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Giuliano Amato

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and
EU Enlargement to the East

Rapporteur: Judy Batt

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Report of the First Meeting of the Reflection Group on the Long-Term Implications of EU Enlargement: the Nature of the New Border

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Report of the First Meeting of the Reflection Group on the Long-Term Implications of EU Enlargement: the Nature of the New Border[1]

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Summary

- Minority rights have become an important item on the EU's external policy agenda in its relations with the new democracies of Central and Eastern Europe, but have not hitherto featured in internal policy. This has led to the charge of 'double standards' on minority rights, which has weakened the credibility of the EU's position. The question is how far the EU can insist on minority rights for others without first putting its own house in order, especially in the light of eastward enlargement.

- The contrast between 'Western-civic' and 'Eastern-ethnic' modes of national identity and political integration should not be overdrawn. Today, right across the continent, economic insecurity and cultural anxieties are reflected in the rising politics of identity, challenging the capacities and legitimacy of nation-states. Minorities seem likely to become stronger and more assertive of their rights, combining their efforts to press for European-wide recognition.

- The EU will find it hard to maintain its agnostic stance on minority rights vis-a-vis its members. Both 'widening' and 'deepening' generate new issues and problems in this area:

  - Some new members will bring in minority problems with external policy dimensions of direct concern to the EU.
  - Increased internal migration can be expected within the EU from the poorer new member-states to the old member-states. This will accentuate the issue of differentiation between the rights of EU-citizen migrants and of third-country nationals. The single market would seem to imply the power of the EU to legislate on the status of non-EU minority groups.
  - The special case of the Roma, as Europe's largest transnational minority, points to the case for direct EU involvement where a minority issue transcends the borders of member-states, and where an extremely marginalised minority lacks the resources to formulate and assert its rights effectively.

- The EU's involvement in internal minority issues has hitherto been inhibited by member-state resistance, yet many of its existing programmes impinge on the interests of minority groups. The Maastricht and Amsterdam Treaties provide new bases for developing EU activity in this field, and, given the growing salience of the issue as the EU 'widens' and 'deepens', more attention and more resources will have to be committed to tackling its many and complex dimensions.

Introduction

The rights of ethnic minorities are a new area of concern for the EU. This issue first came onto the agenda as a matter of external policy, when the EU began to redefine its relations with the countries of Central and Eastern Europe after the end of communist rule. The bloody collapse of Yugoslavia was taken as a dramatic warning of the potential throughout the post-communist region for the reemergence of the type of ethnic conflict which had destabilised inter-war Europe. The formation of new states with the dismantling of the USSR and Czechoslovakia was accompanied by an upsurge in nationalism on the part of both triumphant newly-independent majorities, and anxious minorities who had not been consulted and felt more insecure than before. Even in states which remained intact through the transition, relations between national majorities and minorities have shown signs of strain. At the same time, the obvious aspiration of all CEE states to 'return to Europe' has presented the EU with an opportunity to influence developments by including minority rights into a broad definition of political conditionality.

EU member-states themselves have by no means been immune to ethnic minority tensions, but minority rights have rarely featured on the EU's internal agenda. While such questions have on occasion been raised in the European Parliament, as far as the Commission and Council are concerned, 'what the member-states do with "their" minorities is not the EU's business' (De Witte p. 9). A very wide range of approaches to minority problems has been taken by the member-states according to their specific circumstances. At a minimum, these comply with the international commitments on human rights to which all member-states subscribe by virtue of their membership in such bodies as the UN, the OSCE, and the Council of Europe. The need for the EU to formulate a minority rights policy of its own has not seemed obvious. It can be argued that in practice member-states have shown themselves reasonably accommodating towards minorities. Even in the cases of violent and intractable minority conflicts, such as in Northern Ireland, the Basque country, or Corsica, direct intervention on the part of the EU has not generally seemed likely to increase the prospects of a successful resolution.

Opening up to the East confronts the EU with new challenges. The inclusion of minority rights as an item of political conditionality in its relations with the post-communist countries has been a new and controversial departure in external policy. It has unfortunately exposed the EU to the charge of 'double standards' for seeming to impose requirements on others that it does not apply to its existing member-states. The absence of an agreed 'European model' of minority rights has left room for equivocation, and many aspirant members have argued that their own minority provisions are comparable to, or even more

extensive than, those found in member-states. Nowhere, outside the former Yugoslavia, the Caucasus and Central Asia, have post-communist minority conflicts degenerated into the violence seen, for example, in Northern Ireland. The damage caused by the perception of 'double standards' is in itself reason for the EU to search for more consistency in its approach, in order to enhance the credibility of its external conditionality policy.

At the same time, the EU's agnosticism on minority issues as regards its own member-states may become unsustainable in the context of both widening and deepening integration. The question of the rights of immigrant minorities - whether EU citizens or third-country nationals - has become an increasingly salient one in many member-states. This will become all the more so as the Union expands to include new, and less prosperous members from Central and Eastern Europe. Enlargement will alter the EU's internal politics and the policy agenda in this field, as new members bring with them different interests in, and approaches to, minority issues at home and abroad. Deepening European integration has meanwhile heightened sensitivities in member-states to questions of national identity and sovereignty. It appears also to have contributed to rising regional self-assertiveness in many member-states. As the Scottish nationalist slogan - 'An independent Scotland in a united Europe' - makes plain, deeper integration at the European level can actually make independent statehood seem a more viable option for small nations. This perception has been reinforced by the example of recently formed new states in Central and Eastern Europe. Both widening and deepening are thus likely to push the issue of minority rights onto the EU agenda.

II. Analysis of the Problems and Projections of the Future

One of the major sources of resentment at the EU's perceived double standard on the minority question is the implicit or explicit assumption that the 'minority problem' is unique to Central and Eastern Europe. An important source of the idea that national identities are fundamentally different in West and East is the 'civic versus ethnic' paradigm (derived from the works of, for example, Hans Kohn, John Plamenatz and, more recently, Micheal Ignatieff). In the West, it is argued, nations have grown up within established states. National identity therefore is primarily 'civic' in character, formed alongside the gradual democratisation of existing political institutions. The state thus became representative of and accountable to the 'nation' understood as a political community of individual citizens enjoying equal rights by virtue of their permanent attachment to the given state's territory.

In the East, by contrast, national identity evolved as a challenge to dynastic empires controlling large territories inhabited by a multiplicity of oppressed peoples. Nations were thus defined against existing states, and the primary qualification for membership were ethnic, that is, linguistic and cultural, attributes. The 'right to self-determination' in this context meant the claim of each ethnic nation to a state of 'its own'. The corresponding assumption was that states should represent the nation as a culturally distinctive, more or less homogeneous collectivity. This inevitably placed the national minorities formed when nation-states arose in the region at the end of World War I in an anomalous position, as 'second-class' citizens who could not expect the state to represent and express their identity in the same way as it did for the titular majority.

This contrast between 'Western' and 'Eastern' modes of national identity is, however, overdrawn. Not all national identities in Central and Eastern Europe are purely ethnic in content. For example, Polish and Hungarian nationalism originated in claims to recover the independence of historic states and territories which had been conquered by foreign empires. While such claims were advanced at first in the name of the traditional nobility, later, under the influence of the French Revolution, the idea of the 'nation' came to include all inhabitants of the historical territory, irrespective of ethnicity. This 'civic' emphasis was modified, but by no means obliterated, by an infusion of 'ethnic' elements in the course of the nineteenth century under the influence of German romanticism, which glorified the 'people' and promoted the revival of demotic languages and folk cultures, and in reaction to the rival claims to self-determination pressed by the the minorities (chiefly Ukrainians, Romanians, Slovaks, Serbs) who constituted sizeable proportions of the inhabitants of Polish and Hungarian territories.

The ethnic dimension of national identity was closely linked to the spread of democratic ideas and mass participation in politics throughout Europe. After all, liberalism and democracy presuppose the existence of a 'people' in whose name the state is constituted, but they do not of themselves define who 'the people' are, and how the borders of the state are to be drawn. In a sense it was the exceptional good fortune of France and Great Britain that the these questions had been more or less settled before liberalism and democracy arrived to claim the state for the nation. In these cases, the state could be said to have 'created' the nation from above, a process which involved the more or less forcible suppression and assimilation of the diverse regional and ethnic identities in bygone era when there were no international institutions to interfere on behalf of minorities.

West European 'civic' nationalism in practice has also at times (especially in war) employed ethnic appeals to 'blood and belonging'. The loyalty of the masses was secured by reference to their membership in a tightly-knit,

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homogeneous community of common culture and historical descent transcending internal differences of class and privilege. The provision of mass education furthered the indoctrination of a uniform national culture in a single language, taken for granted to be those of the leading groups. While today there may be more readiness to recognise the pluralistic, composite nature of the political community, the enduring potency of the ethnic component of national identity finds an outlet in widespread xenophobia and racist popular attitudes towards immigrant communties who have more recently come to settle in West European countries.

It has been remarked that 'civic' nationalism is the nationalism of those who already have a strong state, while 'ethnic' nationalism is the nationalism of those who are still seeking one. The lack of a well-established and secure framework of statehood provides the explanation for the peculiarly intense psychological anxieties characteristic of Central and East European national identities. This affects the larger nations at least as much as that of the minorities living alongside them. In fact, the discussion of the 'minority problem' has to start by focussing on the problem of the mentality of the majority. The possibility of a relaxed and open attitude to minorities, and to pluralism in general, depends on a degree of self-assurance and security on the part of the majority. These have hardly been fostered by the history of Central and East Europe, with the recurrent experiences of thwarted national aspirations, foreign intimidation and conquest, transient statehood and shifting borders.

The establishment of 'normal' statehood, in the sense of stable borders and political institutions which can be trusted as both effective and representative, is still at an early stage in Central and Eastern Europe today. Many in the region see the 'return to Europe' as an essential condition of consolidating statehood, arguing that integration into the EU and NATO will provide the stable international environment in which the psychological insecurities at the root of the region's minority problems will progressively melt away. If so, then it may be that the EU will not need to concern itself any more than it has hitherto with the minority issue.

However, the image of 'the West' as a international system based on strong states with clearly demarcated territorial jurisdictions and cohesive, contented citizenries may turn out to be a mirage. The very processes of deepening political and economic integration within the EU have eroded the meaning of 'sovereignty' for its member-states. The pressures of globalisation have reduced the scope for independent national economic policies, and EMU, designed to enhance the global competitiveness of Europe, will remove what has hitherto been held to be a defining feature of state sovereignty - national currencies. Both global competition and preparations for EMU have formidably reduced the resources for

redistribution at the disposal of states which have hitherto sustained high levels of mass welfare and social cohesion. While old class distinctions have broken down, social and economic inequalities are growing, and people feel increasingly insecure and vulnerable, 'let down' by the states which they expect to protect them.

'Consensus politics' seems not only no longer affordable, but culturally much more problematic than before. Since World War II, immigration into Western Europe has led to increasing diversity. The second and third generations of settled immigrant communities, born and brought up in Western Europe, are better educated and more assertive than their parents. West European societies have been slow to recognise their demands and reluctant to accept them fully into the political community. Immigrant minorities have been expected to integrate by assimilation into the culture of the majority; 'multicultural' policies have often encountered resistance on the part of the majority.

New pressures are now adding to the problem of national identity across Europe. Deepening integration has provoked heightened anxieties about national identity and sovereignty in many member-states, and these feelings will grow. In the absence of any overarching 'European' identity to counterbalance the pull of national identity, European institutions will continue to be regarded as distant, unaccountable and undemocratic. At the same time, resurgent sub-state regional and minority identities can seem to pose further unwelcome challenges to national cohesion, state sovereignty and territorial integrity. The 'Europe' to which the Central and East Europeans seek to 'return' is itself in flux, and may provide a less reliable support to the consolidation of their statehood than anticipated.

What we may be seeing is a convergence between East and West on terrain which is new and uncertain for both. Societies are increasingly open to cross-cultural contact as a result of international travel, labour mobility, and the globalisation of mass communications. The effect has not been supranational cultural convergence so much as fragmentation, undermining the grip of state-promoted national cultural homogeneity from below. The appeal of the traditional 'grand narrative' of nationalism seems to hold declining appeal in both parts of the continent.

In the West, political integration by means of assimilation is now giving way to the politics of identity and subjectivity, celebrating the values of diversity, the particular, local and small-scale. In its 'post-modern' condition, society is a shifting multicultural kaleidoscope of competing, coexisting and 'hybrid' identities, each claiming the right to be recognised as of equal worth with all the others and each making corresponding demands on the state. Individuals have

not one but multiple identities which they freely select and order according to changing circumstances and their own personal needs. National identity, whatever it means, is less compelling and less effective as an overarching, unifying idea.

In the East, it is not 'post-materialism' but the everyday struggle to sustain a minimum level of material welfare, let alone satisfy burgeoning consumerist aspirations, which is the stumbling block in the way of mass nationalist mobilisation. While extremist nationalist and xenophobic populist parties have arisen, they have not won massive electoral support. In itself this may be encouraging, but the underlying reasons for it are not. Democracy has become associated with economic dislocation and rampant corruption; and the value of political participation has rapidly been written off. Social atomisation, mistrust and evasion of the state, and endemic scepticism about its claims to embody the 'national interest' - all trends well advanced under communism - seem in fact to have deepened, and to be most evident among the young.

In this context, minorities seem likely to become stronger, more self-confident and assertive vis-a-vis states. Coercive assimilation is now internationally outlawed, while voluntary assimilation has become less respectable. Declining pressures to conform mean that more individuals feel more confident in proclaiming a minority identity, as is evident in national census data in post-communist Europe. The increasing ease of travel and communications across borders opens up new opportunities to publicise grievances on an international plane, to win political and material support from abroad, to draw on the fund of political know-how accumulated by minorities elsewhere. To some extent, these trends favourable to minorities may be offset by increased difficulties for minority leaders in sustaining the cohesion of their communities - especially of the young, drawn by the magnet of western pop culture; and of the more educated and articulate, tempted away by opportunites further afield in the melting-pot of the major cities of Europe or North America. But this does not mean that members of minorities will abandon their distinct subjective identity and cease to defend it. Minorities are more likely respond to perceived threats of numerical attrition or loss of recognition by increased stridency and redoubled efforts to retain the loyalty of their members.

The implication is that minority issues will become far more important to EU politics than they are at present. Enlargement of the EU to the east will bring in new member-states with important but marginalised minorities, while in the existing member-states, the culture of minority promotion and minority rights will encourage greater assertiveness and the formulation of new demands. A convergence of interests of minorities in both west and east will reinforce and reinvigorate their strategies aiming at European-wide recognition and improved

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status, including greater cultural autonomy and, in some cases, territorial autonomy.

III. Minority Rights and the EU Policy Agenda

The reasons why the EU has not so far attempted to adopt a common standard or policy on minority rights for its member-states go back to its origins. The Community was established in 1957 as a framework for promoting economic cooperation and integration, whose underlying political purpose was to secure peace and prosperity in Europe, above all by binding Germany into an enduring partnership with its western neighbours. It was conceived as a community of states based on shared, and institutionally entrenched, liberal-democratic principles. But there was no reference to a common 'European' culture underpinning the Community, beyond attachment to these broad principles. European integration was never designed to replicate the earlier process of building nation-states, but was conceived as a form of federation, respecting the national and cultural diversity of the member-states.

As a result, education, culture and language were not listed among the policy areas falling within the legal competence of the European Community. Citizenship legislation has also remained firmly a matter for the member-states themselves. The extension of EU activity into these fields in the interest of developing a common policy on minority rights would be likely to encounter stiff resistance on the part of the member-states. And indeed there is a strong argument for leaving member-states to devise their own minority policies - not, however, out of respect for the increasingly hollow notion of 'sovereignty'. After all, in the 'new Europe' human rights and minority rights are no longer regarded as a 'purely internal affair' of states, but are agreed to constitute a matter of legitimate international concern. The case against direct EU involvement can nonetheless convincingly be made in terms of the principles of subsidiarity and respect for diversity, widely recognised today as the key to effective and locally acceptable solutions.

Nevertheless there are several reasons why the EU should become more actively involved in minority rights. The basic principles of liberalism and democracy on which it rests need to be constantly confronted in practice with new realities and changing circumstances if they are not to lose credibility. The bland assumption that liberal democracy and individual human rights are adequate by themselves to satisfy minority needs is increasingly challenged today by recognition that the preservation and promotion of minority cultures and languages are rights which can only meaningfully be enjoyed by communities, and that securing equal rights for minorities may require positive action and

special measures on the part of the state. Neither of these necessarily implies acceptance of notions of 'collective rights' and 'positive discrimination' which could undermine basic liberal principles. Too often in the past, states have resorted to such assertions in order to justify an inertia which suits the majority at the expense of minorities. States thus may evade their responsibility to engage in dialogue with minorities in the search for mutually acceptable compromises. Prevarication is likely to result in increased frustration on the part of minorities and possibly to more extremist demands. Polarisation and the adoption of entrenched positions creates a problem which becomes progressively more difficult to resolve.

The enlargement of the EU eastwards will bring additional pressures and raises some new issues. So far, the EU's emphasis on minority rights in its external policy toward the new democracies has been effective in checking majority-nationalist tendencies and prompting dialogue with minorities in those states which are determined to become full EU members in due course. It would be a pity, and indeed probably premature, to relinquish this once a country is accepted for membership, on the assumption that the minority question had ipso facto been 'solved'. History has left explosive psychological residues with a long 'half-life' which will take years, even generations, to de-activate. Moreover, some new member-states will bring with them internal minority issues which impinge directly on EU external policy. The neat distinction between 'internal' and 'external' policy, which has hitherto characterised the EU's treatment of minority rights issues, will be more difficult than ever to sustain.

Probably the most significant minority to which this applies are the Russians of the Baltic, who interestingly show up in opinion polls as notably more enthusiastic about 'returning to Europe' than their Latvian and Estonian fellow-countrymen. While satisfactory progress towards ending the statelessness of the Baltic Russian minorities is a pre-condition of Estonian and Latvian membership of the EU, the acquisition of formal citizenship will not put an end to the problem of their full integration. Even if and when they have acquired Estonian or Latvian citizenship, a large proportion of Russians is likely to seek to leave the rather inhospitable, and economically difficult, environment in which they find themselves. Their destination will not be Russia, but Germany, France and other richer states and more open societies in the EU.

But many Baltic Russians have in the meanwhile opted for Russian citizenship: Estonia today has the largest colony of Russian citizens living outside Russia - some 100,000 people. In accepting Estonia and Latvia as future members, the EU will also have to shoulder the burden of this issue in its relations with Russia, which will continue to take an active interest in its citizens abroad and could well choose to extend its purview to the fate of ethnic Russians

and Russian-speakers in general, even when EU citizens. Once again, we are driven to the conclusion that an effective external policy on minority issues will require the EU and its member-states to search for more coherence between the internal and external dimensions of policy.

European integration in itself can be expected to ease the traditional type of majority-minority tensions in Central and Eastern Europe connected with territorial claims, insofar as this provides a stable and secure environment which has hitherto been lacking in the region, and promotes economic prosperity. However, the EU's own policy of phased enlargement to the East keeps these tensions simmering.

The most serious case is undoubtedly that of the Hungarian minorities in the states neighbouring Hungary (Slovakia, Romania, Ukraine and Serbia), none of which is included with Hungary in the first wave of the eastern enlargement. The Slovak 'problem' could conceivably be solved quite rapidly, if forthcoming elections bring about a change of government and early improvements in the general conduct of political life in that country, and if the EU is prepared to find a way to accelerate negotiations so that Slovakia could join at the same time as Hungary. In the short term, the problems for the Hungarians of Slovakia are in any case less acute insofar as Slovak citizens wishing to enter the EU may do so without visas, and so members of the Hungarian minority living in Slovakia can continue to have relatively easy access to kinsfolk in Hungary.

The case of Romania is more difficult. Notwithstanding the impressive political initiatives taken by the Romanian government since the 1996 elections to improve the position of the Hungarian minority, these have since run up against opposition from Romanian nationalists within the governing coalition. Moreover, Romania is unlikely to be ready to take on the full acquis communautaire for many years. In the meanwhile, the fact that Romanian citizens travelling to EU member-states (in contrast to Slovak citizens) do require visas, coupled with the inclusion of the Schengen Agreements into the acquis required of all new EU entrants including Hungary, mean that members of the Hungarian minority of Romania will face unprecedented obstacles in visiting Hungary, which hitherto has been relatively simple for them, not involving visas. The same problem also arises for the Hungarian minorities in Ukraine and Serbia, both states whose eventual relationship to the EU has yet to be determined. Hungarian accession to the EU on the terms currently on offer could constitute a breach in its treaty commitment with Romania to maintain free cross-border contacts across frontiers for minorities. This treaty won international acclaim as a major step forward in reconciliation between the two states. It was concluded in 1996 only after long and difficult negotiations, and, moreover, under strong pressure from the EU itself.

The implications are yet wider. Insofar as the terms set by the EU for Hungary's accession represent the imposition of an adverse change on the previous conditions for the Hungarian minorities, the EU and its member-states could also be held to be in breach of their own international commitments. For example, the 1990 CSCE Copenhagen Document, the 1992 UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and the Council of Europe 1995 Framework Convention on the Protection of National Minorities all contain affirmations to the effect that persons belonging to national minorities have the right to establish and maintain unimpeded contacts across frontiers with citizens of other states with whom they share common ethnic or national origin.

While the EU should probably not involve itself directly in bilateral relations between Hungary and its neighbours, it should certainly take greater account of the negative impact its own policies may have on those relations. A somewhat similar problem is also arising between Poland and its eastern neighbours; and in the longer term, when Romania itself is ready to begin accession negotiations, the EU will have to take a greater interest in the acutely sensitive questions of Romania's relations with Ukraine and Moldova, which are coloured by difficult national, ethnic minority, and territorial issues.

The new circumstances arising with the EU's eastern enlargement, and the simultaneous progress towards closer political and economic union, have clear implications for the rights of immigrant communities. At present there is a fundamental distinction between 'internal' migrants - persons who enjoy EU citizenship and the associated rights of free movement and non-discrimination - and 'external' immigrants from third countries, who do not. Some international agreements concluded between the EC and third countries like Turkey or Morocco grant limited rights to citizens of these countries in the employment sphere, but make no provision for the cultural rights of immigrants. The rising second and third generations of settled immigrant communities are likely to be less deferential and more demanding than their parents have been when it comes to their cultural rights, and this is beginning to be recognised as an issue which must be tackled by the states in which they were born and brought up. Other third country nationals, whether or not they have permanent resident status in their host state, do not possess rights under Community law at all. In the Italian term, they are extracomunitari - that is, they come from outside the European Community, but for the same reason, they also remain outside the national 'community'.

It will be difficult for the EU to continue to ignore the questions of immigration and the integration of third-country nationals. The distinction between 'privileged' foreigners who are EU citizens, and 'ordinary' foreigners

who are not, is morally unsustainable in light of the EU's commitment to human rights, which in principle apply to all individuals irrespective of status. In particular, the creation of an internal market conceived as an area without frontiers would seem to imply the power for the EU to legislate on the legal status of non-EU minority groups. Yet the strong misgivings of most member-states have until now blocked any major initiatives in this area.

The entry of new members from Central and Eastern Europe will inevitably confront the richer existing member-states with substantial numbers of new 'internal' migrants whose needs and rights may not be adequately met by existing EU legislation, and whose integration may require additional policy measures. There is a particularly compelling reason for the EU to concern itself directly when the rights of such migrants are, or should be, a matter of common concern to all member-states. This applies in particular to the case with the Roma, who now constitute the largest pan-European transnational minority, historically present in all existing member-states and now emerging throughout Central and Eastern Europe as by far the largest, most marginalised and disadvantaged minority. International preoccupation with minority problems in Central and Eastern Europe has hitherto mainly centred on those national minorities connected with border changes and new state formation, for it is these which in the past have posed problems for the region's political stability and international security. These minorities have tended to be articulate, and have received support from the 'mother countries' from whom they have been separated by the redrawing of borders and the rise of new nation-states.

The Roma, however, have received less attention because they have lacked the resources of education, political organisation, and powerful backing from outside. Their needs have been ignored precisely because they have not threatened international order, and prejudice against them has been equally strong in both west and east. They have been treated simply as a 'social problem' and a 'nuisance'. The argument that the most effective and acceptable solutions to minority problems will be found by states engaging in dialogue and negotiation with 'their' minorities rests on the assumption that the minorities possess the resources and capacities to formulate and voice their demands effectively. Where this is not the case, there would appear to be a role for the EU in a matter seen as a shared problem for all its member-states. This could involve both EU funding support for initiatives undertaken by member-states and NGOs, as well as an EU special programme to coordinate and enhance the effectiveness of these efforts.

The EU has already become involved in modest ways with internal minority issues. On the initiative of the European Parliament, it has provided some financial support for an action programme on regional and minority languages and cultures. This initiative has, however, not been approved by the

Council of Ministers, and so its existence remains somewhat precariously dependent on the outcome of the annual struggle between the EP and the Council on the EC budget. If the political will could be found in the Council, such a programme could provide the basis for a more sustained and focused approach to minority rights.

The Maastricht Treaty itself signalled the willingness of member-states to see the EU developing cultural and educational action programmes to promote 'the flowering of the cultures of the Member-States, while respecting their national and regional diversity' (Art.128). While this is not explicitly aimed at ethnic minorities, it does represent recognition of the value of cultural diversity in the EU's basic constitutional document. This provides a legitimate basis for further development of EU action in the field of minority rights. The Amsterdam Treaty has also opened up new possibilities by adding reference to ethnicity to the EU's anti-discrimination agenda. The new Article 6a gives the European Community competence to 'take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.' This was clearly intended to benefit immigrant communities, but there do not seem to be good reasons why the Roma, or indeed the traditional territorially-based ethnic minorities, could not also invoke its protection. We could as a result see increased resort to the Court of Justice, as well as to the European Court of Human Rights, by members of minorities. This could give a major new impetus to member-states' thinking about the treatment of minority issues.

Regional programmes are a well-established and substantial area of EU activity. Many regional issues comprise an ethnic minority dimension, and it may well be that the general trend towards greater regional autonomy evident in most member-states will be replicated among new member-states. Decentralisation of the state would go a long way towards easing majority-minority tensions in Central and Eastern Europe, where these involve territorially-settled minorities. Demands for 'autonomy' should seem less threatening and less isolationist when they can be satisfied by increasing self-government powers for all local communities. While majority nationalist governments are prone to react hyper-sensitively to regionalism in defence of their characteristic Jacobin vision of the ideal form of the 'modern' state, the possibility of obtaining substantial regional development funding from the EU will exert countervailing attractions. This affords the EU the opportunity to insert minority rights conditionality into the terms of such funding.

The EU 'Interreg' regional development programme, which has supported cross-border cooperation schemes among member-states, has already begun to be applied with PHARE support to similar schemes between existing and

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prospective new member-states (notably between German, Polish and Czech border regions; another is planned between Austria and Hungary). 'Interreg' schemes have not always been easy or successful - witness the failure of that between German and Danish border regions as result of local Danish sensitivities. The schemes in Central Europe have been impeded less by traditional sensitivities than by bureaucratic politics within the Commission itself: 'Interreg' and PHARE are managed by different departments, leading to bureaucratic confusion, 'turf-wars' and difficulties in coordination. There has also been a problem of money, in that both PHARE and the Central European participants are very much less endowed financially than their western counterparts.

Minority rights are clearly moving onto the EU agenda under the combined impact of 'widening' and 'deepening'. While money is by no means the 'be-all and end-all' of minority issues, the scale of the new problems both within and beyond the borders of the enlarged Union calls for increased allocation of resources specifically targeted on the minority issues. At the same time, the EU should pay greater attention to the indirect impacts of its regional, educational and cultural programmes on minority affairs. It should be standard practice to include research into this aspect, and if necessary additional funding, whenever new programmes are planned.

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