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# Non-Territorial Autonomy and Political Community in Contemporary Central and Eastern Europe

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The last two decades have seen the adoption of laws on non-territorial autonomy (NTA) by several states in Central and Eastern Europe (CEE), as well as debates on the applicability of this concept to other countries of the region. This development has in turn elicited a growing interest from international organisations in the potential of NTA as a modality of minority rights provision in the New Europe. In spite of this interest, relatively little is known about the practical implementation of NTA within this setting and its reception by ethno-national minorities and majorities alike. This article offers a preliminary comparative analysis of debates and practices around NTA in four countries—Hungary, Romania Estonia and Russia—and seeks to link these cases to broader Central and East European-focused debates on state and nation-building, democratisation and participation in public life. By way of conclusion, it makes a case for further research on NTA 'from the ground up', focusing more squarely on the everyday practice of autonomy from a minority perspective and how this might inform and deepen understandings of minority agency within current processes of political community building in CEE and—ultimately—beyond.

**Keywords**: Europe; minority rights; non-territorial autonomy; state; nation; democratisation.

The past two decades have witnessed a significant revival of interest in the concept of non-territorial autonomy (NTA), as part of academic and policy discussions on an evolving European minority rights regime (Van der Stoel, 1999: 172; Kymlicka, 2008; Decker, 2008; Scholsem, 2008; Smith, 2008; Osipov, 2010; Smith, 2010).[1] The NTA dimension to these discussions has for the most part been driven by developments on the ground in post-Communist Central and Eastern Europe (CEE), where legislation based on this model has been adopted by several countries and

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actively discussed in several more.[2] Drawing on available secondary literature and some initial analysis of domestic political debates, this article examines debates and practices around NTA in Hungary, Romania, Estonia, and the Russian Federation. The four cases offer particularly interesting points of comparison and contrast as part of an overall discussion of the concept. In each case the article seeks to determine why and by whom NTA has been advocated and applied, how it has been received by representatives of ethno-national majorities and minorities, and how the experience of NTA within these particular state contexts can be situated within broader debates linking minority rights to processes of state and nation-building, democratisation, and European integration. The article concludes with some suggestions for further research on NTA 'from the ground up', focusing more squarely on the practice of autonomy and how this might inform and deepen understandings of minority agency within current processes of political community building in CEE and—ultimately—beyond.

## 1. Institutional legacies in Central and Eastern Europe as a background to NTA

All modern European states have, at different times and in differing degrees, had to contend with issues arising from ethno-cultural diversity amongst their populations. Liberal democracy has increasingly sought to address these issues through the principle of minority rights, which deems all citizens equal regardless of ethnic origin, but which also grants ethnic minorities certain positive rights relating to their distinct culture.[3] The practice of minority rights has, however, brought into focus what Aviel Roshwald terms 'the dilemma of ethnocultural diversity', *i.e.* how to ensure that cultural recognition does not undermine overall societal cohesion or the integrity of the state (Roshwald, 2008).

This dilemma, one can say, has proved especially acute in the region commonly termed CEE. In the western part of Europe, debates around the political management of ethnic diversity are (generally speaking) of fairly recent historical provenance, and arose within the framework of what were already well-established unitary nation-states with relatively coherent and overarching societal cultures. In CEE, by contrast, managing ethnic diversity has been a central preoccupation from the very outset of the modern state-building process. Within this region, movements for national self-determination originally took hold within the context of empire. Driven by disaffected

new intellectual strata amongst subject peoples, they were typically grounded in identification with an ethnic community rather than with established political institutions (Hroch, 1985; Roshwald, 2001: 5; Brubaker, *et al.*, 2006: 27-46). In the case of larger, more compactly settled populations, nationalist demands were soon linked to particular territories, which, however imprecisely defined, were deemed to be the national homeland of the group in question (Petronis, 2007). This territorial frame of reference was, however, inherently problematic given the ethnically-mixed patterns of settlement within the region, which meant that however one drew the lines, ethno-national and political boundaries would never be fully congruent. In some cases, indeed, particular nationalities were so dispersed in terms of settlement that it would be hard to envisage that their demands might be satisfied to any degree at all by territorial means.

It was this contention that led Karl Renner and Otto Bauer to propound their original theory of NTA back at the turn of the twentieth century. Arguing that demands for national self-determination had to be accommodated within an ethno-federalist conception of statehood, they insisted that national rights (understood primarily as the right to maintain and practise one's distinct culture) should not be allocated to particular territorial sub-units of the state, but rather to collectivities of individual citizens who had freely affiliated themselves to a national register. This national register would form the basis for the election of national-cultural self-governments, public bodies which would assume responsibility for schooling and other cultural matters of specific concern to the particular ethnicity and would, *inter alia*, have the right to levy additional taxes on those who had signed up to the relevant national register (Renner, 2005; Bauer, 2000). This approach was diametrically opposed to the then-established nation-state concept based on cultural homogenisation of political space. Instead, Renner and Bauer envisaged the state as a *shared* territorial space inhabited by autonomously-organised ethno-national groups. Their reasoning was that if each group could cater for its own specific cultural needs, this would leave the overall state government and territorially-based local administrations to focus on more 'nationally neutral' matters of concern to all citizens (Bauer, 2000: 284-8).

The 'Austro-Marxist' model of NTA proved to be highly influential amongst democratising movements in both the Habsburg and the Russian empires during the early years of the twentieth century, but was ultimately marginalised as these multinational states collapsed under the combined pressures of World War and

Revolution during 1917-20. Renner and Bauer's thinking was, however, to a large extent vindicated by the nature of the new CEE that arose on the basis of the western-brokered peace settlement and the Bolshevik assumption of power in much of the territory formerly occupied by the Russian Empire. The doctrine of national self-determination may have been proclaimed as one of the cornerstones of the peace settlement, but it was largely disregarded in the case of nationalities such as the Germans, Hungarians, and Galician Ukrainians. Where the victorious Western Allies did uphold this doctrine, they applied it on a territorial basis, seeking to give selective ethno-national groups 'a state of their own'.

This notion of exclusive ethnic ownership over territory was fundamentally at odds with the plural society character of the new states, all of which contained substantial ethno-national minority populations. The application of the unitary nation-state template gave rise to a 'nationalising state' logic in most if not all of the countries of inter-war Central Europe, whereby belonging to a particular ethno-national minority was seen as incompatible with belonging to state political communities defined in narrowly ethnic terms. Perceptions of minorities as potentially detrimental to state sovereignty and integrity were accentuated further in the case of groups (such as Germans and Hungarians) which could be linked by virtue of their ethnicity to a neighbouring state that harboured irredentist political elements. This securitised 'triadic nexus' of state, minority and external homeland nationalisms became a major source of instability and conflict within inter-war central Europe, contributing to the disaster that befell the region after 1933 (Brubaker, 1996: 55-107). Interestingly, one exception to the rule (at least during the democratic 1920s) was to be found in the Baltic states of Estonia, Latvia, and Lithuania: established outside the framework of the peace settlement, these all established forms of non-territorial autonomy that were deemed successful in mitigating inherited tensions between the new states and their minorities (Smith and Hiden, 2012).

In the case of the USSR, the Soviet regime also sought to manage the multinational legacy of empire on a territorial basis. Guided by the maxim 'national in form, socialist in content', it allocated a designated 'homeland' to each of the largest ethnic groups living within the Soviet state. However, this was not a democratic federalism, but the practice of an authoritarian one-party state, and its territorially-based approach could not accommodate the full spectrum of ethno-national diversity that existed within the borders of the USSR. For instance, in the case of the Russian

Republic (itself configured along federal lines), only 41 of the 127 officially acknowledged nationalities had territorial autonomy, leaving the other 86 without any form of recognition. Even where territorial autonomy had been granted, a significant proportion of the group in question typically resided outside the borders of the designated 'ethnic homeland'. On the basis of this, Cristiano Codagnone and Vassily Filippov have estimated, in an article on the post-Soviet nationality question, that 'only about 10 million individuals in Russia, out of the 27 million non-ethnic Russians, could benefit from the protection offered by the principle of territorial autonomy' (Codagnone and Filippov, 2000: 26).[4]

Coupled with the recording of personal ethnicity within passports, Soviet policy thus served to '[institutionalise] both territorial-political and personal-ethnocultural models of nationhood as well as the tension between them' (Brubaker, 1996: 45). The only group to benefit from clearly-defined extra-territorial national rights under the Soviet system were ethnic Russians, who were encouraged to identify with the USSR as their homeland. The status of Russian as the language of international communication within the USSR meant that Russians were able to live and work within 'non-Russian' republics without necessarily having to learn the local language. Once again, however, this system proved to be a source of tension in the 1980s when the political space was opened up for the expression of 'ethno-regionalism' within individual union and autonomous national republics.

## 2. European minority rights and the 'return' of NTA

The aforementioned institutional legacies have profoundly shaped debates over the political management of ethno-diversity both within post-Communist central Europe and within the new states established following the demise of the USSR. It would clearly be inappropriate to draw too close a parallel between inter-war and contemporary CEE. Nevertheless, visible trends towards the ethnicisation of politics within a post-Communist setting, coupled with the open conflict and bloodshed that occurred in former Yugoslavia and parts of the USSR, meant that the region quickly became the main focus of discussions on how to enact a post-Cold War European minority rights framework under the auspices of international organisations such as the OSCE, the Council of Europe, and the European Union.

The minority rights agenda in relation to the region has been informed partly by a concern to promote democratisation, social justice, and equal opportunities to

participate in public life. The issue of participation has, for instance, been a particular concern in relation to CEE's largest 'stateless' minority, the Roma, living in dispersed fashion across several countries of the region and subject to increased socio-economic marginalisation and discrimination within the context of post-Communist transformation (Vermeersch and Ram, 2009). In nearly all cases, however, the discourse of minority rights has had to contend with the simultaneous and competing demands of state and nation-building processes which prioritise stability, standardisation, and strong central authority over devolution and cultural pluralism. In a context where 'stateness' is often not considered a *fait accompli*, ruling elites have been ill-disposed to agree to the kind of far-reaching territorial autonomy that has been accorded to various national minorities living in western democracies over the past half-century. Alarmed by the conflicts in former Yugoslavia, international organisations have also been concerned that minority political demands elsewhere in the region might prove to undermine existing state borders and prejudice the stability of the region as a whole.

It is this preoccupation with stability—I would argue—that does much to explain the heightened interest in and practice of non-territorial autonomy across the region during the past two decades: if minority demands can be de-territorialised, the reasoning goes, they will be easier to contain and thus pose less of a threat to state integrity. Whether NTA actually works from the point of view of particular minorities or helps to boost their representation and participation in public life has arguably been a secondary consideration.[5] In what follows I examine debates and practices around NTA in four countries, using the analytical lenses of both stabilisation and democratisation.

## 3. NTA in contemporary Central and Eastern Europe: debates and practices

### 3.1 *Non-territorial autonomy in Hungary*

In looking at the revival of NTA within CEE, it seems logical to start with Hungary, which was the first state to espouse the concept following the fall of Communism, and which has since developed what is by far the most comprehensive framework in this area. Adopted in July 1993, Hungary's Act LXXVII on National and Ethnic Minorities granted the right to cultural autonomy for thirteen 'indigenous' national minorities (Bulgarians, Greeks, Croatians, Poles, Germans, Armenians, Roma,

Romanians, Carpatho-Rusyns, Serbs, Slovaks, Slovenes and Ukrainians), who could trace their presence in the country back at least one hundred years (Vizi, 2009: 21).

While enumerating ethnic affiliation is always an imprecise art, the share of Hungary's population belonging to national minorities is small by regional standards. While some say that the actual figure is as high as 10%, the 2001 census gave a figure of 4.34% (European Commission for Democracy through Law, 2012: 3). With the partial exception of the Roma minority concentrated in the country's north-east, these minority populations live in a territorially dispersed fashion, meaning that an NTA law appears well-suited to the particular context of Hungary (Krizsán, 2000: 250, fn. 4).

Hailed by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) as an 'ambitious law making it possible for the [… recognised …] national minorities to participate in decision-making processes' (ACFC, 2010), the 1993 Cultural Autonomy Act attracted widespread international attention and acclaim. However, it subsequently underwent a significant redrafting in 2005, since when it was superseded altogether by Act CLXXIX of 2011 on the Rights of Minorities, adopted as part of the process of drawing up Hungary's new constitution.

If numerical density alone is taken as a guide, then the initial cultural autonomy law can be seen as having been hugely effective, with no less than 1200 minority cultural self-governments established during the decade after 1993 (Dobos, 2007: 465). The system of minority self-government is built from the ground up, with bodies elected in local municipalities coming together to appoint national-level representation (since 2007 supplemented by additional intermediate regional-level governments). However, for all the apparent success in implementing the law, numerous authors have questioned whether it was actually adopted with the needs of Hungary's internal minorities primarily in mind.

Representatives of the relevant minorities clearly did play a part in the discussions leading to the law, which they saw as a way of reversing assimilationist trends within Hungary that had intensified during the Communist era (Dobos, 2007). According to Hungarian political scientist András László Pap, this goal was shared by many ethnic Hungarian lawmakers, who were inspired by a sincere desire to compensate for the pain and suffering that the 'traditional' ethno-national communities of the region had had to endure over preceding decades (Pap, 2006, 243-

7). In its initial incarnation, however, the law has the appearance very much of a top-down initiative in which the interests of minorities were subordinated to those of the state and its dominant ethnic group.

Due to the small numerical size of domestic minorities, initial post-Communist state and nation-building was informed less by concerns over internal stability and ethno-cultural justice than it was by the question of negotiating the relationship between the state and the large ethnic Hungarian minorities living in neighbouring states. When it came to rectifying past suffering, legislators had in mind the specifically Hungarian historical experience arising from the 1920 Treaty of Trianon and its dismemberment of ethnic Hungarian areas of settlement, the legacy of which 'has never disappeared entirely' (Schöpflin, 2006: 216). This in turn informed a 'constitutionally articulated responsibility for out-of-border diaspora Hungarians' within post-1989 Hungary (Pap, 2006: 248), designed to preserve Hungarians as a single transborder national community.

In this regard, most authors would share Pap's view that Act LXXVII of July 1993 (adopted with a remarkable 96.5% parliamentary majority vote in favour) was intended as a form of 'trade currency' in Hungary's external support for the claims of the Hungarian diaspora living in neighbouring states (Pap, 2006: 243).[6] By making itself a pace-setter in the field of minority rights, Hungary would acquire the moral legitimacy to ask the same of other countries, while also enhancing its credentials as a prospective member of the European Union. Seen from this perspective, a law based on the NTA principle had the additional advantage of separating the issue of ethnic Hungarian rights from that of territory. This, it was hoped, would position Hungary internationally as a purveyor of 'non-territorial policy innovations' (Stroschein, 2006: 55) in the resolution of CEE's majority/minority issues. Taken together with bilateral treaties signed between Hungary and neighbouring states containing Hungarian minorities, it would help to press the case for collective minority rights claims while undercutting any claims by neighbouring governments that Hungarian autonomy constituted a threat to their sovereignty and territorial integrity.

How, then, has the law been interpreted by minorities within Hungary? If one looks at the original law from this standpoint, then obvious questions arise regarding the representativeness of the autonomous institutions created after 1993. At the time the law was adopted, many citizens of Hungary from a minority background were reluctant to declare publicly their ethnicity, informed by a collective memory of past

ethnically-based oppression during and after World War Two. The original Act LXXVII of 1993 thus did not use national registers as a basis for electing minority self-governments; rather, participation in elections was open to all citizens residing within the relevant electoral district. This approach, however, gave rise to the practice generally known as "ethno-business" whereby political entrepreneurs were in some cases able to pose as minority representatives simply in order to gain access to public office and the entitlements that flow from this (Krizsán, 2000; Dobos, 2007; Vizi, 2009: 124-6).

Perceived abuse of the law in this way was one factor behind the 2005 amendment, which introduced an obligatory system of enrolment on national registers for candidates and voters alike. The revised system has been found to comply with international standards relating to self-identification and data protection (European Commission for Democracy through Law, 2012: 9), and has apparently not adversely affected levels of participation in subsequent elections to minority self-governments. The underlying basic question of whether it is desirable or defensible for individual citizens to publicly register their ethnic affiliation, however, remains one of the fundamental discussion points in relation to the NTA model and its ability to ensure effective representation of a given minority group. Cited as a key objection in other European contexts already prior to World War Two (Smith and Hiden, 2012: 83), use of this provision in Hungary must be set against the background of a recent upsurge in racism and intolerance against the Roma minority (see below).

The recent Act CLXXIX on the Rights of Minorities has also sought to address the problem of "ethno-business" through recourse to census data: from 2014 (when new electoral provisions introduced by the Act will come into force), it will not be permissible to organise elections to a minority self-government in a district where the 2011 census indicates that the given minority group is not present above a defined numerical threshold. This provision apparently drew complaints from minority representatives who pointed to a lack of prior warning before the census was held (European Commission for Democracy through Law, 2012: 10). Once again, this issue brings into focus the problem of defining and institutionalising community boundaries and belonging through a system of this nature.

The 2005 amendment to the cultural autonomy law has also been hailed as a step forward in addressing what many commentators saw as shortcomings in the effectiveness of the minority institutions (ACFC, 2010: 14). Not least, the revised law

incorporated firmer guarantees relating to the functional and financial independence of minority self-governments, several of which have since been able to establish schools and take over the running of other cultural institutions (ACFC, 2010: 23). Moreover, in response to external recommendations by the Council of Europe, the 2011 Act on National Minorities establishes detailed regulations governing the legal status and competences of minority self-governments and their rights of advocacy in relation to state and municipal authorities, while provisions are now in place for minority representation within the national parliament (Act CLXXIX, 2011). Even so, periodic monitoring reports allude to a continued lack of clarity regarding the extent of resources to be made available to minority self-governments and the modalities for accessing them. The recent economic crisis has also brought cuts in funding, which is highlighted as a particular issue in relation to Roma self-governments (European Commission for Democracy through Law, 2012: 14; ACFC, 2010: 23-24).

Given that over half of the self-governments established in 1993-2002 operate in the name of the Roma minority (Dobos, 2007: 465), particular questions arise regarding the extent to which NTA has helped to further the societal integration and effective interest representation of what is Hungary's largest and most marginalised minority. In this regard, early criticism of the existing framework pointed to the fact that NTA was not embedded within a broader overarching strategy to address issues of Roma discrimination and exclusion (Vizi, 2009: 128-131). A more cynical view would be to see NTA as a substitute for such a strategy, enabling the state to claim symbolically that it was giving rights to the Roma, thereby drawing attention away from more substantive issues while simply entrenching pre-existing ethnic boundaries within society and encouraging the pursuit of narrow sectional interests by different groupings within the Roma ethno-political sphere (Kovats, 1997; 2000). Hungary has subsequently been hailed for the establishment of an Equal Treatment Authority in 2005 and the adoption of a strategic action plan to implement a Decade of Roma Integration programme for 2007-2015 (ACFC, 2010). At the same time, there remains deep concern over a recent and ongoing upsurge in discrimination and violence against Roma. Within this context there would seem to be scope for more detailed empirical work examining the activities of Roma self-governments and their role in promoting integration as opposed to simple representation of an already marginalised culture.

If one departs from the premise that Hungary's 1993 minority law was adopted primarily in support of a state-driven homeland nationalist agenda, the question then arises as to whether NTA actually constitutes a desirable or viable paradigm for accommodating the needs and aspirations of ethnic Hungarians living in neighbouring states. The model certainly has been a feature of minority political debate and practices in these countries, not least in Serbia, where an NTA law has been in place since 2009. A detailed discussion of this law falls outside the scope of the present article; however, its adoption has clearly been tied up with Serbia's current aspirations for eventual membership in the European Union. From the standpoint of the Serbian state and the current sensitive issues relating to its territorial integrity, NTA could indeed be seen as a useful means of undermining any potential ethnic Hungarian claims focused on control of Vojvodina, which already benefits from devolved government. The extent to which the law is actually being enacted to the satisfaction of the minority, however, is seemingly open to debate (Magyar Nemzeti Tanács, 2012: 122-178).

### 3.2 *Non-territorial autonomy and Romania*

Proposals for Hungarian non-territorial autonomy have also been advanced periodically within Romania, but have yet to be taken on board by the state. In this case, an ethnic Hungarian party (The Democratic Union of Hungarians in Romania, UDMR in Romanian) has participated actively in coalition governments since the mid-1990s and has on this basis been able to secure minority rights that are far-reaching by regional standards, including provision for mother-tongue education from primary to university level, and public use of the Hungarian language in areas where Hungarians make up more than 20% of the local population (Ram, 2009: 182-4). More broadly, Romania has introduced a system of reserved seats in parliament for eighteen other minority groups which otherwise failed to gain representation and has established a Department for Inter-Ethnic Relations, which cooperates with a consultative Council of National Minorities drawn from non-governmental organization (NGO) representatives (Second Report, 2005: 5-8).

UDMR has nevertheless faced a growing challenge from smaller parties and organisations outside parliament, such as the Szekler National Council, the Hungarian Civic Alliance, and the Hungarian National People's Party of Transylvania. These

have accused UDMR of being unduly acquiescent to the agenda of the Romanian majority and have advanced demands for more far-reaching recognition, including territorial autonomy for the compactly settled Hungarian population in the Szeklerland area of Transylvania.[7] Against this background, UDMR has, since the 1990s, pursued its own project of fuller cultural autonomy for the Hungarian minority (Andreescu, 2001; Kemp, 2006: 116-117); mindful of historically-framed Romanian nationalist sensitivities over the status of Transylvania, however, it has framed autonomy in non-territorial terms. In early 2005, during the run-up to Romania's EU accession, the party tabled a draft minority law which was informed to some extent by historic and contemporary NTA legislation in Estonia (Decker, 2005).[8] This approach was contested by UDMR's political opponents within the Hungarian community, who claimed that the proposed law would give UDMR an effective monopoly on decision-making. Additional external protection for the Hungarian minority would, they argued, only be achieved at the expense of internal democracy (Andreescu, 2007).

In any event, the draft tabled in 2005 failed to pass. According to the Romanian constitution, the status of national minorities is to be regulated by an organic law requiring an absolute majority in both houses of the Romanian parliament and this proved impossible to achieve (European Commission for Democracy through Law, 2005; Decker, 2008). In this respect, it seems that even proposals for non-territorial autonomy could not transcend securitised 'nationalising' discourses on state and nation-building within Romania, which see any prospect of further Hungarian rights as potentially threatening to the integrity of the state (Decker, 2008: 111-12). From an EU standpoint, moreover, the absence of such legislation did not prove to be a barrier to Romania entering the EU in 2007. As of 2013, a general minority law had still to be adopted, with the post-EU accession period having seen a growth in populist nationalist rhetoric and political tensions around issues of historical commemoration, property restitution, and territorial-administrative boundaries within Transylvania. As regards the latter issue, UDMR has argued for the integration of the three Szeklerland counties into a single administrative entity, in the face of government proposals to amalgamate these into separate regions, each with an overall ethnic Romanian majority (Lupea, 2012).

Ongoing disputes in this area have been exacerbated by the more generalised state of upheaval within Romanian politics on the back of the economic crisis, as well as by the more assertive homeland nationalist stance adopted by the Orbán

government in Hungary following its accession to power in 2010. Especially contentious in this regard has been the decision to grant citizenship of Hungary to Hungarians living abroad. While the Orbán government has stopped short of endorsing the goal of territorial autonomy for Romania's Hungarians, prominent rightist politicians have in recent times argued in favour of this. Such statements, coupled with the close ties that exist between Hungary's ruling Fidesz party and the Hungarian Civic Union in Romania, have complicated still further any attempt to promote the NTA agenda within Romania, while carrying detrimental implications for the situation of Hungarians more generally. In this respect, the Romanian government that came to power in May 2012 advocated, among other controversial measures, the adoption of a minority law without the chapter on cultural autonomy.[9]

### 3.3 *Non-territorial autonomy in Estonia*

A similar securitised relationship between state, minority and external national homeland can be discerned in relation to contemporary Estonia, where NTA was reintroduced in 1993 against the background of a state and nation-building project predicated on the political marginalisation of the large Russian-speaking settler population established during the Soviet era. Within this context—and specifically in light of extensive international debates around Estonia's policy of not giving automatic citizenship to Soviet-era settlers and their descendants—it would appear that cultural autonomy was re-adopted primarily with an eye to bolstering Estonia's external image and its standing in the eyes of the West. Indeed, legislators openly alluded to this 'propaganda' function during the parliamentary debates that preceded the adoption of the law in 1993 (Smith, 2000: 34; Shiryaev, 2009; Aidarov and Drechsler, 2011). In terms of legacies, this legislation connected symbolically with the 1920s 'Golden Age' of democracy, which constituted a usable past in the context of the early 1990s' 'Return to Europe'. Above all, it could be held up as proof that the titular nationality had traditionally taken a tolerant attitude towards national minorities living within Estonia (Smith, 2000; Shiryaev, 2009).

The actual practical relevance of the 1993 legislation is more open to question. The law provides for the establishment of NTA by the 'historic' German, Jewish, Russian and Swedish minorities and by any other recognised minority group numbering more than three thousand. It is based on the original Renner and Bauer

premise of individual citizens freely opting to affiliate themselves to a national register set up by representatives of the given minority. Under the terms of Estonia's 1992 citizenship law, however, a significant proportion of the country's diverse minority population has remained without full citizenship and, as such, has not been eligible to participate in the establishment and governance of NTA institutions. This fact has meant that representatives from a number of minority categories have not been in a position to implement the law (Berg, 2003). Beyond this, minority representatives have pointed to a lack of political will on the part of successive Estonian governments to enact the NTA concept in full, highlighting numerous deficiencies in the existing law and the need for additional regulations that would permit the establishment of fully-fledged minority cultural self-governments. In this respect, for instance, representatives of Estonia's 13,000-strong Ingrian Finnish minority were able to establish a national register as early as 1998, but had to wait a further six years before a framework was in place to elect an Ingrian Finnish cultural council (the legislative arm of NTA). This council, however, has not been able to elect a minority self-government, since there are still no legal provisions governing the public-legal status of such an entity. This state of affairs has limited the possibilities for minority cultural development through NTA structures (Berg, 2003; Kabanen, 2006).

The establishment of fully-functioning minority cultural self-governments with public-legal status would imply a larger financial commitment on the part of state and municipal governments. Beyond this consideration, state representatives have apparently alluded informally to a fear that the attainment of non-territorial autonomy might lead in turn to more far-reaching demands for territorial autonomy (Kabanen, 2006). Such concerns would appear to be especially relevant in the case of the numerically large (nearly 30% of the overall population) and compactly settled Russian minority, which, in the dominant nation-building discourse of the past two decades, has routinely been cast as a potential domestic extension of an external security threat from the Russian Federation. In this regard, the original parliamentary debates on cultural autonomy from 1993 make it clear that the current law was not devised with the large Russian minority in mind, while several speakers also expressed anxiety over the clause within the law that allows institutions of cultural autonomy to receive financial subventions from overseas (Smith, 2000). At least two applications to establish institutions of Russian cultural autonomy have been

submitted to the state authorities since 2006, but neither has been approved (Aidarov and Drechsler, 2011).

In the first of these applications, NTA was explicitly couched as a means of uniting the Russian population politically in order to counteract what was seen as growing alienation from the national and local electoral process and thereby further the representation of specific Russian minority interests within state structures.[10] This political aim can be seen as running counter to the understanding of NTA enshrined in the 1993 law, which is supposed to provide for management solely of cultural activities within terms set by the state and (implicitly) representatives of its dominant ethnicity.[11] The current framework set by the state envisages the integration of the Russian-speaking minority into a common societal core, as part of the project of constructing a unitary nation-state. The network of Russian-language schools inherited from the Soviet era has continued to operate since 1991 under the auspices of local municipalities.[12] Under current educational legislation, however, municipal authorities are obliged to implement a phased transition to bilingual education (60% Estonian to 40% Russian) at upper secondary level (Grades 10-12, age 16-19).

One of the central arguments advanced in favour of NTA is that it would allow a Russian minority cultural self-government to retain and administer a full system of purely Russian-language schools, using continued funding from state and municipal authorities.[13] While the then Minister for Nationalities gave a tentative welcome to the initial 2006 proposals to establish Russian cultural autonomy, it is far from clear whether such a development would be in accord with the objectives of the current strategy on integration, especially in a societal context where many Russians—even among the younger generation—still have an incomplete knowledge of Estonian as the sole official state language.[14]

Available evidence also suggests that Russian-speaking society within Estonia is itself divided over the best way forward: as already mentioned, many aspects relating to the administration and financing of NTA (including the relationship to the state and to existing municipal authorities) have still to be clarified in law, meaning that there is no certainty as to whether existing levels of state support would be maintained under this system. Many Russian-speakers are seemingly willing to accept the transition to bilingualism under existing municipal auspices, with the main point of debate relating to the speed at which the transformation should take place; others argue for reversion to the *status quo ante*, asking why, as taxpayers, they should not

continue to enjoy a full system of Russian-language educational provision under the direct auspices of the state.[15] A further strand would see non-territorial cultural autonomy as offering insufficient recognition of Russians' status within Estonia, and thus continue to argue for full territorial-political autonomy of the kind advocated by Soviet-era elites in Estonia's Russophone north-east during 1990-93.[16] In light of these divisions, numerous commentators (both ethnically Estonian and ethnically Russian) have questioned whether those advancing the NTA project are in fact genuinely representative of the minority in whose name they purport to speak, prompting claims that the Russian population is simply 'too large' to be accommodated by a framework of this kind, and that the scheme would serve only to introduce new lines of in-group division and dissension.[17]

### 3.4 *Non-territorial autonomy in the Russian Federation*

If Estonian perceptions and experiences of NTA can be situated within what is essentially a modernist agenda of state and nation-building, the adoption of this model by the Russian Federation during the 1990s followed a more avowedly multicultural logic rooted in differing legacies and reception of the Soviet past. Specifically, the 1996 NCA Act was introduced as part of a new Conception of State National Policy designed to inculcate 'multicultural constitutional patriotism', *i.e.* an overarching civic conception of nationhood encompassing all inhabitants of the Federation (Codagnone and Filippov, 2000). In this respect, the existing model of ethno-territorial federalism inherited from the USSR was seen to have a number of limitations. First, as already noted above, this system was not seen to accommodate adequately all of the ethno-national groups living within the Federation. A second issue was a concern that within the destabilising context of 1990s economic and political transformation, the inherited territorial federalist model might undermine the overall integrity of the state. In August 1990, during his struggle with the Soviet leadership, Boris Yeltsin had famously invited Russia's national republics 'to take all sovereignty they could swallow' (Marsh, 2005: 55). With a number of republican leaders taking Yeltsin at his word, the post-Soviet period saw the emergence of a separatist conflict in Chechnya and a constitutional dispute between the Federal Government and Tatarstan. Given the recent experience of the fall of the USSR, fears arose of a continued trend towards 'matrioshka nationalism' that might lead to the

unravelling of the newly-established Federation (Taras, 1993; Taras, 1997). The overall picture that emerged in the 1990s was one of asymmetrical federalism, whereby local leaders indeed sought to grab as much power and resources as possible, to the detriment of overall state cohesion. There were also concerns over trends towards 'nationalising' practices at the level of the national republics that might provoke local level horizontal conflicts between different ethnicities inhabiting these territories.

It was against this background that the new state conception and the NCA law were launched in June 1996. These were associated first and foremost with Valerii Tishkov, Director of the Institute of Ethnology and Anthropology of the Russian Academy of Sciences from 1989 and Nationalities Minister of the Russian Federation during 1992. Tishkov never proposed the abolition of territorial autonomy: the 1996 Conception made it clear that NCA was to be a complement to the system of national republics, the constitutional position of which remained unchanged (Codagnone and Filippov, 2000: 277; Tolz, 2001: 251; see also Bowring, 2002: 240-1). All the same, he clearly hoped that NCA would serve as a counterbalance to the republics and thus help to limit 'from below' the power of 'ethnocratic' elites within these territories (Codagnone and Filippov, 2000: 276). Overall, the conception was notable for its emphasis on consolidating 'a civic and spiritual-ethical community of all Russia' and its lack of any reference to the role of ethno-territorial autonomy in this regard (Codagnone and Filippov, 2000: 276-8). Especially revealing is perhaps Yeltsin's address to the opening session of Russia's parliament in 1994, which asserted that 'no single ethnic group can possess an exclusive right to control over territory, political institutions, and resources'.[18]

Writing in 2000, Codagogne and Filipov claimed that the new state conception of nationality policy had been negatively received by leaders in many of the established territorial republics, who had portrayed this as a strategy of 'divide and rule' designed to promote a long-term policy of assimilation. In this regard, they asserted, republican leaders tried to draw a line of continuity back to the old Soviet-era rhetoric about 'fusion' of the USSR's manifold nationalities into a new 'Soviet people', portraying this as an overtly assimilationist rather than simply integrationist policy (Codagnone and Filippov, 2000: 283). Yet the practical experience of NTA, both in the 1990s and subsequently, suggests that this view is in need of qualification. In the overwhelming majority of cases, existing territorially-based authorities have not

sought to block the establishment of national-cultural autonomies within their territories; on the contrary, it seems that they have viewed this as a key means of bolstering their own legitimacy and power base at the regional level (Osipov, 2010: 45). More broadly, it would seem that, for all the early 1990s talk of 'matrioshka nationalism', fears of continued territorial fragmentation and centre-periphery conflict within Russia have been greatly exaggerated, and that Russia's 'stateness' has proved to be far more robust than many predicted at the outset.[19]

A more salient issue with regard to NTA—and to Russia's 'multicultural constitutional patriotism' project more generally—arguably concerns the growing centralisation of state power over the course of the past decade and the prospect of increased pressure both from advocates of a unitary and ethnically neutral approach to state and nation-building and from more 'nationalising' forces adhering to an overtly ethnic Russian conception of nationhood (Codagnone and Filippov, 2000: 284). In light of these centralising trends, Bill Bowring claimed that by 2006, ten years on from the adoption of the NCA law, Russia was 'witnessing the end of a fascinating but doomed experiment' (Bowring, 2008: 95). While the number of NCAs at various levels in Russia has continued to grow, from 504 in 2005 to 717 by January 2009 (Osipov, 2010: 42), one can question what practical social and political role these institutions actually perform within contemporary Russia. As Bowring has observed, the new bodies of NCA have possessed little in the way of actual powers and resources, to the extent that there was little if anything to differentiate them from pre-existing NGOs (Bowring, 2005: 203; Osipov, 2004).

Alexander Osipov echoes this assessment in a more recent article, pointing to the 'puzzling' fact that there is so much demand to establish NCAs when they apparently do so little. Perhaps equally curious is the fact that few commentators, be they state officials, ethnic activists, or academics, have routinely drawn attention to the practical limitations of the NTA model, but have rather continued to discuss the issue in highly abstract terms. This state of affairs leads Osipov to the conclusion that NCA has a largely symbolic function within a Russian context that is still heavily shaped by ethnicised, 'groupist' understandings of political participation. In the latter regard, Osipov goes on to suggest, NCA has served to divert attention away from issues of equality and non-discrimination, allowing the authorities to explain 'exclusion and conflicts in terms of cultural differences rather than institutional deficiencies and social deprivation' (Osipov, 2010: 54).

## Conclusion

The last two decades have certainly seen a growing interest by international organisations in the potential of non-territorial autonomy as a modality of minority rights provision in the New Europe. One of the key drivers of this interest have been developments on the ground in CEE, where NTA laws are in place in several states and under discussion in several more. To date, however, there has been very little by way of systematic in-depth comparison of how NTA is being debated, implemented and experienced within these settings: as Alexander Osipov has remarked in one rare preliminary overview of the various cases, the literature on contemporary NTA still tends to focus on the political-philosophical dimensions of the concept, with an accent on what should be done rather than on what actually exists (Osipov, 2010: 30). This article has sought to make a contribution in this regard by assessing the Central and East European experience of NTA through the analytical lenses of state and nation-building on the one hand and, on the other, democratisation and political participation. It has been argued that, in the still securitised ethnopolitical environment of this post-Communist "transitional" region, issues of state and nation-building have been accorded the highest priority both by state governments and by international governmental organisations.

If one looks at the various cases through the lens of state and nation-building, then Russia's promotion of NTA can be understood as an attempt to enhance the loyalty of those numerous groups that lack territorial recognition of their nationality, while reining in the power of ethnocratic elites at the level of the sub-state national-territorial republics. By these measures, the NTA experiment can be seen to have been successful, connecting as it does with inherited Soviet-era understandings of nationality and nationality rights (Bowring, 2002; Osipov, 2010). Whereas the Russian state agenda was concerned mainly with bolstering internal stability and cohesion, the espousal of NTA by the smaller and far more ethnically homogeneous Republic of Hungary was seemingly driven primarily by considerations of external homeland nationalism, which has sought to promote ways of preserving the cultural identity of Hungarian kin minorities *in situ*, thereby maintaining the unity of a supra-state Hungarian nation without revisiting established territorial borders or encouraging large-scale population movement to Hungary. The NTA model has clearly found some resonance among policymakers in neighbouring Serbia, which—like Russia—

inherited a Communist legacy of institutionalised territorial autonomy and was thus keen to strengthen the integrity of the state. In the case of Romania, by contrast, efforts to promote NTA have so far proved unable to transcend strong inherited attachments to unitary nation-statehood.

Similarly, in Estonia suggestions that the revival of the NTA law might serve as a model for resolving latent ethnopolitical tensions have proved displaced. In the strongly nationalising political context of the 1990s and beyond, the state and its dominant ethnic majority continues to view the prospect of national-cultural autonomy for Russians in particular as a potential threat to the sovereignty and integrity of the restored nation-state. In this regard, the dominant political discourse has framed the Russian minority as threatening not just to state security, but also to the societal security of the majority ethno-national group. The numerically small size of the ethnic Estonian population and the Russifying trends of the late Soviet era mean that promotion of the titular language and culture has become a central preoccupation within the state and nation-building process. This immediately undermines any suggestion that the Russian language should be given more substantive public recognition beyond the parameters currently set by the state. Yet, as noted above, the deficiencies of the 1993 NTA law have also been highlighted by other smaller non-Russian minorities in Estonia whose perspectives for cultural development are more obviously linked to a non-territorial model of organisation and which lack the inherited territorially-based provisions for native-language education currently enjoyed by the Russian minority. In the final analysis, it would seem that the adoption of NTA was primarily viewed as an exercise in image-building and that the law in its present form lacks any real practical relevance.

The discussions about Hungarians in Central Europe and Russians in the Baltic states in particular exemplify a continued tendency to view minorities as an 'anomaly' and impediment to successful state and nation-building in the region, rather than as a resource which could make a positive contribution to this process. The experience of the past twenty years, however, suggests that fears of widespread and protracted ethnopolitical conflict and instability—so prevalent during the period immediately after the wars in Yugoslavia—have in fact been hugely exaggerated and that this remains the case today even within the new, more uncertain context of economic crisis and heightened nationalism. In light of this, there would seem to be a strong case for shifting the analytical focus away from macro-political, state-centric

perspectives and engaging more thoroughly with minorities as actors in their own right (as opposed to mere objects of host state or external homeland policy) and with the outlooks and agendas that they bring to the current construction of state political communities and processes of Europeanisation within the region.[20]

Not least, such an approach would help to assess the claim (central to advocacy of the NTA model) of a paradigm shift that has moved contemporary minority politics away from claims to territory towards demands more focused on recognition of language and practice of culture (Nimni, 2010). As regards NTA specifically, this suggested approach invites a closer examination of how the practice of autonomy (where it exists) is shaping the construction of minority identities and political agendas and (in cases where NTA remains an aspiration rather than a reality) the extent to which the model could serve as a viable paradigm for addressing the needs and agendas articulated by minority representatives. Of course, in this regard one cannot assume that NTA is necessarily seen as an optimum model: as can be seen from the Estonian example discussed here (and also to a lesser extent from the case of Hungarians in Romania), it is not just ethnic majorities but also minorities that need to be convinced of the merits of the approach.[21]

This call for a finer-grained examination of minority practices and debates "from the ground up" would seem equally apposite when discussing the credentials of NTA in terms of democratisation and participation in public life. As discussed in this article, the legislation adopted in Hungary and Russia during the 1990s has led to a veritable mushrooming of NTA institutions within these two states. Existing studies, however, have questioned the extent to which these new structures adequately represent minority interests and enhance participation in public life. Dobos (2007) claims that this is the case in relation to the Hungarian law,[22] but other studies of both Hungary and Russia have pointed to the limited powers of autonomy bodies as well as to an absence of effective overarching frameworks for minority integration and representation within which institutions and practices of NTA can be embedded (Kovats, 1997; Kovats, 2000; Vizi, 2009; Bowring, 2008; Osipov, 2010). In this respect, critics would see NTA as working towards a 'normalising' agenda set by the state, which frames minority rights as a question of culture and preserving cultural distinctiveness while diverting attention away from issues of social equality and cross-ethnic interaction within civil society. This critique is compounded by questions around the representativeness of NTA institutions and the extent to which self-

declared ethnic elites can claim to speak adequately for the complex diverse range of perspectives and interests found within minority communities. In so far as NTA bodies (established on the basis of free affiliation to national cadastres or registers) act as the main conduit for the representation of minority interests to state and municipal authorities, what then becomes of those left outside these structures? As noted above, this has been one of the key areas of debate surrounding proposals for Russian national-cultural autonomy in Estonia.

Once again, however, this critique suggests a preoccupation with what should exist (at least in the eyes of the critics) as opposed to what actually exists in practice. The very fact that institutions of NTA have proliferated so rapidly in states like Hungary and Russia suggests a need for closer attention to the kind of spaces minority representatives are carving out for their own activity. What understandings of identity and 'minority rights', for instance, do these representatives bring to bear and what agendas do they seek to pursue through the institutions of NTA? How is the institutionalisation of minority ethnicity through NTA institutions shaping interactions with the state and broader society in which these institutions are embedded (and, where relevant, with the 'external homeland' to which the group is discursively and practically affiliated)? What implication does this hold for political community-building? Can one assume anymore a linear progression to western-style sovereign nation-statehood in the region, or are we, within a globalising context, looking at the emergence of alternative forms of political communality not predicated on the classic nation-state logic? Only through a more micro-level engagement with actually existing cases of NTA, I would say, can one truly unlock the 'puzzle' that Osipov identifies with regard to Russia, and which appears equally relevant in the Hungarian case: namely, if cultural autonomy has so little practical impact or significance, why have so many cultural self-governments been established?

An engagement of this kind would also be consistent with recent developments (exemplified by Rogers Brubaker's work) in the study of nationhood and national identity that urge us to move away from substantivist understandings of group and groupness and to treat these not as a category of analysis but as a category of *practice* (Brubaker, 1996: 13-21; Brubaker, 2004). In this regard, Brubaker's latest co-authored study urges us to pay attention to the top-down ways in which nationhood and other social categories are 'institutionalised, discursively articulated [and …] embedded in culturally powerful and symbolically resonant myths, memories and

narratives', but also to 'the ways in which [those who are] categorised appropriate, internalise, subvert, evade, or transform the categories that are imposed on them' (Brubaker, *et al.* 2006: 10). In saying this, Brubaker *et al*. follow Eric Hobsbawm's celebrated observation that 'nations and nationalism are constructed from above, [but] can only be fully understood from below, in terms of the needs and expectations of ordinary people, which are often not national, still less *nationalist*' (Hobsbawm, 1990: 10).

***Notes***

1. On the European minority rights regime in general, see *inter alia*: Galbreath and McEvoy, 2012; Rechel, 2009; Kymlicka, 2007; and Kelley, 2004.
2. Since 1991 the following countries have adopted laws making reference to the principle of national-cultural autonomy: Croatia, Estonia, Hungary, Latvia, Russia, Serbia, Slovenia, and the Ukraine. As has been previously observed (Klímová-Alexander, 2005: 111) and will be discussed here, however, these laws often bear only superficial resemblance to Renner and Bauer's original NTA concept, while the degree of practical implementation has varied considerably. While making limited reference to other cases (e.g. Serbia), this article focuses on three of the longest-established laws, all of which demonstrate some degree of practical operation. Attention is also given to some actual debates in a fourth country, Romania.
3. On contemporary Western understandings of multiculturalism, see: Kymlicka, 2000, 2007 & 2010; Kymlicka and Opalski, 2001.
4. In this regard, see also Tolz, 2001: 251.
5. For general reflections on the nature of the European minority rights regime and its role within EU enlargement and external policy see, *inter alia*: Jackson-Preece, 1998; Burgess, 1999; Chandler, 1999; Pravda, 2001; Smith, 2002; Sasse, 2004; Kymlicka, 2007; Sasse, 2008; Galbreath and McEvoy, 2012. As far as EU enlargement is concerned, there still seems much to be said for Pravda's (2001: 12-13) assessment that 'economic criteria and political support from member states proved decisive in the selection of the first group of entrants […]. Democratisation remains an important goal, but its achievement is less urgent than the attainment of economies compatible with the community and administrative machinery capable of absorbing the acquis and working with Brussels'. By the same token, Graham Smith (1999: 515-516) has observed that the rights of minorities are 'to be protected through the promotion of individual (as opposed to collective or group) rights. […] There has been no call by the OSCE for the protection of multicultural rights based upon affirmative action policies, consociational political structures, recognition of local diasporic group rights or dual language policy'. In so far as minority rights issues have been addressed within this process, they have been viewed through the prism of security, with ethnic diversity seen primarily as a potential source of conflict rather than a resource. This can be seen as symptomatic of long-standing external stereotypes of the region, as well as of unwarranted extrapolation from the experience of the former Yugoslavia.
6. In this regard, see also Krizsán, 2000.
7. Minorities at Risk Project, Assessment for Magyars (Hungarians) in Romania, http://www.cidcm.umd.edu/mar/assessment.asp?groupId=36002.
8. Estonia adopted an NTA law in 1925 that was close to the original model laid out by Renner and Bauer. It gave representatives of minorities numbering more than 3,000 the possibility to establish cultural self-governments with public-legal status and broad autonomy in the field of minority education and culture (see Smith and Hiden, 2012). The

NTA law adopted in Estonia was symbolically linked to its inter-war predecessor. However, as discussed later in this article, the current law does not possess comparable legal substance.

9. 'Orbán urges ethnic Hungarians in Romania to join forces', *politics.hu*, May 14, 2012. http://www.politics.hu/20120514/orban-urges-ethnic-hungarians-in-romania-to-join-forces/.
10. Russkaia Kulturnaia Avtonomiia Estonii. 'Russkaia kulturnaia avtonomiia Estonii segodniia: istoriia, predposilki sozdaniia i perspektivi razvitiia' ('Russian Cultural Autonomy in Estonia Today: History, Preconditions for Establishment and Perspectives for Development'). http://www.venekultuuriautonoomia.ee; 'VE: vene kultuuriautonoomia algatamisest' ('The Russian Party: on initiating Russian cultural autonomy'). *virumaa.ee*. http://www.virumaa.ee/2007/05/ve-vene-kultuuriautonoomia-algatamisest.
11. In this regard, see the discussions summarized by Katz (2008), during which cultural autonomy was highlighted by Russian representatives as a system that potentially reinforces the subjugation of non-titular national groups to the state through its insistence that 'minority' activity should be confined to the sphere of culture, rather than encompassing politics or the economy. See also in this connection Shiryaev, 2009 and Oprichin, 2011.
12. Here Russian political representation is far more extensive than at the national level, since the local election of law of 1993 allows all permanent residents to vote in local elections and not just citizens of the state.
13. Russkaia Kulturnaia Avtonomiia Estonii. 'Russkaia kulturnaia avtonomiia Estonii segodniia: istoriia, predposilki sozdaniia i perspektivi razvitiia' ('Russian cultural autonomy in Estonia today: history, preconditions for creation and perspectives for development'). http://www.venekultuuriautonoomia.ee; 'VE: vene kultuuriautonoomia algatamisest'. *virumaa.ee*. http://www.virumaa.ee/2007/05/ve-vene-kultuuriautonoomia-algatamisest.
14. 'VE: vene kultuuriautonoomia algatamisest'. *virumaa.ee*. http://www.virumaa.ee/2007/05/ve-vene-kultuuriautonoomia-algatamisest; Juhtkiri: Liiga suur, et olla autonoomne?' ('Editorial: Too big to be autonomous?'), *Eesti Päevaleht*, Dec 29, 2009.
15. This aspect was alluded to already prior to the adoption of the 1993 Law on Cultural Autonomy. See Kekelidze, 1992.
16. On the question of territorial-political autonomy for Estonia's Russians, see Smith, 2002 and Oprichin, 2011.
17. See, for instance: 'Juhtkiri: Liiga suur, et olla autonoomne?', *Eesti Päevaleht*, Dec 29, 2009; Rand, 2009. The perceived non-representative nature of the organisation that originally advanced NTA in 2006 was cited as one of the key reasons for the state's rejection of the proposal. See 'MTÜ Vene Kultuuriautonoomia pöördus riigikohtusse' ('Russian cultural autonomy NGO turns to the high court'), *Postimees*, July 2, 2010. http://www.postimees.ee/283338/print/mtu-vene-kultuuriautonoomia-poordus-riigikohtusse.
18. Yeltsin, cited in Codagnone and Filippov, 2000: 274.
19. In this respect, see for instance Giuliano and Gorenburg, 2012.
20. This perspective has already been developed by Smith and Hiden (2012) in their study of NTA during the inter-war period. For a contemporary discussion of minorities along similar lines, see Agarin, 2010.
21. The cases discussed in this article would tend to support Aviel Roshwald's observation that pointing to the practicalities of NTA is one thing, winning the support of majorities and minorities is quite another (Roshwald, 2008: 37). Kymlicka (2008) notes that it would be hard to deny rights of territorial autonomy to larger, more compactly settled minorities

living in Central and Eastern Europe, when such rights have already been granted to similar minorities living in the longer-established Western democracies.

22. This was also the impression gained by the present author during an informal preliminary discussion with representatives of a Roma self-government in Hungary during late 2011. While underlining the profound problems (both in terms of resources and of societal attitudes) faced by those seeking to promote Roma integration and drawing attention to deficiencies in the NCA law, these representatives nevertheless emphasized the valuable advocacy function that their government were able to perform in relation to existing state authorities, as well as work in schools that had boosted Roma educational attainment and employment prospects.

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