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Minorities in New European Democracies – a source of destabilization?

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I. INTRODUCTION

In this text, I shall examine the influence of ethnic minorities on the development of the new democratic regimes in post-socialist Europe. Minorities have played an important and sometimes decisive role in a number of countries. In Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania and Slovakia, the political elites of the ethnic majority have to deal with one or more ethnic minorities.¹ In this article, these countries will be taken into consideration as ‘similar cases’ in the sense that in each country a single ethnic minority accounts for more than about three per cent of the total population and is settled in one or more regions where it forms a strong minority or even a majority. These criteria were chosen for the research topic **of this article**, which focuses on established democracies in which minorities have (already) been afforded the right of political participation.²

The right of participation is relevant to the consolidation of democracy, particularly if the political problems of ethnic minorities affect the majority's public life. The inter-

¹ For more detailed data, see Table 1. Figures are taken from Christoph Pan and Beate Sybille Pfeil, *Die Volksgruppen in Europa. Ein Handbuch* (Wien, 2000).

² That excludes from consideration autocratic or non-consolidated regimes (Albania, Belarus, Bosnia-Herzegovina, Croatia, Moldova, Russia, Serbia and Ukraine) as well as ethnically homogeneous regimes (Albania, Belarus, Czech Republic, Hungary and Slovenia). Also excluded is the Roma minority which, for various reasons, largely remains outside of political participation (see Zoltan Barany, "Minderheiten, Etnopolitik und die Osteuropäischen Roma", 2 (2) *Etnos-Nation* (1994), 5-17; Erin Jenne, "The Roma of Central and Eastern Europe: Constructing a Stateless Nation", in Jonathan P. Stein (ed.), *The Politics of National Minority Participation in Post-Communist Europe* (Armonk and London, 2000), 189-212. The criteria for democratic consolidation are derived from Timm Beichelt, *Demokratische Konsolidierung im Postsozialistischen Europa. Die Rolle der Politischen Institutionen* (Opladen, 2001). Croatia is excluded because there have not been two consecutive ‘free and fair’ elections yet (but only one). Moldova cannot be classified as a consolidated democracy because of the intentional marginalization of opposition inside and outside of parliament since about 1998. Russia and Ukraine are excluded because of the unfair character of the presidential elections in 1996 and 2000.

ests of small minorities may be preserved by the granting of low-level territorial autonomy or by the granting of personal autonomy through the support of cultural activities by the state.³ For example, the German minority in Poland is well integrated into political life in Poland despite the obvious historical liabilities.⁴ As a rule of thumb, political conflicts only become relevant on the national level when a minority is so numerous that its pursuit of political, cultural and social rights interferes with the same rights of the ethnic majority (or those of other ethnic minorities).

Quite in contrast to their brutal overall record, the autocratic or semi-autocratic regimes of socialist Europe were able to manage interethnic conflict relatively well. After Stalin, and apart from the widespread anti-Semitism in many socialist regimes, the autocratic character of the regimes silenced most ethnic groups, which had **previously** been all too ready to fight with each other. Between the 1950s and the late 1980s, the ethnic minorities of the region did not challenge the political order which, not least because of its centralized character, had not been their most desired outcome. Even if some experts have previously seen ethnic ruptures as a major reason for the destabilization of the Soviet Union,⁵ conflicts with an ethnic flavour reappeared only during Mikhail Gorbachev's *Perestrojka* and *Glasnost*.⁶

During this phase of liberalization, which soon spread to most of Eastern, Central and Southeastern Europe, the role of ethnic minorities differed sharply. In simple terms, we have to distinguish between a path to violent (mostly ethnic) conflict and a path to democracy. At first, the striving of minorities for independence and sovereignty seemed to be directed mainly against the constraints of the autocratic regimes. In some countries, such as Ex-Yugoslavia, Moldova and the Southern border of Russia (Chechnya, Abkhazia), the violent character of the conflicts between minorities and majorities increased in intensity.

³ See Georg Brunner, "Autonomiekonzepte zum Minderheitenschutz - Bestandsaufnahme und Perspektiven", in Gerrit Manssen and Boguslaw Banaszak (eds.), *Minderheitenschutz in Mittel- und Osteuropa* (Frankfurt, 2001), 29-64.

⁴ See Agnieszka Malicka, "Der Schutz der Deutschen Minderheit in der Republik Polen", in *Ibid.*, 227-236.

⁵ Hélène Carrère d'Encausse, *L'empire Eclaté. La révolte des Nations en URSS* (Paris, 1978).

⁶ Michail Gorbatschow, *Perestrojka. Die Zweite Russische Revolution* (München, 1989).

As it turned out, the main goal of the conflicting parties was not to establish democratic regimes from the ruins of socialist states, but to dominate minorities. The inter-relationship between violence and democracy is striking: With the single exception of Slovenia (where the war with Yugoslavia and its Serbian dominated elites lasted only ten days), no state which entered into violent ethnic conflict during the phase of liberalization has been able to develop a fully functioning democracy. In other words, whereas liberalization took off almost everywhere in socialist Europe, it seemed that the phase of democratization could be entered into only in those (old or new) states where the conflicts between majorities and minorities had been solved peacefully.

During democratization,⁷ the role of ethnic minorities differed in different states. In Estonia, Latvia, Lithuania, Macedonia and Slovenia, the uprising of an ethnic minority within an old federal state had led to founding elections in new states and eventually to democratic constitutions.⁸ Again, with the exception of Slovenia, these new states were confronted with 'new' minorities within their borders. Political leaders who had risen to power not least because of their emphasis on ethnicity issues had to understand the need for legitimacy across ethnic borders.

In Slovakia, it was not the protest of the Slovak minority but rather the conflicting interests of each sub-federal state's political leaders which led to separation.⁹ Slovakia then inherited the Hungarian minority which had become a part of Czechoslovakia after World War I, whereas the Czech Republic became a more or less homogeneous nation-state. The Slovak elites faced the added difficulty of having to build up a state structure while dealing with a minority that had more than doubled in relative weight and now had obvious grounds for asking for a degree of autonomy never granted during the existence of Czechoslovakia. Altogether, the only 'old' states able to enter into the democratization process with previous experience of dealing with ethnic minori-

⁷ I am following the typology of liberalization – democratization – consolidation as described by Guillermo A. O'Donnell and Phillippe C. Schmitter (eds.), *Tentative Conclusions about Uncertain Democracies* (Baltimore, 1986).

⁸ For an overview see Roger East and Jolyon Pontin, *Revolution and Change in Central and Eastern Europe* (London, 1997).

⁹ Karel Vodička, "Wie der Koalitionsbeschluss zur Auflösung der CFSR zustande kam", 44 (2) *Osteuropa* (1994), 175-186.

ties on the level of the central state were Bulgaria and Romania. There, too, the (Turkish and Hungarian) minorities felt that democracy should lead to more political representation and cultural self-determination.

This short overview shows that despite the differences between the countries, democratization in multiethnic states was accompanied by problems not existing elsewhere. Democratization in the multiethnic states of Europe was intrinsically more difficult than in the homogeneous national states of the region.

These difficulties had to be dealt with during the phase of democratic consolidation. Robert Dahl names 'inclusion' and 'participation' as the two major criteria of a functioning, or consolidated, democracy.¹⁰ The problem of multiethnic democracies is precisely that its leaders have to ensure inclusion and participation of 'the people' regardless of an individual's ethnic affiliation. Some post-socialist democracies faced difficulties with this requirement, which lead to regimes such as Latvia being classified as "incomplete" or "defective" democracies during their first period of consolidation.¹¹ The indicators for democratic inclusion include the range of electoral participation, the relative weight of the minorities' representation in parliament and government, and guarantees of individual and group rights to ethnic minorities. These will be looked at in the next section, which will also give an overview of various strategies for dealing with ethnic minorities in post-socialist democracies.

However, the question remains, whether the strategies of partial exclusion in some countries severely damaged the basis for democratic consolidation or whether the more limited scope for inclusion affected the quality of democracy only temporarily. In this article, my arguments support the latter statement. My hypothesis, as set out above, is that the leaders of multiethnic transition states had to face difficulties which did not burden the transition of homogeneous nation-states. In cases such as Estonia, Latvia, Lithuania and Macedonia the new elites even had to take into consideration a

¹⁰ Dahl named these functioning democracies "polyarchies", see Robert A. Dahl, *Polyarchy. Participation and Opposition* (New Haven and London, 1971).

¹¹ See Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore and London, 1996) and Wolfgang Merkel, *Systemtransformation* (Opladen, 1999). It needs to be underlined, however, that these classifications took place some years ago and would probably look different today.

growing and succeeding irredentist movement—comparable to the Slovak within Czechoslovakia. Additionally, the situation in the neighbouring kin-states of the ethnic minorities, Albania (to Macedonia) and Russia (to the Baltic states), seemed quite unpredictable at times, which made it even more difficult to reach reliable agreements with the ethnic minorities.

In section III of this article, I will therefore try to underline that *all* multiethnic post-socialist democracies were successful in reaching multiethnic political inclusion. As I will try to show, a strategy of not immediately granting minority participation rights may not only lead to complete democratic consolidation in the mid-term but may also lead to a more solid consensus about the character of the multiethnic democratic regime.

II. INCLUSION AND PARTICIPATION OF MINORITIES IN POLITICAL LIFE

When looking at democratic inclusion, we are not concentrating on inclusion in the sense of an objective or subjective line between the poor, marginalized ‘excluded’ and the rich, integrated, educated ‘included’. Although that is to some extent also an issue in theoretical debates on democracy,¹² liberal democratic theory relates much more to political rather than to social inclusion. Robert Dahl, among many others, argues that the only criterion to exclude certain persons from democratic participation is qualification – members of the *demos* need to be permanent residents of a country (i.e., not tourists or short-term migrants) and they need the competence to follow and understand public issues (which, for example, excludes children).¹³

It is apparent, however, that in the case of ethnic minorities we need an indicator for Dahl's criterion of "qualification". Is a person who came to one of the Baltic states in the period of Soviet occupation competent to participate in the political life of a former occupied territory? What if this person does not even speak the language of the

¹² David Held, *Models of Democracy* (Cambridge, 1996).

¹³ Robert A. Dahl, *Democracy and its Critics* (New Haven, 1989), 119-131.

formerly occupied country although he has lived there for many years and maybe was even born there? On the other hand, why should a child of long-term legal residents not be granted citizenship? These questions of belonging to a *demos* hint at the necessity of looking at the guarantees of political rights as the basis for political participation.

A. Political Rights of Ethnic Minorities

Many political rights of minorities are in one way or the other linked to citizenship, notably the right to vote, the right to be elected or the right to enter into processes of interest aggregation.

The political rights of minorities are laid down in individual and group rights accorded to the citizens of a country regardless of ethnicity. There is certain legislation on which members of minorities can rely. Article 27 of the **International Covenant on Civil and Political Rights** (CCPR) provides for the right of members of ethnic, religious and linguistic minorities to lead their cultural lives and use their own languages. The Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) raises the issue of minority protection as a fundamental component of international law. In substance, the material standards for minority participation as mentioned in these laws overlaps with individual human rights supposedly accorded to everybody by the European Convention of Human Rights (ECHR).¹⁴ Most of these rights are not tied to citizenship. For example, religious freedom and freedom of expression are granted to everybody by the ECHR and other international treaties on a territorial basis.¹⁵

In the multiethnic states of post-socialist Europe, however, the guarantee of citizenship remained the most important device of minority policy in the early years of consolidation. Estonia, Latvia, Lithuania, Macedonia and Slovakia were new states which in principle were able to start 'from scratch' as long as the provisions of the ECHR

¹⁴ On international law and minority protection, see Robert Uerpman, "Völkerrechtliche Grundlagen des Minderheitenschutzes", in Manssen and Banaszak (eds.), *Minderheitenschutz ...*, 9-28.

¹⁵ See, for example, Articles 8 and 9 ECHR.

were followed. Each state opted for different paths. Macedonia and Slovakia granted citizenship to the members of their (Albanian and Hungarian) minorities from the beginning. Therefore, problems did not arise in relation to the most important political rights, but rather in the traditional fields of minority conflict, such as the use of the minority language in education and vis-à-vis state authorities.

In Macedonia, these conflicts lead to violence several times. In the first half of the 1990s, fights around the Albanian Mala Recica University left several people dead.¹⁶ During the Kosovo war, when the Albanian population grew significantly due to an influx of refugees, things became even worse. The conflicts concerning symbols of nationhood led to increased violence, not least because the example of the Kosovo UÇK had shown that violent strategies may very well serve a minority's interests. After a situation resembling civil war, the situation calmed down after the peace agreement of Ohrid in August 2001.

Problems in Slovakia arose mainly during the period of leadership of Vladimir Mečiar, who governed, with a short interruption in 1994, from 1992 to 1998. For some time, Mečiar's government included the right-wing radical Slovak National Party (SNS), which advocated strongly against minorities. This damaged Slovakia's reputation significantly, but in fact it was more the political environment than the minority's political participation which suffered.

Within the Baltic states, the developments were different. Whereas Lithuania granted citizenship to ethnic Lithuanians as well as to permanent residents as early as 1989,¹⁷ Estonia and Latvia were more hesitant to do so. In both countries the Russian minority made up for a considerably larger percentage of the population, approximately one third in Estonia and almost one half in Latvia.¹⁸ Real or not, the danger of foreign infiltration was taken much more seriously.

¹⁶ Carsten Wieland, "Ein Makedonien mit drei Gesichtern. Innenpolitische Debatten und Nationskonzepte", 46 (12) *Südosteuropa*, (1997), 695-711.

¹⁷ Egidijus Šileikis, "Verfassungsrechtliche und Einfachgesetzliche Ausgestaltung des Minderheitenschutzes in Litauen", in Manssen and Banaszak (eds.), *Minderheitenschutz ...*, 101-128, at 106.

¹⁸ Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore, London, 1996), at 404.

Therefore, in its citizenship law of 1 January 1995, Estonia set out several conditions which were difficult for non-Estonians to meet. For example, knowledge of Estonian, basic knowledge of the constitution and even the citizenship law, as well as the relinquishment of other citizenships, were seen as preconditions for obtaining Estonian citizenship.¹⁹ None of the conditions were unique or atypical of modern citizenship laws in Western democracies. Despite this, many Russians who had settled in Estonia or were born in the Soviet Estonian Republic strongly opposed them and found support in the international community which established, in 1992, the OSCE High Commissioner on National Minorities (HCNM). **The Commissioner**, in the person of Max von der Stoel, was repeatedly involved with the drafting of relevant minority laws and gradually reached solutions compatible with the principles of the OSCE, the Council of Europe and international law in general.²⁰

The situation was similar in Latvia. As in Estonia, the general situation of minority rights was in accord with what was required by international law. In the Latvian constitution, Article 114 explicitly mentions national minorities and their right to preserve and develop their language and cultural identity. However, some other laws contained provisions contradicting those standards. Until 1998, Latvia's citizenship law contained the so called 'windows system' which generally made citizenship possible only for individuals belonging to a certain age group. In a heavily debated amendment process culminating in a referendum, the Latvian public narrowly voted for meeting the OSCE recommendations for more moderate naturalization and citizenship rights of non-citizen children born in Latvia.²¹ In June 2001, more reforms on naturalization were enacted: The fees to apply for citizenship and language exam requirements were eased. This was a reaction to the fact that only about 40,000 of the 550,000 non-citizens had successfully completed the naturalization process by 2001.²²

¹⁹ A complete list of requirements of the citizenship law of 1995 can be found in Carmen Thiele, *Selbstbestimmung und Minderheitenschutz in Estland* (Heidelberg, 1999), 65-70.

²⁰ *See Ibid.*

²¹ "Constitution Watch", 7 (4) *East European Constitutional Review* (1998), 18-19.

²² "Constitution Watch", 10 (2/3) *East European Constitutional Review* (2001), 24.

Another area of conflict was the law of the state language. Its 1999 version states in Article 10 that only in a few exceptional cases languages other than Latvian may be used when communicating with state bodies. Education is to be provided only in Latvian, as Article 18 of the same law states.²³ Although President Vike-Freiberga vetoed that version of the law, the final version still contained contestable provisions, such as that state employees should speak Latvian "to the extent necessary for performance of the professional duties". Private sector employees are bound to Latvian if their work concerns "legitimate interests of society".²⁴ All of these formulations, although not strictly in conformity with Article 27 CCPR, were accepted by the OSCE.

During the painful process of making it possible for members of the Russian minority to obtain citizenship, the European Union used its powers to a lesser and lesser extent to ensure minority protection. In 1993, the "protection of minorities" had been mentioned as one of the political Copenhagen criteria for EU accession.²⁵ The importance of this formula remained unclear for some time but was eventually established when the European Union put the non-cooperative governments of countries like Romania or Slovakia under pressure. Whereas usually it was the Council of Europe and the HCNM who commented on minority issues, in the second half of the last decade the European Union also became interested in the holding of elections with regard to minorities. For example, both the European Parliament and the European Commission financed election observation teams in countries with a poor reputation for minority inclusion.

However, as the Latvian example shows, during the enlargement negotiations these originally tough positions did not become real obstacles for the enlargement process. This author's hypothesis is that two developments were responsible for this fact. First, after the initial wave of NATO expansion in 1999, it soon became clear that Russia would not prevent a further enlargement including the Baltic states. In fact, the second enlargement of NATO was decided in Prague in 2002. This removed a lot of pressure

²³ See Ineta Ziemele, "Die Ausgestaltung des Minderheitenschutzes in Lettland: ein Lehrstück für Europa", in Manssen and Banaszak (eds.), *Minderheitenschutz ...*, 65-94, at 81.

²⁴ For this and the quote before, see "Constitution Watch", 9 (1/2) *East European Constitutional Review* (2000), 22.

²⁵ See <http://europa.eu.int/comm/enlargement/enlargement.htm>.

from the Baltic states. Furthermore, instead of taking steps to protect the Russian minority within the Baltic states, Russia's President Putin had encouraged repatriation of Russians in May 2001.²⁶

Second, negotiating the situation of minorities in central Europe made attention turn to all minorities in the "New Europe".²⁷ This meant that the European Parliament and other EU bodies had the choice of either getting involved with all unresolved minority conflicts in Europe, including Northern Ireland and the Basque territories, or remaining silent on the issue in Central Europe as well. Obviously, the European Union bodies realized that it would not be possible to ask for a level of minority integration from the new member states which could not be demanded from some of the more important current members. In other words, the Union had to accept that minority conflicts in the enlargement area could not be resolved to a greater extent than in the existing European Union itself.

B. Participation of Ethnic Minorities

The scope of political participation of ethnic minorities is, of course, dependent on the strength of minorities in relation to the majority population. The theory of representation would suggest that normatively this relative strength should be mirrored in the demographics of legislative and executive powers.²⁸

There are several reasons, however, why ethnic minorities are often underrepresented in the institutions of political power. One reason is procedural and concerns the electoral system itself. Various elements of electoral systems are designed in order to keep marginalized political forces from representation. The reasons for this cannot always

²⁶ "Constitution Watch", 10 (2/3) *East European Constitutional Review* (2001), 24.

²⁷ See John T. Ishiyama and Marijke Breuning, *Ethnopolitics in the New Europe* (Boulder and London, 1998); Peter Cumper and Steven Wheatley (eds.), *Minority Rights in the 'New' Europe* (The Hague, 1999).

²⁸ Ernst Fraenkel, "Die Repräsentative und Plebiszitäre Komponente im Demokratischen Verfassungsstaat", in Ernst Fraenkel (ed.), *Deutschland und die Westlichen Demokratien* (Frankfurt, 1991)

be found in the discriminatory intent of a given majority. The first purpose of exclusive elements of electoral systems is rather to seek a reasonable balance between representation and efficiency.²⁹ Low thresholds for participation mean high degrees of fragmentation which may be considered a burden for smooth decision-making processes.

However, this argument can also be used as a pretext for keeping certain groups out of the political process altogether. Levels of electoral thresholds are a subject of decision-making and they are not always designed to enable the highest degree of minority participation possible. Table 1 shows that even some of the stronger minorities of post-socialist Europe have had to organize themselves effectively in order to be able to enter national parliaments. For example, the Roma in Bulgaria und Romania as well as the Turks in Macedonia face electoral thresholds higher than the percentage of the total population they make up. These minorities, as well as the large number of smaller minorities not listed in the table, generally have to ally with other (minority or majority) groups in order to be represented at all in the national parliaments.³⁰

Table 1: Electoral thresholds in multiethnic post-socialist democracies

Country, year of last census	Main ethnic minorities	Population share of ethnic minority	Threshold in Electoral System*
Bulgaria (1992)	Turkish	9.4%	4%
	Roma	3.7%	
Estonia (1998)	Russians	28.1%	5%
	Ukrainians	2.5%	
Latvia (1998)	Russians	32.4%	5%
	Belarusians	3.9%	
Lithuania (1996)	Russians	8.3%	5%/7%**
	Polish	6.9%	

²⁹ Giovanni Sartori, *Demokratietheorie* (Darmstadt, 1997).

³⁰ That is, however, not true for Romania where some seats in the chamber of deputies are granted to ethnic minorities exempted from electoral thresholds. In Lithuania, there existed a lower threshold of two per cent for the Polish minority until 1996, when this exception was cancelled. See "Constitution Watch", 5 (2/3) *East European Constitutional Review* (1996), 15.

Macedonia (1994)	Albanians	22.9%	5%***
	Turkish	4.0%	
Romania (1992)	Hungarians	7.1%	3%/8%
	Roma	disputed	
Slovakia (1997)	Hungarians	10.6%	5%/10%/15%

Sources: Pan and Pfeil, *Die Volksgruppen in Europa...* and Beichelt, *Demokratische Konsolidierung...*, 253

* Figures divided by an oblique mean that additional thresholds exist for common lists.

** 141 seats in parliament. 71 seats in single member districts, hurdle of 5% applies to 70 seats in one constituency.

*** 120 seats in parliament. 85 seats in single member districts, hurdle of 5% applies to 35 seats in one constituency.

Gaining representation is made more difficult for some of the large minorities as well. In countries where the electoral threshold is only a few percentage points higher than the relative strength of the minority, minority elites face the task of trying to include a large majority of their population into one political organization. That is certainly true of Lithuania, Romania and Slovakia, but it was also important in Estonia and Latvia during the period when only a small number of minority members were granted citizenship. In Romania and Slovakia, problematic rules were introduced whereby thresholds for common lists were raised in order to keep politically divided minorities out of parliament as a whole.³¹ Lithuania raised its threshold from four to five per cent in 1996, giving rise to strong criticism from both the Polish and Russian minorities.³²

On the other hand, some measures, which appeared on their face to be acts of deliberate minority discrimination, did not lead to the intended consequence of subduing the minority. In Slovakia, the notoriously divided Hungarian minority finally decided to combine forces in the Hungarian Coalition Party (SMK) before the election of 1998

³¹ See figures in Beichelt, *Demokratische Konsolidierung ...* .

³² See "Constitution Watch", 5 (2/3) *East European Constitutional Review* (1996), 15.

and became a strong political player with an important "blackmail potential".³³ In Romania, the Hungarian Democratic Union (UDMR) included other minorities in their caucus, strengthening minority representation as a whole (see Table 2).

Table 2: Election results of ethnic parties in multiethnic post-socialist democracies

	Name of ethnic party	Election Results (votes)				
		1 st elec- tion	2 nd elec- tion	3 rd elec- tion	4 th elec- tion	5 th elec- tion
Bulgaria	Movement for Rights and Freedoms (DPS)	6.0	7.5	5.4	7.6	7.5
Estonia	Our Home is Estonia, 1995 United People's Party (EÜRP), 1999	n.a.	5.9	6.1		
Latvia	Equality (LT), 1993 Socialist Party, 1995 People's Harmony (PCTVL), 1998 For Human Rights in a United Latvia, 2002	n.a.	5.8	5.7	14.1	18.9
Lithuania	Polish Union, 1992 Electoral Action of Lithuanian Poles (LLRA), 1996+2000 Union of the Russians, 1996	n.a.	4.6	1.9		
Macedonia	Party of Democratic Prosperity of Albanians in Macedonia (PDP) Democratic Party of Albanians (PDSH), 1998+2002 National Democratic People's Party (NDP) Democratic Union for Integration (BDI), 2002	19.2*	11.6*	19.3	21.5	
Romania	Hungarian Democratic Union (UDMR)	7.2	7.5	6.6	6.8	
Slovakia	Hungarian Christian Democratic Movement (MKDH), 1990-1994 Living Together (ESSW), 1990-1994 Hungarian Coalition Party (SMK), 1998+2002	8.7	7.4	10.2	9.1	11.2

³³ For the concept of blackmail potential, see Givoanni Sartori, *Parties and Party Systems* (Cambridge, 1976).

Source: <http://www.electionworld.org/> as well as coverage by daily press, mainly Frankfurter Allgemeine Zeitung.

* Percentage of seats (not votes): no data for percentages of votes available.

There is one general consequence of keeping up the pressure on minorities via electoral thresholds. When being part of a minority becomes the main reason for political cooperation among minority elites, other topics – e.g. in the fields of economic or social policy – become secondary. Minority issues dominate the discourse of minority elites, parties or other organizations. Minority groups are defined by their ‘otherness’. The ethnic divide becomes more important than any other cleavage when electoral thresholds are designed to avoid political fragmentation in multiethnic societies. In this way, putting high thresholds in place to enforce minority coalition building may have the unintended consequence of politically separating the minority from the majority to a greater extent than if those high thresholds had not been in place.

When looking at the development of ethnic parties in post-socialist democracies, different paths can be identified. In Bulgaria and Romania, one single party has represented the (Turkish and Hungarian) minorities from the very beginning. Considering an average rate of voter abstention, virtually all minority members in both states have supported the Movement for Rights and Freedoms (DPS) in Bulgaria and the Democratic Hungarian Union (UDMR) in Romania. As already mentioned, in some elections the UDMR was able to gain a relative weight stronger than the percentage of the minority population, which hints at the party’s integrative potential for non-Hungarian minorities.

In other countries, political organizations had more difficulties integrating the whole minority population. Slovakia is a special case because several parties, including Living Together (ESSW) and the Hungarian Christian Democratic Movement (MKDH), agreed to form the Hungarian Coalition Party (SMK), which has been a stable entity since 1998. In other countries, attempts at merging organizations failed. In Estonia, the Russians finally succeeded in forming a party to pass the electoral threshold when Our Home is Estonia gained around six per cent of the vote in 1995. The party did not survive until the next election, however, and was succeeded by The United People’s Party (EÜRP). That political grouping was in turn stable for a short time only and

does not form a parliamentary faction in today's Riigikogu; the most prominent politician from the 1999 United People's Party list, Viktor Andreev, enjoys the status of an independent deputy.³⁴

The Estonian Russian minority has not yet succeeded in forming a stable political organization representing their interests. This may, however, change in the next few years when the percentage of ethnic Russian citizens rises **through the naturalization process**, giving the Russian elites more room for voter mobilization.

In contrast to Estonia, the Latvian Russians were able to gather support on a much larger scale. This was possible because the minority politicians were able to combine forces with well-known Latvian politicians who in a way were guarantors for the loyalty of the minority leaders. In 2002, a party called **For Human Rights in a United Latvia** gained 18.9 per cent of the votes. The group is not an ethnic party in the literal sense. Its faction is led by Jānis Jurkāns, an ethnic Latvian, and its profile may be described as being friendly to Russian citizens and non-citizens in contrast to the open hostility these groups are facing by parties such as, amongst others, **Fatherland and Freedom** (TB), and the National Party of Independence (TB/LNNK).³⁵

The Latvian model is one of uncoupling minority influence from the relative strength of an ethnic political party. Until 1995, the strategy of linking socialist ideology to Russian voters did not have great success. One election later, People's Harmony was able to gain 14.1 per cent of the vote in 1998. For Russians in Latvia (as well as in Estonia and Lithuania), the option of remaining under the influence of Yeltsin's unstable Russia was not very attractive: While Russia fell from one recession into the next, the Baltic countries' economies grew quickly and made living there advantageous for the minority as well as for the majority populations.

In Macedonia, the minorities' political representation was to a large extent affected by the instability of the whole region. Although Macedonia was the only former Yugoslav republic not involved in the wars of independence, the Albanian minority was heavily affected by violence: Both the chaos in Albania in 1996 and the Kosovo con-

³⁴ See http://www.riigikogu.ee/pa_factions.html#P88_1985.

³⁵ See Axel Reetz, "Die Dritten Parlamente der Esten, Letten und Litauer", 33 (2) *Zeitschrift für Parlamentsfragen* (2002), 290-305.

flict destabilized ethnic relations. On the one hand, Albanian refugees flooded the country, making the Macedonian majority suspicious of the sheer size of the minority. On the other hand, radical Albanian political forces gained ground in Macedonia when they were supported by radicals who had had to flee Kosovo during the worst days of unrest.

Therefore, it is no surprise to have observed the rise and fall of several minority parties in Macedonia. The Party of Democratic Prosperity of Albanians (PDP) for a long time stood in strong contrast to the more 'radical' Democratic Party of Albanians (PDSH). In 1998, however, both parties entered elections on a common list (together with the National Democratic People's Party, NDP) and the PDSH even formed a coalition government with the nationalist Interior Revolutionary Macedonian Organization (VRMO-DPMNE). This is one of the striking elements of Macedonian party competition: Political forces may use strong rhetoric to discredit one another, but in the end, they are even ready to form governing coalitions.³⁶ In the 2002 elections, the newly formed Democratic Union for Integration (BDI) was able to gain more than half of the Albanian vote, thus cutting down the traditional Albanian parties. Again, formerly irreconcilable positions were overcome when the BDI, which is led by the former National Liberation Army (UÇK) leader Ali Ahmeti, went into a coalition with the post-communist Social Democratic Union (SDSM).³⁷

With the Democratic Union for Integration (BDI), Albania has seen minority parties in a government coalition for four consecutive terms. In other countries, the minority parties had much more difficulty entering government. When they did, they joined forces with the 'democratic' camp against the 'old' forces which had been able to re-establish themselves in political power. This was the case in Bulgaria, Romania and Slovakia (and, of course, in many former republics of the Soviet Union). In these countries, changes of power coincided with a push for political minority recognition when the DPS in Bulgaria, the UDMR in Romania and the SMK in Slovakia showed their readiness for society's democratization.

³⁶ Klaus Schrameyer, "Makedonien. Friedlichkeit, Maß und Vernunft - mit balkanischem Charme", 46 (12) *Südosteuropa* (1997), 661-694.

³⁷ See *Frankfurter Allgemeine Zeitung*, 19 October 2002.

This process of democratization also coincided with a strong commitment to Western integration among the minorities. This was not self-evident because another strategy of the minority elites could have been achieving stronger ties with their kin-states.³⁸ In fact, by joining forces with the anti-establishment forces in the three countries named, the minorities not only accepted but also supported the international community's point of view that minority problems in Europe were not to be resolved by border revision but by autonomy within the existing states. In consequence, government participation by the minorities gave the consolidation of democracy a strong push in a number of countries.

This is a remarkable difference to the situation in the Baltic states where minorities have not only had difficulties in gaining citizenship but also in being represented in parliament or government at all. As Table 3 shows, the Russian, and – in the Lithuanian case – Polish minorities have been heavily underrepresented in all three Baltic states. Even with the relatively successful party For Human Rights in a United Latvia (see above), a huge number of ethnic Russians remain unrepresented. The situation on the local level is slightly better; the Lithuanian *Seimas*, for example, extended the right to vote in local elections to non-citizen permanent residents in 2002.³⁹ Still, an initial view from the perspective of democratic theory indicates that the minorities' possibilities of self-determination within the Baltic states remain scarce. However, as the author will now argue in section III, the simple demand of equal representation bears its own share of problems.

Table 3: Representation of minority parties in parliament and government, 1990-2002

	Population share of largest ethnic minority (in %)*	Average votes for ethnic parties, 1990-2002 (in %)	Average seats in national parliament, 1990-2002* (in %)	Ethnic parties in government coalitions, 1990-2002
Bulgaria	9.4	6.8	8.1	1991-1992 1997-2001

³⁸ In relation to the Hungarian minority in Slovakia, see Andrea Riemer, "Die ungarische Minderheit in der Südslowakei - ein multidimensionales Krisenpotential?", 47 (3) *Osteuropa* (1997), 253-268.

³⁹ See Marianna Butenschön, *Litauen* (München, 2002), 169.

Estonia	28.1	4.0	3.9	None
Latvia	32.4	11.1	13.3	None
Lithuania	8.3 (Russian) 6.9 (Polish)			None
Macedonia**	22.9	16.7	16.9	1992-1994 1994-1998 1998-2002
Romania	7.1	7.0	7.6	1996-2000
Slovakia	10.6	8.9	10.1	1998-2002

Source: own calculations.

* See Table 1.

** Averages of election results (not: months in parliament).

*** Results of 1990 and 1994 are measured by percentage of seats (not votes).

III. MINORITIES DURING TRANSFORMATION: A STUMBLING BLOCK FOR DEMOCRACY?

For formerly autocratic countries, granting political rights to ethnic minorities and ensuring their participation is a necessary step in the course of democratization. As seen above, this does not so much follow from international legal obligations concerning ethnic minorities but from general principles of democracy which have to apply to all political subjects of a given territory, including minorities. **However, during** the transformation process of the multiethnic states of post-socialist Europe, different strategies of granting those democratic rights have been applied. The ‘old’ states Bulgaria and Romania simply continued to be multiethnic states. Of the ‘new’ states, Lithuania, Macedonia, and Slovakia were ready to grant citizenship to their minorities from the very beginning of democratization, whereas Estonia and Latvia tried to make their minorities’ assimilation a precondition for citizenship.

The author demonstrated in the previous section, that due to international pressure, the two northern Baltic states were forced to soften that approach. Some signs of dis-

crimination still exist as most international law on minority inclusion is 'soft law', setting pre-legislative standards which become relevant in political discourse, but being largely non-enforceable.⁴⁰ Where a consensus among the majority or the majority's political leaders exists, assimilation pressure may be exercised simultaneously with a denial of the right of adequate political participation.

This path may be normatively inferior to the strategy of opening up the *demos* in the earliest possible stage of transition. From a functional perspective, however, the approach bears many signs of rationality. Can we envisage what may have happened if the Russian population of Estonia and Latvia had gained citizenship immediately following the declarations of independence in spring 1990 and the final break-away in September 1991? In Moldova and Ukraine, where citizenship was granted, the political forces representing the Russian minority never accomplished the breakaway from (post-)communist ideology. Although the Communist Party was abolished in both countries, it came back after some time and managed to build up an image of defending Russian interests within, as they saw it, an at least partly hostile environment.

The consequences for democracy in both countries were severe. By linking their interests to communist political forces, the Russians sent discouraging signals of backwardness to the majority population. Even more significantly, the Communist Party of the Russian Federation frequently issued statements underlining the greatness of the Soviet Union, which, after all, meant Russian domination of the 'near abroad'. Regularly, the Russian communists allied with right-wing extremist forces and claimed back the lost territories of the post-soviet states.⁴¹ In any case, and without the direct support from Moscow, the Russian dominated Communist Party of Moldova managed

⁴⁰ Robert Uerpmann, "Völkerrechtliche Grundlagen des Minderheitenschutzes", in Manssen and Banaszak (eds.), *Minderheitenschutz ...*, 9-28 [pages of chapter?] .

⁴¹ John T. Ishiyama. "Strange bedfellows: explaining political cooperation between communist successor parties and nationalists in Eastern Europe", 4 *Nations and Nationalism* (1998), 61-85; Judith Devlin, *Slavophiles and Commissars. Enemies of Democracy in Modern Russia* (Houndsmills, 1999).

to cut down political rights substantially within a short period of time after coming back to power in 1998.⁴²

In Estonia and Latvia, barring most of the minority population from participation meant avoiding the rise of an ethnically defined minority party. Of course, it cannot be taken for granted that a large Russian party would have turned to an ideology of post-soviet communism.⁴³ The hostility of both the Estonian and Latvian majorities against the adherents to the former occupational power makes it probable, however, that there would have been at least severe conflicts between the two political camps. As it happened, with the exclusion of the Russian minority, the political elites of Estonia and Latvia were able to keep a potentially destabilizing cleavage out of the political process. Whereas the setbacks in the Moldovan and Ukrainian transformation process had a direct link to (non-violent) ethnic conflict, Estonia and Latvia were able to consolidate their democracy on a firm elite consensus.

On the other hand, keeping away non-assimilated minorities from political participation in the long run means denying substantial political rights, which turns any regime into a semi-democratic one. Already some time ago Robert Dahl identified some examples of this type, e.g. the United States before the Civil Rights Movement, South Africa during apartheid or Switzerland before women's suffrage in 1971.⁴⁴ From the point of view of democratic theory, withholding democratic rights from ethnic minorities may thus be justified only in the (always uncertain) cases when the temporary homogenization of the electorate helps avoid the "breakdown of democracy".⁴⁵

This insight can be turned into a theoretical one in combination with one major finding of transition studies: the sequencing of the transformation process as already shortly mentioned in the beginning of this text. The phasing of liberalization, democ-

⁴² Claus Neukirch, "Moldovan Headaches. The Republic of Moldova 120 days after the 2001 Parliamentary Elections", Working Paper Nr. 3 of the Centre for OSCE Research (CORE) (2001).

⁴³ In fact, in 1999 one of the two major Russian parties in Estonia, the People's Party, sided with the post-communist Work Party, see Reetz, "Die Dritten Parlamente der Esten, ...", 290-305.

⁴⁴ See Robert A. Dahl, *Polyarchy. Participation and Opposition*

⁴⁵ Juan Linz, *The Breakdown of Democratic Regimes. Crisis, Breakdown & Equilibration* (Baltimore, 1978).

ratization and consolidation originally goes back to Guillermo O'Donnell and Philippe Schmitter⁴⁶ and is widely used in transition literature. Liberalization is the period during which the old regime disintegrates into different blocks and finally ceases to exist. The notion of democratization covers the institutionalization of democracy, one of the most important events being the constitutionalization of the regime. Finally, consolidation means the stabilization of the democratic regime structure up to the point where democracy is "the only game in town".⁴⁷

This author's hypothesis is that the contribution of ethnic minorities to the transformation process differs with the phase of transformation. Some time ago, two German scholars argued similarly in relation to civil society as a whole.⁴⁸ Lauth's and Merkel's point was that civil society may be one of the major sources of liberalization but can turn into a burden on democratization and consolidation. This author's line of argumentation runs similarly: The inclusion and participation of ethnic minorities can be a great resource of liberalization. When institutionalizing the regime and getting closer to the phase of consolidation, however, some strategies of ethnic minorities can slow down the stabilization of democracy and make consolidation more difficult.

Liberalization: Towards the end of an autocratic regime, minorities can form one of the groups greatly enhancing regime liberalization. Even if some form of autonomy is ensured within the autocratic regime, the right of self-determination as laid down in international law is always at a minority's disposal. In the long range of possible regime solutions, there is always something to be sought from a central power to progressively realize a minority's self-determination.

When cracks in the old regime appear, the temptation grows to seek ever-increasing autonomy. The very nature of the relationship between majority and minority in autocratic regimes implies discontent among the minority population. An autocratic use of

⁴⁶ Guillermo A. O'Donnell and Phillippe C. Schmitter (eds.), *Tentative Conclusions about Uncertain Democracies* (Baltimore, 1986).

⁴⁷ This dictum is from Juan Linz, "Transitions to Democracy", 13 (3) *Washington Quarterly* (1990), 143-164. The interpretation of the notions liberalization, democratization and consolidation is from Wolfgang Merkel, *Systemtransformation* (Opladen, 1999).

⁴⁸ Hans-Joachim Lauth and Wolfgang Merkel, "Zivilgesellschaft und Transformation. Ein Diskussionsbeitrag in revisionistischer Absicht", 10 (1) *Forschungsjournal NSB* (1997), 12-34.

power means militarization, restriction and repression. In multiethnic autocracies, suppression is rarely a phenomenon of multiethnic elites but most likely ethnic majority leaders suppressing both the majority and minority populations.

This offers any minority in a multiethnic autocratic regime various arguments against the central power. Asking for a more democratic variant of self-determination is one option which becomes more evident in some circumstances, for example if democracy is common in a given region (like in Europe) or if national history knows a period of democratic rule. This is exactly what happened in some parts of socialist Europe. In almost all Republics of the Soviet Union as well as some (but not all) parts of Yugoslavia, ethnic minorities were at the forefront of demanding liberalization, typically linking their protests against the old regime to demands of self-determination. In this sense, almost any ethnic protest in an autocratic regime bears a democratic nucleus.

Democratization: Once the autocratic regime has fallen, things change. The striving for self-determination comes into conflict with the understanding of the ethnic majority, which usually had envisioned an end of the regime but not a split-up of the state. The strategic position of the minority changes as a whole. During liberalization, the oppositional forces of both the majority and the minority share the goal of destroying the old regime. When the goal of liberalization is reached, different groupings are likely to appear. The story may not be over for some minority elites for whom self-determination within the old state boundaries is not enough. Other groups within the minority may argue that democracy generally offers possibilities to realize the minority's interests. After all, stable multiethnic democracies have existed for a long time in states like Belgium and Switzerland.⁴⁹

A similar split may exist within the majority elite. Only in rare cases are the elites of the old regime completely swept off the political scene at the beginning of the democratization process. More commonly, it is the 'second guard' of the old elite that stays in the power system, e.g. in the administration or parliament, or even comes back to

⁴⁹ Kenneth D. McRae, *Conflict and Compromise in Multilingual Societies. Vol 1: Switzerland* (Waterloo and Ontario, 1983); *Ibid.*, *Conflict and Compromise in Multilingual Societies. Vol 2: Belgium* (Waterloo and Ontario, 1986).

power with the first democratic elections.⁵⁰ In such a case, elements of the strategy of political exclusion may persist in the new regime because of the continuity of the membership of the elite. But even if the change of the elite is comprehensive, the new politicians may choose a strategy of partial exclusion. They may directly appeal to anti-minority sentiments in order to attract votes, or they may seek to form coalitions with political forces which have national goals on their agenda.

Therefore, we have to draw a line between integrationist and exclusionist political forces on both sides of the ethnic divide. This means that destructive forces may exist within the minority camp as regards the further development of democracy. Throughout the negotiations concerning institutional structure and constitutional principles, no regime is able to guarantee stability and could easily drift away from the course of democracy. For example, seeking a level of autonomy that has not existed in the previous regime may result in a strengthening of those "soft liners"⁵¹ of the old regime who were already opposed to a complete opening up of the regime. In addition, a minority's appeal to brothers in the "external homelands"⁵² may generate hostile feelings among the majority elites and the general population. In short, there are several arguments as to why the minority elites may in fact gain more inclusion from a restrained approach to democratization.

Empirically, the examples of countries such as Estonia, Moldova, Romania, Russia, Czechoslovakia and many others, show that the intensity of ethnic conflict grew after the gain of sovereignty and the establishment of a new regime. It was the principle of democratic pluralism which enabled the articulation and aggregation of contradicting ethnic interests. However, it was only where the power vacuum was filled by 'new' actors who were willing to shape democracy in an integrationist way, that the development of democracy did not get stuck.⁵³ For example, in Moldova and Russia some of the minorities within the new regimes – some Russians in Moldova, and many

⁵⁰ See Klaus von Beyme, *Systemwechsel in Osteuropa* (Frankfurt, 1994), 175-191.

⁵¹ O'Donnell and Schmitter (eds.), *Tentative Conclusions ...*

⁵² Rogers Brubaker, *Nationalism Reframed. Nationhood and the National Question in the New Europe* (Cambridge, 1997).

⁵³ For this argument, see again Lauth and Merkel, "Zivilgesellschaft und Transformation. ..."

Chechens in Russia – sought levels of autonomy which could not be accommodated in the liberalized regime without endangering the integrity of the state as a whole.

This, however, was the doctrine of most majority elites, leaving them with two options. First, the doctrine itself could be changed and the breakdown of the state could be accepted. That is what happened in Czechoslovakia, albeit the only peaceful break-up of a state in twentieth century Europe. The factual breakaway of Transnistria from Moldova seems a more typical example, both impeding the development of democracy in Moldova and, of course, leading to a reasonably traditional **soviet-style** autocratic regime in Transnistria.

Second, the aim of maintaining the integrity of the state could be so important that the realization of democratic principles is sacrificed. The Russian case is an example of this approach. Russia tolerated, or arguably even initiated, the most serious human rights violations in Chechnya, leading to a semi-autocratic regime in the whole state: A country violating the most basic human and political rights in a part of its territory cannot be classified as a democracy. These examples show that certain minority strategies, even if they can be justified by the principle of self-determination, have a potential to seriously endanger the transformation process during the phase of institutionalization.

Consolidation: The separation between integrationist and exclusionist minority strategies remains relevant also during the period of consolidation. However, the stakes are lower during this phase because the regime has already had some time to stabilize. The options are no longer whether to maintain or break up the state - by definition, democracy itself has already gained support among both elites and the general population. A supportive consensus about the principles of democracy has been established and to some extent been tested. Those forces within the minority favouring self-determination in a separate state have been marginalized and the extent of autonomy and development granted by the majority is large enough to satisfy most minority members. If it were otherwise, the stability of the new regime would be threatened to such an extent that it would be difficult to speak of a process of consolidation.

Democratic consolidation can bear different faces, however. The path to a fully developed polyarchy in the understanding of Robert Dahl means high rates of inclusion for the whole population and, following on from that, adequate representation in po-

litical institutions. This is certainly a supportable aim of democracy. However, exactly which political forces are represented in parliament or even government also matters. Exclusive regimes are not fully democratic, but polarized regimes have a strong tendency of becoming non-democratic.⁵⁴ In the whole region, the polarization of party systems has proved to be one of the major factors for deciding the quality of democratic consolidation.⁵⁵

It is for this reason that the temporary exclusion of minorities from political participation may be justified from a theoretical perspective. The argument can go in two directions. First, avoiding an ethnic divide on the party level in the first years of consolidation lowers the potential dangers of polarization, destabilization and an eventual withering away of democracy. Second, the minority elites are pushed towards an integrationist policy by being offered representation in a period when the first rewards of democratization have appeared. In the case of the Baltic states, the ethnic Russian citizens enjoy privileges their relatives in Russia are not able to enjoy. Being able to travel to other democratic countries, the beginnings of a constitutional state and the lesser extent of corruption are all features of the regime form of democracy, a system of holding those in power responsible to those not in power.

All of this points to a sequential model of minority influence on the development of democracy. During liberalization, the minorities of Central and Eastern Europe have been a major promoter of democracy. During democratization and the early phase of consolidation, the active role of minorities may threaten the thin consensus on the character of the democratic regime. Further into the consolidation process, the political rights of ethnic minorities can serve as a major indicator of the quality of democracy in the new regime. As not all multinational states in Europe have become fully developed democracies, this model may also have relevance beyond the seven countries discussed in this article.

⁵⁴ See Giovanni Sartori, *Parties and Party Systems* (Cambridge, 1976).

⁵⁵ Timm Beichelt, *Demokratische Konsolidierung im Postsozialistischen Europa. Die Rolle der Politischen Institutionen* (Opladen, 2001), 289-293.