefore, the role of the EU from the perspective of normative compliance with the right to effective participation of national minorities.

This is because the right to participation is at the same time both a normative ideal and a democratic ideal (Malloy 2009). And the latter is where the spheres of the EU and the Council of Europe overlap in aim. Since the Maastricht Treaty (1991) there is no longer a doubt that the EU aims not only at economic integration but also at political integration according to democratic ideals. The Council of Europe was of course founded with the primary aim to democratise the European Continent after the devastating experiences of totalitarianism. What has happened essentially is that the cohesion policies, which the EU has instated and backed up with ample funds, have in fact resulted in seconding the Council of Europe's democratisation efforts, which were not able to yield much funding from European governments. One might say *what one preaches, the other practises*. What is happening in the border region is essentially a convergence of the *ex post* process of European integration through EU policies and the *ex ante* process of democratic participation at the local level ensured through the Council of Europe's democratisation processes. Thus a new political space has been created in the border region which allows for both regional politics and minority politics to be in play.

Since minority politics is a stable part of border region politics, the space created for regional development politics has slowly become linked to the politics pursued by the national minorities. This has not created conflict however, as the minority political parties have been pursuing regional development politics in their political platforms for years. The novelty of this political space is thus the forging of the friendship between minority groups and local leaders on both sides of the border. According to observers, the saying goes in the region that "we used to be against each other; then we started working with each other, and now we are working for each other." The novelty for minority studies is that the convergence of EU and Council of Europe policies puts the European minority rights regime in a new light – the light of politics rather than law.



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**BETWEEN “INDEPENDENCE IN EUROPE”, A  
“EUROPE WITH A HUNDRED FLAGS”, AND  
A “EUROPE OF” OR “WITH THE REGIONS”.  
CONCEPTUALISING THE RELATION BETWEEN  
STATELESS NATIONS AND EUROPEAN  
INTEGRATION IN WESTERN EUROPE (1945–2010)**

European integration may be seen as a process that substitutes, by and by, the nation-state; but it may also be that it complements its functions. Some authors even consider that, after the Second World War, and particularly under globalisation, the EU may be the “rescue” of the nation-state (Milward 1992). All nationalists of non-state nations have to take issue with this process, and the future of their nations may well depend on what interpretation is correct. However, nationalist movements and programmes define their respective nation in very different ways. They have different histories, their parties and movements have different strength. Nationalists defending “stateless nations” may govern recognised “regions” with important competences as in Scotland; they may form strong but not majoritarian parties like in Wales; or they may present their nationalism mainly in a cultural form or as a defence of the language, like in Occitania. The territory claimed by the nationalists may coincide or not with the administrative frontiers of the state they live in. These realities may influence the standpoint nationalists take on European integration, and whether to strive for independence or to be a Region of Europe, with or without a vocation to replace the state as the member unit of a united Europe.

In this paper, I am only concerned with *stateless nations* in Western Europe; I am only occasionally hinting on national minorities that have a reference state outside the frontiers of the state they live in, and I am also not going to deal with possible non-territorial nations like the Roma.

My paper describes different ways to conceptualise the relation between stateless nations and “Europe”, looking for continuities and

discontinuities of the arguments and the standpoints major movements and parties have taken on the issue.

## **1. Proudhonian Federalism, the Personalist Movement, and Denis de Rougemont's "Europe of the Regions"**

Ideas of relating "regions" to "Europe" have been formulated since the Second World War. It is often said that Denis de Rougemont, a leading member of the Europeanist movement, is the inventor of the concept of the "Europe of the Regions", a formula he widely used. This may neglect the role of some precursors like Marc Duhamel, Jean Hennessy or Charles Brun, who had already laid the bases of the idea during the inter-war years. The ideological roots of the "personalist" movement Rougemont ascribed himself to are obviously even older (Boissière 2007. 35.). Rougemont, a Calvinist Swiss, in fact continued a tradition that had started with Althusius in the 16th century. Althusius had opposed his consociationalism and (*avant la lettre*) federalism to the Bodinian understanding of sovereignty (Nagel 2009). After the Second World War, Rougemont, Alexandre Marc, and other personalists went back to authors like Proudhon to conceive a "grand design" of societal federalism. This design also referred to social Catholic ideas about subsidiarity (Schulz 1993. 93.). Rejecting the idea of sovereignty, they professed federalism as an "integral" idea, reaching out beyond the sphere of politics.

Some personalists participated in resistance movements during the Second World War. These movements developed federalist concepts for a post-war Europe. While for some of them, Europe should be united as a federation of states, they also reflected on the dissolution of the big states into small ones, or on a future European federation consisting of some (federalised) big nation-states with federations of the smaller ones (Schulz 1993. 143.). In 1941, an exiled Austrian, Leopold Kohr, even published a small article in a leftist Catholic New York journal, *The Commonwealth*, claiming for the substitution of the European nation-states by a "cantonalised" post-war Europe, emulating the Swiss model. However, the resistance groups usually gave more importance to the supra-state European federation than to internal federalisation.

Denis de Rougemont combined "Europeanism" and "regionalism", conceptualising the region as a "space for civic participation in which man comes alive to the world and to himself at the same time" (Harvie

1994. 6.). But like in Rougemont’s native Switzerland, the future units of Europe should not be based on ethnic factors. “Je crois à la nécessité de défaire nos États-Nations. Ou plutôt, de les dépasser, de démystifier leur sacré, de percer leurs frontières comme des écumoières, de narguer ces frontières sur terre, sous terre et dans les airs, et de ne pas perdre une occasion de faire voir à quel point elles sont absurdes.” (cited in Schulz 1993. 210.). However, in the Union of European Federalists, Rougemont’s organic, “societal federalist” standpoints were quickly rivalled by “Hamiltonian” tendencies to build the united Europe on the existing states. When a new European Movement was founded in The Hague (1948), the defenders of the nation-states were in majority, while “integral federalists” like Rougemont were relegated to second ranks. The interest for European institution-building clearly prevailed before the building of the regions, and, with the time, “integral federalists” had to withdraw to “lesser” European institutions around the Council of Europe. Some years later, the founding of the EEC obeyed to different, “functionalist” ideas of a spillover of economic unification to the political sphere, but in a club of six nation-states, whose existence was no longer questioned.

Rougemont, however, did not stop to propagate a “Europe of the Regions”. When critics asked him why insist on building Europe on so many regions while it was already difficult to build one on the six members of the EEC, he answered that this was just the problem: nation-states would not federate as easily as regions: “la Région ne doit pas être conçue comme un Etat-Nation en réduction” (Rougemont 1969–1970. 33.). If the regions would just be the new states, Europe would not have learnt anything. Rougemont never abandoned his integral federalism with different, non-hierarchical regions overlapping one another, of “plusieurs Europes régionales de définitions différentes.” (39). Today, Rougemont is not only seen as a forerunner of the Europe of the regions, an expression that he widely used, but also someone of ideas on “ecology, federated Europe, (with) one future” (Boissière 2007. 35.), criticising the nation-state as a common obstacle to ecological and regional solutions and to democratic participation.

## **2. Guy Héraud’s “l’Europe des ethnies” and Yann Fouéré’s “Europe aux cent drapeaux”**

While the regions of Rougemont’s Europe did not correspond to stateless nations, a different conceptualisation of a Europe of the regions



is based on ethnic groups and can be termed, with the word of one of its staunchest defenders, Guy Héraud, a “Europe of the ethnic groups”, or using the title of a famous book of the Breton nationalist Yann Fouéré, a “Europe with a hundred flags”, although both authors also used the terms “Europe of the regions” and “Europe of the peoples”.

The origins of this way to conceptualise Europe can be found in the movement of European minority nations and national minorities of the inter-war years. Spurred by the often futile minority regulations of the League of Nations, several nationalist groups united in the European Congress of Nationalities (Núñez 2001, 2010). Most of these groups were not separatist; some tried to co-operate with state-wide opposition parties, others were defending anti-nationalist ideas inspired by the Proudhonian federalism. Minority nations living in the big states of Western Europe like France, Spain, and Italy were not very well represented as these states were not part of the League of Nation system of protecting national minorities. Some members, particularly Wilhelm Heile (Schulz 1993. 118–119.) had already tried to develop a concept of Europe different from the one defended by the forerunners of a union of European states like Coudenhove-Kalergi. The movement was reconstructed in 1949 under the name of Federal Union of European Nationalities (FUEV, after its name in German). In fact, German speaking minorities, like the South Tyrolese German speakers, played important roles in the Union. While the FUEV excluded non-ethnic minorities, an intent to build a “Union of regions and national minorities”, which included some Breton separatists, regionalists from Southern France, Basques, and representatives from some Celtic nations as well as a group from the French speaking Aosta valley in Italy and the tiny separatist *Bayernpartei* (Bavaria Party), failed (1949–53). This is not to say that the FUEV had much more success. FUEV lawyers fought for minority rights, founded research and formative institutes, and were in permanent contact with the Council of Europe. The Occitan Guy Héraud was the leading intellectual of the group (Veiter 1989).

Héraud’s “Europe of the regions” was in fact a “Europe of the ethnic groups”. Ethnic groups, for him, were “nations in the original sense of the word” (Roemheld 1987. 41.), referring to the Latin word *natus* (born). However, the main defining element was language. Although Héraud has also been called an integral federalist and a personalist (Roemheld 1989. 388.), the basis of his “philosophy” is *ethnisme* (Héraud 1967). For Héraud, it is morally not acceptable to maintain an ethnic group in a minority situation as this contradicts the idea of equality of all peoples and, “in

consequence”, equality of human beings. The challenge is to substitute the “artificial” nation-states that continuously produce such situations by a sample of ethnically homogeneous units, while at the same time sovereignty passes over to a united Europe (1967. 59.). For ethnic groups, only two alternatives are open: the melting-pot, despised by Héraud, or the desired community of nations and ethnic groups living side by side (64). Formal democracy not corrected by “ethnism” is not only disadvantageous but unjust for ethnic minorities. Small and big peoples can only live peacefully together if a European Federation assures the right to self-determination of each ethnic group, but also prevents the biggest ones from re-establishing their dominance (66). Therefore, the “Europe of Mono-Ethnic Regions” Héraud cherishes has to divide the big ethnic groups like the Germans and the French, it has to elevate smaller ethnic groups like the Basques or the Catalans (meaning the whole language group) to the rank of regions (that is, members of the European Federation), while the frontiers of smaller mono-ethnic states like Norway should be maintained. While Rougemont has not considered ethnicity to be the main distinguishing element, and the frontiers of Rougemont’s regions differ according to their functions, Héraud insists on ethnicity/language as the decisive marker, and only in the case of the largest ethnic groups does he prefer division to union (leaving a small door open to functional co-operation between the different region-states of the same ethnic group in some matters).

Héraud’s description of how “shared rule” should work in Europe is not much precise. He sometimes seemed to favour three chambers, the first representing the European *demos*, the second the region-states (by delegates of their parliaments), whereas the third chamber, sometimes described as a kind of cultural chamber, is not as clearly conceived (Héraud 1988. 94.). Héraud’s critics have attacked his concept of the ethnic group, and they have underlined the impossibility to delimitate the groups clearly and separate them without violence. Héraud also widely ignores the existence of non-ethnic nations based on a national conscience and will, like the US or Switzerland. (Schulz 1993. 206–207.).

The second important thinker of a Europe of the regions as a Europe of ethnic groups is the Breton Yann Fouéré. His book on “L’Europe aux cent drapeaux” widely draws on Guy Héraud, but he also cites integral federalist Alexandre Marc (who contributed a preface) and Austrian economist Leopold Kohr (Fouéré 1968. 52.). Fouéré’s main objective is the construction of the “third Europe”. In his eyes, the Europe of the Middle Ages was based on common religion and the second Europe –

the one favoured by the EEC – on nation-states. “La troisième Europe devra être l’Europe des peuples, non l’Europe des Etats.” (21). Fouéré shares with Héraud a clear rejection of the melting of ethnic groups (165): “Le métissage ne peut être l’idéal d’une civilisation: il accélérerait l’atomisation de l’homme et son déracinement; il conduirait tout droit à l’avènement de la société d’insectes.” Fouéré follows Héraud in the idea of breaking up the big ethnic groups in many regions of equal size, and admits that these units may have special cultural relations among themselves. If an ethnic group is really too small to have its own member state, it should at least have autonomy inside this state.

Fouéré, who defined himself as an integral federalist, sees the main danger in a “super-Etat européen” (59), with a new class of technocrats (58), and at the end of this process a European “totalitarianism” (60), even imposing a common language. As capitalism and socialism alike had succumbed to nation-state imperialism and reinforced its centralist structure, the first task should be to break up these nation-states into smaller units. These “regions” could afterwards (!) federate and construct a new European Union while maintaining their sovereignty. Equal size of units (Fouéré follows Héraud here) would be desirable, but the first and foremost delimitating element is ethnicity. Fouéré’s “Europe des régions” (155), the “futurs États-unis d’Europe”, is a federation following the classical model of two tiers, with the regions as members represented in the second chamber. Fouéré has no problem in attributing stateness to these regions: (157): “Quel que soit le terme employé ... ces unités de base seront, on droit et en fait, des Etats au sens propre du mot.” It is most important that these units should be able to resist pressure from above, from the European Federation (161): “Sous peine d’être purement artificielles et vidées de toute résonance humaine, les régions-Etats devront être animées d’un esprit de résistance à l’absorption et à l’assimilation. Si elles ne le sont pas .... elles seraient immédiatement absorbées par un Etat européen unitaire, despotique et centralisé, destructeur des libertés des hommes et des groupes”. This distrust is one of the main differences with Héraud and Rougemont. Fouéré is an outspoken critic of the EEC and the other European Communities that authors like Rougemont have chosen to work for.

Fouéré insists much on the necessity to destroy the EEC and the existing states alike – a creative act. “L’Europe des peuples, qui se confond avec l’Europe des régions et l’Europe des sources (a term coined by himself), est incompatible avec l’Europe des Etats. La troisième Europe ne peut naître que si celle des Etats disparaît” (192). While states like

France would cling to their power and reject supra-national integration, (stateless) nationalist movements are, for Fouéré, "les pionniers de l'Europe des Peuples" (193): "...l'Europe des régions-Etats, l'Europe des peuples, ne peut naître que de leur victoire." (196). They are the only actors that can deliver this "revolutionary" fight, equal to decolonization (195), as they have the same rights as "tous ces peuples d'outre-mer" (131). Fouéré supports the use of violence in this fight, and he refuses to "dissociate" the violents from the non-violent masses (205): "Ce qui aujourd'hui est crime aux yeux du Code pénal français est droit aux yeux des Bretons, est le plus sacré des devoirs."

By the time of writing Fouéré's famous book, some national movements had already started what afterwards would be called the "revolt of the province". At the end of the 60s, this meant civic resistance, but violence occurred in South Tyrol, Corsica, Wales, the Swiss Jura, Belgium, and in the Basque Country. New mass movements and parties took the helm, although the old FUEV still continued. In 1985, it even refounded the inter-war Congress of European Nationalities, with 35 participating groups. But when Alexander Langer (*Alternative Liste für ein anderes Südtirol*) said that his group was also defending the interests of the Italian speakers living in this region, the Congress interpreted this as "Wunsch nach Herstellung einer Mischkultur..., die letztlich zum Untergang der Südtiroler Volksgruppe führen müsste" (wish to produce a mixed culture, which would in the last end lead to the disappearance of the South Tyrolean ethnic group, *Die Wiedegründung* 1985, 66). This rejection of "mixing" cultures was not shared by many of the new or renewed movements of the 60s and 70s. Some of the members of the Congress like the *Centre Internacional Escarré per les Minories Etniques i les Nacions* (CIEMEN, see Argemí 1993) used the catchword of a "Europe of the nations", avoiding the concept of minority, and thereby distinguished themselves from Héraud's and Fouéré's "Europe of the ethnic groups", while also insisting that the upcoming new understanding of a "Europe of the regions" promoted by the EC and the EU and the Council of Europe was not addressing the claims of the minority nationalists. The FUEV, however, maintained itself true to its belief in ethnic federalism, although it continued to use the term "Europe of the regions", too. In 1992, the FUEV proposed a "Magna Carta Gentium et Regionum", where we find the following idea (Luverà 1996, 48.): "ogni regione, in prospettiva dell'unificazione europea, dovrebbe svilupparsi come un proprio Stato regionale autonomo (...) le molteplicità culturale dell'Europa

(...) dovrà essere assicurata attraverso il diritto all'autodeterminazione e il federalismo etnico". Combining the defence of a group right of nationalities and ethnic groups with some dose of folklore, the FUEV, during the nineties, still organized some 70 associations, although some were of minor size and representativity. Today, membership stands at 45 organisations, plus 41 associated members.<sup>1</sup>

### **3. The “Revolt of the Province” of the 60s and 70s: against “Interior Colonialism” and Capitalist European Integration**

During the sixties and seventies, nationalist movements in Western Europe increased their activities, social base, and political significance (Cacciagli 1990. 422.). In the context of the first recession after the War and as part of a protest movement against capitalist and state-controlled European integration, leftist nationalist groups in some stateless nations created a new ideological framework, defending alternative concepts of European integration. In 1974, nationalist organisations from Galicia, Ireland, the Basque Country, Wales, Sardinia, Occitany, and North (French) and South (Spanish) Catalonia met in Brest, in Brittany, and agreed upon a document condemning “interior colonialism”, claiming to represent a “better” Europe. As part of a struggle for “bottom-up” democracy, in some places, movements prevailed over parties (Aguilera 2006. 58.).

The new catchword, “internal colonialism”, was developed under the influence of events in Africa, particularly in Algeria. It was made popular by activists like the Occitan Robèrt Lafont (1967, 1971, 1974, 1991) or the Sardinian Sergio Salvi. In his *Guida a dieci colonie “interne” dell’Europa occidentale* (1973), Salvi brought together relatively underdeveloped “nations” like Occitania, Sardinia, Wales, with Friuli, Frisia, Cornwall, Brittany, but there was also Scotland, and there were the clearly overdeveloped Iberian cases of Catalonia and the Basque Country. Salvi explained the concept as follows (in: Castellanos et alii 1977. 139.): “Veiem com la dominació capitalista, que s’expressa en imperialisme a nivell planetari, avui es mostra clarament, sigui sota la forma de monopolis europeus que desborden els límits esdevinguts estrets dels

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1 <http://www.fuen.org> (14.06.2010)

vells estats europeus a mesura que avança la integració econòmica del Mercat Comú, sigui sota la forma de les grans societats multinacionals.” Salvi’s “map” of Europe, in the end, was not very different from Héraud’s, as both based the “nations” on the language. But in contrast to Héraud and Rougemont, Salvi had no problem admitting the Faroe Islands or Lapland as independent states, and he would have accepted a state of the German speakers, if internally divided, although he also considered its break-up in four states.

In a recent article on the *rise and fall of a ‘Europe of the Regions’* (2008. 537.), Eve Hepburn remembered that “many parties were very cautious of Europe in the late 1970s.” If supporting European integration, they underlined that this did not mean to be in favour of the EEC and how it worked. For example, Plaid Cymru (PC), the nationalist party of Wales (Nagel 2004; Elias 2006, 2008): Right from its foundation in the 20s, the PC has been cultivating an anti-statist bias, which the Scottish Nationalist Party (SNP) never shared. PC founder Saunders Lewis, a Catholic, conceptualised Wales in analogy to the admired time of the Middle Ages, as a self-governing territory in an overarching European framework. Until the end of the 50’s, Plaid Cymru’s attitude to European integration was supportive. But the PC campaigned against British EEC-membership in the 70s, accusing it to be capitalist and a satellite of the USA (Lynch 1996. 62.). The PC used the slogan “Europe Yes, EEC no” (70). Finally, after losing the referendum on Welsh autonomy in 1979, some conclusions had to be drawn. By and by, the party changed its standpoint on Europe, as the EEC provided more opportunities than Thatcher’s centralising British government.

In Scotland, the SNP had been particularly critical about the EEC and EC before and after Britain joined the Common Market. In 1975, the SNP campaigned under the motto: “No voice, no entry” (Hepburn 2006. 227.). During the 70s, even in Brittany, where nationalists (with some exceptions like Fouéré) had always been pro-EEC, some splinter groups moved against it (Nicolas 2006). Basque nationalism came out of the resistance against Franco with a strong radical faction. Up to this day these independentists “have no time” (Keating 2004. 371.) for the EEC, EC, and EU, and the same happens to Sinn Féin in Northern Ireland. Occitanists, the Bloque Nacionalista Gallego, and even some radical Catalanist splinter groups (PSAN and successors) of Marxist origin saw the EEC and its successors as colonisers, and only gradually abandoned their populist anti-EEC rhetoric during the 80s.

The “Aufstand der Provinz” (Gerdes 1980) became an object of academic investigation. What seemed to be a resurgence of ethnic struggles, it seemed to be against the common wisdom of liberals and Marxists alike, who had predicted such conflicts to be over. Some authors like Hechter (1975) or Nairn (1977) took “internal colonialism” seriously, criticised modernisation theories, and some got inspiration by South-American dependency theories – or tried to explain why ethnic affiliation was a logical strategic choice under the given circumstances.

However, “old-fashioned” ethnic organisations, federalist and regionalist movements inspired by Proudhonian ideas, and hard-core separatists both from the left (predominantly) and the right were often analysed together, as they temporarily lined up in often uneasy alliances. The wave went down during the 80s (notice the differences between Gerdes 1980, and Gerdes 1987!), among other reasons, because the EC offered new opportunities to the movements, while on the other hand a new, “green” regionalism came into being.

#### **4. “Small is beautiful”, Green Political Thought, and Kohr’s “Breakdown of Nations”**

During the “revolt of the province”, ideas about regional and small nation autonomy were linked with green “small is beautiful” ideas of a bottom-up process of European integration that would be based on regions. It was not necessarily Rougemont, where their protagonists referred to, or Héraud, or even Fouéré, who, as we have seen, had already excoriated the EEC and referred to anti-colonialism. There is a strand from Proudhon that we have not exploited yet. This strand is linked with the personalists, but still more to anarchism and anarcho-syndicalism. Proudhon and Bakunin have already thought of a united Europe. Particularly Kropotkin can be seen as a forerunner of ecological regionalism (Ward 1992). The anarchist Elisée Reclus, the founder of regional geography, and ecological economists (Carlyle, Ruskin), defenders of “civic virtue” in the *polis* (Harvie 1994. 44.), can also be claimed as forefathers of this current. We have already mentioned the Austrian economist Leopold Kohr (1909–1994), who, according to Lehner, had received anarcho-syndicalist inspiration while in Spain during the civil war. His book on the *breakdown of nations* (Kohr 1957) clearly argues in anti-nationalist terms, taking issue with what he called “national megalomania”. While existing states should be

broken up, Europe should become a federation of about 100 "cantons". This resembles Rougemont. Europe should follow the Swiss example. "Neither a uniform type of continental man, nor a common language, nor a common cultural and historical background" were of need to create this wonder (Kohr 1941/1992. 94.). And more: "If these three national groups (German, Italian, French speakers, KJN) as such were the basis of her much-famed union, it would inevitably result in the domination of the large German-speaking block". It is their break-up in cantons that creates "the essential precondition for any democratic federation: the physical balance of the participants, the approximate equality of numbers. The greatness of the Swiss idea, therefore, is the smallness of its cells from which it derives its guarantees." The reason of Swiss success is that "Switzerland is a union of states, not of nations." (95). The whole European continent should be divided in such cantons. And the new divisions should be brought together "in *new* combinations making the creation of nation-states impossible" (96). Possible members of the "Europe of cantons" could be Pomerania-West-Poland, East-Prussia-Baltica, Austro-Hungary-Czechoslovakia, Baden-Burgundy, or Lombardy-Savoy. Although Kohr is somewhat contradictory when talking about frontiers - he also wanted each canton to "talk its own language when and where it pleases" (Palaver 1992. 91.) -, the fundamental differences to other authors, who dreamt to create a Europe of the regions, have become clear. For Kohr, the *main* problem was scale, however, the creation of cantons should *also* nullify the ethnic divisions, maintain or restore ecological balance, and help promote the civic development of the individual.

Kohr was not very well known during his lifetime, although when living in Wales, he influenced Plaid Cymru politicians like Gwynfor Evans and Dafydd Wiggle. However, some of his students became thinkers who inspired the Green movement. Economist E. F. Schumacher coined the "small is beautiful" slogan in 1973 (Harvie 1994. 45.). Catholic priest Ivan Illich (1926–2002), an Austrian like Kohr himself, became a widely read author among Green sympathisers. Illich often claimed that Kohr inspired him with his "alternative to economics" and the prominence he gave to proportionality (Illich 1996).

In spite of these influences, the Green party family remained divided on issues of regionalism and the question of European integration. While they were trying "to think global", many Greens "acted locally", with preference on the municipal level. Today, some Green movements and parties defend the independence of stateless nations (for example, in



Scotland), others prefer autonomy or federal solutions, and accept the form of a Europe with the regions the EU provides. Many have made their peace with the “really existing” European integration process and support the Maastricht (1992) and later treaties up to Lisbon, while some (like the Catalan Greens) oppose them in the name of a “Europe of the citizens”.

## **5. From a “Europe of the Regions” towards a “Europe with the Regions”. Stateless Nations, European Regions, and the Development of the EU**

Up to the end of the 70s, nationalist movements were often opposed to the EEC as they promoted alternative ideas of European integration. But from the end of the 70s onward, the EC started to offer something to the well-behaving regions: a new “Europe of the regions”. A new opportunity structure was created for administrative regions. As a result, the “Europe of the regions” formula that had been used in opposition to the Europe of the states (or of big capital), it was now used by actors who merely intended to develop the existing EC by adding a “regional dimension” to it. “Europe” was conceptualised as a system of several levels, or even of non-hierarchical multilevel governance and networking. These ideas included the reform or development of the EC, but they did no longer substitute it. Although in these conceptualisations neither Europe nor the “regions” directly substituted the existing nation-states, they sometimes took for granted that their time was over anyway.

### **a) 1979-1987**

The first period to consider here is more or less limited by the years 1979-87. This period was characterised by the development of European regional policy. Although the so-called NUTS regions organised by the EC and the member states only occasionally coincided with the territories of the stateless nations, the EC had abandoned its “region-blindness” (Bache-Jones 2000). In addition, the Council of Europe passed its European Convention of Transborder Cooperation in 1980. This seemed to open new possibilities for nations living in more than one European country. To have a region of its own became an added value for stateless nations; to dominate it, became an important goal for nationalist parties, although

neither the decentralisations of France or Spain nor the federalisation of Belgium, nor the EC schemes of regional policy ever encouraged or permitted to “bypass” the member state.

Where they had existed, nationalist animosities against the integration process began slowly to fade away (Hepburn 2008. 548.). The “internal colonisation” paradigm lost popularity among Breton, Galician and Sardinian nationalists. During the EP elections of 1979, Plaid Cymru campaigned for a “strong voice for Wales in Europe alongside other small nations and historic regions” (Elias 2006. 201.). After Franco’s death, “Europe” was a symbol of modernity in Spain. Catalan nationalists, who were not separatists, began their particular striving to become the champions of a “Europe of the regions”, trusting that, by and by, Europe and the regions would help the states fade away.

The Flemish Volksunie, Union Démocratique de la Bretagne, and, to some degree, the BNG also changed their official positions on Europe (Keating 2004. 376.). The first parties to proclaim a Europe of the Regions had an advantage in European elections; and these were quite frequent parties in stateless nations. Six of them founded the European Free Alliance (EFA) in 1981 to coordinate activities in the European Parliament (EP); membership increased to 31 in 2007, but very important nationalist parties like *Convergència Democràtica* and *Unió Democràtica* in Catalonia remained outside. Michael Keating and Barry Jones, editors of two of the most important books taking stock of this new, evolving “Europe of the regions”, included four states in their first book in 1985 – ten years later, 12 countries were analysed (Keating–Jones 1985; Jones–Keating 1995; Keating 2008. 629.).

### **b) 1988–1994**

During the years between 1988 and 1994, the new idea of a Europe of the regions, as addition to the Europe of the member states (with some hopes to be its successor), reached its apex. The opportunities “Europe” offered increased considerably. The platforms and programmes of parties highlighted the topic more than ever; its electoral salience had probably never been as high as during these years. “Post-sovereignty” seemed to be on the agenda. Squeezed between the growing institutions of Europe and the “third level” of the equally burgeoning regions, the states would just fade away (sandwich-thesis). Still, others saw a post-modern multilevel governance on the rise, where regions and other actors would work alongside

the member states in a non-hierarchical net. Many minority nationalists adapted to one of these interpretations during these years, abandoning or downplaying prior *irredentist* or pro-independence positions (Keating 2008). It seemed just useless to claim a nation-state of your own when this model seemed to be over. Statelessness seemed less of a handicap than ever. Regions started to open representation offices of different kind and size from 1985 onwards. Most nationalist parties were pro-European during this time, more Bretons (59%) and Alsatians (65%) than French in general (51%) voted yes in the 1992 referendum. The Catalan nationalist government gave more importance to co-operate with other prosperous regions than ally with other stateless nations. Even former Marxist parties like the Galician BNG adapted to the common trend, though perhaps belatedly (Elias 2008). Viewed in perspective, even the SNP seemed to converge with the post-sovereignist nationalists when it tried to pact an increase in the number of Scottish seats in the Committee of the Regions with the British Conservative government in 1994 (Hepburn 2006. 227.).

Nevertheless, the states remained the gate-keepers (Nagel 2004). The Maastricht Treaty opened the Council of Ministers to the regions – provided the member state agreed. The Committee of the Regions was established by the Treaty, but formed a vast body with only consultative functions. States decided who went, and representatives of stateless nations like Catalonia found themselves submerged in a mass of delegates from administrative regions and local authorities. Elections to the European Parliament remain controlled by the member states that decide on rules and constituencies. In spite of the Maastricht Treaty that committed the Union to cultural *diversity* in general (not limiting it to *state* cultures and languages), the European language regime remained closed to non-state languages. The European Charter for Regional or Minority Languages, under preparation since 1982, was finally brought into force for those members of the Council of Europe that ratified it with their signature. In addition, the Framework Convention for the Protection of National Minorities was opened for signatures in 1995. But important definitions were left to the member states that signed these Conventions; discriminations were outlawed, individual rights were selectively protected, but group rights were rarely accepted and larger stateless nations like the Catalans or the Basques saw no point in being treated alongside tiny minority groups numbering only some thousand members. The new opportunity structure of the EU, often resumed under the headline of a “Europe of the regions”, in reality opened access

points, but only to regional administrations. Its “multilevel” governance does not treat all levels equally. With the words of Aguilera (2006. 52.): “Con todo, la teoría de la MLG (multilevel governance, KJN) tiene algo de engañoso, pues parece dar a entender que todos los niveles están en pie de igualdad, cuando los Estados siguen siendo los principales protagonistas políticos”. “...las regiones contribuyen a organizar el terreno de juego de la *governance* europea, pero casi nunca son los actores principales.” (54). As a consequence, this author joined others who prefer to talk of a Europe “with” and not “of” the regions. However, during the years 1988 to 1994, those that thought perhaps somewhat ingeniously that the region was the “nuevo cauce para el nacionalismo” (Petschen 1993. 252.), still dominated the discourse, and even strong nationalist parties like *Convergència* under president Pujol shared this opinion. However, state-wide parties started to dispute the monopoly of the formula of the Europe of the regions, and regionalised themselves; and the term became vaguer than ever.

### **c) Since 1994**

From 1994 onwards, the disappointment of many minority nationalist actors, together with the limitations of their opportunities in the EU, increased. It is true that the EFA-parties faced disaster only in the 2004 elections, after enlargement. But already in Amsterdam (1996), the intent to strengthen the Committee of the Regions and organise it in two chambers failed. The Copenhagen criteria made the “respect and protection of national minorities” obligatory, but only for accession states (McGarry–Keating–Moore 2006. 28.; Sasse 2004). The budget lines of the European Parliament managed to strengthen the non-state languages where suspended. And by the time the Commission accepted multilevel governance in its White Book in 2000, scepticism had already started among non-state nationalists, who had set high hopes on co-operating with other regions with legislative powers. But the Napolitano and Lamassoure proposals that claimed differentiated status for these regions were finally not considered in the Laeken process.

Up to the early 1990s, the EU had offered increasing opportunities to non-state nationalists in a “Europe with the regions”, including some money, some voice, possibilities of cross-border co-operation, and also a somewhat enhanced protection for the individual members of the minorities. This development lured minority nationalists away from “ethnicism” and “internal colonialism”, and also from separatism. To use

the “Europe of the regions”, language increasingly meant to abandon earlier concepts of a “Europe of the peoples”. Minority nationalists clearly proved that they were, in general terms, not less liberal than their state-nationalist rivals (McGarry–Keating–Moore 2006). Some were even able to soften their nationalism toward a “nice” and inoffensive cultural movement, totally acceptable for investors from outside. This way, regional identity became an asset and not a hindrance for the competition between different regions.

On the other hand, many of these opportunities offered were limited to nationalists governing a region if they accepted their role as mere regional actors. Europe “moderated” stateless nationalists. But the national questions remained open (Keating 2003. 36.): “As minorities and stateless nation movements have Europeanised, modernised, and even adapted their histories to a liberal democratic teleology, they thus challenge the state on its own moral and normative ground. This is one reason why the spread of universal values of liberalism and democracy do not resolve nationalities’ questions. On the contrary, they can exacerbate them, as minorities move from being ethnic fragments with particularist demands to making broad claims for self-government and social regulation. A move from ethnic to civic nationalism, or to constitutional patriotism, does not thus resolve the problem if this means the creation of new and separate sovereign states.” Stateless nationalism and state nationalism have become similar. On normative grounds, the fact that the latter is privileged at home and in Europe becomes more questionable. With enlargement and the accession of very small new member states in the Baltic, the Mediterranean, and central Europe, claims for self-determination and even independence increased again; and so did claims for a new language regime, where speakers of languages used by millions of people would not be relegated to a secondary class of citizenship, while tiny nations that have a state would be rewarded by the full recognition of their language and other national symbols.

## **6. The “Europe of (the Autochthonous) Ethnic Groups”. Concepts of the Far Right**

While “Europe of the regions” became part of the official “euro-speech” during the 80s and 90s, extreme right populists like Jörg Haider in Austria also started to use the term. For them, the regions had a sort of a “cultural capital” that could be used against multinational

and multicultural states (Schulz 1993. 270.). Yet, such movements and politicians often vacillate between ethnic and statist nationalism, while their main adversary is immigration. Their version of a “Europe of the regions” was filled with prejudices against Western civilization, and it was part of a hierarchy of cultures that substituted the old biological racism of their ideological forefathers.

Parties on the far right of the ideological spectrum had already taken part in the ethnicist movements of the inter-war years and in the FUEV. Even today, journals near to the extreme right or part of it quote Yann Fouéré and relate non-state and state nationalism alike to a “need of roots” in a world that becomes more and more globalised and urban every day (Weissmann 2008).<sup>2</sup> During the time of the “revolt of the province”, this ideological base was enriched by the concept of “ethno-pluralism”. Henning Eichberg (1973), the inventor of the formula, saw the strengthening of Europe’s special position in the world as a positive consequence of European integration: many politicians of the extreme right do not follow him as far as they fear for their nations in a strong Europe. Members of the “new right” no longer openly proclaim the higher value of a particular people, they still underline the need of “autochthonous” homogeneity, reject mixture and see migration as the principal menace. While often proclaiming a European supremacy, they attack the EU as well, as a project of the elites against the “true” peoples. The best example for this is perhaps the *Vlaams Blok*, today *Vlaams Belang* in Flanders. The party has fallen back on anti-EU rhetoric and defends, as an alternative, a Europe of the “original” ethnic groups, and in the last end, a confederation of peoples or ethnic states, as a fortress against immigration from outside (Keating 2004. 371.). Thereby they try to stop the trend among minority national movements and parties to abandon exclusive ethnicism in favour of a more inclusive nationalism, usually embracing migrants or inner minorities, even if ethnically they belong to the majority of the state.

Lega Nord in Italy first presented itself as a modernising force and the EU as its natural ally. It seemed to them that Lombardy and later “Padania” would be the only Italian territories able to act in a modern EU if this “nation” were free from the weight of the Mezzogiorno that sapped its forces. As Keating refers, Lega Nord, at least nominally, adapted an “independence in Europe” standpoint, where Northern Italy could join the Euro, while

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2 He quotes the title of Fouéré’s book as “L’Europe des cent drapeaux”, while the true title was “L’Europe aux cent drapeaux”.

the rest had to continue to pay with Liras (Keating 2004. 371.). Umberto Bossi proclaimed: “La Padania è sempre stata una nazione. (...) una nazione formata da cittadini di diverse origini etniche, ma con gli stessi interessi economici e lo stesso sistema produttivo” (cited by Luverà 1996. 40.). But in the end, “Più lontani da Roma, più vicino all’Europa” (Schulz 1993. 272.) did not stand for a complete break. When the party was forced to leave the EFA alliance in 1994, the contacts maintained with individual EFA parties ceased. In the end, the party abandoned secessionism in favour of a defence of a (federalised) Italian state, and turned critical to European integration.

## **7. From the “Europe of the Regions” to “Independence in Europe”**

Two years ago, the *Regional and Federal Studies* journal dedicated a special issue to *Whatever happened to the Europe of the regions?* In its introduction, Anwen Elias wrote (2008. 485.): “By the beginning of the new millennium, much of the ‘hype’ associated with the Europe of the regions idea had faded.” Reality frustrated many of the nationalists that embraced the concept. Since the last years of the last century, a new-old idea has made way among them: “independence”, albeit now clearly “in Europe”. Such a limited independence may be “less meaningful” (Keating 2003. 22.), but it may be achieved with minor costs. Not all elements of a totally sovereign state – from the armed forces to a national currency – have to be provided for. But there is a transaction with unclear costs: the acceptance of the new member state by the European Union.

“Independence in Europe” seems to be a logical reaction to the absence of recognition of a special status assigned to stateless nations in the EU. While regions (and not only stateless nations!) may have access to the Council of Ministers inside a state delegation if the member state agrees, member states just *have* such a delegation, and may even preside over the whole Council. Independent states have Council votes, have a veto right on the admittance of new members, have a Commissioner, one of their judges sits on the European Court, and they have a higher number of MEP’s than any region of the same size. Ironically, a region lifted up to the category of a member state would even have more influence in the Committee of the Regions. If this country has a different language, this would become official with membership, even if the number of speakers is insignificant. These are clear incentives to go for statehood.

As most of the new member states have centralised structures, the relative power of the regions with legislative powers in Brussels has diminished with enlargement. Regional funds, essential for some Western minority nations like Occitania, Sardinia, Galicia, Wales, etc. have gone eastward. At the same time, many European state electorates became more critical about the EU. For minority nationalist parties, it is now less attractive to defend the Europe of the regions as part of the EU reality (or future) – to insist on *more* European integration may be a bad idea for electoral campaigns in some places now.

Particular developments in some member states and in individual stateless nations have contributed to strengthened positions on independence, in or outside Europe. The SNP now even defends the Council of Ministers against the encroachment of other EU institutions as this is the most clear representative of states, and therefore, of a future Scottish state, too. In a party system, where the Labour Party and the Liberal Democrats already represent the “Europe of the regions” standpoint, and where the Conservatives are very critical with the EU in general, “independence” gave the SNP a unique position. When this uniqueness was questioned by the Scottish Greens and the anti-capitalist Scottish Socialist Party, “independence” could be linked with the suffix “in Europe” (Hepburn 2006, 2008). Even in Wales, Plaid Cymru took over the new message of “independence in Europe”, albeit somewhat halfheartedly (Elias 2006, 2008). As second party in a coalition with Labour, a state-wide party standing for a Europe of the regions, PC still remained relatively positive on European integration, and accepted its role as a region. But as in Scotland, the Welsh electorate is increasingly critical about the EU. This is not the case in Galicia. The Bloque Nacionalista Gallego campaigned against the European Constitution in the Spanish referendum that took place on the issue, claiming “Europa sí, pero non así” (Elias 2008. 571.). The party is less friendly with the EU than the electorate. But as the party is losing votes from election to election, and while Galicia tries to get another statute of autonomy, the salience of the European issue is low.

Since 1993, “Independence in Europe” has also become a catchword for Esquerra Republicana de Catalunya. However, party platforms prefer to talk about sovereignty instead of independence. As in other cases, competition between parties is essential for taking a stand. “Independence” distinguishes ERC from its Catalan nationalist rivals Convergència and Unió Democràtica as well as from the state-wide



Socialist party, which stands on “Europe of the regions” platforms. ERC uses “Europe of the peoples” terminology, but platforms often defend very pragmatic claims that could be perfectly coherent with “Europe of the regions” concepts (Nagel 2009). ERC forms part of the socialist led tripartite Catalan Government; this decision contributed to moderate its positions. Moreover, the Catalan electorate is less critical about the EU, at least compared to other minority nations. In Catalonia, the two-party federation *Convergència i Unió* (CiU) still maintains its compromise with the “Europe of the Regions” (Nagel 2009), but faces an electorate less enthusiastic with this position now. In the Spanish referendum on the draft constitution, Catalonia had a higher share of “no” votes than the Spanish average. “Si Europa no nos quiere, nosotros tampoco” was the explanation given by a commentator (Morata 2004). Even Jordi Pujol, the nationalist ex-president of Catalonia and a stout defender of the Europe of the regions, considered that the European regionalism he had proposed and actively pushed while in office had developed positively up to the end of the 90s, but afterwards, the states “fought back” (Pujol 2005). Like CiU, the main Sardinian nationalist party, *Partidu Sardu*, still defends a Europe of the regions (Hepburn 2008), but had to suffer several breakaways by independentists in 1996 and 2006, when those took up an “anti-colonial” stance in the tradition of the “revolt of the province”, comparable to the position of the (minor) Scottish Socialist Party.

In the case of the Basque Country, nationalism is split basically between the moderate PNV party and a separatist current one of variable size as its parties are outlawed as they failed to condemn ETA-violence. The PNV, while in government, practised “Europe of the regions”, while ETA, the *Herri Batasuna* party, and its successors stood for “independence in Europe”, without giving too much importance to the issue. Former president Ibarretxe of the Basque nationalist party PNV presented a proposal for a new statute of autonomy in 2002. This project proposed a “specific regime for a political relationship with the Spanish state based on free association, in mutual respect and tolerance” (Jauregui 2006. 244.). It is interesting to notice that the Ibarretxe plan, clearly rejected by Spain, was far less radical in regards to the Basque role in Europe, having stopped short of advocating “independence in Europe.”

The language of “independence in Europe” is attractive for many nationalist movements now, as electorates have become more euro- or EU-critic, while state-wide parties now also defend “Europe of the regions” positions, competing with those nationalists that still maintain

similar positions. At the same time, and according to local conditions, the electoral salience of the topic of the European constitution is decreasing, and parties have to look for standpoints in regards to their position in the respective party system and their electoral and coalition interests.

## 8. Some Final Considerations

Since the Second World War, Europeanists dreamt of the end of the nation-state and its substitution by regions, ethnic or not. Some nationalists of stateless nations shared this dream, even if this meant to renounce a nation-state of their own. The Europe of the Six, the EEC of the empty chair, De Gaulle's Europe of the Fatherlands (states, in reality) did not fulfil their dreams. But globalisation weakened the control of the state on many aspects of economy and culture. During the late 80s and 90s, some observers thought that the demise of the nation-state would produce itself automatically and continuously. Regions on the one hand, Europe on the other, seemed to be the winners, maybe without any actor having sovereignty – a multilevel governance, including even private actors, NGO's, etc. This scenario seemed to open the gates to the regions, and, indeed, they secured some access to European governance. A Europe of the regions, in addition to the Europe of the member states, seemed to be under construction, and even a future demise of the nation-state was possible. But while some access points were created for the regions, the states reserved themselves key positions, and the EU supported functional co-operation without providing national recognition. The high hopes some nationalist movements had set on this development, were frustrated. As a reaction, nationalists of stateless nations abandoned ideas of a Europe *of* the regions when they came to see that the only thing to get was a Europe *with* the regions; they returned to think of independence, albeit "in Europe", this implies accepting the reduced sovereignty.

However, the European Union has contributed to moderate far-reaching nationalist demands. More often than not, stateless nationalists have presented themselves as better Europeans. But independence in Europe may be more attractive now, and its attractiveness may grow when states become more important again, for example, with crisis management. Mere "access" is not enough to satisfy demands for national recognition and accommodation. However, up to now, Europe has not been supportive for national rights to self-determination or secession. According to Keating

(2004. 382.), “...nationalities and regions must find their niche in a Europe of the states rather than dreaming of their disappearance in favour of a utopian Europe of the peoples.” The “Europe with the regions” provides a modest “niche”, while to be one of those member states seems to be a more challenging alternative for many nationalists.

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## **CONSTITUTIONAL PREFERENCES, NATIONAL IDENTITY AND ELECTORAL BEHAVIOUR: THE THREE CIRCLES OF NATIONALISM**

Based on two recent surveys conducted in 2008 and 2009, this paper analyses the relation between national identity, constitutional preferences and electoral behaviour in Catalonia. A reasonable starting hypothesis could expect the existence of a strong relation between support to independence, feelings of exclusive identity and vote for nationalist parties. According to this ‘congruence hypothesis’, these three particular positions could be represented as almost perfectly overlapping spheres – the three circles of nationalism. However, different studies have suggested that such a clear relation does not exist and complex and multifaceted relations are rather the norm (McCrone–Paterson 2002; Paterson 2003). Furthermore, in the case of Catalonia constitutional preferences have been usually approached by a fourth grade scale of self-government (‘region’, ‘autonomous community’, ‘state within a federal Spain’ and ‘independent state’), but relatively little work has addressed them in terms of support or opposition to an independence referendum. The paper will present some evidence on the relation between national identity and electoral behaviour with regard to constitutional preferences in both dimensions, the four-grade scale of self-government and the referendum question. Based on the results of this twofold analysis, a number of issues will be discussed, from the extent to which the ‘hypothesis of congruence’ is a useful tool to interpret the Catalan case to the limits of well-established contributions, such as those emphasising the importance of dual identities to explain the support to different constitutional options. This complementary approach can contribute to understand why, far from fulfilling certain expectations of a non-conflictive accommodation within a decentralised state, the question of self-government has remained an important element in the political agenda of Catalan and Spanish politics.



## Introduction

In 2005, the Catalan parliament sent a proposal for a new Statute of Autonomy to the Spanish congress. After a controversial period of negotiations, the text was amended and later approved by referendum in Catalonia in 2006. In 2010 the Constitutional Court of Spain overruled important aspects of the charter. After 30 years of democracy and devolution, the territorial question in Spain and particularly in Catalonia remains at the centre of the political debate. Moreover, the possibility of independence has become more visible in the political debate, not only at the parliamentary and partisan level but also because of a growing social mobilisation around pro-independence positions. As the debate about independence has gained relevance in the public debate, some classical assumptions about Catalan nationalism can be revisited. Is the definition of Catalonia as a paradigmatic case of dual identities still a useful image to explain the increasing presence of independence as a political option in the public debate? Has support to independence actually grown in Catalonia? Which are the effects, if any, of the traditional approach to national identity and constitutional preferences? Particularly, does support to independence vary depending on the number of constitutional options available? If so, which is the direction of change? Is there a pattern of change or it varies within groups of national identity?

## How Do We Measure Nationalism?

Constitutional preferences, national identification and electoral behaviour are the three main variables by which political science approaches the question of self-government in minority nations. We can find well-established formulations for each one of them in the field of opinion studies, but relative little attention has been paid to how they can influence the polling results, especially with regard to constitutional options where individuals seem to position themselves differently depending on the number of constitutional options considered. By combining two sources of data using different questions on constitutional preferences, we can analyse to what extent it affects the internal composition of those supporting independence in terms of national identification and electoral behaviour, and to what extent it results in a different structure of what we have called the 'three circles of nationalism'.

## **Constitutional Preferences: a Scale of Self-government or a Two-option Referendum?**

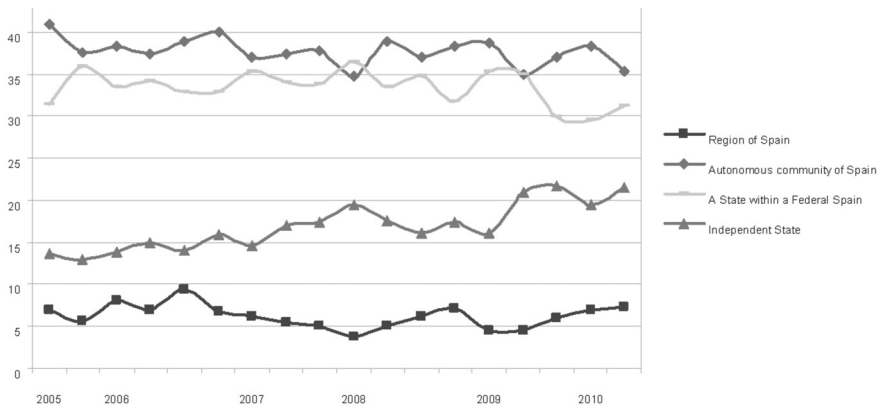
Constitutional preferences in nations without states refer to different institutional possibilities, ranging from a centralised state to the creation of a new, independent state. Wherever a certain level of devolution exists, these options may include the preference for a lesser level of self-government, the *status quo*, higher powers – in a variety of arrangements – or outright independence. Constitutional preferences in this multi-option format can be also understood as a scale of self-government, from no power at all to a maximum level of self-government. While the extreme options of this scale are rather clear – from no self-government arrangements to an independent state – the central options seem more controversial, not only by the qualitative difference among them but also by their particular definition. This can be, for instance, the case of the option ‘a state within a federal Spain’, which combines the idea of a high level of self-government in a federal structure within the current state, thus providing Catalonia with the status of a state but short of independence.

This is not to say that the inclusion of the ‘federal’ option is useless. Rather to the contrary, federalism is deeply rooted in the political tradition of Catalonia as one of the main options if the state were to recognise its internal diversity. The democratic transition in the late 1970s after the Francoist regime resulted in a constitution that addressed the territorial question by the so-called ‘State of autonomies’. Whether the current model of devolution in Spain corresponds to a federal State is a controversial question. Spain has been often characterised as a quasi-federal state, but, despite presenting some federalising arrangements, it also lacks some fundamental elements to qualify as a fully-fledged federal state (Moreno 2001; Nagel 2006)<sup>1</sup>. This

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1 Actually, one of the main elements of the Spanish constitutional system is the fact that it allows for a wide range of institutional options. The ambiguous protection of self-government to nationalities and regions provided by the Spanish constitution actually allows for a wide range of territorial options, from homogeneous administrative decentralisation to political asymmetry. The absence of significant power-sharing arrangements in the Spanish constitutional system is one of the elements that prevent to qualify it as a fully-fledged federation, as the central government and state institutions such as the constitutional court retain a veto power over the scope of territorial reform. In fact, the only mention made in the constitution about federalism is to forbid the possibility of federation between autonomous communities. On the other hand, the Spanish constitution recognises a single, indivisible body of sovereignty, the Spanish nation, so there is little room for sub-state identities to claim effectively for a right to self-determination within the institutional framework of the state.

theoretical debate can point to whether a common public understanding of the federal idea exists, or if it is rather perceived just as a ‘more powers’ option. This is an important aspect to take into account as the series for the last five years show how majority options are *status quo* in the form of current Autonomous Communities and the mentioned federal option. With regard to the other constitutional options, the preference for the regional status stays at low levels below ten per cent, while the preference for an independent state shows a slightly incremental trend representing up to one quarter of the population. The reference to statehood in the federal option also adds a further element of complexity as it can be argued that more than 50% of the population support some form of statehood in Catalonia.



Source: author's elaboration with CEO's data.

**Figure 1.** *Constitutional preferences (2005-2010).*

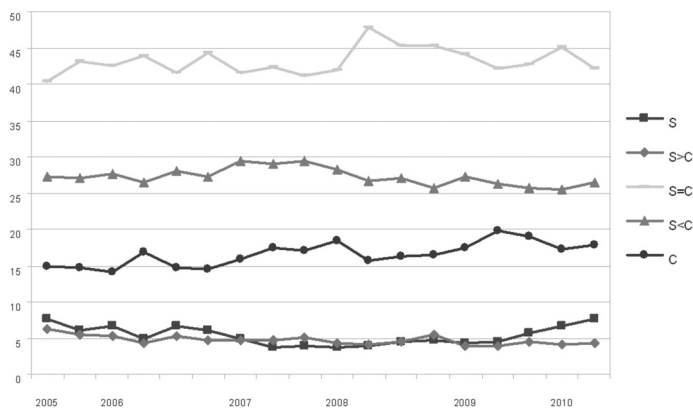
An alternative way to approach constitutional preferences is to ask about the position towards independence, either as a general idea – support or opposition – or as an attitude before an independence referendum – yes or no vote. While this formulation can add clarity, it also simplifies the question in a way that may ‘force’ respondents to position themselves in one of the options, though the possibility of ‘no voting’ or ‘don’t know’ can moderate this effect. Different studies have shown how support to independence ranges from 35% to 50% in a two-option question with an incremental evolution in the last years<sup>2</sup>.

<sup>2</sup> Unfortunately, there is no systematic survey evidence on this two-option approach, and most studies are published by the mass media. The study used here, developed by the Open University of Catalonia, is actually the only one developed by an academic institution in the last years.

If the use of different questions had no effect on the results, a similar percentage of support to independence could be expected regardless of the number of options available, as those supporting independence would represent a similar proportion according to their constitutional preferences. On the other hand, if we consider the four-option question as a sort of self-government scale, we could expect that a certain number of respondents that do not opt for independence would support it when the question is presented as between two alternative options.

### National Identity

Long-term evidence suggests that balanced identity (i.e. “equally Spanish and Catalan”) has remained strong as the main identification group among Catalans. On the other hand, the “more Catalan than Spanish” or “only Catalan” feeling of the population has grown from a 24% in 1979 to levels beyond 40% during the last decade. Finally, “Spanish only” and “more Spanish than Catalan” positions have fallen from representing more than 30% of the population to figures around 15%, according to the most recent data available. This evolution can discuss those interpretations in the literature that would expect devolution to foster dual, non-conflictive identities, a sort of nested identity, where regional identities would not weaken the state’s identity, tending to generate support to self-government arrangements short of independence<sup>3</sup>.



Source: Author’s elaboration with CEO’s data.

**Figure 2.** National identity (2005-2010).

3 For the question of dual identities and to what extent devolution arrangements foster this kind of identification see the classical contribution of L. Moreno (Moreno 2001)

## **Political Parties**

The third element of the circles of nationalism is the vote for nationalist parties. The literature usually includes ERC and CiU as the ‘nationalist’ parties of Catalonia, and this is the criteria followed here (De Winter–Gómez-Reino–Lynch 2006). However, it must be noted that most Catalan parties define Catalonia as a nation, with the only exception of the regional branch of the PP (People’s Party). The political definition of Catalan national identity usually includes elements such as historical community with its own traditions and language, dynamic and characterised by a collective will for self-government, based on an inclusive conception of all Catalans regardless of origins or language. Accordingly, most Catalan parties conceive Spain as a plural state, though they differ about the political implications of such concept. The institutional horizon for the PSC (Catalan Socialist Party) is federalism, where Spain would be something close to a nation of nations. The federal approach is shared by the former communists of ICV (Initiative for Catalonia-Greens), emphasising pluri-nationality and the asymmetrical transformation of the state. The coalition CiU (Convergence and Union) bids for asymmetry but not for the federalization of the state, while ERC regards federalism at most as a step towards the creation of an independent State (for a comprehensive characterisation of contemporary Catalan nationalism see Guibernau 2004). Furthermore, CDC (Democratic Convergence of Catalonia) – the bigger party in the coalition of CiU – and ERC have addressed the recognition of the Catalan nation in the last years claiming the ‘right to decide’, a sort of self-determination right if not the recognition of Catalonia as a fully-fledged demos, a position shared by ICV though not as a political priority (For a more detailed analysis, see Serrano 2008).

## **Constitutional Preferences and National Identity**

This section is focused on the relation between national identity and constitutional preferences, both in the scale of self-government and the referendum question. As shown in tables 1 and 2, the internal distribution of constitutional preferences by national identity shows an interesting pattern. On the one hand, the expectation that support to independence is higher in the two-option question than in the scale

of self-government seems fulfilled, with a 36% support in the first case and 21% in the second one. On the other hand, the relative weight of identity groups have a clear effect on the internal distribution of each constitutional preference, but is interesting how the internal composition of those supporting independence is similar in both cases. Exclusive Catalan identity accounts for half of those preferring an independent state, and if those with a predominant Catalan identity are added, the percentage rises to a range between 78%-85%.

**Table 1.** *National Identity by Constitutional Preferences (vertical percentages)*

	<b>A region</b>	<b>Autonomous Community</b>	<b>State within a Federal Spain</b>	<b>Independent State</b>	<b>Others</b>
Only Spanish	17.17	9.05	2.81	0.13	15.09
More Spanish than Catalan	10.04	8.19	0.66	2.07	6.83
Equally Spanish and Catalan	54.92	63.3	38.08	11.15	75.01
More Catalan than Spanish	12.58	14.71	39.46	29.93	38.5
Only Catalan	1.64	3.67	16.61	55.28	33.62
Others	3.66	1.08	2.39	1.44	30.93
<i>N</i>	<i>118</i>	<i>739</i>	<i>597</i>	<i>433</i>	<i>113</i>

Source: Ceo<sup>4</sup>

When analysing the internal composition of national identity as shown in tables 3 and 4, balanced identity has a significant weight in all the options as expected, considering that it is the biggest group within the Catalan population. A further expectation would point at the existence of a similar pattern of politicisation of national identity, regardless of how constitutional preferences are formulated.

4 The Centre for Opinion Studies (Centre d'Estudis d'Opinió) is an official agency of the Catalan government. <http://www.gencat.cat/ceo>

**Table 2.** *National identity by Constitutional Preferences (two-option referendum). Vertical percentages.*

	<b>Yes</b>	<b>No</b>	<b>No vote</b>	<b>Blank</b>	<b>DN/DA</b>
Only Spanish	1.74	13.78	10.93	28.85	4.14
More Spanish than Catalan	0.70	13.04	7.10	0.00	4.67
Equally Spanish and Catalan	15.49	47.87	43.94	32.90	33.08
More Catalan than Spanish	30.61	7.31	17.67	0.00	28.03
Only Catalan	48.69	3.92	10.10	17.65	19.37
Others	2.46	14.10	10.25	20.61	10.70
<i>N</i>	<i>371</i>	<i>225</i>	<i>273</i>	<i>10</i>	<i>123</i>

Source: UOC<sup>5</sup>

This expectation is confirmed to a great extent. Moreover, the data suggest the existence of a reference category for every position in the identity scale. Exclusive Catalan identity is transformed in a wide majority supporting the independent state; a majority of those expressing a predominant Catalan identity opt for a state within a federal Spain, while the categories with balanced or predominant Spanish identity show a wide support for the status quo of Autonomous Community.

**Table 3.** *Constitutional preferences by National Identities (vertical percentages)*

	<b>Only Spanish</b>	<b>More Spanish than Catalan</b>	<b>Equally Spanish and Catalan</b>	<b>More Catalan than Spanish</b>	<b>Only Catalan</b>	<b>Others</b>
A region	18.0	13.3	7.6	2.9	0.5	9
Autonomous Community	59.0	67.8	54.7	21.2	7.1	16.7
State within a Federal Spain	14.8	4.4	26.6	45.9	26.0	29.6
Independent State	0.5	10.0	5.7	25.3	62.7	13
Others	7.7	4.4	5.4	4.7	3.8	31.6
<i>N</i>	<i>113</i>	<i>89</i>	<i>855</i>	<i>513</i>	<i>382</i>	<i>48</i>

Source: CEO

5 The data used here corresponds to the opinion study 'Language and Identity in Catalonia 2008', developed by the Open University of Catalonia under the direction of Professor Michael Strubell. For more details see Querol-Strubell 2009.

This pattern is present in both sets of data, that is, when comparing with the four-grade scale of self-government and the position of the respondents in the two-option referendum; however, here a relevant variation is found. It seems that there is a tendency to favour independence by the groups with more Catalan identities, while balanced and Spanish identities lean towards positions that are contrary to independence. In the exclusive Catalan identity group, 62.7% of the respondents opt for independence in the scale of self-government, while in the second case this percentage rises to 73.5%.

**Table 4.** *Constitutional preferences (referendum) by National Identities (vertical percentages)*

	<b>Only Spanish</b>	<b>More Spanish than Catalan</b>	<b>Equally Spanish and Catalan</b>	<b>More Catalan than Spanish</b>	<b>Only Catalan</b>	<b>Others</b>
Yes	8.47	4.52	17.47	52.26	73.51	10.46
No	40.64	51.49	32.18	7.58	3.59	36.38
No vote	39.02	33.93	35.74	22.18	11.22	32.01
Blank	3.48	0.00	0.91	0.00	0.60	2.18
DN/DA	8.40	10.06	13.70	18.00	11.00	19.00
<i>N</i>	<i>76</i>	<i>57</i>	<i>335</i>	<i>217</i>	<i>246</i>	<i>88</i>

Source: UOC

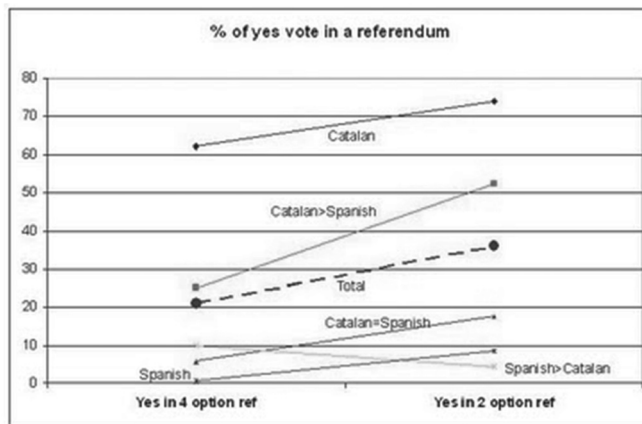
For those expressing a more Catalan than Spanish identity, the percentage of support for independence grows from 18% in the four-grade scale to 53% in the two-option referendum. Those feeling equally Spanish and Catalan, though showing a significant percentage of support to independence in the referendum question of 17%, opt in a majority way for negative or indifferent position. The option of no voting in an independence referendum is remarkably high in the groups with higher Spanish feelings<sup>6</sup>.

It must be noted that, on the one hand, exclusive identity does not transform completely into a preference for independence, and, on the other hand, this transformation presents a similar degree of heterogeneity with regard to the other identity positions. Thus, support

<sup>6</sup> The evidence available demonstrate that these groups show higher percentages of turnover in ordinary elections.



for independence either in a four-grade scale or in the two-option question features a significant proportion of respondents expressing dual identities. We find clear patterns of relation between certain national positions and constitutional preferences, but also relevant variations within groups depending on the number of constitutional options available. Conversely, exclusive national identification as Catalan fulfils the expectation of a majoritarian support to independence for both questions, with a significant change between both questions. Finally, the biggest variation is found in the group expressing a predominant Catalan identity, where support to independence in the referendum question doubles the percentage obtained in the scale of self-government.



*Source: Author's elaboration with CEO and UOC data.*

**Figure 3.** Support to independence by national identity groups in the scale of self-government and the two-option referendum

## Constitutional Preferences and Vote for Nationalist Parties

The relation between vote and constitutional preferences shows a higher degree of variation depending on the formulation of the question. In the four-grade scale of self-government, half of ERC's voters support the option of an independent state, while CiU's voters feature a 23.8%, slightly above the average. While both parties represent around two thirds of those supporting independence, not only do they not have a homogeneous electorate, but they are not able to gather the whole electorate with this constitutional preference either.

**Table 5.** *Vote by Constitutional Preferences (vertical percentage)*

	<b>A region</b>	<b>Autonomous Community</b>	<b>State within a Federal Spain</b>	<b>Independent State</b>	<b>Others</b>
No vote	40.0	32.0	14.3	26.2	36.5
PPC	11.4	6.9	1.7	0.4	3
CiU	16.6	15.4	23.3	20.8	14
ERC	0.4	2.8	12.5	28.8	6.2
PSC	16.1	22.1	24.8	9.8	15.2
ICV-EUIA	0.0	3.9	11.8	3.6	6.9
Other options	15.5	16.9	11.6	10.5	18
<i>N</i>	<i>118</i>	<i>739</i>	<i>597</i>	<i>433</i>	<i>113</i>

Source: CEO

When comparing vote with the two-option question on independence, both parties electorate show a significant increment towards pro-independence positions, with levels above fifty per cent. In the case of ERC, this percentage rises to 83% and in the case of CiU up to 51%. However, this increment does not involve a greater capacity to gather pro-independence positions. Rather to the contrary, both parties' electorate represents less than a half of those supporting an independent state. The reason is to be found in support to independence among other parties' electorate. While featuring levels of support to independence below the average, the electorate of PSC and ICV represents a significant percentage within this group.

**Table 6.** *Vote by Constitutional preferences (referendum)*

	<b>Yes</b>	<b>No</b>	<b>No vote</b>	<b>Blank</b>	<b>DN/DA</b>
CiU	23.8	11.1	10.1	14.8	19.9
ERC	21.2	1.1	2.2	0	4.8
PSC	14	25.9	26.7	28	15.8
ICV-EUIA	4.2	4.7	4.6	10.2	6.1
PP	0.7	7.4	1.2	0	1
C's	0	3.7	0.8	0	0
Other	36.2	46.1	54.4	47	52.4
<i>N</i>	<i>371</i>	<i>225</i>	<i>273</i>	<i>10</i>	<i>123</i>

Source: UOC

Nationalist parties are the two main groups gathering pro-independence voters, but they reach levels around fifty per cent of the respondents, either in the scale of self-government or the two-option referendum. On the other hand, abstentionists represent the biggest group among those supporting the *status quo* or the regional option but they stay on average within the independence group, while it is under the average in the federal option. In the case of the two-option referendum, the label 'other' includes abstentionists and voters for minority options (which represent approximately five points of this category), and it becomes the highest single group in every option. It must be noted that the distribution of vote and turnover in this second data source is closer to the real percentage of participation in the Catalan parliamentary election, so it is not surprising that it represents the highest group, as real turnout in the Catalan elections of 2006 was 56%.

**Table 7.** *Constitutional preferences by vote (vertical percentages)*

	No vote	PPC	CiU	ERC	PSC	ICV-EUIA	Other options
A region	9.0	17.0	5.2	0.2	4.9	0.0	6.6
Autonomous Community	45.2	64.0	30.0	8.9	41.9	23.5	44.9
State within a Federal Spain	16.3	12.9	36.8	32.9	37.9	57.5	24.8
Independent State	21.6	1.9	23.8	54.9	10.9	12.7	16.3
Others	7.9	3.4	4.2	3.1	4.4	6.3	7.3
N	524	80	378	227	390	123	279

Source: CEO

**Table 8.** *Constitutional preferences (referendum) by vote*

	CiU	ERC	PSC	ICV-EUIA	PP	C's	Other
Yes	51.9	83.7	24.9	32.3	10.4	0.0	28.9
No	14.7	2.7	28.1	21.8	69.9	78.9	22.4
No vote	16.2	6.4	35.0	26.1	13.8	21.1	31.9
Blank	1.0	0.0	1.2	1.9	0.0	0.0	1.0
DN/DA	16.4	7.2	10.7	17.9	5.9	0.0	15.8
N	170	94	208	48	23	10	465

Source: UOC

The internal distribution of constitutional preferences by party vote (tables 7 and 8) shows how voters of all parties are split among the different options. In the case of the four-grade scale of self-government, only two parties show a clear internal majority: the People's Party (PP), whose electorate supports the status quo of the Autonomous Community, and ERC, with half of its electorate supporting independence. In the case of the two-option referendum, we find the same pattern among these two parties' electorate, while relevant differences are observed among the biggest parties: CiU and PSC. CiU voters favouring independence rise to a majority above fifty per cent, while PSC voters are divided in three groups. The figures thus show how with the exception of ERC – and this only to a certain extent and more clearly in the two-option referendum – voters of all parties are split among different constitutional preferences, whether formulated in the scale of self-government or in the two-option referendum. This is consistent with the literature supporting that vote is influenced by a variety of dimensions<sup>7</sup>. This data supports the fact that this does not only affect nationalist parties, but significant groups within PSC and ICV support independence, especially in the two-option referendum question, while they present a higher preference for the federal option in the scale of self-government.

## **The Three Circles of Nationalism**

In the previous sections I have briefly described how constitutional preferences are related to national identification and electoral behaviour. While some of the classical approaches regarding the hypothesis of congruence are supported by available data, I have also argued that the interaction of these three variables is rather complex and multifaceted. In this section I will emphasise the elements conforming what I have called the three circles of nationalism, showing how they encompass a vast majority of Catalan population. For each of the variables in the analysis I have selected the values of support to independence, vote for nationalist parties and predominant or exclusive Catalan identity. Their graphical representation as three overlapping circles will show to what extent the hypothesis of congruence for the Catalan case is fulfilled. Moreover, the external perimeter

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7 For instance, the double axis of electoral competition in Catalonia - ideological and national – and, more generally, spatial or compensation models, valence issues, etc. (See for instance Padró and Pallarès 1992, or more recently, Balcells 2006)

of these circles will provide a visual reference of the extent to which the national question represents the centrality of the Catalan case. As the following table shows, I have first identified the percentage across the total population represented by each intersection, for the two sources of data.

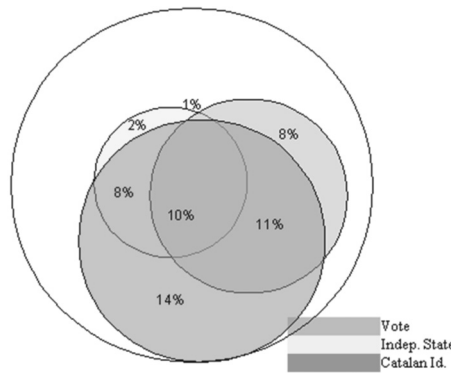
**Table 11.** *Identity, vote and constitutional preferences. Percentages across the total population.*

<b>Identity</b>	<b>Vote</b>	<b>Constitutional</b>	<b>% CEO</b>	<b>% UOC</b>
Yes	Yes	Yes	10%	15%
Yes	Yes	No	11%	4%
Yes	No	Yes	8%	14%
No	Yes	Yes	1%	2%
Yes	No	No	14%	13%
No	Yes	No	8%	5%
No	No	Yes	2%	6%

These percentages are calculated across the Catalan population (for instance, Table 11 shows that 17% of Catalan population define themselves as more Catalan or only Catalan, do not vote for nationalist parties and do not support independence, according to CEO's database). I have then transformed these percentages into proportional circles – each circle representing the values selected for each variable – and the overlapping areas represent the individuals featuring more than one of them. Thus, the external, blank circumference, represents the total population (that is, the 100%), and the percentages for every intersection are calculated with regard to the total (for instance, the central intersection among the three circles indicates that 10% of Catalan population support independence, express a majority or exclusive Catalan identity, and vote for nationalist parties).

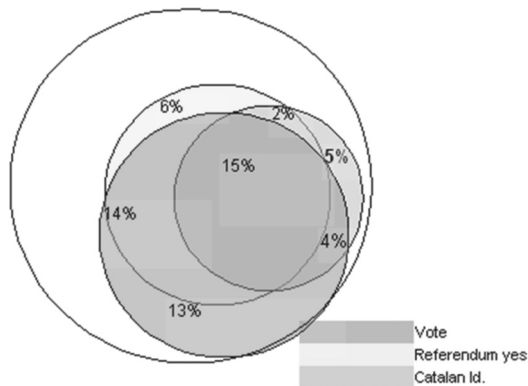
The first graph (Figure 1) represents the circles for the scale of self-government. The three groups in the circles (nationalist vote, exclusive or predominant Catalan identity, and support to independence) represent 55% of the total population. The intersection of these three values, where the hypothesis of congruence is completely fulfilled, represents 10% of the population. With half of those supporting independence, belonging to this nationalist core, the evidence corroborates the existence of the congruence hypothesis, but only to a limited extent. In fact, up to five subgroups show relevant weights from those supporting independence and expressing a strong Catalan identity but not voting for nationalist

parties to those groups featuring both predominant Catalan identity and nationalist vote but not supporting independence. The biggest group in the circles features a single marker; 14% of the population express a strong Catalan identity but not the nationalist vote or the support to independence. This is a case in point of how social or even cultural characterisations are not politicised in a predetermined way. Similarly, in the case of a relevant group of voters for nationalist parties, neither the identity nor the constitutional preference for independence is to be found in relevant proportion. Even the groups formed by those supporting independence without a predominant Catalan identity point at the existence of a small but significant segment of population transcending the classical link with traditional identity factors accounting for their political preferences.



Source: CEO

**Figure 4.** *The three circles of nationalism (scale of self-government)*



Source: UOC.

**Figure 5.** *The three circles of nationalism (two-option referendum).*

Representing the three circles – Figure 4 – with survey data based on a two-option referendum, shows a consistent pattern of distribution among the variables. The higher percentage of population supporting independence generate rather a similar proportion between segments. In this second case, the three circles account for a 59% of the population – compared with a 55% in the four-option scale of self-government in Figure 3. The main difference is found in the intersection between vote for nationalist parties and national identification, which is smaller in this second figure. This could indicate that those expressing a strong Catalan identity and voting for nationalist parties but do not support independence in a four-grade scale of self-government may be influenced by the available number of options and express support to independence if expressed in dichotomic terms. Thus, the hypothesis of congruence remains a relevant group in the scale of self-government and the two-option referendum, but it does not encompass a clear majority of the population that share any of the ‘nationalist’ features as defined here, with the only exception of nationalist voters in the two-option referendum.

## Conclusions

In this paper I have presented some preliminary evidence on the complex relation between the classical variables used by political science to approach the question of self-government and identity in nations without states. The graphical representation of what I have called ‘three circles of nationalism’ allows to draw some reflections on the traditional characterisation of Catalonia as the paradigm of dual identities, which would generate a trend towards some sort of self-government short of independence. The evidence showed here, though limited, underlines how the social basis of political preferences are multifaceted and complex, and the events of the last years in Catalonia invite, at least, to revisit some of the common assumptions made by the literature on nationalism in minority nations. The debate on constitutional preferences is a case in point not only in the classical terms of a scale of self-government but also in the form of a two option referendum. The evidence available shows an interesting pattern of change that can illuminate certain aspects such as the reference for statehood in the four-grade scale of self-government or the analysis of constitutional preferences using alternative perspectives, which further research would allow exploring. In my view,

this exploratory exercise suggests that well-established conceptions, such as dual identities can be revisited, too. The politicisation of a social cleavage such as national identification<sup>8</sup> into constitutional preferences would be better analysed by an intermediate variable on nationalism, that is, measuring the intensity by which a social characterisation is transformed into a particular political position. This sort of intermediate variable could bring a better understanding of the extent to which national identity is, for instance, expressed in nested or exclusive terms and how it is associated with different constitutional preferences. The existence of an association between support for independence and exclusive Catalan identity is clearly found without this intermediate step, but the evidence suggests that identity and constitutional preferences are related in a more complex way if we include predominant or even balanced Catalan identities. In other words, a social position transforms into political preferences in a multifaceted way. Changes in support to independence increase for all national identity groups when constitutional preferences are reduced to a two-option referendum, the group of those who feel more Catalan than Spanish showing the biggest change. This general trend may explain why, while support to independence varies from 21% in the scale of self-government to a 36% in the two-option referendum, the internal composition – in terms of national identification – is more similar than expected if the options available had a relevant impact in the final results.<sup>9</sup> Exclusive and predominant Catalan identities account for eighty-five per cent of those supporting an independent state in scale of self-government, while in the two-option referendum these two groups represent almost eighty per cent of the total. From the perspective of dual identities, more than 40% of those supporting independence express some kind of dual identities (equally Spanish and Catalan, more Catalan than Spanish and more Spanish than Catalan) either in the two-option referendum or on the four-grade scale of self-government. Even within each of these groups, we find relevant levels of support to independence. Thus, the preliminary evidence presented here does not aim at questioning classical approaches on nationalism in nations without states, but rather

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8 In some cases, subjective national identification is referred to as a 'prepolitical', but the important emphasis to be made is how a social cleavage is transformed into a competitive one in the political sphere, following Rokkan's classical approach (Lipset–Rokkan 1967).

9 Support to independence in a two-option question in recent polls show a range between 36% and 50% according to the latest data available in both media and academic polls taken during 2009 and 2010.



at pointing the need to take into account the dynamics of social divisions and their transformation into political preferences. This broader approach is in my view necessary to understand contemporary debates and the future evolution of the national question in Catalonia and Spain.

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## **SPAIN: FROM THE AUTONOMY MODEL TO THE FEDERALISM. THE CASE OF CATALONIA**

The 21<sup>st</sup> century is the age of globalisation, of connections between cultures and civilisations representing different values and value systems. It is a period when divergent identities and forms of identities come into contact with each other, foreign relations take on sociative nature, multiculturalism becomes universal, and government forms, as well as political systems are defined by universal models. The multi-party international system exhibits an increasing degree of turbulence and is organised around networks, streams, and currents. The state of “Governance without Government” and the institutional arrangements of classical regionalism are complemented by the multilevel government structures of the new type of regionalism that characterises the European Union and other organisations. The Westphalian international system based on the principle of the exclusivity and the omnipotence of state entities has been transformed and has largely disappeared. The notion of the Nation-State, which dates back to the 18<sup>th</sup> and 19<sup>th</sup> centuries and conveys the concept of homogeneity, has also lost its validity.

Parallel to the types of integration tendencies and organisational forms characteristic of the new regionalism, which transcends the territorial principle, the recent past has also seen intensifying disintegration processes linked to ethno-regionalism. In the East Central European region and the territories of the former Soviet Union, this has again led to the birth of new, usually multinational states. At the same time, issues of protecting ethnic minority groups living in the territory of the given state and questions of minority politics have gained importance and are treated with increasing attention.

In a Europe of regions, the classical definitions of state, nation, citizenship, and local self-government systems have been widely modified by the co-existence of identities of different types and foundations, as well as the concurrence of processes of democratisation (Zapata-Barrero 2004). Juan José Linz’s 1992 statement on multinational Spain has

gradually become universally relevant: “Today, Spain means a state for all Spaniards; it means a nation-state for a large part of the populace, and a state but no nation for a significant minority.” (Linz 1992. 423.)

## **The Formation and Development of the Self-government System in Spain**

Between 1979 and 1983, in the first phase of the institutional development of the democratic parliamentary monarchy, which displaced the Franco system, Spain saw the realisation of a democratically regulated co-existence between the state (the Kingdom of Spain), historical nations possessing their own language (Basque, Galician, Catalan, Valencian), and – as phrased by Roberto Blanco Valdés (Blanco Valdés 2005) – regions without a history (Cantabria, Asturiass, Extremadura, Madrid, Murcia, La Rioja, etc.). In Spain, the population is made up of 20% Catalans, 6% Basques, 2,5% Galicians, and 2,5%Valencians.

It is a fact that, by creating an autonomy model resting on cooperation between seventeen self-governing communities, the Spanish new democracy has played an exemplary role in the solution of a centuries-old ethno-regional problem. The system formed between 1979 and 1983 has proved to be viable to the present day.

The new democracy represents a complete breakaway from old power forms. In the course of creating the new self-government and civic administration system as well as providing a solution of the national-regional issue, due attention had to be paid to the formation of a well-articulated and symmetrical state system, founded on a compromise-based linking of national and regional autonomies and the democratic self-government system.

The model did satisfy the national demands of the small nations of the Basques, Galicians, and Catalans (and also those of Navarre, the Balearics, and the Community of Valencia, which all possess individual tongues), but a system of balances was created to keep these in check by the formation of regional autonomies on different principles – these were the above-mentioned regions “without a history”. The state-organisational basis for this dual division was the territorial distribution of power, which was put into a unifying framework under the emotionally neutral name of State of Autonomies (Estado de las Autonomias). With

the creation of the seventeen self-government communities<sup>1</sup> and the settlement of the legal status of the two cities of independent status, Ceuta and Melilla (both wedged in the body of the state of Morocco), a semi-federal system was born in Spain in the technical and legal sense of the phrase. In his excellent book, Eliseo Aja calls this formation a state based on autonomies built on different facts. Aja also raises several reform proposals in connection with the arrangements of the present situation, mainly on the role of the senate (Aja 2003). The 25th February 1983 passing of the Autonomy Statute of Castile and Leon marked the closure of the first phase in an organisation process, which was based partly on the country's historical traditions, partly on a regional structure produced by economic growth, and in a large part by a politically motivated civic administration-decentralisation and political self-government initiative. (For a detailed discussion see Szilágyi 1996. 78–83, 133–145.)

## Self-government Communities of Spain



The roots of Spanish regionalism, division (For a detailed discussion see: Anderle 1985) and spatial separation reach back to the times of the Roman Empire and the eight-hundred-year Arab occupation (711–1492). The immediate historical precedent of the model formed between 1979 and 1983 is nevertheless provided by the territorial reform executed on

1 Andalusia, Aragon, Asturias, the Balearics, the Basque Country, the Canaries, Cantabria, Castile La Mancha, Castile-Leon, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarre, La Rioja, and the Valencian Community.

the basis of the 1931 Constitution of the Second Republic. Along the notion of the integrated state, the country was broken up into thirteen regions of limited self-government status.<sup>2</sup> No mention was made of the small nations of the Basques, Galicians, and Catalans, which were also classified as regions. As a result, and in spite of all its democratic qualities, this reform, in fact, represented the traditional centrist concept of the unified nation state.

After this brief discussion of preliminaries, it is quite clear that it was impossible for the new Spanish democracy to reject the autonomy demands of the historical regions (Andalusia, Aragon, Asturias, Castile and Leon, Castile La Mancha, Extremadura, and Murcia) and the small nations ( Basque Country, Catalonia, Galicia, Navarre, and the Valencian Community). The same rights could also not be withheld in the case of the Canaries, which possessed its own set of traditions, or that of the Balearics. Political and civic government factors acted as a motivating force behind the creation of the self-government communities of Cantabria (1981), La Rioja (1982), and Madrid.

In spite of seemingly homogenous regulation, two types of Spanish self-government communities were formed along the lines of the process of attaining of autonomy, the execution of the process, the shaping and passing of the statutes, and the division of organisational rights and scopes of authority. There were communities with limited and full self-government rights.<sup>3</sup> The group of the latter comprised Catalonia, the Basque Country, Galicia, Andalusia, the Valencian Community, the Canary Islands, and Navarre. The rest possessed Comunidad Autónoma's limited self-government rights.

According to Article 137 of the Spanish Constitution passed on 6<sup>th</sup> of December 1978, "The State is organised territorially into municipalities, provinces and the Self-governing Communities that may be constituted." ([http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const_espa_texto_ingles_0.pdf), p. 58, and/or *Las Constituciones de España*, 2000. 403.). The seventeen regions, which possess political and legal self-government rights, comprise 8,047 municipal and 52 provincial (county) self-governments. There

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2 The thirteen regions were the following: Andalusia, Aragon, Asturiass, the Basque Country, Catalonia, Extremadura, Galicia, Leon, Murcia, Navarre, New Castile, Old Castile, and Valencia.

3 Not even full autonomy includes the right of separation or of the creation of an independent state.

are important differences between the various levels with respect to their creation, scope of authority, and legal entity types. Municipal self-governments possess all the rights of a legal entity. The local self-government (ayuntamiento) is voted for in general, direct, free, equal, and secret elections by the local populace. These bodies possess full independence in matters within their scope of authority.

The province, in contrast, as phrased in Article 141 of the Spanish Constitution, “is a local entity, with its own legal entity” ([http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const_espa_texto_ingles_0.pdf), p.63 and/or *Las Constituciones de España*, 2000. 409.), formed by the associative partnership of towns and villages and the state. As a result, its scope of authority is limited to issues assigned, transferred or conferred upon them by law. Representatives and bodies of representatives are responsible for the government of provinces.

The sense of territorial identity and local patriotism is at the same time extremely strong among municipal and provincial self-governments. One of the contributing factors to this is the fact that, during the formation of the Spanish autonomy system, representatives took into account historical development as well as civic administration rationality, as the development of most Spanish provinces (similarly to the development of Hungarian counties) shows up an element of organic continuity. Since the 8th and 9th centuries, i.e. the appearance of the first small Christian states (kingdoms), regional borders often changed as a result of conquest and the alternation of royal houses, while country borders were rarely altered.

As we said, two types of Spanish self-government communities were formed along the lines of the process of attaining of autonomy, the execution of the process, the shaping and passing of the statutes, and the division of organisational rights and scopes of authority.

The general path to the attainment of autonomy is the process defined in Article 143 of the Constitution. This confers limited self-government rights on the respective communities. The right of initiation rests with the representatives of the provinces and the local government bodies. Two-thirds of the community bodies involved need to consent to the statute within a period of six months for the attainment of autonomy. Failure to observe the deadline or overtiming renders the initiative null and void. A new attempt is possible to make only after five years: Article 143 ([http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const_espa_texto_ingles_0.pdf), p. 64 and/or *Las Constituciones de España*, 2000. 410.).



In the case of the majority of self-government communities, however, the procedure described in (1) and (2) of Article 143 was preceded by the granting of preliminary autonomy in the course of the democratic transition before the passing of the statute.

According to the regulations of Article 140(2), five years after the attainment of autonomy, the communities that attained autonomy in the “slow track” procedure discussed above may modify their statutes and extend their scope of authority to all factors of life except those spheres which belong exclusively to central national government bodies (listed in Article 149 (1)). This means they may attain the status of full self-government, and thus the autonomy system acquires a homogenous structure.

The extraordinary route to the attainment of full autonomy, which nevertheless does not include the right to the formation of an independent state or separation, is regulated in Article 151 (1). In this case, the right of initiative rests with the representatives of the local government bodies and the provinces. The attainment of autonomy, however, is dependent upon a three-quarter agreement of town and village self-governments in all counties, as well as the ratification of the signed treaty by referendum.

In the course of democratic transition, the Cortes did not demand referendums to be held in the case of Catalonia and Basque Country as these territories did possess autonomy statutes and organisations in the times of the Second Republic, in the beginning of the 1930s (Generalitat: Catalonia; Consejo General: Basque Country).

No referendum was held in Galicia either, as the region acquired autonomy status in June 1936 – then the civil war put an obstacle to its introduction. Full self-government status was attained after a referendum and lengthy negotiations by Andalusia in December 1980; national competences were surrendered to the Canaries and the Valencian Community; Navarre gained self-government rights out of national interest, based on Article 144(a), and by vote of the Cortes General. Navarre, as a single-province region, had an option to choose: it either joins the Basque Country as a fourth county beside Guipúzcoa, Vizcay, and Álava, or retains its independence and forms a self-government community. In spite of the fact that a significant part of the population of Navarre speaks the Euskera language, the province opted for community status, basing its claim on historical reasons.

Article 144(b) provided the opportunity of passing the statutes for Madrid, and finally – as already discussed – the two towns, Ceuta and Melilla, wedged in the body of Morocco.

Article 148 of the December 1978 Constitution, taxatively lists issues within the competence of autonomous communities. These are in turn further detailed in the self-government statutes (for Statutes of Self-Government Communities see: Torres Muro 1999) and the “autonomy pacts” struck by the central government and the national parties.<sup>4</sup> According to the regulations of the foundation charter, self-government communities have the right to designate names to self-government institutions, form local bodies, plan local/regional development, handle housing issues, regulate community work and the railway system, operate the transport system, maintain harbours and aerial and water sport establishments, regulate agricultural and animal husbandry activities linked to the general economy, operate irrigation facilities and canals, regulate forestry, protect the natural environment, organise internal fairs and expos, economically develop the community within the framework of national economic policies, maintain museums, libraries and conservatories connected to the interests of the autonomous region, develop the culture, school system, and language of the self-government community, promote tourism and sports, and provide social care and health care.

The next Article, no. 149, details issues exclusively belonging to the competence of central national bodies in thirty-two paragraphs. The legislator nevertheless provides the opportunity for the Spanish parliament to transfer or cede all or selected elements in the scope of the central authority to all or selected autonomous communities, thus realising the idea of a rationally regulated democratic Constitutional state based on full equality of rights and a fully developed system of national-regional autonomy. The period between 1983 and 2006 saw an unprecedented decentralisation and democratisation process in the history of Spain. Completely unusually for a Constitutional monarchy, which has a parliament of its own and independent representation in the second chamber of the Spanish legislature, the initial legal differences between the self-government communities organised upon the presidential principle had levelled out by the middle of 2010. This may primarily be explained by the transfer of authority from the central government to the self-government communities in the areas of health care as well as primary and secondary education. The state of autonomies thus exhibits characteristics similar to those of federal systems at present.

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4 The 28th February 1992 Autonomy Agreements, the Barcelona Declaration by the Catalan and Galician National Parties on 16th July 1998, the Pact of Estella (Lizarra) signed in Basque Country on 12th September 1998, and several Constitutional amendments and Constitutional Court decisions related to the issue.

The relative stability of a democratic state structure in the historical sense does not preclude change. The institutional system is in a process of constant motion. Changes pointing from the semi-federalism of autonomous communities to federalism based on national and cultural identities have markedly accelerated from the second half of the 1990s. In July 2006 they led to the passing of the new Autonomy Statute of Catalonia. The separation of the autonomous province, which has gained independent nation status, and the formation of an independent state with the capital of Barcelona has presented itself as a realistic alternative.

### **National Identity and Autonomy – Catalonia on the Road to Independence?**

The Statute of Autonomy of Catalonia, passed on 19th July 2006, joined the institutional strengthening of the self-government system to the aspiration to establish an independent nation status based on cultural, linguistic, and historical identity, as well as the aim to provide a historical foundation and justification to the cause. The Preamble of the Statute is worded as follows: “The Catalan people have maintained a constant will to self-government over the course of the centuries, embodied in such institutions as the Generalitat – created in 1359 (...) – the re-establishment of the Generalitat in 1977, and the 1979 Statute, coinciding with the return of the democracy, the Constitution of 1978, and the State of Autonomies. (...) Catalonia’s self-government is founded on the Constitution and also on the historical rights of the Catalan people, which, in the framework of the Constitution, give rise to recognition in this Estatut of the unique position of the Generalitat. Catalonia wishes to develop its political personality within the framework of a state which recognises and respects the diversity of identities of the peoples of Spain.

The civil and associative tradition of Catalonia has always underlined the importance of Catalan language and culture (...) In reflection of the feelings and the wishes of the citizens of Catalonia, the Parliament of Catalonia has defined *Catalonia as a nation* (author’s emphasis) by an ample majority”. “The Spanish Constitution, in its second Article” – the Preamble reads - “recognises the national reality of Catalonia as a *nationality*”. (*nacionalidad*, author’s emphasis) (<http://www.gencat.cat/generalitat/eng/estatut/preambul.htm> and/or Ley Orgánica 6/2006. 27269.). The notions of nation and nationality, nevertheless, cover

different contents both in political science and law. Nationality means a(n ethnic) minority living in the territory of a state of a majority group. *A nation, on the other hand, represents an entity, which may be described by objective and subjective criteria, in most cases possesses independent statehood, or is a state-forming factor in the case of a multinational state.* (For the issue of nation and national identity see: Szilágyi 2010. 198–208.)

Articles 2 and 3 of the Spanish Constitution passed on the 6<sup>th</sup> of December 1978 corroborate the validity of the above argument. Founding the indivisible territorial integrity of Spain on the solidarity of nations and regions forming the state of autonomies, Article 2 declares: “The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognises and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all”. ([http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const_espa_texto_ingles_0.pdf), p. 10 and/or Las Constituciones de España 2000. 372.). Article 3 regulates the principles of language use and stipulates: “Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it. The other Spanish languages shall also be official in the respective Self-governing Communities in accordance with their Statutes. The wealth of the different linguistic forms of Spain is a cultural heritage which shall be especially respected and protected”. ([http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Information/Normas/const_espa_texto_ingles_0.pdf), pp. 10–11 and/or Las Constituciones de España, 2000. 372.). It is not the task of this paper to point out the less than clear phrasing of the Constitution. Attention must nevertheless be called to the fact that the Constitution considers the Spanish nation a multinational, multi-language community the multifaceted cultural unity of which is secured by the declaration of the Castilian version of the Spanish tongue as the official language of the state.

In contrast to this, the Statute of Autonomy of Catalonia, Article 6 (1) stresses: “Catalonia’s own language is Catalan. As such, Catalan is the language of normal and preferential use in Public Administration bodies and in the public media of Catalonia, and is also the language of normal use for teaching and learning in the education system”. ([http://www.gencat.cat/generalitat/eng/estatut/titol\\_preliminar.htm#a6](http://www.gencat.cat/generalitat/eng/estatut/titol_preliminar.htm#a6) and/or Ley Orgánica 6/2006. 27270.).

The second paragraph of this same article names *Catalan as the official language of Catalonia as opposed to the national language of Spanish.*

“Catalan is the official language of Catalonia, together with Castilian, the official language of the Spanish State. All persons have the right to use the two official languages and citizens of Catalonia have the right and the duty to know them”. ([http://www.gencat.cat/generalitat/eng/estatut/titol\\_preliminar.htm#a6](http://www.gencat.cat/generalitat/eng/estatut/titol_preliminar.htm#a6) and/or Ley Orgánica 6/2006. 27270.). This last point has sparked serious debates and raised grave Constitutional concerns in Spain. Many consider the issue worded in the Statute a serious infringement upon political and Constitutional order.

The Catalan solution (taking the Basque, Galician, and Valencian claims into consideration) raises and at the same time contains the possibility and the necessity of a transformation of the constitutional model and the launching of a general state reform.<sup>5</sup> These concerns, quite honestly, may be considered realistic. The paragraphs in Title I., Chapter III., Article 32 of the Statute of Autonomy of Catalonia demand accredited language proficiency of Catalan for holding jobs in the public service sphere, as well as for civil servants, public sector employees, teachers, judges, etc. Article 35 names Catalan as the language of instruction in education. “Each individual has the right to receive an education in Catalan, as established in this Estatut. Catalan shall be used as the teaching and learning language for university and non-university education”. ([http://www.gencat.cat/generalitat/eng/estatut/titol\\_hm.#a32](http://www.gencat.cat/generalitat/eng/estatut/titol_hm.#a32) and/or Ley Orgánica 6/2006. 27274.).

Catalonia makes serious efforts to protect and develop the Catalan language in order to create an intellectual and linguistic community of territories belonging to the Catalan cultural domain – these territories (*Països Catalans – Catalan Country*) exist both virtually and physically in a geographical space. Article 6 not only empowers but obliges the Generalitat, the supreme legislative body of Catalonia to promote communication with those autonomous regions of Spain which also exhibit the Catalonian linguistic heritage<sup>6</sup>, and with any other entities.

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5 For a clear discussion of the debate unfolding around the issues of the language component both in constitutional law and political science see: López Basaguren 2007. 87–112.

6 The Balearic Islands are also a Catalan-speaking autonomous province of the Kingdom of Spain. Valenciano, spoken in the Valencian Self-Government Community, may also be regarded a dialect of Catalan. Catalan is also the official language of Andorra, and not only Basque but also Catalan is understood in territories of France near the Catalan border. According to official data, Catalan is the ninth largest language of the European Union. The Catalan-speaking area comprises 68,000 square km with a population of 13,530,000. Within this, the government rights of the Self-Government Community of Catalonia cover 32,000 square km with 6,300,000 inhabitants.

The new Statute of Catalonia lays down the institutional system framework of the Self-Government Community. In accordance with this, the Parliament, the Presidency of the Generalitat, the Government, and other administrative institutions (Ombudsman, State Audit Office, etc.), as well as local and county self-governments and their associations are all parts of the Generalitat. The Statute contains a detailed discussion of the links and ties between Catalonia and the European Union, Catalonia's foreign policy roles, and provides a description of the institutional structure created jointly with the Spanish central government to facilitate individual action as well as a coordinated and joint representation of interests in the system of international relations.

As already indicated, the above discussed processes, changes within Spain and Catalonia, and separation attempts in Basque Country all raise the issue of a general state reform and an amendment of the Constitution in Spain.<sup>7</sup> At the same time, current events and processes in the larger state of the Iberian peninsula provide important lessons for the autonomy aspirations of national minorities in East Central European countries. The Spanish-Catalan solution involving the notion of the concept of the cultural nation may bring official attention to the issue of the validity and feasibility of this model in the case of the minorities in the multinational states of our region. The reality of political self-government, territorial autonomy, the preservation of identity and its connection to the official use of language, as well as the creation and maintenance of the necessary institutional framework calls attention to the practicability of a democratic state-formation practice already existing in the European Union. Due to its major importance, the above discussed set of issues requires further investigation with a comparative focus. Providing solutions to the questions raised here thus points far

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7 At the behest of civic organisations, a referendum on the independence of Catalonia was held on the 13<sup>th</sup> of December 2009 in more than 160 towns and villages with the participation of 700,000 voters. The ballot question was as follows: "Do you agree that the Catalan nation should become a state-of-law, independent, democratic and social, integrated in the European Union?" Although the result of the vote was non-binding as, according to the Constitution, referendums may only be initiated by the Madrid government, Prime Minister José Luis Rodríguez Zapatero announced that he will not recognise the referendum. The referendum in any case was ineffectual as only a little over 30% of the registered voters cast their ballots, and the referendum was not supported by the Generalitat either. Those who voted, nevertheless, decided for the independence of Catalonia with a 95% majority. Several other organisations have voiced their intention to call for further referendums in 2010 in the major cities of the self-government community.

beyond the limits of this paper. However, there should be absolutely no doubt that self-governments of various types, levels, and foundation principles will continue to play an important role in the lives of the states and the system of international relations.

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**II.**  
**LANGUAGE RIGHTS AND CULTURAL**  
**POLICIES TARGETING MINORITIES IN**  
**CENTRAL AND EASTERN EUROPE**



## **THE PROTECTION OF THE MOTHER TONGUE OF NATIONAL AND ETHNIC MINORITY COMMUNITIES IN THE REPUBLIC OF CROATIA**

The protection of national and ethnic minority communities in Croatia is being implemented at each of the four levels of minority protection (fundamental, cultural, political, and socio-economic), as well as by the two models of autonomy (cultural and functional). In this paper, particular emphasis is put on the issue of the implementation of minority rights at the cultural level. According to the present model of cultural autonomy, the most extensive spectrum of minority cultural rights is being implemented by the direct support of state structures, through a model of cultural autonomy (education, science, research, protection of monuments, libraries, cultural councils, etc.). Success is thereby achieved in the implementation of the principle of integrating the members of national and ethnic communities into Croatian society, as well as in the preservation of their cultural identity through an efficient evasion of the assimilation process (Tatalović 2005. 45.). Another significant area of cultural rights within the scope of minority protection (information, publishing, cultural amateurism) is being implemented through functional autonomy by stimulating direct activities of the members of national and ethnic communities, within the system of the minority non-governmental sector, with the aim of achieving the high quality preservation of minority identity and the even more efficient avoidance of the assimilation process. The basis for both models is the protection of national identity through the protection of the mother tongue of the minority communities, the stronghold of which one can be found in the majority of international documents dedicated to the protection of minorities.<sup>1</sup>

In the academic discourse of South-Eastern Europe, language plays a central role in protecting the cultural dimension of national identity, and

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1 The International Convention on Civil and Political Rights (Art. 27), The Framework Convention for the Protection of National Minorities (Art. 5), The Document of the Copenhagen Meeting on the Human Dimension (Art. 32), etc.

commands a strong influence over the national political identity (in terms of group identification) for members of minority groups. This discourse recognises the importance of mother tongue as the constructing element of the élites, as independent subjects of international relations in South-Eastern Europe, in the process of nation-building. The non-implementation of measures that protect mother tongues may be interpreted as a direct attack on the national identity of the respective minority groups, and an effective incentive for the escalation of ethnopolitical conflict. Therefore, the execution of broad language protection mechanisms is essential in order to avoid such conflicts as well as the assimilation process.

Within the territory of the Republic of Croatia, the system of mother tongue protection for national and ethnic minority communities has been effectively implemented since the period after the Second World War. The state was legally bound in its guarantee to protect minority communities from assimilation through education, minority institutions, and the right to use minority language in private, public and official domains of social activity.<sup>2</sup> Further, these protective institutions have decidedly strengthened during the period of democratic transition and Croatia's movement toward independence from Yugoslavia beginning in the 1990s. This process itself had a significant impact on the magnitude and structure of the protection of minority groups largely because it introduced new minority groups. Prior to Croatia gaining independence, protections were granted to Hungarian, Italian, Czech, Slovakian, Ruthenian, and Ukrainian minority groups. In the period after the independence, protective measures were extended to a number of other groups, including Serbians and other groups within former Yugoslavia.<sup>3</sup> Today, these protections are granted to twenty-two different national and ethnic groups (see more in Table 1.).

On the whole, members of minority communities in Croatia have been successfully integrated into the Croatian society. Further integration processes are desirable, but misgivings abound primarily when integration

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2 The Constitution of the Federative Republic of Yugoslavia, SL SFRJ, Beograd, 1946, Art. 13; The Constitution of the Socialist Federative Republic of Yugoslavia, SL SFRJ, Beograd, 1974, Art. 170, Art. 171; The Law on the Education of Nationalities, NN SR Croatia, Zagreb, 122/79.

3 "...the Republic of Croatia is hereby established as the national state of the Croatian people and a state of members of other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews, and others, who are guaranteed equality with citizens of Croatian nationality and the realization of ethnic rights in accordance with the democratic norms of the United Nations and countries of free world". The Constitution of Republic of Croatia, NN 41/01, 55/01, Preamble.

is perceived as an assimilation process. Since a considerable portion of minority communities is alienated from their primary national identity, there exists an evident need for the implementation of a wider spectrum of minority identity protection in order to preserve it. This issue is particularly visible through census declarations of nationality and belonging to a certain language group (see more in Table 2.). The majority of the national minority groups, with the exception of Croatia's Italian community, have considerably less members declaring themselves as native speakers of "their own" minority tongue. This fact is most evident with the members of the Serbian national minority (201,631 members) of whom only 44,629 declared to speak Serbian, 4,961 Serbo-Croatian and 2,054 Croato-Serbian. A similar situation is present in the majority of other national minorities, with the exception of the mentioned Italian minority (Bandov 2009. 270–272, 382–383.).

Consequently, there is an intense need to establish a high quality system of instruments for the protection of minority languages in order to preserve national and ethnic minority identity in Croatian society. The system of language protection in Croatia encompasses first and foremost the right to education in the language of a national minority group and the right to use minority language before administrative and judicial bodies. These rights have been recognised and guaranteed by a series of constitutional and legal norms, whose implementation has been effectively controlled by European and Croatian legal bodies.<sup>4</sup> As a result, this paper will focus on the protection and implementation of the right to use a minority language under the domain of equal official use of minority languages before judicial and administrative bodies, and the minority language as an instrument of protection of national identity, particularly because of its role in the sphere of education and upbringing.<sup>5</sup>

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4 Especially significant instruments of implementation control are the reports that say the Republic of Croatia is obliged to submit to the Council of Europe. More in: Marko, Joseph/Geistlinger, Michael: Minderheitenschutz im östlichen Europa-Kroatien, p. 56: [http://www.uni-koeln.de/jur-fak/ost\\_recht/minderheitenschutz/Vortraege/Kroatien/Kroatien\\_Marco\\_Geistlinger.pdf](http://www.uni-koeln.de/jur-fak/ost_recht/minderheitenschutz/Vortraege/Kroatien/Kroatien_Marco_Geistlinger.pdf).(24.02.2008); the alternative report on the implementation of the framework convention for the protection of national minorities of the Council of Europe in the Republic of Croatia, for the period 1999-2004, Vukovar, 2004.

5 In the past period, the legislative system pertaining to the protection of national and ethnic minorities was completed. In 2000, the Law on the Use of Languages and Scripts of National Minorities and the Law on Education in Languages and Scripts of National Minorities were adopted, and in 2002 the Constitutional Law on the Rights of National Minority and a range of by-laws were enacted, thus creating conditions for a systematic exercise of the national and ethnic minority

## Equal Use of Minority Language in Private, Public and Official Spheres

The Constitution of the Republic of Croatia defines the Croatian language as the official language of Croatia; however, it enables the official use of minority languages in certain regional and local communities.<sup>6</sup> The constitutional law, dedicated specifically to national minorities, closely actualises the freedom to use minority languages and differentiates its use in private, public and official spheres.<sup>7</sup> Additionally, the provisions of the Law on the Use of Languages and Scripts of National Minorities guarantee an effective and equal use of minority languages.<sup>8</sup> Likewise, an array of bilateral contracts between Croatia and the home states of the minority communities regulate more closely the equal use of minority rights in the Croatian society.<sup>9</sup>

The official use of minority language is a territorially restricted right to be exclusively enforced in local and regional self-governments in which a certain minority community makes up more than a third of the population.<sup>10</sup> The Law on the Use of Languages and Scripts of National Minorities regulates the equal position of minority languages before municipal, city, and county administrative bodies, as well as before judicial bodies.<sup>11</sup> The members of the Serbian community, as members of the largest minority community in Croatia, benefit of these rights in twenty-one units of local self-governments where they comprise more than one third of the population.<sup>12</sup> The members

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rights. These laws were adopted by consensus of the parties in the Croatian Parliament, which also ensures that there is political will to implement them. More in: Tatalović 2004. 111–135.

6 The Constitution of Republic of Croatia, NN 41/01, 55/01, Art. 12.

7 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 07, Art. 10, Art. 12.

8 The Law on the Use of Languages and Scripts of National Minorities, NN 51/00, 56/00, Art. 1.

9 Inter alia: Accord between the Republic of Croatia and Serbia and Montenegro on the protection of the rights of the Croatian minority in Serbia and Montenegro and Serbian and Montenegrin national minority in Croatia NN/MU 3/05; Accord between the Republic of Croatia and the Republic of Hungary on the protection of Hungarian minority in the Republic of Croatia and the Croatian minority in the Republic of Hungary, NN 8/95.

10 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 12.

11 The Law on the Use of Languages and Scripts of National Minorities, NN 51/00, 56/00.

12 More in: Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated for national minorities for 2003-2004, Government of the Republic of Croatia, Zagreb, 2006, p. 7.

of minority communities lack an interest for the implementation of administrative procedures in the minority language, with the exception of the members of the Italian national minority. The issue of the use of minority language before judicial or administrative bodies should be primarily understood as a right of a practical approach before these bodies, and not as an instrument of the protection of minority identity.

### **The Right of Bilingual Translation for Official Titles**

One of the most important instruments of stimulating the development of minority identity and preventing the assimilation process is the freedom to have bilingual titles in the language and the script of the minority in areas where the minority makes a numerically significant community. This regulation targets primarily the original names of towns and the freedom of appointing names of streets, squares, and institutions after prominent persons and events from the past, which are tightly connected to the minority community.<sup>13</sup> The international community has evaluated this regulation as being of the utmost importance for the preservation of the national identity of the minority communities in Croatia, and as an important step in raising the quality of minority protection in Croatia.<sup>14</sup> Most minority communities that have a legal prerogative to use this right, do so. Certain difficulties in implementing this right occurred formerly in areas where international relations were undermined by direct war-related events during the 1990s; however, today there have not been detected any significant difficulties in implementing this regulation.

### **The Right to Hold an Identification Card in the Language and Script of the Minority**

The right to hold an identification card in the language and script of the minority is one of the instruments implemented by the Republic of Croatia, providing additional protection of minority identity through minority language. Members of minority communities have not recognised this instrument as a significant contribution to the protection

13 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 13.

14 More in: The Report on Republic of Croatia, The Framework Convention for the Protection of National Minorities, Europe Council, Strasbourg, 2001, p. 18.



of their identity, with the exception of the Italian and Hungarian national minorities, which make use of this right in more significant numbers.<sup>15</sup> For example, the members of the Serbian national minority community have utilised this right in only 330 cases in the time period between 2003–2006, while the members of the Italian national minority community have used it 18,261 times during the same time period.<sup>16</sup> An important note, according to the last census taken in 2001, is that there are 201,631 members of the Serbian national community, which means that this right has been utilised in 0.2% of cases, while the Italian national community counts 19,634 members, which means that this right has been utilised by more than 93% of all members. Most of the other national minority communities have utilised the right to hold an identification card in Croatian and the minority language in less than 0.2% cases, with the exception of the Hungarian and Italian national minority.<sup>17</sup> Consequently, one may conclude that this right has primarily a practical purpose, which is evident in the cases of the Hungarian and Italian communities. Since both these communities lean on their home states, the bilingual identification card enables an easier border crossing for them and faster administrative proceedings in the home state in cases in which a member of the minority community does not hold documents of the home state.

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15 The Law on the Personal Card, NN 11/02, Art. 8; NN 122/02.

16 Members of Serbian national community have utilized the legal possibility in 2003 (103), 2004 (133), 2005 (60) and 2006 (34) in only 350 cases. At the same time, members of Italian national minority utilized the same right in 2003 (8,097), 2004 (4,454), 2005 (2,797) and 2006 (2,913) in 18,261 cases. More in: Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated for national minorities for 2003-2004, Government of the Republic of Croatia, Zagreb, 2006, p. 6; Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated for national minorities for 2005, Government of the Republic of Croatia, 2006, p. 15; Draft Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated in 2006 for national minorities, Office for national minorities, Government of the Republic of Croatia, Zagreb, 2007, p. 14.

17 More in: Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated in 2006 for national minorities, Office for national minorities, Government of the Republic of Croatia, Zagreb, 2007, p. 7.

## **Education in the Languages and Scripts of National and Ethnic Minorities**

Education in the languages and scripts of national and ethnic minorities was the only completely defined instrument for the protection of national minorities that had been in place even before Croatian independence.<sup>18</sup> The legal framework for the establishment of educational institutions, the path of actualisation and the models and forms of executing the educational program for the members of national minorities already existed (Domini 1990. 100.). In this period, the instrument of education was implemented for the six national minorities whose minority community status was legally recognised at the time: the Hungarian, Italian, Czech, Slovakian, Ukrainian, and Ruthenian minority groups. Other minority communities were not given the opportunity to use the minority educational system since their minority status was not recognised (i.e., Austrians and Germans), or instead they were grouped as a community into ethnic minorities (Roma), or held the status of one of the peoples of Yugoslavia and hence could not achieve a status of minority community in Croatia (Tatalović 2005. 21.). Therefore, for some minorities, education in their languages and scripts was an already recognised right, while others faced the challenge of establishing a minority educational system after Croatian independence.

The first changes in minority policy, which took place during the period of Croatia's independence, already expanded the functioning of the instrument of education onto all of the minority communities in Croatia. However, their implementation in the 1990s was limited, especially for the members of the Roma and Serbian communities. A new shift on the Croatian political scene took place after the elections in 2000, when an array of constitutional and legal regulations completely dedicated to the protection of the minorities were enacted.<sup>19</sup> The effective implementation of the educational system in the language and script of the minority communities started in this period.

The education for minorities is implemented in pre-school, elementary and high school institutions, and in the system of summer and winter

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18 The Constitution of the Socialist Federative Republic of Yugoslavia, SL SFRJ, Beograd, 1963; The Law on the Education of Nationalities, NN SR Croatia, Zagreb, 122/79.

19 The Law on the Use of Languages and Scripts of National Minorities, NN 51/00, 56/00; the Law on Education in Languages and Scripts of National Minorities, NN 51/00, 56/00.

schools.<sup>20</sup> The educational plan and programme mirrors the plan and programme followed in majority schools. The basic difference lays in the language and script in which the education is being carried out. For example, text books used in non-minority schools are translated into minority languages and incorporated into the literature used by the minority institution.<sup>21</sup> Until now, the textbooks have primarily been translated into Italian, Serbian, Hungarian, Czech and Slovak since the most pronounced interest toward attending minority educational systems exists in these very minorities (Jakir 2008. 5.).

The pupils attending minority educational institutions have different foreknowledge of the minority language and, as such, they have different interests and desires regarding education for minorities. Hence, Croatia developed three models of minority educational system and special programmes for pupils attending non-minority institutions. The model enforced in a given community depends on the pupils themselves and their parents, as well as on the appeal of the local minority community for opening a minority school or class.

The models and forms of minority education are as follows:

– **Model A**, which is implemented in a way that the overall education is in the language and script of a national minority with obvious Croatian language learning;

– **Model B**, which presents a system of bilingual education where the curriculum is executed in the minority language (humanities and social sciences) and in Croatian (natural sciences);

– **Model C**, which is implemented through the nurturing of the language and culture of the national minority; the additional module of curriculum, 5 hours per week, is closely related to the culture of the national minority (composed of the minority language, literature, history, geography, and visual arts and culture).

In addition, there exist special educational programmes, including seminars and workshops in minority languages, summer and winter

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20 The Law on Education in Languages and Scripts of National Minorities, NN 51/00, 56/00, Art. 2.

21 Because of an exceptionally small size of edition (less than 50 copies!), high school textbooks are not translated and the author textbooks are not printed, instead the same textbooks are used as for the education in Croatian language, or the textbooks are imported from the home state, with the consent of the Ministry, for the requirements of the high school education in the language and script of the minority. More in: Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated in 2006 for national minorities, Office for national minorities, Government of the Republic of Croatia, Zagreb, 2007, p. 12.

schools, distance learning, and specific programmes for the inclusion of the Roma population in the educational system, according to comprehensive strategic documents, the National Programme for the Roma, and the Action Plan for the Decade of Roma Inclusion 2005-2015.

In the pre-school educational system, Model A has been chosen by the Hungarian, Serbian, Czech, and Italian minorities, and Model C has been chosen by a Hungarian minority in only one local community.<sup>22</sup> In the elementary school educational system, Model A has been chosen by the Czech, Serbian, Italian, and Hungarian minority, and Model B by the Hungarian community; Model C was chosen by the Slovakian, Czech, Hungarian, Macedonian, Ukrainian, Ruthenian, German, and Austrian minority. High school education is organised according to Model A for Bosnian, Hungarian, Serbian, and Italian minorities, while the Czech national minority opted for organising its curriculum according to Model B. The majority of other minority communities use other forms of minority educational system, especially summer and winter schools. An insight into the reliance on the instrument of education for minorities shows that the most active participants of these minority rights are precisely the communities, which had the possibility of using this instrument before the independence of Croatia, with the exception of the Serbian national minority. They have constructed structures and school networks, educated a faculty capable of teaching in the minority language, co-operated in a highly developed manner with the home state, and preserved the habit of attending minority schools developed among their fellow members. Another important factor is that they have access to sufficient information on the possibilities of minority education and are aware that it equals the classic Croatian educational system.

It is imperative to note that, by this instrument of minority protection, Croatia effectively implements the principal of positive discrimination through several levels. The number of pupils needed for founding a school institution that offers curricula in a minority language and script is smaller than the number needed for founding a school with curricula exclusively in Croatian.<sup>23</sup> In cases where there are not enough members

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22 More in: Report on the implementation of the Constitutional Law on the rights of the national minorities in the Republic of Croatia and the consumption of the budgetary means allocated in 2006 for national minorities, Office for national minorities, Government of the Republic of Croatia, Zagreb, 2007, p. 11.

23 The Law on Education in Languages and Scripts of National Minorities, NN 51/00, 56/00, Art. 3.

of a minority community interested in establishing a minority school, the possibility of forming minority classes is also possible, again according to the principle of positive discrimination.<sup>24</sup> If the interest for the formation of minority classes is insufficient, there is a duty on behalf of the state and the local community to organise the transportation to the nearest minority educational institution of the pupils wishing to attend. The teaching staff of the minority school or class needs to be compiled from the members of minority communities and must have excellent knowledge of the minority language (preferably native speakers), which leads to the conclusion that only the members of minority communities can apply to these posts. One should emphasise that this is not a case of solely positive discrimination; rather this is a practical need, since people, who teach in minority education, instruct entirely or partially in the minority language. This array of implemented examples of positive discrimination shows that Croatia efficiently maintains its political will in the system of protecting minority rights.

### **Information and Publishing in the Language and Script of the Minorities**

Members of national minorities can establish associations, foundations, or institutions for the purposes of providing public or cultural information, publishing, or organising academic activities with the aim of promoting, preserving, or developing their national identity.<sup>25</sup> The state or the local and regional self-governments are obliged to finance these institutions according to their capabilities.<sup>26</sup> Since these provisions of the constitutional law are implemented, the greater part of the minority communities are generating rich publishing activities and facilitating wider access to information in the minority language.<sup>27</sup>

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24 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 11.

25 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 15

26 The Constitutional Law on Rights of National Minorities, NN 155/02, Art. 15, Art. 18.

27 For example: Minority printed media in the Republic of Croatia: Albanians (2), Bosniacs (6), Montenegrins (1), Bulgarians (1), Czechs (6), Hungarians (8), Macedonians (1), Romani (2), Germans and Austrians (1), Polish (1), Russians (1), Slovenians (5), Ruthenians and Ukrainians (3), Slovaks (1), Serbs (7), Italians (4), Jews (3), others (2). More in: Mediji manjina u Republici Hrvatskoj, <http://www.nacionalne-manjine.info/mediji.html> (25.05.2010).