



ENTAN – the European Non-Territorial Autonomy Network

Second ENTAN Conference:
*Non-Territorial Autonomy as an Instrument
for Effective Participation of Minorities*

Budapest, 24 & 25 September 2021

Book of Abstracts



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ENTAN – the European Non-Territorial Autonomy Network is a COST Action aimed at examining the concept of non-territorial autonomy (NTA). ENTAN particularly focuses on NTA arrangements for reducing inter-ethnic tensions within a state and on the accommodation of the needs of different communities while preventing calls to separate statehood.

The main objective is to investigate the existing NTA mechanisms and policies and to develop new modalities for the accommodation of differences in the context of growing challenges stemming from globalisation, regionalisation and European supranational integration. The network fosters interdisciplinary and multidisciplinary group work, and provides for the training and empowerment of young researchers, academic conferences and publications, as well as for the dissemination of results to policy makers, civil society organisations and communities.

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Second ENTAN Conference:

Non-Territorial Autonomy as an Instrument for Effective Participation of Minorities

Budapest, 24–25 September 2021

CONFERENCE PROGRAMME

FRIDAY 24 September 2021	
Opening session	
Venue: Ludovika – University of Public Service, Ludovika square 2	
09.00–09.30	<p>Chair: Balázs Vizi, Chair of the Second ENTAN Conference Committee</p> <p>Speakers: Erzsébet Sándor-Szalay, Deputy Commissioner for the Protection of the Rights of National Minorities in Hungary Olívia Schubert, Deputy Head of the National Self-Government of the Germans in Hungary Zsolt Boda, Director General of the Centre for Social Sciences Attila Papp Z., Director of the Institute for Minority Studies, Centre for Social Sciences Ivan Dodovski, Chair of ENTAN – the European Non-Territorial Autonomy Network</p>
09.30–10.30	<p>Keynote lecture The Need to Balance Territorial and Non-Territorial Autonomy in Search of Effective Participation of Minorities <i>Francesco Palermo</i></p>
10.30–11.00	Coffee/tea break
First session	
Venue: Ludovika – University of Public Service, Ludovika square 2	
11.00–13.00	<p>1A. Theorising NTA and Self-Determination Chair: Ivan Dodovski</p> <p>Minorities, Democratic Theory and NTA as an Enhanced Modality of Self-Determination <i>Ephraim Nimni</i></p> <p>Concepts of Non-Territorial Autonomy: Agreements or Arrangements? <i>Tove Malloy</i></p> <p>The Normative Base for Non-Territorial Autonomy – A Comparative Legal Overview <i>Natalija Shikova</i></p>

	<p>Karl Renner's Guarantee for a National Right to Co-Determination <i>Piet Goemans</i> (online)</p> <p>Between Karl Renner and Otto Bauer: On the New Translation of Vladimir Medem's Work on Non-Territorial Autonomy <i>Roni Gechtman</i> (online)</p>
13.00–14.00	Lunch
	<p>Second session Venue: Ludovika – University of Public Service, Ludovika square 2</p>
14.00–15.30	<p>2A. Theorising Emerging NTA Paradigms through Alternative Approaches Chair: Tove Malloy</p> <p>Short introduction to the book <i>Non-Territorial Autonomy and Decentralization: Ethno-Cultural Diversity Governance</i> (Routledge, 2021) <i>Tove.Malloy and Levente Salat</i></p> <p>Legal Pluralism, Autonomy and Ethno-Cultural Diversity Management <i>Helen Quane</i> (online)</p> <p>Roma Autonomous Law-Making – the Romanian Case <i>Levente Salat and Sergiu Miscoiu</i></p> <p>Autonomy Initiatives of the Afrikaner Community in South Africa <i>Deon Geldenhuys</i> (online)</p> <p>Faith Education in Britain: A Normatively Pluralist Scenario in the Making <i>Kyriaki Topidi</i></p>
15.30–16.00	Coffee/tea break
	<p>Third session Venue: Ludovika – University of Public Service, Ludovika square 2</p>
16.00–17.00	<p>3A. The Historical Foundations of NTA Chair: Francesco Palermo</p> <p>Non-Territorial Autonomy as Minority Protection in Europe: An Intellectual and Political History of a Travelling Idea, 1850–2000 <i>Börries Kuzmany</i></p> <p>Tracing the Austro-Marxist Roots of the Estonian Cultural Autonomy Law <i>Timo Aava</i></p> <p>Non-Territorial Autonomy and Territoriality: The Case of Cyprus <i>Costas Stratilatis</i> (online)</p>

SATURDAY 25 September 2021	
Fourth session Venue: Centre for Social Sciences, Tóth Kálmán str. 4	
09.00–10.30	<p>4A. Ethnopolitical Mobilisation within NTA Regimes Chair: Balázs Vizi</p> <p>Minority Political Parties – An Effective Means of Participation or a Trade Union Negotiator? The Example of the South Schleswig Voters Association (Südschleswigscher Wählerverband, SSW) <i>Martin Klatt</i></p> <p>Federalism, Consocialism and Non-Territorial Autonomy <i>Damir Banović</i></p> <p>Ethnopolitical Identification and Mobilisation within the Elected Non-Territorial Cultural Autonomies of Central and South-Eastern Europe <i>Balázs Dobos</i></p> <p>Non-Territorial Autonomy as the Gateway to (Effective) Participation of Minorities at the National Level – Nationality Spokespersons in the Hungarian Parliament <i>Ágnes Molnárné Balázs</i></p>
	<p>4B. Israel-Palestine and the Possibilities of NTA Chair: Ephraim Nimni</p> <p>Collective Unrest – In Search of Non-Territorial Autonomy for the Palestinian Citizens of Israel <i>As'ad Ghanem</i> (online)</p> <p>Tribes in Modern Israel and Possible NTA Arrangements <i>Erella Shadmi</i> (online)</p> <p>Non-Territorial Group Rights vs Semi-Territorial Group Rights for the Palestinian-Arab Minority in Israel <i>Meital Pinto</i> (online)</p>
10.30–11.00	Coffee/tea break
Fifth session Venue: Centre for Social Sciences, Tóth Kálmán str. 4	
11.00–12.30	<p>5A. Perspectives on NTA in the Balkans Chair: Katinka Beretka</p>
	<p>5B. Aspects of Religion and NTA Chair: Natalija Shikova</p>

	<p>Autonomy or Independence: Minority Arrangements for Vojvodina Hungarians and Kosovo Albanians in Serbia during and after the Yugoslav Period <i>Aleksandar Pavlović</i></p> <p>The Meaning of Autonomy in the Montenegrin Socio-Political Context: A Comparative Perspective <i>Bojan Božović, Branko Bošković</i></p> <p>Non-Territorial Autonomy in Bulgaria: The Turkish Minority and their Political Participation <i>Mariyan Tomov (online)</i></p> <p>Reconciliation in Focus: Reassessing the Contact Hypothesis in Kosovo <i>Oriana Bani, Reina Zenelaj Shehi</i></p>	<p>Non-Territorial Autonomy and Accommodation of Minority Religions: Assessing the Relevance of Islamic Traditions in Modern Times <i>Muhammad Mushtaq (online)</i></p> <p>A Multifaceted Case of (Non)Territorial Autonomy: Old and New Islam in Greece <i>Konstantinos Tsitselikis</i></p> <p>The Implementation of Non-Territorial Autonomy in Latvia: Identity Multiplicity of Old Believer Youth <i>Anita Stasulane, Alīna Romanovska, Žans Badins (online)</i></p>
12.30–13.30	Lunch	
	<p>Sixth session Venue: Centre for Social Sciences, Tóth Kálmán str. 4</p>	
13.30–15.00	<p>6A. Assessing the Serbian Model of NTA: The Experiences of the National Councils Chair: Aleksandar Pavlović</p> <p>Evolving the Legal Framework of Non-Territorial Autonomy in Serbia. Interaction between the Legislator and the Constitutional Court – Steps Forwards and Steps Backwards <i>Tamás Korhecz</i></p> <p>Factors Influencing the Legal Footing of National Minority Councils in Serbia – The First Ten Years <i>Katinka Beretka</i></p> <p>An Outline for Systematic and Evidence-Based Monitoring of the Functioning of the National Minority Councils in Serbia <i>Ljubica Đorđević-Vidojković</i></p>	<p>6B. Challenges of Ethnic Identifications and Group Boundaries Chair: Martin Klatt</p> <p>Two Cultural Identities? Two Languages, Two Literatures? NTA as a Mechanism for Pluri-National Cohesion in Catalonia <i>Antonia M. Mora-Luna</i></p> <p>Groupism, Groupness, Human Rights and Minority Rights: Recognition and Identity in the Case of Roma Non-Territorial Autonomy in Hungary <i>András L. Pap</i></p> <p>Identifying Constraints to Roma Minority Education Provision in Romania <i>Laura Patache, Octav Neguriță</i></p>

	<p>The National Council of the Hungarian National Minority's Impact on Education and Social Integration in Serbia <i>Karolina Lendák-Kabók</i></p>	
15.00–15.30	Coffee/tea break	
	<p>Seventh session Venue: Centre for Social Sciences, Tóth Kálmán str. 4</p>	
15.30–16.30	<p>7A. Autonomy and Indigenous Rights Chair: Balázs Dobos</p> <p>Autonomy as a Basic Principle in Ethics and Law: Clarification of the Concept of Autonomy in Jurisprudence as the Basis for Understanding Non-Territorial Autonomy <i>Jacob Dahl Rendtorff</i></p> <p>Environmental Autonomy in Legal Terms: An Emerging New Concept <i>Zerrin Savaşan</i></p> <p>Is Non-Territorial Autonomy Wrong for Indigenous Rights? Examining the 'Territorialisation' of Sami Power in Norway <i>Aaron John Spitzer, Per Selle</i></p> <p>An Electorate on the Move? The Urban-Rural Dimension of Modern Sami Politics <i>Per Selle, Anne Julie Semb, Kristin Strømsnes</i></p>	
16.30–17.00	<p>Closing plenary session Chair: Balázs Vizi</p> <p>Venue: Centre for Social Sciences, Tóth Kálmán str. 4</p>	

Keynote lecture

The Need to Balance Territorial and Non-Territorial Autonomy in Search of Effective Participation of Minorities

Francesco Palermo

Institute for Comparative Federalism, Eurac Research, Bolzano/Bozen, Italy

francesco.palermo@eurac.edu

Abstract

Cultural pluralism requires a plurality of instruments for its accommodation. Against this background, both territorial autonomy (TA) and non-territorial autonomy (NTA) arrangements are key elements of the overall legal and institutional toolkit of plural (and pluralistic) societies. For too long they have been considered as conceptually and practically alternative, under the logic of separation. Over past decades, and especially in the constitutional wave that started after 1989, the pendulum oscillated decidedly towards TA – less as a governance tool but rather as a means to the accommodation of minority claims. The consequence has been a misunderstanding about and a misuse of TA: misunderstanding as it has been considered predominantly as a minority rights instrument rather than a governance tool; and misuse as it has overexploited this attitude while neglecting the main one, which is the management of territorial rather than cultural issues. In other words, the overlaps between TA and NTA have been overestimated. In more recent years, TA has entered a more difficult phase. In several countries, it has even been squeezed between frustrated claims for more autonomy and fears for the integrity of the respective nations, with an overspill of centralisation against the threat of secession and claims for secession against the centralising trend. It is in this context that growing attention is being paid to non-territorial forms of autonomy as the primary tool for minority accommodation. However, the trajectory seems to indicate that more interplay between territorial and non-territorial forms is needed rather than either one or the other. As with minority protection overall, the challenge is coexistence rather than separation.

Keywords: *territorial autonomy, non-territorial autonomy, minority rights, participation, accommodation*

Francesco Palermo, PhD, is full professor of Comparative Public Law at the University of Verona and director of the Institute for Comparative Federalism at Eurac Research in Bolzano/Bozen. He is president of the International Association of Centers for Federal Studies (IACFS), constitutional adviser to the Congress of Local and Regional Authorities of the Council of Europe and member and vice-president of the Scientific Committee of the European Union Agency for Fundamental Rights. Previously, he was senior legal adviser to the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, president of the Advisory Committee under the Council of Europe's Framework Convention for the Protection of National Minorities and a non-party member of the Italian Senate.

Panel 1A. Theorising NTA and Self-Determination

Paper A.1.1

Minorities, Democratic Theory and NTA as an Enhanced Modality of Self-Determination

Ephraim Nimni

Queen's University Belfast; University of New South Wales Sydney, Australia

e.nimni@qub.ac.uk

Abstract

The issue of minority representation is the Achilles heel of contemporary liberal democracy. What Otto Bauer describes as the atomist-centralist character of liberal democracy in nation states is a democratic weakness that impedes proper representation of cultural minorities. Starting from the argument that the notion of one person one vote, the cornerstone of liberal representative democracy, impedes the proper representation of cultural minorities, an argument also sustained by dissident liberal multicultural thinkers such as Will Kymlicka, this paper will show how modalities of NTA alleviate this problem. The term 'nation state' is a misnomer – most states are plurinational. This will be shown through historical and contemporary examples. Likewise, concrete empirical and contemporary examples will be presented to demonstrate this weakness of liberal democracy. These include the case of Spain, historical and contemporary remedies such as the Good Friday Agreement in Northern Ireland and the Kurdish model of democratic confederalism as well as models of indigenous representation, such as the Sami parliaments in Scandinavian countries.

Please note: the term Achilles heel denotes a weakness despite overall strength, which can lead to a downfall.

Keywords: *collective representation of minorities, nations and states, plurinational democracy, democratic confederalism, Sami parliaments*

Ephraim Nimni, before retiring from Queen's University Belfast, was a reader in nationalism and ethnic conflict. He has published extensively on NTA and the representation of minorities and was the keynote speaker at the first ENTAN conference. He studies comparative ethnic conflicts, theories of nationalism and minority rights, models of national self-determination that do not require separate nation states, multiculturalism and the applicability of the national cultural autonomy model to contemporary multinational states.

Paper A.1.2

Concepts of Non-Territorial Autonomy: Agreements or Arrangements?

Tove Malloy

Europa-Universität Flensburg, Germany

thm@tovemalloy.com

Abstract

The concept of non-territorial autonomy (NTA) has been known since the final years of the Habsburg Monarchy. It was developed as a means to accommodate ethno-cultural groups claiming special privileges in matters pertaining to the maintenance and survival of their cultural identity and traditions. Since then, states wishing to foster social unity have refined and implemented the concept, resulting in varying degrees of entrenchment. Drawing on legal analysis, experts have established a hierarchical order of NTA paradigms using depth, or the extent of vertical legal competences, as an indicator of entrenchment. Some contemporary NTA paradigms have, however, developed through alternative methods. Using both legal and political indicators, this article questions the legal-only approach to assessing entrenchment by examining three different types of NTA implemented in Finland, Germany and Hungary. By applying an indicator of scope in terms of areas of public administration, where degrees of competences extend into private law, examination of these three examples reveals that the way duties are defined in the delivery of public services may influence the assessment of entrenchment and, hence, the order of hierarchy. On this basis, the article queries the general perspective that the degree of NTA entrenchment originates from a comprehensive legal agreement only and entertains the notion that duties in public service delivery may also influence the assessment of entrenchment as an arrangement.

Keywords: *autonomy, entrenchment, duties, ethno-cultural groups, competences, hierarchy*

Tove H. Malloy is professor of European studies at the Europa-Universität Flensburg, Germany. Her research interests include minority rights, the European human rights regime and ethno-cultural NTA in multiethnic democratic states. She has coedited *Managing Diversity through Non-Territorial Autonomy* (2015) and *Minority Accommodation through Territorial and Non-Territorial Autonomy* (2015) and is the author of *National Minority Rights in Europe* (2005).

Paper A.1.3

The Normative Base for Non-Territorial Autonomy – A Comparative Legal Overview

Natalija Shikova
International Balkan University, Skopje
n.shikova@ibu.edu.mk

Abstract

Non-territorial autonomy (NTA) incorporates a mixture of different arrangements such as consociationalism, national cultural autonomy (NCA) and other forms of representation for minorities. It is considered to be a statecraft tool or policy instrument applied in ethno-culturally diverse states. The literature on NTA does not point towards many common features of all applied NTA agreements, but thoughtful analysis of seminal works indicates that NTA can be used for the representation of non-dominant groups. NTA can enhance a minority group's ability to self-govern on matters that are relevant for the group members based on the 'personality principle'. Contextual understanding of NTA arrangements involves the description of institutions, their functionality and the legal framework that protects them (i.e. according to scholars, personal cultural autonomy does not exist without self-regulating institutions). NCA is understood as a form of autonomy where a non-majority population can establish a representative body without territorial limitation and can conduct relevant cultural or other activities on a national or local level. This research focuses on the normative base of NTA in several European states. It analyses and summarises the legal provisions at a constitutional level and examines the particular laws that establish and safeguard the NTA arrangements. The main idea is to give a comparative legal overview to illustrate how NTA is positioned on a legal and policy level and to identify common denominators for tailoring similar strategies in states where NTA is not currently envisaged within the legal framework.

Keywords: *non-territorial autonomy, minority protection, minority rights, legal safeguards*

Dr Natalija Shikova is assistant professor at the Faculty of Law, International Balkan University in Skopje, Republic of North Macedonia. Her main area of interest is public law. She is a published author in related fields, including: *Self-Determination of Peoples in the Period of Globalization*, Skopje, Magor, 2009; 'Economic Justification of the Secession: A Case Analysis of Kosovo's and Montenegro's Separation from Serbia', *Political Science Forum*, Vol. 6, No. 2, Fall 2017; 'Practicing Internal Self-Determination Vis-a-Vis Vital Quests for Secession', *German Law Journal*, Vol. 17, No. 02, 2016; and 'The possibilities and limits of non-territorial autonomy in securing indigenous self-determination', *Philosophy and Society*, Vol. 31, No. 3, 2020. Other than her academic work, she has more than 15 years of professional experience in assisting national and international constituencies as a local and international consultant in the field of EU integration, creation of public policies, human rights protection and confidence-building measures, among other things.

Paper A.1.4 (via video link)

Karl Renner's Guarantee for a National Right to Co-Determination

Piet Goemans

Independent scholar

goemans.piet@gmail.com

Abstract

In this paper, I ask what is the main path for minority co-determination in Karl Renner's reform plan, that is, in his version of national cultural autonomy? Renner allows for both minority self-determination, that is when national minorities autonomously arrange certain of their own affairs, and minority co-determination, that is when national minorities participate in policy-making on other affairs at the statewide level, together with the other nations. It is, at first sight, not clear whether the centralist Renner also makes room for substantial forms of minority co-determination. I will argue that he does and I will also unearth the main form of such substantial co-determination in Renner. To explain, Renner explicitly sees the constitutional reform included in his reform plan as being open-ended: he envisages constitutional reforms that are to follow up on his initial reform, he leaves much room for manoeuvre for the nations to fine-tune the constitution and he builds in the possibility for quasi-constitutional national compromises between the different nations. In short, the constitution that Renner proposes is open-ended. Thus, I argue that the main path of minority co-determination in Renner's plan is to co-determine the final shape of the constitution qua solution for the national question. In the first section, I explain Renner's centralist theory of democracy. In the second, I argue that Renner leaves much room for manoeuvre. In the last, I argue that Renner's proposal has advantages for federal stability.

***Keywords:** Karl Renner, multiculturalism, national cultural autonomy, minority co-determination*

Piet Goemans is an independent scholar who works on national cultural and non-territorial autonomy. He received his MA and MPhil degrees from the University of Leuven, Belgium, and obtained his PhD in 2017 from the University of Pavia, Italy. In his doctoral dissertation he gave an up-to-date normative defence of national cultural autonomy that holds its own in the contemporary field of political philosophy, more specifically in the debate on multiculturalism. In more recent work Piet returned to the writings of one of the intellectual fathers of national cultural autonomy, Karl Renner. Piet is currently working on a book dedicated to Renner's reform plan that aimed to solve the national question in the Hapsburg Monarchy.

Paper A.1.5 (via video link)

Between Karl Renner and Otto Bauer: On the New Translation of Vladimir Medem's Work on Non-Territorial Autonomy

Roni Gechtman
Mount Saint Vincent University, Canada
roni.gechtman@msvu.ca

Abstract

Vladimir Medem (1879–1923) is a forgotten theorist of non-territorial autonomy. Medem was the most prominent theoretician of the Jewish Labour Bund in the Russian Empire in the early decades of the 20th century. A mass party before the two events that changed the history of Jews and non-Jews in Eastern Europe forever – the Bolshevik Revolution and the Holocaust – the Bund is now mostly relegated to the margins of the historical literature on Jews, East Europe and the labour movement. Medem's most important theoretical work, *Social Democracy and the National Question*, first published in Russian and Yiddish in 1906, was not translated into any Western language until very recently. Medem's analysis of the national question and the Bund's programme of national-cultural autonomy (closely related to the analysis and proposals formulated by Austro-Marxist theorists Karl Renner and Otto Bauer) deserve special attention as one of the earliest programmatic proposals of non-territorial national autonomy, a solution still relevant to many states in our own time.

Keywords: *national-cultural autonomy, Jewish labour movement, Jewish Labour Bund in Russia, Vladimir Medem, Marxist theorisation of nation and nationalism, Jewish nationalism and anti-nationalism*

Roni Gechtman is an associate professor of history at Mount Saint Vincent University, Halifax Nova Scotia, Canada, where he has taught European history since 2004. His research explores the development of the views and proposals concerning national minorities in the Yiddish-speaking Jewish labour movement in early 20th century Russia and Poland. He has published articles on the Austro-Marxists Otto Bauer and Karl Renner, on the Jewish Labour Bund's programme of national cultural autonomy, on the Bund's cultural, recreational and sports organisations in interwar Poland and on its place in Zionist historiography.



Panel 2A. Theorising Emerging NTA Paradigms through Alternative Approaches

Short introduction to the book *Non-Territorial Autonomy and Decentralization: Ethno-Cultural Diversity Governance* (Routledge, 2021)

Tove Malloy and Levente Salat

Paper A.2.1 (via video link)

Legal Pluralism, Autonomy and Ethno-Cultural Diversity Management

Helen Quane

Swansea University, UK

h.quane@swansea.ac.uk

Abstract

Autonomy arrangements enabling communities to regulate specified matters in accordance with their own religious or customary law are not uncommon. Yet, it is not always recognised that they generate legal pluralism as religious or customary law is allowed to operate in parallel with state law. The paper makes this dimension explicit to what it terms ‘legal pluralist autonomy arrangements’ as it explores the distinctive implications to which they can give rise. Starting from the human rights issues raised by some religious and customary laws, it demonstrates how a state’s international human rights obligations can determine the permissible boundaries of these autonomy arrangements and, by implication, the limits to ethno-cultural diversity. The paper also explores the implications that flow from the operation of a parallel legal system when individuals are encouraged to look to their community rather than the state for the protection of certain rights and interests and when the need to determine who provides an authoritative interpretation of a community’s laws can diminish or silence minority voices within that community. To avoid an abstract exploration of these issues, the paper draws on the experience of the Association of Southeast Asian Nations (ASEAN) states to provide insights into the potential opportunities, risks and challenges associated with legal pluralist autonomy arrangements for ethno-cultural diversity.

Helen Quane is professor of law at the Hillary Rodham Clinton School of Law, Swansea University, UK. Her research interests relate to issues of a normative and structural nature in international human rights law. Her recent publications address the relationship between legal pluralism and international human rights law as well as the protection of human rights within ASEAN states.

Paper A.2.2

Roma Autonomous Law-Making – the Romanian Case

Levente Salat, Sergiu Miscoiu
Babes-Bolyai University, Romania
salat@fspac.ro

Abstract

The paper aims to explore Roma ‘autonomous law-making’ with a focus on the practice of the Roma tribunals, the *Kris*, which have deep roots in history and are still observable today in Romania. Subsequent to a comprehensive literature review on the Romani legal system, the findings of field research conducted in Romania are presented, reflecting the functional particularities of the Roma courts and highlighting the Romani legal system’s relationships with the official legal order. Since self-empowerment, autonomous functioning and effective enforcement of the rulings are salient characteristics of the arrangement, the paper suggests that Roma courts might be viewed as institutions of de facto NTA. The case is illustrative of the fact that official recognition and authorisation by the state may not be a necessary condition for an autonomy arrangement based on the personality principle.

Levente Salat is professor of political science at the Babeş-Bolyai University, Cluj-Napoca, Romania and external member of the Hungarian Academy of Sciences. His research focuses on political consequences of diversity, ethnic politics and interethnic relations. He has published 4 books, edited or coedited 14 and published several papers in collective volumes and journals.

Sergiu Miscoiu is professor of political science and director of the Centre for International Cooperation at the Babes-Bolyai University. He is a member of the Laboratoire Interdisciplinaire d'étude du Politique Hannah Arendt (LIPHA) Laboratory at the University Paris-Est and associate professor at the University of Szeged, Hungary. He has written 4 books, edited or coedited 20 volumes and published 50 articles. His main research interests are nation building, populism and political transition in central-eastern Europe, France and Africa.

Paper A.2.3 (via video link)

Autonomy Initiatives of the Afrikaner Community in South Africa

Deon Geldenhuys

University of Johannesburg, South Africa

deong@uj.ac.za

Abstract

Members of South Africa's white Afrikaner community, the ruling and privileged elite in the apartheid era, are perceiving existential threats to their ethno-cultural identity and socio-economic well-being in black-ruled South Africa. Hence, they have resorted to forms of autonomy in a bid to safeguard their future in the country and find a viable alternative to emigration. The most elaborate initiative, driven by the Solidarity Movement, falls under the domain of functional autonomy. A wide range of privatised 'public' services are provided or envisaged for Afrikaners to reduce their dependence on and vulnerability to a state they regard as antagonistic to their community and, moreover, highly incompetent and corrupt. Paradoxically, the Solidarity Movement, at the same time, engages in government networks through limited cooperation with the state to improve public service delivery. The third initiative is local territorial autonomy in the shape of the small, private and exclusive Afrikaner town of Orania. Finally, the South African constitution provides the space for statutory cultural autonomy for language and cultural communities, but these opportunities have, for several reasons, still not been seized by Afrikaners.

Deon Geldenhuys is an emeritus professor in politics at the University of Johannesburg, South Africa. His research interests include ethno-national politics and rule-breaking conduct in world politics. His latest book in the latter field is *The Politics of Persecution: Comparative Case Studies* (2019).

Paper A.2.4

Faith Education in Britain: A Normatively Pluralist Scenario in the Making

Kyriaki Topidi

European Centre for Minority Issues, Germany

topidi@ecmi.de

Abstract:

While education remains, strictly speaking, within the realm of the state's duty, this paper challenges the assumption that autonomy is primarily perceived as personal autonomy. It explains how normative pluralism may operate at the level of a functional normative system (creating self-governing institutions within education) in the case of Britain, increasingly combined with a background of religious normativity. Through the use of recent cases on the segregation of boys and girls in faith schools, discrimination in admission criteria on the basis of faith to many of these schools, as well as the growing discussion of British values taught in them, the study engages with the debate on faith schools in its broader socio-legal dimensions. Questioning the decline of religiosity in this field, the paper will set out the major challenges that this new 'arrangement' creates for the state. Ultimately, it will also 'reread' state-funded religious education as the next phase in the development of normative pluralism towards the protection of specific ethno-cultural groups in super-diverse contexts.

Kyriaki Topidi is senior research associate and head of the cluster on culture and diversity at the European Centre for Minority Issues (Germany). Her research focuses on diversity management, religion, education and comparative law. She is the author and editor of a number of volumes, including *EU Law, Minorities and Enlargement* (2010), *Constitutional Evolution in Central and Eastern Europe: Expansion and Integration in the EU* (2011), *Transnational Legal Process and Human Rights* (2013) and *Religion as Empowerment: Global Legal Perspectives* (2016). She has also recently edited a collection on *Normative Pluralism and Human Rights* published by Routledge in 2018.

Panel 3A. The Historical Foundations of NTA

Paper A.3.1

Non-Territorial Autonomy as Minority Protection in Europe: An Intellectual and Political History of a Travelling Idea, 1850–2000

Börries Kuzmany

University of Vienna;

boerries.kuzmany@univie.ac.at

Abstract

For the Budapest conference, I would like to familiarise other scholars with a current European Research Council (ERC) project that tackles the historicity of NTA in Europe in the 19th and 20th centuries. My presentation outlines the research objectives rather than presenting results. Our project's first objective is to trace the idea of NTA back to its origins in the Habsburg Empire. This project investigates the interrelations, continuities and adaptations of theoretical and practical approaches within and beyond the Empire. Our first hypothesis is that theoretical proponents of NTA – whether Austro-Marxists, legal scholars, judges at the Supreme Court or bureaucrats – and politicians of the time were closely interacting with each other. We aim to link the considerations of theorists with the consequences experienced in those Austrian provinces that implemented non-territorial arrangements in the early 20th century. The second objective is to examine how the idea of NTA was translated into the new political circumstances of the interwar period. Our second hypothesis posits that this concept was flexible enough to be adapted to warring ideological currents: communist, socialist, liberal and the far right. Minority activists of the 1920s and 1930s, including Bolsheviks, Ukrainian revolutionaries, Jewish Bundists, Baltic German aristocrats and Sudeten German nationalists, explicitly and implicitly referred to practical and theoretical experiences of the Habsburg Empire. Our third objective is to analyse the treatment of NTA within international systems of minority protection through to the present day. While minority lobby groups, like the interwar Congress of European Nationalities and the contemporary Federal Union of European Nationalities, have advocated and continue to show support for the concept, intergovernmental organisations have been far more hesitant because they have focused on individual rights. Nevertheless, we claim that when legal recommendations have touched on the field of cultural minority protection or on minority education, they have also pointed to non-territorial forms of group rights.

Keywords: *national diversity, intellectual history, political history, Central and Eastern Europe, international minority protection*

Börries Kuzmany is a historian and Slavist at the Department for East European History at the University of Vienna. He received his PhD in a joint doctoral programme from the universities of Vienna and Paris Sorbonne in 2009. His research focus is on Central and Eastern Europe between the late 18th and the 20th centuries, the Habsburg Empire, Poland, Ukraine and the Soviet Union, in particular. He is interested in the history of nationalism, borders and languages, as well as in urban and Jewish history. He is currently the principal investigator of the ERC-funded project 'Non-Territorial Autonomy as Minority Protection in Europe'.

Paper A.3.2

Tracing the Austro-Marxist Roots of the Estonian Cultural Autonomy Law

Timo Aava
University of Vienna
timo.aava@univie.ac.at

Abstract

The final years of the Russian Empire and the year of 1917 were characterised by intensified debates about the national question and the rights of the nationalities in the western borderlands. New nation states that were born after the collapse of the Russian Empire had to face similar questions and deal with national diversity. Protecting national minorities (Russians, Germans, Jews and Swedes) by granting them cultural autonomy became an important element of the legal system and political practice of the Republic of Estonia: this promise was included in the Declaration of Independence of 1918 and in the constitution. In 1925, the parliament passed the Law on Cultural Autonomy for National Minorities, which enabled national minorities to establish their own cultural autonomous self-governments to administer cultural and educational affairs. Many studies of cultural autonomy in Estonia emphasise that the Estonian law was one of the best examples of implementing Karl Renner's and Otto Bauer's ideas in practice. However, little is known about the actual influence of these ideas and how much the creators of the law were influenced by these authors. In this paper, I will analyse the role played by non-territorial autonomy models, particularly those of Renner and Bauer, in the discussions during the last years of the Russian Empire. I will look how Estonian national activism was strongly centred on territorial solutions and national territorial autonomy. Demands for non-territorial autonomy complemented this, but were essentially national demands to protect fellow nationals in other parts of the empire than the 'ethnic homeland'. Analysing these discussions during the Revolution of 1917 helps us to understand the context from which the Declaration of Independence emerged in February 1918 – the document which included the promise of non-territorial autonomy for minorities and was the forerunner of the 1925 Cultural Autonomy Law.

Keywords: *non-territorial autonomy, Estonia, Russia, minorities, national activists*

Timo Aava is a PhD student and junior researcher at the Department of East European History at the University of Vienna. He obtained his bachelor's and master's degrees from the University of Tartu and is currently working on his dissertation on the topic of cultural autonomy in interwar Estonia, which is a subproject of a bigger European Research Council (ERC) funded project 'Non-Territorial Autonomy as Minority Protection in Europe'. His research interests include intellectual history, nationalism, cultural autonomy, minorities and the history of the Baltic States and Estonia.

Paper A.3.3 (via video link)

Non-Territorial Autonomy and Territoriality: The Case of Cyprus

Costas Stratilatis

University of Nicosia, Cyprus

stratilatis.c@unic.ac.cy

Abstract

Cyprus achieved independence from British colonial rule on 16 August 1960. The constitutional structure of the newly formed Republic of Cyprus was based on the ‘principle of bi-communalism’, that is, a power-sharing regime which accorded to the Turkish Cypriot community, if not a status equal to that of the Greek Cypriots, then certainly one superior to that of a minority – a term which Turkish Cypriot leaders always found insulting and which they have consistently disavowed from the outset, from the period before independence until today. Apart from having their own Communal Chambers, which had responsibility for education, culture and other relevant affairs, the two communities were to elect, through separate electoral rolls, the Greek Cypriot president and the Turkish Cypriot vice-president (having the right to appoint 7 and 3 members of the Council of Ministers, respectively) and the 35 Greek Cypriot and 15 Turkish Cypriot members of the House of Representatives, while even justice was to be delivered on a communal basis. The civil service and the security forces would be composed of 70% Greek Cypriots and 30% Turkish Cypriots. Separate municipalities would be established in the five largest towns on the island by the members of the Turkish Cypriot community. The issue of whether such municipalities would have territorial jurisdiction, that is, jurisdiction over geographically separate areas (with the drawing of boundaries being next to impossible, as the British administration had already discovered before independence), or whether they would function on a non-territorial basis only, remained open to conflicting interpretations. A complicated system of vetoes, powers of referral of bills and decisions to the Supreme Constitutional Court and the requirement that important items of legislation be passed by separate majorities within the representatives of each community in the House of Representatives safeguarded the rights of the Turkish Cypriot community, but led to a constitutional impasse. The inability of the Constitutional Court to provide a definitive answer to the municipal issue, in combination with the refusal of the Turkish Cypriot members in the House of Representatives to allow the enactment of vital tax legislation, invoking the failure of the Greek Cypriot leadership to enforce the separate municipalities clause, led to the constitutional breakdown of 1963, to the intercommunal fight, to the withdrawal of Turkish Cypriots from the organs of the Republic and to the UN intervention in March 1964, after UN Security Council Resolution 186. Thus, the history of NTA in Cyprus was rather unfortunate. However, there were instances in which the negotiations between the two sides gave hope for agreement.

The aim of this article is to shed light on the factors that undermined the aforementioned NTA: the geopolitical interests and the continual interventions of the many ‘third-interested’ parties; conflicting nationalist aspirations, being translated into territorial claims and/or into security anxieties that could be relieved on a territorial basis only; and, as a supra-constitutional super-

structure, the Treaty of Guarantee, unique from the perspective of international law, which triggered the aggressiveness of all parties as aggression was semi-legalised. The impact of this treaty, on which the article will focus, cannot be overestimated. It allowed all negative factors to be disguised as legal claims. One argument that will inspire the analysis will be that, in geopolitically loaded situations, the distinction between law and the facticity of power is blurred, to the detriment of reasonableness, which is an indispensable prerequisite for the development of NTA. While every legal arrangement should be designed bearing in mind the realities on the ground, so that in this sense law and history are connected, one should be careful not to allow for the legalisation of the blind forces of history.

Costas Stratilatis is an associate professor at the School of Law of the University of Nicosia, Cyprus. Previously, he taught philosophy and methodology of law at the Department of Law of the Aristotle University of Thessaloniki. He has participated in various research projects as a national expert for Greece and for Cyprus and he has numerous publications in Greek and in English in the fields of constitutional law, human rights law, comparative constitutional theory and political theory. His articles have appeared in *European Constitutional Law Review*, *Law & Critique* and *History of Political Thought*, among other publications.

Panel 4A. Ethnopolitical Mobilisation within NTA Regimes

Paper A.4.1

Minority Political Parties – An Effective Means of Participation or a Trade Union Negotiator? The Example of the South Schleswig Voters Association (Südschleswigscher Wählerverband, SSW)

Martin Klatt

University of Southern Denmark

mk@sam.sdu.dk

Abstract

Non-territorial autonomy (NTA) is a concept that ensures the political and cultural participation of national minorities in society. Many minorities have formed ethnic minority parties as a means to advance their political interests at local, regional and national levels. While some minority parties have territorial ambitions, others restrict themselves to political participation and especially promoting non-discrimination and the equal financial involvement of minorities in public goods and services. An example of the latter is the party of the Danish minority in Germany, the *Südschleswigscher Wählerverband* (SSW). It evolved out of the post-WWII movement for territorial secession from Germany to Denmark but was framed as a non-party *Heimat* movement when founded in 1948. Only when it became obvious in the 1960s that the *Heimat* strategy had not resulted in political success, did it develop its present self-understanding as the political party of the Danish minority. Since then, it has had a history of ups and downs in electoral support and political influence, climaxing in participation in the coalition government of the state of Schleswig-Holstein from 2012 to 2017. Following Lipset and Rokkan's cleavage theory, the SSW's electoral success has depended on a story of conflict to justify the party's claim for solidarity from minority members. At the same time, appeasement, a widely praised model of NTA and social integration have resulted in minority members pursuing their political interests by other means, including active membership in other, value-oriented political parties. This article illustrates the dilemmas and continued challenges to a nominally accepted, stable framework of political participation and a power-sharing regime based on NTA, using the example of the SSW. Primarily, it demonstrates the built-in necessity of a 'them and us' antagonism to justify political existence, whereas the well-functioning NTA system supports social integration or, vice versa, minority disintegration, as the 'them and us' become less and less distinguishable.

Keywords: *non-territorial autonomy, political representation, political participation, financial participation*

Martin Klatt has been associate professor at the Centre for Border Region Studies, previously the Department of Border Region Studies, at the University of Southern Denmark since 2005. He holds a PhD in history from the University of Southern Denmark (2002). He has held previous roles at the Danish Institute of Border Region Studies (2001–2003), the Research Department at the Danish Central Library for South Schleswig (1997–2000) and the Schleswig-Holstein Institute for Peace Research (1996). His research focuses on border region history, national minorities, cross-border regions in Europe and cross-border cooperation.

Paper A.4.2

Federalism, Consocialism and Non-Territorial Autonomy

Damir Banović

Faculty of Law, University of Sarajevo

d.banovic@pfsa.unsa.ba

Abstract

From a comparative perspective, Bosnia and Herzegovina's political and constitutional system is difficult to compare with any other. However, at a higher level of abstraction, it is possible to consider it in terms of a specific type of federation. Marković believes that the case of Bosnia and Herzegovina represents the establishment of two forms of state that rarely appear simultaneously: a political regime of consociational democracy and a federal form of government. Bosnia and Herzegovina is one of the few fully consociational federations as it contains nearly all the features of federal structure and consociational democracy. In this paper, I draw on the Bosnian-Herzegovinian example to address four questions that combine the concepts of federalism, consocialism and non-territorial autonomy: (1) What are the elements of federalism, consocialism and non-territorial autonomy in the Bosnian-Herzegovinian constitutional system? (2) How has the Bosnian-Herzegovian constitutional system moved from territorial to non-territorial autonomy? (3) What is the role of the Constitutional Court and the European Court for Human Rights in the constitutional development? (4) How is democratic consolidation achieved through a contextual approach?

Keywords: *Bosnian-Herzegovinian constitutional system, non-territorial autonomy, federalism, consocialism*

Damir Banović is an assistant professor at the University of Sarajevo Faculty of Law (Department for State and International Public Law). He teaches introduction to law, philosophy of law and comparative federalism. His main research focus is on contemporary socio-legal theory, the theory of collective rights, minority rights, consocialism and comparative federalism

Paper A.4.3

Ethnopolitical Identification and Mobilisation within the Elected Non-Territorial Cultural Autonomies of Central and South-Eastern Europe

Balázs Dobos

Institute for Minority Studies, Centre for Social Sciences, Budapest, Hungary

dobos.balazs@tk.hu

Abstract

By the 2010s, in managing ethno-cultural diversity, the minority self-governments in Croatia and Hungary, the self-governing ethnic communities in Slovenia and the minority national councils in Serbia appear to best exemplify the elected variant of non-territorial cultural autonomy in the region. Yet, surprisingly little research has been devoted to assessing the extent to which these regimes meet minority demands, how group members become active within these systems and, overall, to developing criteria to evaluate their effectiveness. The relevant literature findings point out how the implementation and practice, as well as the competences of these organisations, vary between states, but they also emphasise the need to support bottom-up activities and to strengthen democratic accountability and effective representation. This argumentation gives prominence to minority elections as a potential tool for identifying and critically assessing intra-group dynamics. To address the issues above, the paper seeks to measure the extent to which these autonomies are able to cover and mobilise the often territorially dispersed and highly assimilated group members by comparing registration and voter turnout at minority elections with census and other electoral data (e.g. votes for ethnic parties at parliamentary elections). In light of the institutional incentives for ethnic representation, it also investigates whether there are differences in ethnic voting across these countries, minority communities and elections and how adaptive these regimes are to intra-group changes. Based on electoral and census statistics, interviews and country experiences, the paper aims to contribute to a better understanding of the general patterns of cultural autonomies and their elections in the countries in question and to assess whether they can be considered as successful forms of diversity management with the potential to preserve minority identities.

Keywords: *non-territorial autonomy, national cultural autonomy, minority self-governments/councils, minority elections, political participation, political representation*

Balázs Dobos obtained MA degrees in history and political science at the Eötvös Loránd University and a PhD in political science at the Corvinus University of Budapest. Since 2007, he has been working as a research fellow, and since 2019 as a senior research fellow, at the Institute for Minority Studies within the Centre for Social Sciences of the Hungarian Academy of Sciences in Budapest. He teaches courses on ethnic conflict and minority policies in East Central Europe at Corvinus. His research field mainly concerns the political and legal situation and the political participation and representation of national and ethnic minorities through various institutional channels in Hungary and in the broader Central and Eastern European region, in particular non-territorial cultural autonomies and Roma political mobilisation.

Paper A.4.4

Non-Territorial Autonomy as the Gateway to (Effective) Participation of Minorities at the National Level - Nationality Spokespersons in the Hungarian Parliament

Ágnes Molnárné Balázs

National University of Public Service, Budapest

molnarne.balazs.agnes@uni-nke.hu

Abstract

The effective political participation of minorities can be ensured in many various ways – non-territorial autonomy being one of them. Meanwhile, many countries provide minority representation at national level, including in parliament. Competition for candidacy and mandates in such cases mostly takes place at national level – as is the case for political parties. In this paper we examine the impact of this competition for candidacy when it begins at a different time and place to the parliamentary elections. We analyse and evaluate the special case of Hungary, as here only national nationality self-governments – elected several years before the legislative elections take place – are entitled to influence candidacy at the parliamentary elections by drawing up the so-called national nationality lists. In that sense, we can say that they exercise a monopoly over the competition for nationality mandates. We seek answers to the question of how this impacts political competition and the political market.

Keywords: *minorities, participation, political market, competition, effectiveness, Hungary*

Ágnes M. Balázs obtained her BA degree in international administration and her MA degree in law at Pázmány Péter Catholic University. She also obtained an MA degree in public administration at the National University of Public Service in Budapest, where she was awarded her PhD degree in 2021. She has participated in the Hungarian Comparative Agendas Project at the Centre for Social Sciences, Institute of Political Sciences (former Hungarian Academy of Sciences) since 2015. Ágnes is an assistant lecturer at the National University of Public Service where she teaches mainly constitutional law and comparative constitutional law. She also teaches courses on citizenship and nationalism, national identity, history of diplomacy and cultural diplomacy. Her research field mainly concerns the political participation of minorities and the right to vote – with special regard to plural voting, legislative studies and public policy.

Panel 4B. Israel-Palestine and the Possibilities of NTA

Paper B.4.1 (via video link)

Collective Unrest – In Search of Non-Territorial Autonomy for the Palestinian Citizens of Israel

As'ad Ghanem

School of Political Sciences, University of Haifa

asadghanem@gmail.com

Abstract

Palestinians can be subdivided into three main groups: Palestinians in the West Bank and Gaza Strip, Palestinians in Israel and Palestinian refugees in exile. Each group faces major challenges – including their collective identity as Palestinians – linked to the choices made by their leadership, including how the Palestinian Liberation Organization (PLO) guides Palestinian affairs. Several historical conditions have created a situation where the Palestinians in Israel, that constitutes 20% of both the Israeli citizens and the Palestinian people, wish to integrate with Israeli society while maintaining their national identity. In other words, Palestinians in Israel would prefer to influence from within rather than choose detachment or independence or join another state, something that reflects internal fragmentation of the Palestinian identity. For example, the PLO's acceptance of the two-state solution at the Oslo Accord led Palestinians in Israel to feel that their problem is an internal Israeli problem and that their self-determination is independent from that of the Palestinians in the West Bank and Gaza. The unique and acute situation of the Palestinians in Israel, including the stresses of daily life caused by their national and civil status, increases the importance of granting non-territorial autonomy to this minority to ease the tension. In this article, I will elaborate on the various contradictions and proposals for granting collective autonomy for this group.

Keywords: *Palestinian identity, Israel, Palestinians in Israel, PLO, identity crisis, two-state solution*

Prof. Asa'd Ghanem (PhD) is a lecturer at the School of Political Science, University of Haifa. His theoretical work has explored the legal, institutional and political conditions in ethnic states and conflict studies. He has published 14 books and numerous articles about ethnic politics in divided societies, including on ethnic divisions and Arab-Jewish relations in Israel. In the context of the Palestinian domain, his work has covered issues such as democratisation in the Arab world, fundamentalism, Palestinian political orientations, the political structure of the Palestinian national movement and the future of the Israeli-Palestinian conflict. His two recent books are *Palestinians in Israel: The Politics of Faith after Oslo* (jointly with Mohanad Mustafa) (2018) by Cambridge University Press and *Israel in the Post Oslo Era – Prospects for Conflict and Reconciliation with the Palestinians* (jointly with Mohanad Mostafa & Salim Brake) (2019) by Routledge.

Paper B.4.2 (via video link)

Tribes in Modern Israel and Possible NTA Arrangements

Erella Shadmi

Retired senior lecturer at Beit Berl Academic College, Israel

erella46@gmail.com

Abstract

In June 2015, the Israeli president Reuven (Ruvy) Rivlin delivered what is commonly referred to as the ‘four tribes’ speech. He addressed the socio-demographic transformation that is remaking Israeli society, now composed of four increasingly equal-sized ‘tribes’ – secular, national-religious, ultra-orthodox (‘Haredi’) and Arab. He further claimed that all groups are characterised by fear and hostility formed by the educational system, in particular. This transformation, he also said, mandates the formulation of a ‘new concept of partnership’ among the tribes. The existence of these four tribes is not new to scholars, activists and other social observers. For example, Rami Livni, one of the main spokespersons of the secular tribe, has demanded, for quite some time, an educational system based on secular, liberal and progressive perspectives. This article wishes to suggest that an NTA perspective, especially consociationalism, might be the right arrangement to construct peaceful partnership between the four tribes. It is, however, not enough on its own. We also have to recognise: first, the ethnic diversity among Jews – especially Mizrahi, Ethiopian, the so-called Russians and White, each with its own specificities, and the conflicts between them over justice, inequality, racism and periphery; second, the ongoing discrimination, if not oppression of women, that all too often is not considered in policy transformation; third, the oppression of Palestinians in the Occupied Territories; finally, changes occurring in the last years – such as zoning, localisation, community building and the growing importance of neighbourhoods (e.g. superblocks). All these issues must be addressed if we wish to construct a long-lasting peaceful and inclusive partnership. Therefore, other NTA arrangements must be used as well and I wish to suggest the use of grouping and matriarchal socio-political order.

Keywords: *consociationalism, grouping, matriarchy, Israel*

Dr Erella Shadmi is a feminist, peace and lesbian activist and independent researcher on women and feminism and police and policing. She was the head of the women’s studies programme and senior lecturer in criminology and law enforcement at Beit Berl Academic College. Today, she is leading the establishment of a virtual feminist centre of Israeli women’s art and culture and of women’s police stations. She is active in the Haifa feminist centre, Achoti, the Mizrahi feminist centre and two global networks dealing with the gift economy, matriarchal societies and indigenous knowledge. She has published numerous books and articles on issues of women and feminism (women in black, women and peace, white women, women in police, violence against women, the feminist movement, the lesbian struggle, spirituality, peace, the gift and matriarchal societies) and critiques of policing.

Paper B.4.3 (via video link)

Non-Territorial Group Rights vs Semi-Territorial Group Rights for the Palestinian-Arab Minority in Israel

Meital Pinto

School of Law, Zefat Academic College, Israel; School of Law, Ono Academic College, Israel
meital.pinto.1@gmail.com

Abstract

Group rights for the Palestinian-Arab minority are commonly considered in Israeli Jewish society as undermining Israel's Jewish character. In light of this hostility towards group rights for the Arab minority in Israel, an important question arises: why is there de facto recognition of several group rights which protect and enhance Palestinian-Arab culture in Israel? I will argue that in order to answer this question, a distinction should be drawn between non-territorial group rights and semi-territorial group rights for the Palestinian-Arab minority. When group rights for the Arab minority are exercised in a non-territorial sphere, in a space which is shared by both Jews and Palestinian-Arabs, Jews are more likely to resist them. However, when group rights for the Arab minority are limited to a specific semi-territory, such as schools in which the teaching language is Arabic, or Sharia courts that bind only Muslims, they tend to be much less controversial. The best example of non-territorial group rights relates to comprehensive language rights, that is, language rights that make Arabic visible in public spaces common to both Jews and Arabs, such as streets, roads, bus stops, municipal symbols, government websites and trains. In contrast to the prevailing opinion among Jews in Israel, I will stress that not only do non-territorial group rights not represent a risk to Israel's Jewish character, but that they also strengthen Israel's democratic character. Comprehensive language rights for the Palestinian-Arab minority, for example, have never risked the dominant status of Hebrew. They therefore do not pose any threat to Israel's Jewish character. On the positive side, comprehensive language rights for the Arab minority have the potential to reinforce Israel's democratic character by enhancing the current vulnerable civic status of Palestinian-Arabs in Israel, thereby mitigating their constant exclusion from the public sphere.

Keywords: *Israel, Palestinian-Arab minority, group rights, non-territorial group rights, semi-territorial group rights, language rights*

Dr Meital Pinto is a senior lecturer at the Zefat Academic College School of Law and the Ono Academic College School of Law, Israel. She has an SJD (2009) and an LLM (2005) from the University of Toronto and an LLB degree (2003) in law and government from the Interdisciplinary Center (IDC) Herzliya, Israel (*magna cum laude*). Prior to her graduate studies, she served as a law clerk to Justice Asher Grunis of the Israeli Supreme Court. Meital teaches in the fields of jurisprudence, constitutional law, administrative law, multiculturalism and law and gender. Her research focuses on the issues of group rights (particularly religious freedom and language rights), including the rights of minorities within minorities, and discrimination.

Panel 5A. Perspectives on NTA in the Balkans

Paper A.5.1

Autonomy or Independence: Minority Arrangements for Vojvodina Hungarians and Kosovo Albanians in Serbia during and after the Yugoslav Period

Aleksandar Pavlović

Institute for Philosophy and Social Theory, University of Belgrade

pavlaleks@gmail.com

Abstract

The article offers a comparative analysis of minority politics and arrangements for the autonomy of Hungarians in Vojvodina and Albanians in Kosovo, which were Serbian territories and provinces during much of the 20th century. It discusses the reasons why minority struggles led to violence and independence in the Albanian case, while being peacefully accommodated within society, and even providing internal cohesion and good neighbourly relations, in the Hungarian case. The analysis follows both minorities from their post-1918 and post-1945 status in the two respective Yugoslavias, as well as in modern-day post-1990 Serbia. After providing a comparison of the political status of the two national communities, this comparative research argues against simplistic notions that view ethnic relations and conflicts in the Balkans as the result of centuries-old hatred and historically deeply rooted hostilities, and instead advocates a more nuanced perspective that is sensitive to subtleties, internal interrelations and mutual dynamics in tackling majority/minority issues.

Keywords: *Vojvodina, Kosovo, Yugoslavia, Hungarians in Serbia, Albanians in Serbia, Hungarian national council, minority rights, non-territorial autonomy*

Aleksandar Pavlović is a full-time researcher at the Institute for Philosophy and Social Theory of the University of Belgrade and has a PhD in Southeast European Studies from the University of Nottingham. He was a visiting fellow at the Centre for Southeast European Studies in Graz, the New Europe College in Bucharest, the Albanian Institute for International Studies in Tirana and the Open Society Archives (OSA) Arhivum in Budapest. He has published the books *Imaginarni Albanac* (Beograd: IFDT, 2019) and *Epika i politika* (Beograd: XX vek, 2014) and coedited *Rethinking Serbian-Albanian Relations: Figuring out the Enemy* (Routledge, 2019), *Politics of Enmity* (Belgrade: IFDT/Donat Graf, 2018) and *Figura neprijatelja: preosmišljavanje srpsko-albanskih odnosa* (Beograd: Beton/IFDT, 201; Albanian edition: *Figura e armikut: ripërfytyrimi i marrëdhënieve shqiptaro-serbe*, Pristinë: Qendra Multimedia 2016). He publishes academic articles in the fields of Balkan studies, cultural studies and literature and occasionally contributes to printed and online media in the region and beyond.

Paper A.5.2

The Meaning of Autonomy in the Montenegrin Socio-Political Context: A Comparative Perspective

Bojan Božović, Branko Bošković
University of Donja Gorica, Montenegro
bojan.bozovic@udg.edu.me; branko.boskovic@udg.edu.me

Abstract

Montenegro is a multicultural and multiethnic country with various national, cultural, language and religious minorities. The society is recognised as an example of successful coexistence and cooperation which allows autonomy for minorities in various policy areas. This paper examines both how autonomy is defined in the country's legal framework and how it is implemented in practice. The paper focuses on human rights, considers which rights are defined as minority rights and assesses how different minorities can enjoy their rights within the autonomy defined for them. It also looks at various aspects of minority populations' autonomy (political, cultural, social, etc.) and other relevant elements. In essence, it examines what constitutes autonomy and which aspects are dominant in its practice. Montenegro is part of the Western Balkan region and due to the shared history and culture, it is important to see whether the concept of autonomy in Montenegro is any different from that in the region's other countries. This paper compares Montenegrin practice with that in Serbia, a non-EU country, and Croatia, an EU member state. Both those countries provide autonomy for their minorities. As an EU member state, Croatia provides additional points of comparison for Montenegro's legal framework and practice. This paper is aimed at defining good practice in implementing minority autonomy and providing recommendations which may be useful in the future.

Keywords: Montenegro, autonomy, minorities, human rights, Western Balkan

Bojan Božović graduated with a BA from the Faculty of Law of the University in Montenegro and an MA from the Faculty of Law of the University of Novi Sad. He is currently pursuing a PhD at the Faculty of Law of the University of Zagreb. He has worked as a teaching assistant at the University of Donja Gorica (UDG) since 2008 on the following courses: international public law, human rights, international private law and EU law. Bojan has been an active public speaker on human rights and international law and has presented at numerous conferences. He was a research fellow at the Max Planck Institute for Comparative and International Law, Hamburg, in 2015. He has served as the coach of the UDG university team for moot court competitions. Bojan has published numerous papers on international law and human rights in both Montenegro and abroad.

Branko Bošković teaches at the Humanistic Studies Faculty, University of Donja Gorica, Podgorica, Montenegro. He earned his PhD at that same university with a thesis titled 'Political Sociology of Anthony Giddens'. His main field of interest is political sociology, with a focus on welfare state transformation on the European continent. He has written several articles on the topic



of social investment. He is a member of the Centre for Young Scientists and Researchers and a member of the Council for Sociology, Philosophy and Psychology at the Montenegrin Academy of Arts and Social Sciences. He is science communication manager of ENTAN.

Paper A.5.3 (via video link)

Non-Territorial Autonomy in Bulgaria: The Turkish Minority and their Political Participation

Mariyan Tomov

Sofia University 'St. Kliment Ohridski', Sofia, Bulgaria

mariyan.d.tomov@gmail.com

Abstract

The Balkans is the European region with the most ethnic, religious and linguistic minorities as a consequence of the long Ottoman rule, the Balkan wars and the two world wars. As a result, the Turks constitute the largest ethnic minority in Bulgaria – 588,318 people, according to the last census in 2011, which corresponds to 8.8% of the entire population. The Turkish minority is well represented in politics and public administration, but it only marginally participates in social and economic life. The proposed research aims to examine in-depth the features of the non-territorial autonomy (NTA) of the Turkish minority in Bulgaria in three main areas. First, the paper presents an historical overview of Bulgaria's minority policy regarding the Turks, which has been neither clear nor consistent since the foundation of the Bulgarian nation state in 1878: the approaches spanned from integration efforts with the recognition of minority rights to assimilation attempts. For example, the Muslim names of the Bulgarian Turks were forcefully replaced by Slavic names during the so-called renaissance process in 1984 and 1985. Second, the paper considers the Bulgarian legal framework on minority issues, which does not recognise collective minority rights. The study makes comparative analyses with other legal frameworks in the Balkan region. Third, the research examines the political participation of the ethnic Turkish Movement for Rights and Freedoms (MRF) party in the Bulgarian Parliament, which is seen as a positive liberal democratic model after 1989. General conclusions are drawn encompassing future NTA modalities in Bulgaria regarding the Turkish minority, as an instrument for their effective participation in political as well as in economic and cultural life.

Keywords: *Turkish minority, Bulgaria, integration, policy, ethnic rights, non-territorial autonomy, Movement for Rights and Freedoms*

Dr Mariyan Tomov is a postdoctoral researcher (funded by the Young Scientists and Post Docs programme of the Bulgarian Ministry of Education and Science) at Sofia University 'St. Kliment Ohridski', Bulgaria. In September 2014 he successfully defended his PhD dissertation at the same university. His recent work is on diverse international projects related to political communication, populist discourse, ethnic minorities in the Balkans, migration, ICTs and virtual family, etc. He has publications in factor rated journals. Mariyan is the author of scientific publications and a number of conference papers, including those presented at Human Computer Interaction (HCI) International in Orlando, Florida, US, 2019 and XIX International Sociological Association (ISA) World Congress of Sociology, Toronto, Canada, 2018. He has been awarded grants for his participation in different projects.

Paper A.5.4

Reconciliation in Focus: Reassessing the Contact Hypothesis in Kosovo

Oriana Bani, Reina Zenelaj Shehi

Center for European Studies, Epoka University, Albania

rozenelaj@epoka.edu.al

Abstract

This paper focuses on reconciliation at the group level between Kosovo-Albanians and Kosovo-Serbs in the newly formed Kosovo state. This study aims to assess the possibility of implementing Gordon Allport's contact hypothesis to reduce prejudices and stereotypes in the case of the Kosovo-Serbia conflict. The study evaluates to what extent Allport's four conditions are met in Kosovo, through theory derivation and the analysis of ex ante research on the conflict. It points out three trends: (1) although ethnocentric feelings are still salient among ethnic groups, enforcing the identification of the groups with the new superior identity would be an efficient way to de-escalate the conflict; (2) the amount of contact between the groups appears to be problematic, mostly being at official level, while the groups show signs of reluctance to engage with each other; and (3) cultural differences include language and religion, but the ethnic communities have previously proved that they can outpace them. In conclusion, the paper draws attention to the fact that there needs to be more genuine contact between the Kosovo-Albanian and the Kosovo-Serb CSOs and NGOs so that there is a visible increase in the amount of contact between the groups. There is a need for more research to address questions such as whether it is possible to facilitate such contact and how to do so.

***Keywords:** Kosovo, Serbia, ethnic conflict, contact hypothesis, reconciliation*

Reina Zenelaj Shehi is a lecturer in the Department of Political Science and International Relations at Epoka University, where she has been a faculty member since 2011. She teaches courses on political sociology, democracy and democratisation, conflict resolution and diplomatic language, nationalism and ethnic conflicts in the Balkans, etc. She has been head of the Center for European Studies at Epoka University since 2017. She has an interdisciplinary research orientation and her academic works cover topics of international mediation, foreign policy, conflict resolution and peace studies. In July 2012, the Kellogg School of Management granted her the Dispute Resolution Research Center Scholar Award.

Panel 5B. Aspects of Religion and NTA

Paper B.5.1 (via video link)

Non-Territorial Autonomy and Accommodation of Minority Religions: Assessing the Relevance of Islamic Traditions in Modern Times

Muhammad Mushtaq

Department of Political Science and International Relations, University of Gujrat, Pakistan

muhammad.mushtaq@uog.edu.pk

Abstract

In the wake of ethnicity-based autonomy movements around the world, much scholarly attention is devoted to the territorial dimension of autonomy in the literature on accommodation of diversity. This is largely due to the fact that the groups seeking autonomy are geographically concentrated in most cases. Dispersed groups, religious minorities for the most part, are neglected in the literature. In the same vein, far less attention is paid to the non-territorial autonomy that has the potential to deal with the territorially dispersed minorities. The global religious diversity index discloses the fact that at least one-third of the population in most states belongs to the minority religions in the developing world. More worrisome are the estimates that suggest profound changes in the religious composition of the developed world on account of contemporary migration flows. It is believed that the minority religions could significantly grow in size in Europe and North America in the coming decades. While religion is still central to politics and political debates in many places, this increased religious diversification could become a serious challenge in many states very shortly. In this context, this paper attempts to examine the relevance of non-territorial autonomy for the accommodation of religious diversity. The paper argues that non-territorial autonomy pertaining to religion, culture and family laws could foster peace and contentment in the religiously diverse societies. It is believed that the Ottoman Millet system based on Islamic values was the first of a type of non-territorial arrangement that successfully accommodated religious diversity for years. Therefore, the paper reviews the Islamic doctrine for religious accommodation in general and the Ottoman Millet system in particular to examine if the case offers any valuable insights into planning religious autonomy in modern times.

Keywords: *non-territorial, autonomy, territorially dispersed, religious minorities, accommodation, Millet system*

Muhammad Mushtaq is associate professor in political science and chair at the Department of Political Science and International Relations, University of Gujrat, Pakistan. He was awarded a PhD degree from Bahauddin Zakariya University, Multan, Pakistan, on successful defence of his PhD thesis ‘Consociationalism and Multiethnic States: Post-1971 Pakistan – A Case Study’. Previously, he was a visiting fellow at the University of Oxford, UK, and the American University in Washington DC. He was awarded a diploma on federalism with high distinction from the University of Fribourg, Switzerland. He has published widely in national and international journals



on themes such as federalism, power-sharing, federal bicameralism, movements for the creation of new provinces and ethnoregional politics. He has presented his papers at national and international forums and supervised several postgraduate dissertations.

Paper B.5.2

A Multifaceted Case of (Non)Territorial Autonomy: Old and New Islam in Greece

Konstantinos Tsitselikis
University of Macedonia, Greece
kt@uom.edu.gr

Abstract

This essay attempts to clarify the modalities of non-territorial autonomy (NTA) arrangements with reference to Muslims in Greece. Legally, territoriality is a changeable factor determining the applicability of minority rights and personal autonomy. Minority status is therefore dependent on the particular legislative clause concerning territoriality and the content and resilience of the special rights pertaining to personal autonomy. Legal accommodation of Islam in Greece attempts to balance personal autonomy with territoriality on the basis of citizenship (legal citizens vs resident aliens) in asymmetric schemes. Aspects of general religious rights for all Muslims in Greece and territorial minority protection concerning the Muslims of Thrace, and to some extent Muslims on the islands of Rhodes and Kos, coexist with elements of NTA. On this political-legal canvas, ideological antagonism between the *community of citizens* and the *community of the nation* affects the position of Muslims in Greece in a fragmented and incoherent way.

Keywords: *religious communities, Islam, Greece, territoriality, personal autonomy*

Konstantinos Tsitselikis is a professor at the Department of Balkan, Slavic and Oriental Studies and dean of the School of Economics and Regional Studies, University of Macedonia, Thessaloniki, Greece. He lectures on human and minority rights, migration and refugee law. He has worked for the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), the UN and the EU in human rights and democratisation field missions. He was co-director of the Series of Studies of the Research Centre of Minority Groups at Vivliorama publishers, Athens. He is the author of a series of books, articles and studies on human rights, minorities, migration and refugee law. His special research interests include immigrants and refugees in Greece/Europe, language rights and the legal position of minorities/immigrants in Europe. He is a member of scientific groups and research teams on minorities, migrants and human rights.

Paper B.5.3 (via video link)

The Implementation of Non-Territorial Autonomy in Latvia: Identity Multiplicity of Old Believer Youth

Anita Stasulane, Alīna Romanovska, Žans Badins

Daugavpils University, Latvia

anita.stasulane@du.lv; alina.romanovska@du.lv; zans.badins@du.lv

Abstract

In Latvia, the dominant political view is that ethnic minorities should be integrated into the national identity, which has the Latvian language and culture at its core. Nevertheless, the law guarantees equal rights to all ethnic groups living in Latvia, including rights to cultural autonomy and cultural self-determination. This includes rights to establish their own societies, to celebrate their ethnic community's festivals, to use their own symbols, to maintain contacts with their compatriots in other countries and to develop professional and amateur art. The paper presents an analysis of the implementation of non-territorial autonomy in Latvia by exploring the case of Old Believers. It is based on the findings of ethnographic research conducted in the Old Believer youth group (OBYG) within the H2020 programme project 'Cultural Heritage and Identities of Europe's Future' (CHIEF). The OBYG is a particularly interesting case as Old Believers in Latvia are both an ethnic and a religious minority. Old Believers reached the territory of present-day Latvia in the middle of the 17th century. Since then, they have managed to preserve their religious and ethnic identity over several centuries by living in relatively isolated communities and overcoming political pressure from various power structures: the religious policy of tsarist Russia was aimed at converting the Old Believers to Orthodoxy and the ideal of Soviet power was the creation of an atheistic society.

Keywords: non-territorial autonomy, ethno-cultural diversity, identity, ethno-national minority, minority rights

Anita Stasulane is professor of the history of religions and director of the Institute of Humanities and Social Sciences at Daugavpils University. She graduated at the Latvian University (1985) and the Pontifical Gregorian University in Rome, Italy (1998). She has been working mainly on new religious movements and youth culture. Currently, she is conducting research on religious fundamentalism and Islamophobia. With her expertise in ethnography and interdisciplinary research design, Anita has been team leader in a number of international research projects, the most important of which are: FP6 SAL, FP7 MYPLACE, FP7 MYWEB and two H2020 projects – *ECDP* and *CHIEF*. She is editor-in-chief of *Kultūras Studijas (Cultural Studies)*.

Dr Alīna Romanovska is a researcher at the Centre of Cultural Research of the Institute of the Humanities and Social Sciences at Daugavpils University, Latvia. Her research interests include identity, regional studies, contemporary Latvian culture and comparative literature. She has more than 70 publications and is the author of a monograph. Alīna has managed and/or participated in



several international and national research projects, for example, FP7, Interreg, National Research Programme Letonika, Cost Action and H2020.

Žans Badins is a researcher at the Centre of Cultural Research at Daugavpils University Institute of Humanities and Social Sciences. He has participated in several national and international research projects, among them ‘Popularization of the centers of oral history in the LV-BY cross-border area’ (2013–2014) and ‘Culture and identities in Latvia: heritage and modern experience’. Currently, he is engaged in the H2020 project ‘Cultural Heritage and Identities of Europe’s Future’ (CHIEF). His main fields of research are cultural anthropology, Russian literature in Latvia, identity and comparative studies.

Panel 6A. Assessing the Serbian Model of NTA: The Experiences of the National Councils

Paper A.6.1

Evolving the Legal Framework of Non-Territorial Autonomy in Serbia: Interaction between the Legislator and the Constitutional Court – Steps Forwards and Steps Backwards

Tamás Korhecz

Dr Lazar Vrkatić Faculty, Union University, Novi Sad

Judge, Constitutional Court, Serbia

tkorhecz1967@gmail.com

Abstract

Serbia introduced ethnic non-territorial autonomy (NTA) through elected national minority councils (NMCs) into its legal system in 2002 with just two articles in the Law on the Protection of Rights and Freedoms of National Minorities. Since then, this modest legal framework has evolved substantially, both at the level of the constitution and at the level of legislation. Rigid and restrictive judicial interpretation of the constitutional minority rights by the Serbian Constitutional Court has limited NTA not only in terms of legislation but also in actual practice. This article critically analyses the evolving legislative framework and the functioning of NMCs. Our basic thesis is that, since 2014, leading Serbian political actors have demonstrated no willingness to accept NMCs with autonomous administrative and regulatory powers; rather, they prefer NMCs to have only consultative powers under strict state control. Indeed, the Constitutional Court decision IUz-882/2010 from January 2014 pushes NMCs in the latter direction.

Keywords: national minorities, non-territorial autonomy, power-sharing, Serbia, legislation, Constitutional Court

Tamás Korhecz was born and still lives in the township of Subotica (Vojvodina-Serbia). He studied law at Novi Sad University where he graduated in 1992. He continued his studies in 1994 at the Central European University Legal Studies Department in Budapest. In 1996 he received an LLM diploma, while in 2001 he completed his doctoral studies and received a SJD in comparative constitutional law. In late 2000 he became an elected member of the government (Executive Council) of the Autonomous Province of Vojvodina, leading the administrative department responsible for legislation, administration and minority rights. During this period he actively shaped the legal system of his country. From July 2010 to November 2014 he was president of the first democratically elected Hungarian National Council (self-government) in Serbia. In December 2016 he was appointed judge and member of the Constitutional Court of Serbia. Since the 2002/2003 academic year, Tamas has taught constitutional and administrative law. Presently, he is full-time professor at the Lazar Vrkatić Faculty for Legal and Business studies, Union University, Novi Sad. Between 2009 and 2017 he was visiting professor at the Central European University Legal Studies Department in Budapest, the Deák Ferenc Faculty of Law in Győr, and Szeged University Law School, Hungary. He has published 3 books and more than 90 articles in



various journals in Hungarian, Serb and English. His academic research focuses on issues such as the protection of human and minority rights, autonomy, self-governance, official language legislation, constitutional adjudication, organisation of administration and decentralisation of the state.

Paper A.6.2

Factors Influencing the Legal Footing of National Minority Councils in Serbia – The First Ten Years

Katinka Beretka

Dr Lazar Vrtakić Faculty of Legal and Business Studies, Novi Sad, Serbia

beretka.katinka@gmail.com

Abstract

The last decade or so – dating back to the adoption of the National Minority Councils Act in 2009 – is characterised by numerous articles on the importance of these bodies of NTA in Serbia. Basic information concerning the relevant legal acts is well known to almost everybody who is interested in this topic. However, the circumstances of how different reasonings and arguments have been formulated and changed during the preparation of bills and political concepts and agreements in different historical contexts are unsystematised. This is primarily because the decision to introduce national minority councils – which were first introduced in very broad terms through a single provision of the 2002 federal National Minority Protection Act – did not have a solid ideological background or, in other words, it was not a logical result of the Serbian policy of diversity management. Although before the adoption of the federal National Minority Protection Act the realisation of national minority policy in legal terms remained at the level of spoken niceties, a kind of legislative period in terms of national minority councils (at the level of attempts) actually dates back to the 1990s when Serbia, amid its ‘democratisation’, was faced with the challenge of finding a common institutional solution to minority situations, confronting different problems in each case. The paper explores the first ten years in the history of NTA in Serbia or, in other words, the steps and the related documents, as well as the people involved, that were essential in the process of preparing the first legal provisions for national minority councils in the federal National Minority Protection Act of 2002. Therefore, this work aims to shed light on the evolution of collective minority rights and NTA and the shaping of its internal dynamics in Serbia in the 1990s and early 2000s, with special regard to the role of Hungarian minority politics and intellectuals, the international community and the Hungarian kin-state in this process.

Keywords: *Serbia, the nineties, non-territorial autonomy, national minority councils, Hungarians*

Katinka Beretka, PhD (1985, Bačka Topola, Serbia), is a part-time associate professor in private law schools in Serbia and a guest lecturer at the Faculty of Law and Political Sciences, University of Szeged, Hungary, where she is responsible for mandatory and facultative courses such as constitutional and administrative law, democracy, autonomies and regional self-governance. Her substantive research in legal science focuses on territorial and non-territorial autonomy, vertical division of power and the linguistic rights of national minorities. She has been legal counsellor for linguistic issues in the Hungarian National Council in Serbia (2010–2014) and elected member of the Hungarian National Council and its Committee on Official Use of Language and Script (2014–2018) and member of the presidency of the Vojvodinian Hungarian Academic Council since 2016.

Paper A.6.3

An Outline for Systematic and Evidence-Based Monitoring of the Functioning of the National Minority Councils in Serbia

Ljubica Đorđević-Vidojković

European Centre for Minority Issues (ECMI), Flensburg, Germany

djordjevic@ecmi.de

Abstract

Minority cultural autonomy in Serbia is facilitated through national minority councils (NMCs), sui generis institutions with (rather limited) powers in four areas: culture, education, media and the official use of minority languages. Being the central actor in representing minority interests, NMCs have been subjected to various analyses pertinent to their confused legal status, their problematic election process and the role of political parties, their competences and the question of whether these are sufficient for autonomy or simply constitute a consultative mechanism, transparency of their work and, to some extent, funding. Missing, however, is a holistic approach and systematic monitoring of the functioning of NMCs. Against this background, the paper aims to develop a theoretical and methodological framework for systematic and evidence-based monitoring of NMCs. As a first step, the core areas for monitoring will be identified. These go beyond the usual four areas of competences to also cover institutional setup, inclusivity, representativeness, democratic accountability, links with public authorities and funding, to name just a few. In the next and central step, quantitative and qualitative indicators for monitoring in each of the identified areas will be developed. The focus of the third step will be on the methodology, with the main questions concerning who can monitor the functioning of the NMCs and how they do it. The analysis rests mainly on the legal framework, while the law on NMCs and their respective statutes will be used to identify areas, indicators and actors relevant for monitoring.

Keywords: *minority autonomy, national minority councils, monitoring, indicators, Serbia*

Ljubica Djordjević is senior research associate and head of the justice and governance cluster at the ECMI, Flensburg, Germany. She holds a PhD and an LLM in European integration, both from the Faculty of Law, TU Dresden, Germany, and an LLB from the Faculty of Law, University of Niš, Serbia. In line with her legal background, Ljubica's main research interests cover European legal standards for national minority protection and the quality of their implementation in national legal orders. In this respect, her most recent interest lies in the question of monitoring, including indicators and data collection. Concerning specific areas of national minority protection, Ljubica is most curious about the participation of national minorities in public life and minority language rights, with a focus on communication with public authorities in minority languages.

Paper A.6.4

The National Council of the Hungarian National Minority's Impact on Education and Social Integration in Serbia

Karolina Lendák-Kabók
Faculty of Philosophy, University of Novi Sad, Serbia
karolina.lendak@uns.ac.rs

Abstract

Vojvodina, the northern autonomous province in Serbia, is not a territorial autonomy based on ethnicity but is a multiethnic region with a clear (and growing) Serbian majority. It is home to 25 different ethnicities of which the Hungarian ethnic minority is the largest and whose members have the right, in the interests of their ethnic culture, to form institutions of cultural autonomy through the National Council of the Hungarian National Minority (NCHNM). The aim of this paper is to present the NCHNM's educational policy in Serbia from the perspective of secondary school students completing their studies in Vojvodina in their Hungarian native language. The paper also analyses the educational strategy and existing NCHNM support programmes for post-secondary education students who have completed their primary and/or secondary education in Hungarian. It also assesses the Hungarian NGOs in Vojvodina that aim to encourage cooperation between Hungarian students and professors in the Serbian higher education system. The research is based on quantitative data collected from 1951 questionnaires distributed in 12 municipalities of Vojvodina. The results show that, despite the efforts of the NCHNM, more than one-third of secondary school students and graduates of Hungarian nationality do not have satisfactory knowledge of the majority Serbian language that would enable them to continue their studies in Serbia without encountering any language difficulties. While the NCHNM first-year language course is a good initiative, it cannot adequately prepare students for study in the majority language; nor are the efforts of various NGOs sufficient to overcome this barrier and enable students to experience adequate social integration in Serbia.

***Keywords:** education, Hungarian ethnic minority, National Council of the Hungarian National Minority, language barrier, students, Serbia*

Karolina Lendák-Kabók is a research associate at the Faculty of Philosophy, University of Novi Sad, Serbia. She received her PhD in gender studies at the University of Novi Sad in 2019. The focus of her research is the position of ethnic minorities and women in academia. She is working on her new project on ethnic Hungarian minority women's identities and intermarriages in Serbia. Karolina publishes articles in Hungarian, Serbian and English. She was a visiting researcher at the Central European University (CEU), Budapest, in 2015, at the University of Sydney in 2016, at the Université Paris-Est Créteil in 2018 and at the University of Lausanne, Switzerland, also in 2018. She was an invited speaker at the Sociology Department, Graduate School of Letters, Kyoto University, Japan, in 2019. From September 2018 until June 2019 she took part in a doctoral support programme at the Department for Gender Studies, CEU, Budapest. In 2019, during the winter semester, she was an external researcher at Eötvös Loránd University (ELTE), Faculty of Social Sciences, Budapest.

Panel 6B. Challenges of Ethnic Identifications and Group Boundaries

Paper B.6.1

Two Cultural Identities, Two Languages, Two Literatures? NTA as a Mechanism for Pluri-National Cohesion in Catalonia

Antonia M. Mora-Luna
Institute of Education, University of Lisbon, Portugal
ammoraluna@gmail.com

Abstract

In nation states, national literature reproduces identity from the moment it is conceived, acting as a device to achieve cohesion in a community, while national school literature curricula are mechanisms for building imagined communities that attempt to perpetuate a concrete idea of nation, community and identity. If we consider schooling as an ideological apparatus that nation states use to legitimise and create collective identities, we can show that school curricula and textbooks must be understood as political and pedagogical tools that transmit an imagined national history to create a cohesive national culture. But what happens when there are two or more national cultures in the same territorial space, as in Catalonia? Here, to avoid conflict and catastrophe, the modality must be different and, in line with the modalities of non-territorial autonomy (NTA), the emphasis must be on the parallel legitimation of community languages in an intertwined manner, in ways that foster mutual respect and recognition. This research, at an initial stage, evaluates secondary school curricula for the final years of compulsory secondary education in Catalonia, showing it to have an emerging and embryonic special type of educational NTA. It is special because it not only fosters educational mechanisms in two languages but also – importantly – induces mechanisms of mutual recognition, coexistence and acceptance. Here, the literary canon will have a fundamental function not only in the transmission of the separate aesthetic values of the two cultures but also – crucially – in the recognition of the value of the other culture, for example, with regard to the beauty of the arts. For this reason, this research also pays special attention to cultural and political models that defend, preserve and foster dual school programmes of Spanish and Catalan literature in Catalonia. Among other aims, this study is an attempt to understand the role that Catalan schools have played in the development of this particular form of NTA and, furthermore, to find out how education in Catalonia contributes to the construction of its national identity: an identity developed in contrast to the central state's Castilian Spanish identity.

Keywords: language and literary education, cultural identity, national education policy, Catalonia, non-territorial autonomy (NTA)

Antonia M. Mora-Luna has degrees in Hispanic philology (2003) and theory of literature and comparative literature (2011) and a PhD in education (Special Doctorate Award in Social Sciences in 2012) from the University of Granada in Spain. She is a research fellow at the Institute of



Education, University of Lisbon (FCT-funded postdoctoral fellowship). She previously held a postdoctoral fellowship at the Université Paris Sorbonne, Paris 4, and Université Paris Sorbonne Nouvelle, Paris 3, from 2013 until 2016. Currently, her main research interests are literary education and educational policies, with a focus on literary education in southern Europe (Spain, France, Italy and Portugal), as well as intellectual and educational cooperation after WWI. Antonia has been involved in several research projects in different countries and with national and international universities. She has published several articles and papers in refereed national and international conferences and she was co-editor of *Impossibilia: Revista Internacional de Estudios Literarios*. She also works as a literary translator and is a member of the Management Committee of ENTAN.

Paper B.6.2

Groupism, Groupness, Human Rights and Minority Rights: Recognition and Identity in the Case of Roma Non-Territorial Autonomy in Hungary

András L. Pap

Centre for Social Sciences Institute for Legal Studies; Eötvös University; National University of Public Service

pap.andras.laszlo@gmail.com

Abstract

The paper provides a case study of the development and morphology of non-territorial autonomy (NTA) policy measures and frameworks targeting the Roma in Hungary. The analysis also provides a general assessment of the relationship between policy instruments and terminology, that is, definitions and conceptualisations in international and domestic legislation and policies for minority groups. The paper highlights that the conceptualisation of ‘the Roma’ will be completely different depending on whether one is referencing rights holders for minority (cultural) rights, beneficiaries of social inclusion policies or victims of discrimination. Using the case study of the Roma, the paper identifies the multifaceted complexities and inconsistencies of the minority/nationality self-government normative framework and policy design in Hungary.

Keywords: discrimination, ethnicity, fraud, Hungary, identification, nationality, Roma, self-governments

András L. Pap is adjunct (recurrent visiting) professor in the nationalism studies programme at the Central European University in Budapest and Vienna. He is research chair and head of department at the (formerly Hungarian Academy of Sciences) Centre for Social Sciences Institute for Legal Studies. He is also professor of law at the Institute of Business Economics at Eötvös University (ELTE) and at the Law Enforcement Faculty of the National University of Public Service. He has been visiting scholar at New York University Law School’s global law programme and a SASPRO Marie Skłodowska-Curie fellow at the Institute of Sociology of the Slovak Academy of Sciences in Bratislava. His research interests include comparative constitutional law, human rights, law enforcement, in particular hate crimes, discrimination and the conceptualisation of race and ethnicity. In 2018 he founded the International Association of Constitutional Law (IACL) research group on identity, race and ethnicity in constitutional law.

Paper B.6.3

Identifying Constraints to Roma Minority Education Provision in Romania

Laura Patache, Octav Neguriță
Spiru Haret University, Romania

laura.patache@spiruharet.ro; octav.negurita@spiruharet.ro

Abstract

The legislative principles that govern Romanian education, such as ensuring equal opportunities and social inclusion and focusing education on its beneficiaries, are tested by the real-life situation of Roma children and young people. The pandemic has put pressure on the educational system. The closure of schools from March 2020 and the forced transfer of teaching activities to an online format are increasing the problems faced by Roma children and young people, in many cases blocking their access to education due to technological constraints. Family support is essential for primary school students and particularly in the case of digital learning. Many Roma families are not interested in spending money on education, especially if, in addition, they are losing income that older children bring home. For educators, Dewey's 1944 prediction has come true: 'If we teach today's students as we taught yesterday's, we rob them of tomorrow'. For Roma students, digital education means no education as teachers are unable to connect with them. In Romanian schools today, the curriculum contains a vast amount of information but is not correlated with students' ability to understand the sheer volume of knowledge taught and the purpose it serves. According to the OECD Programme for International Student Assessment's (PISA's) 2018 results, 44% of Romanian students are functionally illiterate. In 2020, 32% of young people enrolled in pre-university education did not have exclusive individual access to a functional device (desktop, laptop, tablet) according to the results of a study based on an online questionnaire, which presupposes a degree of digital literacy. Through our study, we aim to reveal the series of current problems faced by the Roma ethnic group when attempting to access the educational system, presenting the perspectives of both educators and learners.

***Keywords:** children's rights, Roma minority, technology, digital education*

Laura Patache is an associate professor of economics and researcher at the Central Research Institute of Spiru Haret University, Bucharest, Romania. Laura received her BA from Ovidius University in Constanta in 1999 and completed her PhD in economics at the Bucharest University of Economic Studies in 2009. She has co-authored more than 60 articles in journals or proceedings books in the fields of labour economics, regional development, social policies and education. She is working on research projects dealing with youth employment (HRD projects) and the concept of non-territorial autonomy (COST project). Her main research interests lie in the areas of employment and the labour market, social programmes, higher education and econometric methods for programme and policy evaluation. She is a member of the Romanian Regional Science Association (RRSA), the European Regional Science Association (ERSA), the Regional Science



Association International (RSAI), the American Economic Association (AEA) and the National Association of Romanian Authorized Valuers (ANEVAR).

Octav Neguriță is licensed in business administration since 2000. He graduated business administration postgraduate specialisation in 2003 and between 2000 and 2006 he trained courses at the Doctoral School of the Alexandru Ioan Cuza University of Iași. He became doctor of economics in 2006. From 2001, he was an assistant professor in the Faculty of Financial and Accounting Management at Spiru Haret University. In 2006 he acquired the degree of lecturer and in 2012 he acquired the degree of assistant professor. He is the author or co-author of 9 university courses, has published over 35 articles in specialised national and international journals and has participated in several international scientific forums, presenting specialised articles or as a member of the organising and scientific committees.

Panel 7A. Autonomy and Indigenous Rights

Paper A.7.1

Autonomy as a Basic Principle in Ethics and Law: Clarification of the Concept of Autonomy in Jurisprudence as the Basis for Understanding Non-Territorial Autonomy

Jacob Dahl Rendtorff

Roskilde University, Denmark

jacrendt@ruc.dk

Abstract

In order to provide a broad account of the concept of autonomy, it should be emphasised that the principle of autonomy in a modern, pluralistic, liberal society as being the right to choose one's own way of life for oneself is considered to be of supreme value. The principle of autonomy is the principle of liberty. Autonomy consists of the Greek *auto* and *nomos*, which, when combined, translate as 'self-government'; in Ancient Greece, a city state was said to be autonomous when it was self-governing. Likewise, people are considered to be autonomous when they are able to control their own lives and decisions, just as an independent government acts to control its own policies. In the western tradition, autonomy has been linked to the freedom of the individual and their ability to develop freely according to their personal choices, desires and wishes for their future life. The idea of a pluralistic society is that people, as autonomous moral agents, are free to choose for themselves, even if their choices are mistaken in the opinion of the majority. Autonomy is a second-order capacity of individuals to reflect on their first-order preferences and desires. As such, it is important to stress that a theory of autonomy must include positive liberty and an individual's active choices. Consequently, five important meanings of autonomy can be put forward: (1) the capacity for the creation of ideas and goals for life; (2) the capacity for moral insight, 'self-legislation' and privacy; (3) the capacity for rational decisions and actions without coercion; (4) the capacity for political involvement and personal responsibility; and (5) the capacity for informed consent to actions imposed from outside. On the basis of this philosophical clarification of the meanings of autonomy, this paper will analyse the concept of non-territorial autonomy as an instrument for protecting minorities.

Keywords: *philosophy of law, ethics, democracy, pluralism, self-government, moral autonomy*

Jacob Dahl Rendtorff, PhD and Dr Scient. Adm., is a professor of philosophy and ethics. His research covers business ethics, ethics and law and philosophy of law at Roskilde University. Jacob's recent publications include *Philosophy of Management and Sustainability* (Emerald, 2019) and *Cosmopolitan Business Ethics: Towards a Global Ethos of Management* (Routledge, 2017). He also wrote the book *Philosophy of Law* (in Danish) (Samfundslitteratur, 2005). He is a member of the Steering Committee of the International Federation of Philosophical Societies (FISP) and editor of the Springer series *Ethical Economy*, as well as the Danish editor of *Retfærd*, the Nordic journal of legal theory and legal philosophy. His current research interests include political theory, philosophy of law and legal theory, ethics, sustainability and cosmopolitan business ethics.

Paper A.7.2

Environmental Autonomy in Legal Terms: An Emerging New Concept

Zerrin Savaşan

Department of International Relations, Selçuk University, Turkey

szerrin@selcuk.edu.tr

Abstract

This article aims to study an ‘environmental autonomy’ paradigm arising as a new priority subject in the field of both autonomy-related and environmental issues in the recent period. For this purpose, first, it clarifies the concept of autonomy through an examination in two dimensions – territorial and non-territorial – also touching on the federal/regional state and the consociational(ism) state. Second, it focuses on the legal bases of autonomy under international law through relevant topics such as self-determination/secession and minority rights. Third, it discusses specifically environmental autonomy in legal terms as an emerging new concept under international law referring to indigenous rights, particularly through the United Nations Declaration on the Right of Indigenous Peoples (UNDRIP) (Resolution 61/295, 13 September 2007) and the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples No. 169 of 1989; and it questions whether they fully turn into policies in practice or whether there is a need for much more to be done for this to occur. Finally, based on its findings, it concludes that granting authority and legitimacy to indigenous peoples on those issues related to their environmental concerns is essential for promoting environmental autonomy debate under international law.

Keywords: *autonomy, environmental autonomy, international law, non-territorial autonomy, territorial autonomy*

Dr Zerrin Savaşan, Department of International Relations, Sub-Department of International Law, Faculty of Economic and Administrative Sciences, Selçuk University.

Post-doc. research: The Institute for Transnational Legal Research (METRO), Law Faculty, Maastricht University, Maastricht, The Netherlands (2015–2016).

PhD: ‘Compliance Mechanisms under Multilateral Environmental Agreements: A Comparative Analysis of Compliance Mechanisms under Montreal and Kyoto Protocols’, Department of International Relations, Faculty of Economic and Administrative Sciences, Middle East Technical University (2006–2013).

PhD research: Max Planck Comparative Public Law and International Law Institute, Heidelberg University, Germany (2010–2011).

PhD research: Center for Environmental Studies, Vrije University, Amsterdam, The Netherlands (2009–2010).

MSc: ‘The EU Constitutional Treaty and Human Rights’, Department of European Studies, Faculty of Economic and Administrative Sciences, Middle East Technical University (2004–2006).

BSc: Ankara University Law Faculty (1997–2001).

Paper A.7.3

Is Non-Territorial Autonomy Wrong for Indigenous Rights? Examining the ‘Territorialisation’ of Sami Power in Norway

Aaron John Spitzer, Per Selle

Department of Comparative Politics, University of Bergen, Norway

aaron.spitzer@uib.no; per.selle@uib.no

Abstract

Non-territorial autonomy (NTA) decouples the governance of ‘people’ and ‘place’, allowing demographically submerged minorities to protect their cultural – but not territorial – interests. Indigenous peoples are often submerged and culturally vulnerable. At the same time, they are often especially interested in protecting the territories that have long sustained them. So, is NTA well-suited or ill-suited to indigenous self-governance? To explore this issue, we study Norwegian Sami self-governance, an oft-cited case of indigenous NTA, and make several contributions. We enumerate the variety of Sami-specific rights and powers in Norway, categorising them as either territorial or non-territorial and tracking their evolution over time. By doing this, we reveal that Sami self-governance has recently taken a ‘territorial turn’. We explore why this has happened, concluding that it is due to the insufficiency of NTA. Finally, we discuss likely limits to further Sami territorialisation.

Keywords: *Sami, indigenous, non-territorial autonomy, land claims, territorial authority, Norway*

Aaron John Spitzer is a researcher and instructor at the Institute of Comparative Politics, University of Bergen, where he received his PhD in 2020. His work focuses on political theory, constitutional law and indigenous rights. He has published in the *Canadian Journal of Political Science*, the *International Journal of Minority and Group Rights*, *Settler Colonial Studies* and *Postcolonial Studies*.

Per Selle is professor in political science at the Department of Comparative Politics, University of Bergen and at the Department of Social Sciences at the Arctic University of Norway in Tromsø.

Paper A.7.4

An Electorate on the Move? The Urban-Rural Dimension of Modern Sami Politics

Per Selle, Department of Comparative Politics, University of Bergen, per.selle@uib.no

Anne Julie Semb, Department of Political Science, University of Oslo, a.j.semb@stv.uio.no

Kristin Strømsnes, Department of Comparative Politics, University of Bergen,

kristin.stromsnes@uib.no

Abstract

The right to vote in elections to the Norwegian Sami Parliament is not territorially delimited. A rapidly growing proportion of the electorate now resides outside the traditional core Sami areas and very many live in urban areas. However, the Sami parliament has not yet developed a policy that targets urban Sami and still prioritises measures aimed at securing the ‘resource base for Sami culture’ in rural areas in Northern Norway. Do we find deep conflicts of interest between urban Sami and those residing in the core Sami areas that eventually might push the Sami parliament to put much stronger emphasis on allocating resources to cultural measures aimed at the former? We use data from the electoral study of the elections to the Sami parliament in 2017 and analyse attitudinal similarities and differences between Sami living in their core areas of Kautokeino and Karasjok and those living in the cities of Tromsø and Oslo, respectively. We do not find deep conflicts between the two groups. Both the urban Sami and those in the Sami political centre appear to be primarily focused on their own situation, but at the same time also have a broader view of the Sami parliament’s activities than one based on their own immediate personal interests.

Keywords: Sami politics, urbanisation, urban-rural, indigenous rights, Sami attitudes

Per Selle is professor in political science at the Department of Comparative Politics, University of Bergen and at the Department of Social Sciences at the Arctic University of Norway in Tromsø.

Anne Julie Semb is professor in political science at the University of Oslo and currently dean at the Faculty of Social Sciences, University of Oslo.

Kristin Strømsnes is professor in political science at the Department of Comparative Politics, University of Bergen and senior researcher at the NORCE Norwegian Research Centre in Bergen.